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WELSH STATUTORY INSTRUMENTS

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**2012 No. 245**

**The Seed Marketing (Wales) Regulations 2012**

**PART 3**

Marketing seed

**Marketing seed**

- 8.** Seed to which these Regulations apply may only be marketed as seed if it is—
- (a) certified under regulations 10 and 11 as being one of the categories in regulation 5;
  - (b) packaged and sealed in accordance with regulation 16;
  - (c) labelled in accordance with regulation 17;
  - (d) marketed by a person licensed to do so in accordance with regulation 20.

**Exceptions**

- 9.**—(1) The requirement for certification does not apply in relation to breeder's seed.  
(2) Schedule 4 makes provision for the marketing of seed not fully complying with regulation 8.

**Overriding requirements for certification**

- 10.** To be certified under these Regulations as one of the categories in regulation 5 seed must—
- (a) be a variety entered in the United Kingdom National List or the Common Catalogue;
  - (b) be grown from a seed eligible to produce that category in accordance with Schedule 2;
  - (c) come from a crop inspected under these Regulations and certified as complying with the requirements of Schedule 2;
  - (d) be tested in accordance with these Regulations.

**Detailed requirements for certification**

**11.**—(1) In order to be certified a sample of the seed from which the crop is going to be produced must be entered with the Welsh Ministers in sufficient time for the Welsh Ministers to grow a control plot.

(2) The Welsh Ministers may accept the entry of a sample of the seed after this time, but in this case the crop grown to produce the seed must be inspected by an official crop inspector in accordance with regulation 12.

(3) The crop used to produce the seed must be inspected by a crop inspector in accordance with the provisions relating to that crop in Schedule 2, and the crop inspector must certify that—

- (a) the crop meets the standard for that crop specified in Schedule 2, or
- (b) the crop meets a lower standard but still meets one of the standards in Schedule 2,

and lodge a report to that effect with the Welsh Ministers.

(4) The crop inspector may indicate that remedial action or further inspection is necessary before the crop is certified as meeting the required standard.

(5) Once the crop has been harvested and processed, a sample of the seed must be taken by a licensed seed sampler (using current international sampling methods in so far as they exist) in accordance with the provisions relating to that crop in Schedule 2 (for the avoidance of doubt the seed lot sizes and sample weights are specified in each of the Directives in that Schedule dealing with the seed).

(6) The seed must be tested in a seed testing station (either licensed or operated by the Welsh Ministers), which must test the seed (using current international sampling and testing methods in so far as they exist) to ensure that the certification standards in Schedule 2 are complied with and issue a seed test report stating the results and lodge the report with the Welsh Ministers.

### **Crop inspections**

**12.** A crop inspection for certification must be carried out by a licensed crop inspector; except for the inspection of—

- (a) a crop intended for the production of pre-basic or basic seed, or
- (b) a crop producing seed when the entry of the seed under regulation 11 was too late to allow the Welsh Ministers to grow a control plot,

when the inspection must be carried out by an official crop inspector appointed by the Welsh Ministers for the purposes of such inspection.

### **Standard of seed at the time of marketing**

**13.** At the time of marketing the seed must as a minimum comply with the standards in Schedule 2 relating to that type of seed.

### **Re-grading a crop or seed**

**14.** For the avoidance of doubt, if a crop or seed has been certified as belonging to one category, but complies with the requirements of another category for that seed, it may be re-graded as any category for which it satisfies the requirements.

### **Control plots and tests**

**15.—(1)** The Welsh Ministers must carry out any necessary tests on the entered seed, and in particular must grow the seed in a control plot.

(2) If the tests or the control plot meets the requirements for varietal identity and varietal purity, no further action is taken.

(3) Otherwise the Welsh Ministers must obtain more information from crops grown from that seed and, if the Welsh Ministers decide that the crop is not satisfactory, notify the applicant that the crop may not be certified, or must be downgraded to a lower category.

### **Packaging and sealing**

**16.—(1)** All seed, other than loose sales (for which see Part 5 of Schedule 3) must be supplied in a sealed package by a person licensed to do so under regulation 20.

(2) The packaged seed must be in homogeneous lots.

[<sup>F1</sup>(3) A package must be sealed by or under the supervision of a licensed seed sampler using an official seal.]

(4) A package must either have a non-re-useable sealing system or be sealed in such a manner that opening the package—

- (a) damages the sealing system; or
- (b) leaves evidence of tampering on either the label or the package.

(5) If a package is opened other than by the final consumer it must be re-labelled and re-sealed by or under the supervision of a licensed seed sampler, and the fact of resealing, the most recent date of resealing and the authority responsible for it must be stated on the label.

(6) This regulation does not apply in relation to the marketing of small packages of seed as defined in Schedule 3.

**F1** [Reg. 16\(3\)](#) substituted (11.1.2017) by [The Seed Marketing \(Wales\) \(Amendment\) Regulations 2016](#) (S.I. 2016/1242), regs. 1(1), 3

## Labelling

17.—(1) All seed must be labelled in accordance with Schedule 3 by a person licensed to do so under regulation 20.

(2) No person may reproduce, remove, alter, deface, conceal or misuse in any way any label produced for the purposes of these Regulations.

## Mixtures of seed

18. A mixture of seed may only be marketed if the mixture is permitted under the following table.

### Permitted mixtures

<i>Column header</i>	<i>Beet</i>	<i>Cereals</i>	<i>Fodder</i>	<i>Oil and fibre</i>	<i>Vegetable</i>	<i>Seed outside the scope of these Regulations</i>
Beet	No	No	No	No	No	No
Cereals	No	Yes <sup>1</sup>	Yes	No	No	No
Fodder	No	Yes	Yes	Yes	Yes	Yes
Oil and fibre	No	No	Yes	No	No	No
Vegetable	No	No	Yes	No	Yes <sup>2</sup>	No

<sup>1</sup> A mixture of varieties of one species of cereal seed is permitted only if it is effective against the propagation of a harmful organism. All the seed must comply with these Regulations before mixing.

<sup>2</sup> A mixture of standard seed of different varieties of the same species must be marketed in a package containing no more than 5kg of seed (for legumes), 500g of seed (for asparagus, beetroot, carrot, chard or spinach beet, gourd, marrow, onion, radish, spinach or turnip) or 100g of seed (for any other species).

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Seed Marketing (Wales) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## Records

19.—(1) Any person who—

- (a) markets seed,
- (b) packs, seals, labels, re-packs, re-seals or re-labels seed for marketing,
- (c) prepares mixtures of seed for marketing, or
- (d) cleans, treats or in any other way processes seed intended for marketing,

must make sufficient records (either written or electronic) to create an audit trail so that the identity and provenance of any seed marketed or otherwise dealt with in the course of the operation can be established.

(2) Records must be kept for at least 3 years and produced on demand to an officer of the Welsh Ministers (in the case of electronic records a printout must be provided).

### Changes to legislation:

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### Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 7(6) inserted by [S.I. 2019/368 reg. 4\(11\)\(a\)\(iii\)](#)
- Sch. 2 para. 15(2A) inserted by [S.I. 2019/368 reg. 4\(11\)\(b\)\(iii\)](#)
- Sch. 2 para. 28(1A) inserted by [S.I. 2019/368 reg. 4\(11\)\(c\)\(ii\)](#)
- Sch. 2 para. 42(1A) inserted by [S.I. 2019/368 reg. 4\(11\)\(d\)\(ii\)](#)
- Sch. 2 para. 50(2A) inserted by [S.I. 2019/368 reg. 4\(11\)\(f\)\(iii\)](#)
- Sch. 2 para. 7(6)(b)(i)(bb) word substituted in earlier amending provision S.I. 2019/368, reg. 4(11)(a)(iii) by [S.I. 2020/1573 reg. 4\(3\)\(h\)\(i\)](#)
- Sch. 4 para. 12(1) Sch. 4 para. 12 renumbered as Sch. 4 para. 12(1) by [S.I. 2019/368 reg. 4\(13\)\(h\)\(i\)](#)
- Sch. 4 para. 7(5A) inserted by [S.I. 2019/368 reg. 4\(13\)\(d\)\(i\)](#)
- Sch. 4 para. 8(8) inserted by [S.I. 2019/368 reg. 4\(13\)\(e\)\(iv\)](#)
- Sch. 4 para. 10(9) inserted by [S.I. 2019/368 reg. 4\(13\)\(f\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(13)(f) substituted immediately before IP completion day by S.I. 2020/1573, regs. 1(2)(b), 4(3)(j)(iv))
- Sch. 4 para. 12(1)(c)(2) inserted by [S.I. 2019/368 reg. 4\(13\)\(h\)\(ii\)\(dd\)](#)
- Sch. 4 para. 12(1)(a) word omitted by [S.I. 2019/368 reg. 4\(13\)\(h\)\(ii\)\(bb\)](#)
- Sch. 4 para. 7(5A) word substituted in earlier amending provision S.I. 2019/368, reg. 4(13)(d)(i) by [S.I. 2020/1573 reg. 4\(3\)\(j\)\(i\)\(bb\)](#)
- Sch. 4 para. 12(1)(a) word substituted in earlier amending provision S.I. 2019/368, reg. 4(13)(h)(ii)(bb) by [S.I. 2020/1573 reg. 4\(3\)\(j\)\(vi\)](#)
- Sch. 4 para. 12(1)(a) words inserted by [S.I. 2019/368 reg. 4\(13\)\(h\)\(ii\)\(bb\)](#)
- Sch. 4 para. 12(1)(b) words inserted by [S.I. 2019/368 reg. 4\(13\)\(h\)\(ii\)\(cc\)](#)
- Sch. 4 para. 12(1) words omitted by [S.I. 2019/368 reg. 4\(13\)\(h\)\(ii\)\(aa\)](#)
- reg. 3(1)(d)(e) inserted by [S.I. 2019/368 reg. 4\(2\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(2) substituted immediately before IP completion day by S.I. 2020/1573, regs. 1(2)(b), 4(3)(a))
- reg. 8A inserted by [S.I. 2019/368 reg. 4\(5\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(5) omitted immediately before IP completion day by virtue of S.I. 2020/1573, regs. 1(2)(b), 4(3)(d))
- reg. 10(a)(i)(ii) and word substituted for words by [S.I. 2019/368 reg. 4\(6\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(6) substituted immediately before IP completion day by S.I. 2020/1573, regs. 1(2)(b), 4(3)(e))
- reg. 27(4) inserted by [S.I. 2019/368 reg. 4\(9\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(9)(c) omitted immediately before IP completion day by virtue of S.I. 2020/1573, regs. 1(2)(b), 4(3)(f)(iv))
- reg. 32A32B inserted by [S.I. 2019/368 reg. 4\(10\)](#)
- reg. 32A word substituted in earlier amending provision S.I. 2019/368, reg. 4(10) by [S.I. 2020/1573 reg. 4\(3\)\(g\)\(i\)](#)
- reg. 32B word substituted in earlier amending provision S.I. 2019/368, reg. 4(10) by [S.I. 2020/1573 reg. 4\(3\)\(g\)\(ii\)\(aa\)](#)
- reg. 32B word substituted in earlier amending provision S.I. 2019/368, reg. 4(10) by [S.I. 2020/1573 reg. 4\(3\)\(g\)\(ii\)\(bb\)](#)