

1994 No. 253

SEEDS

**Seeds (Registration, Licensing and Enforcement)
Regulations (Northern Ireland) 1994**

Made 30th June 1994

Coming into operation 22nd August 1994

The Department of Agriculture, in exercise of the powers conferred on it by sections 1(1) and (2A)(a), 2(2)(b) and (3), 7(3) and 9(1), (2) and (3) of the Seeds Act (Northern Ireland) 1965(c) and of every other power enabling it in that behalf and after consultation with representatives of such interests as appear to it to be concerned, hereby makes the following regulations:

Citation and commencement

1. These Regulations may be cited as the Seeds (Registration, Licensing and Enforcement) Regulations (Northern Ireland) 1994 and shall come into operation on 22nd August 1994.

Revocation

2. The Seeds (Registration and Licensing) Regulations (Northern Ireland) 1974(d) and the Seeds (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1975(e) are hereby revoked.

Interpretation

3. In these Regulations—

“the Act” means the Seeds Act (Northern Ireland) 1965;

“the Department” means the Department of Agriculture for Northern Ireland;

“marketing” includes the offer for sale, exposure for sale, sale and possession with a view to sale of seeds and any transaction in the course of business—

(a) under which the property in seeds is transferred from one person to another; or

(b) under which the seeds are made over by one person to another in pursuance of a contract under which the seeds will be used for producing further seeds or for producing plants or parts of plants for human or animal consumption;

(a) As inserted by S.R. & O. (N.I. 1972 No. 351 (p. 1740) Art. 3 and Sch. 3
 (b) As amended by 1970 c. 20 (N.I.) section 10(2).
 (c) 1965 c. 22 (N.I.)
 (d) S.R. 1974 No. 146
 (e) S.R. 1975 No. 152

“official examination” in relation to any crop or seeds has the meaning given to it in appropriate seeds regulations, and “officially examined” shall be construed accordingly;

“seed merchant” means a person engaged in the business of trading in seeds other than a person engaged in a business trading only in small packages of seeds, small EEC packages of seeds, small EEC A packages of seeds or small EEC B packages of seeds (as defined in each case in appropriate seeds regulations) or in unpacketed seeds which may be marketed in accordance with such seeds regulations;

“seed packer” means a person engaged in the business of re-packing seeds or a person who, in accordance with the requirements of the Vegetable Seeds Regulations (Northern Ireland) 1994(a) labels or marks packages of Standard Seed of vegetables to which those Regulations apply.

“seed processor” means a person engaged in the business of cleaning, treating or otherwise processing seeds intended for sale;

“seeds” means seeds of any kind to which seeds regulations apply but does not include seed potatoes or silvicultural propagating or planting material;

Registration of seed merchants, seed packers and seed processors

4.—(1) A person shall not carry on the business of a seed merchant, or a seed packer or a seed processor unless he is for the time being registered as a seed merchant, or a seed packer or a seed processor, as the case may be, for the purposes of these Regulations.

(2) A person who wishes to be registered as a seed merchant, or a seed packer or a seed processor shall make an application to the Department in writing and shall give to the Department such information relating to his business or proposed business as the Department may reasonably require.

(3) The Department shall register a person as a seed merchant, or a seed packer or a seed processor if it is satisfied that there are available to that person such premises, machinery, equipment, facilities and personnel as appear to the Department to be necessary to enable that person to carry on the business to which his application relates.

(4) A person registered as a seed merchant, or a seed packer or a seed processor shall keep and maintain proper records of his transactions in seeds and of the treatment, testing and other operations undertaken by him or on his behalf in relation to any seeds; and his continued registration shall be conditional upon his giving to the Department such information as the Department may reasonably require and to his permitting, at any reasonable time, an officer of the Department to inspect and take copies of any such records and to inspect the premises, machinery, equipment and facilities available for the carrying on of the business in respect of which he is registered.

(5) The registration of a person as a seed merchant, or a seed packer or a seed processor shall be effective for an unlimited period, except that the Department may at any time revoke any such registration if it appears to the Department that there are no longer available to a person so registered such premises, machinery, equipment, facilities and personnel as are necessary to enable him to carry on the business in respect of which he is registered or that such a person has failed to comply with the obligations imposed by paragraph (4).

Prohibition of marketing of seeds

5.—(1) If it appears to the Department that seeds of a particular kind, variety or category marketed by a person registered as a seed merchant, or a seed packer or a seed processor in accordance with regulation 4 have been shown to fail to satisfy the requirements of seeds regulations the Department may, by notice in writing served on the seed merchant, or seed packer or seed processor (as the case may be), prohibit, for either an unlimited or for a specified period, the further marketing of seeds of that kind, variety or category by such person either absolutely or from such premises as may be specified in the notice.

(2) If, whilst the marketing by a person of any seeds of a particular kind, variety or category is prohibited under paragraph (1), the Department is satisfied that it is no longer likely that such seeds, if marketed by that person, will fail to satisfy the requirements of seeds regulations, it shall terminate the prohibition imposed under paragraph (1) in respect of such seeds.

Representations and hearings

6.—(1) The Department shall, before making a decision to—

- (a) refuse to register a person as a seed merchant, or a seed packer or a seed processor on the grounds that it is not satisfied as to one or more of the matters referred to in regulation 4(3); or
- (b) revoke the registration of a person as a seed merchant, or a seed packer or a seed processor in accordance with regulation 4(5); or
- (c) prohibit in accordance with regulation 5(1) the marketing by a person of seeds of a particular kind, variety or category,

give to that person notice in writing of its proposed decision together with the reasons for it and, subject to the payment of any fee imposed by seeds regulations, afford to that person an opportunity of making representations to it in writing, or of being heard by a person appointed by it for the purpose or of both making such representations and being so heard.

(2) A notice given by the Department under paragraph (1) shall inform the person to whom it is given of his rights to make representations in writing, of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made and of his right to be heard and of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard.

(3) If within the time allowed for the purpose, the person affected by a notice given under paragraph (1) has not made any representations in writing to the Department, or applied to be heard, the Department shall proceed to make its decision.

(4) A person making representations in writing to the Department shall, with the representations, and a person applying to be heard shall, not later than 7 days before the day appointed for the hearing, deliver to the Department two copies of any documents upon which that person proposes to rely.

(5) If a person so entitled shall apply to be heard the Department shall, subject to the payment of any fees payable under seeds regulations, appoint a time and place for the hearing.

(6) In appointing such time and place the Department shall have regard to the convenience of the person who is to be heard and of his witnesses, the situation of any premises to be viewed in connection with the matter and to the other circumstances of the case, including the wishes of, and expense to, the parties.

(7) The Department shall give to the person who is to be heard not less than 21 days notice in writing of the time and place of the hearing.

(8) The hearing may be adjourned from time to time.

(9) The person who is to be heard may be represented at the hearing by a person chosen by him.

(10) The person who is to be heard may give evidence and he or his representative may call witnesses and produce documents provided that, except with the leave of the person conducting the hearing, a document shall not be produced unless copies thereof are delivered to the Department in accordance with paragraph (4).

(11) The person conducting the hearing may require a witness to give his evidence on oath or affirmation and may for that purpose administer an oath or affirmation in due form.

(12) The hearing shall be in public unless the person conducting the hearing after consultation with the person who is to be heard or with his representative otherwise directs.

(13) The Department shall not make its decision until it has considered, in addition to the submissions made and evidence adduced at the hearing, any representations made to it in writing.

(14) The Department shall give to the person affected notice in writing of its decision together with the reasons therefor.

Extension of time

7. Where any document is to be delivered or notice given or any act is to be done within a time prescribed by these Regulations the Department may, if in all the circumstances of the case it considers it reasonable, extend that time for such period and upon such terms, if any, as it thinks fit.

Licensing of seed testing stations

8.—(1) The Department may license an establishment for the testing of seeds for the purposes of seeds regulations for such period as may be specified in the licence.

(2) An establishment licensed under paragraph (1) may charge reasonable fees for carrying out tests on seeds for the purposes of seeds regulations in respect of which no fees are prescribed as well as prescribed fees for carrying out such tests in respect of which fees are so prescribed.

(3) Subject to paragraph (2), an establishment licensed under paragraph (1) shall not derive any private gain in connection with the carrying out of any test on seeds for the purposes of seeds regulations.

(4) A licence granted under paragraph (1) may impose such conditions as the Department shall think necessary or desirable having regard to the kinds of seeds to be tested, the kinds of tests to be made and the procedure to be followed in connection with such tests and such conditions may include a requirement relating to the keeping and production of records.

(5) A breach of any of the conditions imposed by a licence granted under paragraph (1) shall be an offence against these Regulations.

(6) In respect of the licensing and operation of a seed testing station there shall be payable to the Department by the owner or person in charge of that station the prescribed fees.

(7) The Department may vary a licence granted under paragraph (1) by a notice in writing given to the owner or person in charge of the licensed establishment.

(8) Subject to paragraphs (9), (10) and (11), the Department may with immediate effect or otherwise revoke or suspend a licence granted under paragraph (1) if it appears to it that there has been a breach of any conditions imposed by the licence.

(9) Where the Department revokes or suspends a licence under paragraph (8) it shall, as soon as practicable, give to the owner or person in charge of the licensed establishment notice in writing of the reasons for the revocation or suspension and shall afford him an opportunity of making representations in writing to the Department with regard to the revocation or suspension or of being heard by a person appointed for the purpose by the Department or of both making such representations and being so heard.

(10) A notice given under paragraph (9) shall inform the person to whom it is given of his right to make representations in writing, of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made and of his right to be heard and of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard; and in the event of the owner or person in charge of the licensed establishment making any representations (whether orally or in writing) to the Department under this paragraph the Department shall reconsider, as soon as practicable, its decision to revoke or suspend the licence under paragraph (8) in the light of those representations.

(11) The Department shall not take a decision to revoke or suspend a licence under paragraph (8) until it has considered any representations made by the owner or person in charge of the licensed establishment (whether orally or in writing) under this regulation.

Licensing of seed samplers and crop inspectors

9.—(1) The Department may, upon being satisfied that a person has successfully completed an appropriate course of instruction and holds such other qualifications as it considers necessary grant to that person a licence to be a seed sampler or a crop inspector for such a period as may be specified in the licence.

(2) A licence granted to a person under paragraph (1) to be a seed sampler—

(a) shall specify any or all of the functions listed in Part I of Schedule 1 as being the functions of that person as a seed sampler;

(b) may impose any or all of the conditions listed in Part II of Schedule 1 and any other conditions as the Department shall think necessary or desirable having regard to the seeds to be sampled by the person.

(3) A licence granted to a person under paragraph (1) to be a crop inspector—

(a) shall specify any or all of the functions listed in Part I of Schedule 2 as being the functions of that person as a crop inspector;

(b) may impose any or all of the conditions listed in Part II of Schedule 2 and any other conditions as the Department shall think necessary or desirable having regard to the crops to be officially examined by that person.

(4) A person to whom a licence under paragraph (1) to be a seed sampler or a crop inspector has been granted may charge reasonable fees for carrying out those functions of a seed sampler or a crop inspector (as the case may be) specified in the licence in respect of which no fees are prescribed as well as prescribed fees for carrying out those functions in respect of which fees are so prescribed.

(5) Subject to paragraph (4) a person licensed under paragraph (1) to be a seed sampler or a crop inspector shall not derive any private gain in connection with the carrying out of any of the functions of a seed sampler or a crop inspector, as the case may be, specified in the licence.

(6) The Department may vary a licence granted under paragraph (1) by a notice in writing given to the holder of the licence.

(7) Subject to paragraphs (8) and (9) the Department may revoke a licence granted under paragraph (1) if it appears to it that the holder of the licence—

(a) is no longer qualified to perform any of the functions of a seed sampler or a crop inspector, as the case may be, specified in the licence; or

(b) has failed to comply with any of the conditions imposed by the licence.

(8) Where the Department proposes to revoke a licence under paragraph (7) he shall give to the holder of the licence notice in writing of the proposed revocation together with the reasons for it and shall afford him an opportunity of making representations in writing to the Department with regard to that proposal or of being heard by a person appointed for the purpose by the Department or of both making such representations and being so heard.

(9) A notice given by the Department under paragraph (8) shall inform the person to whom it is given of his right to make representations in writing, of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made and of his right to be heard and of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard; and the Department shall not take a decision to revoke a licence under paragraph (7) until it has considered any representations made by the holder of the licence (whether orally or in writing) in respect of its proposal to revoke the licence.

Sampling for enforcement purposes

10.—(1) A sample of seeds taken for the enforcement of seeds regulations shall be taken and divided by a person authorised by the Department in that behalf in accordance with the requirements contained in Schedule 5 of the appropriate seeds regulations to provide three parts of which—

- (a) one part shall be delivered or sent to the owner of the seeds or to his representative; and
- (b) two parts shall be delivered or sent to the Chief Officer of an official seed testing station, one of which parts shall be officially examined for the purposes of the appropriate seeds regulations and the other of which shall be retained by such person for production to a court in accordance with section 9(7) of the Act,

except that where it appears to the person taking the sample that the seeds from which the sample has been taken were purchased for use and not for re-sale, the part of the sample referred to in sub-paragraph (a) shall be delivered or sent to the last seller of the seeds or to his representative instead of to the owner of the seeds or to his representative.

(2) The minimum weight of the sample of seeds shall be such as to ensure that each of the parts into which it is divided is of not less than the minimum weight for a submitted sample of that kind of seeds specified in Part II of Schedule 5 of the appropriate seeds regulations.

Certificates of taking and testing of a sample

11.—(1) A certificate in the form set out in Schedule 3 of the taking of a sample of seeds for the enforcement of seeds regulations, is hereby prescribed for the purposes of section 9(3) of the Act.

(2) A certificate in the form set out in the appropriate part of Schedule 4, according to the kind of seeds tested, of the result of a test of a sample of seeds

carried out for the enforcement of seeds regulations, is hereby prescribed for the purposes of section 7(3) of the Act.

Inspection and publication of lists of registered and licensed persons

12. The Department—

- (a) shall make available for inspection by any person at any reasonable time the names and addresses of—
 - (i) persons for the time being registered as seed merchants, seed packers or seed processors for the purposes of these Regulations; and
 - (ii) persons for the time being licensed as seed samplers or crop inspectors for the purposes of these Regulations; and
- (b) may from time to time publish in such manner as it thinks appropriate the names and addresses of such persons.

Sealed with the Official Seal of the Department of Agriculture on 30th June 1994.

(L.S.)

I. C. Henderson

Assistant Secretary

LICENSED SEED SAMPLERS**PART I****FUNCTIONS WHICH MAY BE SPECIFIED IN A LICENCE**

That the seed sampler shall—

- (1) sample, in accordance with seeds regulations, such seeds as the Department shall, under the terms of the licence, permit and submit sealed samples of such seeds for an official examination;
- (2) keep records of seed lots sampled by him and the methods of sampling used;
- (3) keep records of the use by him of labels issued or authorised by the Department;
- (4) ensure that packages of seeds are labelled or re-labelled and sealed or re-sealed in accordance with seeds regulations;
- (5) ensure that mixtures of seeds are prepared, labelled or re-labelled and sealed or re-sealed in accordance with seeds regulations;
- (6) ensure that sampling equipment, including automatic sampling devices, operated by him in carrying out his functions operates correctly at all times and is properly maintained.

PART II**CONDITIONS WHICH MAY BE IMPOSED BY A LICENCE**

That the seed sampler shall—

- (1) carry out his functions subject to supervision by officers of the Department;
- (2) carry out his functions in accordance with any instructions relating thereto issued by the Department;
- (3) attend such training courses and undergo such examinations as the Department may, from time to time, require;
- (4) notify the Department forthwith of any change in his residential address during the currency of the licence;
- (5) maintain his expertise by carrying out his functions regularly.

LICENSED CROP INSPECTORS**PART I****FUNCTIONS WHICH MAY BE SPECIFIED IN A LICENCE**

That the crop inspector shall—

- (1) officially examine, in a manner approved for the time being by the Department, for the purposes of seeds regulations, seed crops of the kinds and categories specified in the licence;
- (2) complete and submit to the Department such reports on official examinations of crops carried out by him as the Department may, from time to time, require;
- (3) maintain records of crops officially examined by him;
- (4) supervise specified licensed crop inspectors as directed by the Department.

PART II**CONDITIONS WHICH MAY BE IMPOSED BY A LICENCE**

That the crop inspector shall—

- (1) carry out his functions subject to supervision by officers of the Department;
- (2) carry out his functions subject to supervision by licensed crop inspectors authorised by the Department in that behalf;
- (3) carry out his functions in accordance with instructions relating thereto issued by the Department;
- (4) maintain his expertise by making regular official examinations of crops;
- (5) attend such training courses and undergo such examinations on the official examination of crops as the Department may, from time to time, require;
- (6) notify the Department forthwith of any change in his residential address during the currency of the licence;
- (7) not officially examine more than the maximum areas, if any, laid down by the Department.

CERTIFICATE OF THE TAKING OF A SAMPLE OF SEEDS

Department of Agriculture for Northern Ireland

Seeds Act (Northern Ireland) 1965 — SECTION 9(3)

SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS (NORTHERN IRELAND) 1994

CERTIFICATE OF THE TAKING OF A SAMPLE OF SEEDS TAKEN UNDER SECTION 8(3) OF THE ACT

on the premises of

Name

Address

.....

.....

Kind

Variety

Category

Seed lot or reference number

Date of sampling

Quantity sampled

Department's reference number

I certify that in taking the sample referred to above I used one of the methods of sampling prescribed in Schedule 5 of the appropriate seeds regulations.

Signed.....

Authorised by the Department of Agriculture

Date

CERTIFICATES OF THE RESULTS OF TESTS OF SEEDS

PART I

DEPARTMENT OF AGRICULTURE FOR NORTHERN IRELAND

SEEDS ACT (NORTHERN IRELAND) 1965 — SECTION 7(3)

SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS (NORTHERN IRELAND) 1994

CEREAL SEEDS REGULATIONS (NORTHERN IRELAND) 1994

REPORT OF THE OFFICIAL SEED TESTING STATION FOR NORTHERN IRELAND ON A
SAMPLE TAKEN UNDER SECTION 8(3) OF THE ACT

on the premises of (Name and Address)

[]

Official Station Sample No

Control Sample No

Date received at Station

Date of sampling

[]

Quantity sampled

Description

Kind

[]

Variety

[]

Category

[]

Reference No.

[]

Result of Test

| % Pure seed | % Inert matter | % Other seeds |
|-------------|----------------|---------------|
| | | |

Inert matter

Other seeds

Number of Seeds

| | 500 g | Further 500 g | TOTAL 1 kg | TOTAL 3 kg |
|---|-------|---------------|------------|------------|
| Other cultivated cereal spp. | | | | |
| Spp. other than cultivated cereals | | | | |
| Total | | | | |
| <i>Raphanus raphanistrum</i> | | | | |
| <i>Agrostemma githago</i> | | | | |
| <i>Avena fatua</i> , <i>A. ludoviciana</i> , <i>A. sterilis</i> | | | | |
| <i>Lolium temulentum</i> | | | | |
| <i>Bromus sterilis</i> | | | | |
| <i>Agropyron repens</i> | | | | |

Number of Pieces Ergot

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

1518

Seeds

No. 253

Loose smut infection in embryos examined %

Moisture content %

Germination %

Fresh seed %

Pre-treated
for dormancy

Varietal Purity

Declared variety %

Other varieties %

Remarks:

Date

CHIEF OFFICER

DEPARTMENT OF AGRICULTURE FOR NORTHERN IRELAND

SEEDS ACT (NORTHERN IRELAND) 1965 — SECTION 7(3)

SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS (NORTHERN IRELAND) 1994

FODDER PLANT SEEDS REGULATIONS (NORTHERN IRELAND) 1994

REPORT OF THE OFFICIAL SEED TESTING STATION FOR NORTHERN IRELAND ON A
SAMPLE TAKEN UNDER SECTION 8(3) OF THE ACT

On the premises of (Name and Address)

| |
|--|
| |
|--|

Official Station Sample No

Control Sample No

Date received at Station

Date of sampling

Quantity sampled

Description

Kind

| |
|--|
| |
|--|

Variety

| |
|--|
| |
|--|

Category

| |
|--|
| |
|--|

Reference No.

| |
|--|
| |
|--|

Result of Test

| % Pure seed | % Inert matter | % Other seeds | % <i>Agropyron repens</i> | % <i>Alopecurus myosuroides</i> | % <i>Melilotus</i> spp |
|-------------|----------------|---------------|--------------------------------|---------------------------------|------------------------|
| | | | | | |
| | | | % <i>Raphanus raphanistrum</i> | % <i>Sinapis arvensis</i> | |

Inert matter

Other seeds

Number of Seeds

| | | |
|---|--|--|
| <i>Agropyron repens</i> | | |
| <i>Alopecurus myosuroides</i> | | |
| <i>Avena fatua</i> , <i>A. ludoviciana</i> , <i>A. sterilis</i> | | |
| <i>Cuscuta</i> spp. | | |
| <i>Melilotus</i> spp. | | |
| <i>Rumex</i> spp. other than <i>R. acetosella</i> and <i>R. maritimus</i> | | |

No. of seeds infected with *Ascochyta fabae*
in seeds examined

Germination %

Hard seed %

Fresh seed %

No. 253

Seeds

1521

Varietal purity

Declared variety %

Other varieties %

| |
|--|
| |
| |

Remarks:

Date:

CHIEF OFFICER

DEPARTMENT OF AGRICULTURE FOR NORTHERN IRELAND

SEEDS ACT (NORTHERN IRELAND) 1965 — SECTION 7(3)

SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS (NORTHERN IRELAND) 1994

BEEF SEEDS REGULATIONS (NORTHERN IRELAND) 1994

REPORT OF THE OFFICIAL SEED TESTING STATION FOR NORTHERN IRELAND ON A
SAMPLE TAKEN UNDER SECTION 8(3) OF THE ACT

On the premises of (Name and Address)

| |
|--|
| |
|--|

Official Station Sample No

Control Sample No

Date received at Station

Date of sampling

Quantity sampled

Description

Kind

| |
|--|
| |
| |

Variety

| |
|--|
| |
| |

Category

Reference No.

| |
|--|
| |
|--|

Result of Test

| % Pure seed | % Inert matter | % Other seeds | % Solid additives |
|-------------|----------------|---------------|-------------------|
| | | | |

Inert matter

Other seeds

Germination

%

Germinated clusters with—
one seedling

%

two seedlings

%

three or more seedlings

%

Moisture content

%

Remarks:

Date:

CHIEF OFFICER

DEPARTMENT OF AGRICULTURE FOR NORTHERN IRELAND

SEEDS ACT (NORTHERN IRELAND) 1965 — SECTION 7(3)

SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS (NORTHERN IRELAND) 1994

VEGETABLE SEEDS REGULATIONS (NORTHERN IRELAND) 1994

REPORT OF THE OFFICIAL SEED TESTING STATION FOR NORTHERN IRELAND ON A
SAMPLE TAKEN UNDER SECTION 8(3) OF THE ACT

on the premises of (Name and (Address)

[]

Official Station Sample No

Control Sample No

Date received at Station

Date of sampling

[]

Quantity sampled

Description

Kind

[]

Variety

[]

Category

[]

Reference No.

[]

| % Pure seed | % Inert matter | % Other seeds |
|-------------------|----------------------|---------------------|
| | | |

Inert matter

Other seeds

Germination %

Fresh seed %

Remarks:

Date:

CHIEF OFFICER

DEPARTMENT OF AGRICULTURE FOR NORTHERN IRELAND

SEEDS ACT (NORTHERN IRELAND) 1965 — SECTION 7(3)

SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS (NORTHERN IRELAND) 1994

OIL AND FIBRE PLANT SEEDS REGULATIONS (NORTHERN IRELAND) 1994

REPORT OF THE OFFICIAL SEED TESTING STATION FOR NORTHERN IRELAND ON A
SAMPLE TAKEN UNDER SECTION 8(3) OF THE ACT

on the premises of (Name and Address)

[]

Official Station Sample No

Control Sample No

Date received at Station

Date of sampling

[]

Quantity sampled

Description

Kind

[]

Variety

[]

Category

[]

Reference No.

[]

Result of Test

| % Pure seed | % Inert matter | % Other seeds |
|-------------|----------------|---------------|
| | | |

Inert matter

Other seeds

Number of Seeds

| Other plant species | | |
|--|--|--|
| <i>Avena fatua</i> , <i>A. ludoviciana</i> , <i>A. sterilis</i> | | |
| <i>Cuscuta</i> spp. | | |
| <i>Raphanus raphanistrum</i> | | |
| <i>Rumex</i> spp. other than <i>Rumex acetosella</i> | | |
| <i>Alopecurus myosuroides</i> | | |
| <i>Lolium remotum</i> | | |

Number of pieces

| | | |
|--|--|--|
| Sclerotia of <i>Sclerotinia sclerotiorum</i> | | |
|--|--|--|

1528

Seeds

No. 253

Germination %

Fresh seed %

Remarks:

Date:

CHIEF OFFICER

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace the provisions of the Seeds (Registration and Licensing) Regulations (Northern Ireland) 1974, and the Seeds (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1975.

The Regulations, which come into operation on 22nd August 1994, continue to prohibit a person from carrying on the business of a seed merchant, or a seed packer or a seed processor unless he is registered with the Department of Agriculture ("the Department") (regulation 4(1)).

The Regulations also continue to provide for—

- (1) the Department to be satisfied that a person applying to be registered as a seed merchant, a seed packer or a seed processor has available to him adequate premises, machinery, equipment, facilities and personnel in order to carry on the business to which his application for registration relates (regulation 4(3)) and for the Department to be able to revoke the registration of a person if these are no longer available to him (regulation 4(5));
- (2) the Department to be able to revoke the registration of a person who fails to maintain proper records of his transactions in seeds and of the treatment and testing of seeds carried out by him or who fails to make such records available for inspection by the Department (regulation 4(4) and (5));
- (3) the Department to be able to prohibit the marketing, by a registered person, for an unlimited or a specified period, of seeds of a particular kind, variety, category or level where seeds of that particular kind, variety, category or level which have been marketed by that person have been shown to fail to meet the requirements contained in seeds regulations (regulation 5(1));
- (4) the making of oral or written representations to the Department before it refuses to register a person or revokes a person's registration or prohibits the marketing of seeds (regulation 6);
- (5) the licensing of seed testing stations (regulation 8);
- (6) the licensing of seed samplers and crop inspectors and the making of oral or written representations to the Department before it takes a decision to revoke a crop inspector's or a seed sampler's licence (regulation 9);
- (7) the publication by the Department of the names and addresses of persons registered or licensed under the Regulations (regulation 12(b)).

The changes of substance made by these Regulations are—

- (1) provisions are included for the making of oral or written representations to the Department concerning a decision by it to

- revoke or suspend a licence granted to a seed testing station (regulation 8);
- (2) provisions are included to enable licensed seed testing stations to charge reasonable fees for seed testing if such fees are not prescribed in seeds regulations provided that no private gain is derived from such activity (regulation 8(2) and (3));
 - (3) the functions which seed samplers and crop inspectors may be required to perform under the terms of the licences granted to them are set out in the Regulations (Part I of Schedules 1 and 2) as are conditions which may be imposed in such licences. (Part III of Schedules 1 and 2). The Department may also impose any additional conditions as it thinks necessary having regard to the seeds to be sampled or the crops to be inspected (regulation 9(3)(b));
 - (4) licensed seed samplers or crop inspectors may charge reasonable fees for their service if no such fees are prescribed in seeds regulations provided that no private gain is derived from such activity (regulation 9(4) and (5));
 - (5) provisions are included relating to the sampling of seeds taken for the purposes of enforcing seeds regulations (regulation 10). Such provisions were previously contained in the Regulations relating to the various kinds of seeds concerned;
 - (6) the form of a certificate of the taking of a sample of seeds is prescribed by the Regulations for the purposes of section 9(3) of the Seeds Act (Northern Ireland) 1965 and the Regulations also prescribe, for the purposes of section 7(3) of that Act, the form of a certificate of the result of a test at an official seed testing station of a sample of seeds taken for the purpose of enforcing seeds regulations (regulation 11). Such forms were previously prescribed in the Regulations relating to the various kinds of seeds concerned;
 - (7) a provision is included requiring the Department to make available for public inspection the names and addresses of persons registered under the Regulations as seed merchants, seed packers or seed processors and of persons licensed under the Regulations as seed samplers or crop inspectors (regulation 12(a)).

The Regulations implement as respects Northern Ireland in part Council Directive 66/401/EEC (as amended) (O.J. No. 125, 11.7.66, p. 2298/66) (O.J./SE 1965-66, p. 132) on the marketing of fodder plant seed, Council Directive 66/402/EEC (as amended) (O.J. No. 125, 11.7.66, p. 2309/66) (O.J./SE 1965-66, p. 143) on the marketing of cereal seed, Council Directive 69/208/EEC (O.J. No. L169, 10.7.69, p. 3) (O.J./SE 1969 (ii), p. 315) on the marketing of seeds of oil and fibre plants, Council Directive 70/458/EEC (O.J. No. L225, 12.10.70, p. 7) on the marketing of vegetable seeds and Council Directive 66/400/EEC (O.J. No. L125, 11.7.66, p. 2290/66) (O.J./SE 1965-66, p. 143) on the marketing of beet seed, all of which Directives require that a person carrying out the testing, sampling and inspection of seeds for the purposes of those Directives shall not derive any private gain from such activities.