
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 38

**The Vegetable Seeds (Amendment)
Regulations (Northern Ireland) 2011**

PART 2

Control of Vegetable Seed

New regulations 19A, 19B and 19C

4. After regulation 19 (Exception for market test seed) insert—

“19A)—(1) The prohibition in regulation 15(1) shall not apply to the marketing of seed of a conservation variety, certified seed of a conservation variety and standard seed of a conservation variety, which is in accordance with this regulation.

(2) The Department shall ascertain, so far as is practicable, whether seed of a conservation variety has sufficient varietal purity by the use of official post control and the consideration of any other relevant information.

(3) Where the results of official post control show that the seed does not have sufficient varietal purity, the Department shall notify in writing the person marketing the relevant seed lot of that fact.

(4) Where, in the case of standard seed of a conservation variety, notice is given under paragraph (3), no further marketing of the relevant seed lot shall occur.

(5) A person shall not market seed of a conservation variety other than in its region of origin or additional region.

(6) A person proposing to produce seed of a conservation variety must supply the Department, in such manner and form as the Department shall require, with the following details in writing—

(a) the size (in hectares); and

(b) the location,

of the area to be used to produce the seed.

(7) For the purposes of Article 15 (quantitative restrictions) of Commission Directive 2009/145, the Department may specify the maximum amount of seed of a conservation variety which may be marketed in any given growing season and specify different maxima for different persons or classes of person.

(8) Where a person proposing to produce seed of a conservation variety has supplied the Department with details under paragraph (6), the Department may in writing authorise the person to market seed of a conservation variety not exceeding the amount specified in the authorisation and shall give notice of that authorisation to the person.

(9) A person shall not market more than the maximum amount of seed of a conservation variety specified in an authorisation given to that person under paragraph (8).

(10) A person shall not market a package of seed of a conservation variety unless it has been sealed by the supplier using a non-reusable sealing system or some other sealing system—

- (a) including the use of a label or the affixing of a seal; and
- (b) in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or the package.”

“Marketing seed of amateur varieties

19B.—(1) The prohibition in regulation 15(1) shall not apply to the marketing of standard seed of an amateur variety which is in accordance with this regulation.

(2) The Department shall ascertain, so far as is practicable, whether standard seed of an amateur variety has sufficient varietal purity by the use of official post control and the consideration of any other relevant information.

(3) Where the results of official post control show that the seed does not have sufficient varietal purity, the Department shall notify in writing the person marketing the relevant seed lot of that fact.

(4) Where, in the case of standard seed of an amateur variety, notice is given under paragraph (3), no further marketing of the relevant seed lot shall occur.

(5) The seed must be in a package not exceeding the maximum net weight specified for each species in Annex II to Commission Directive [2009/145/EC](#).

(6) A person shall not market a package of standard seed of an amateur variety unless it has been sealed by the supplier using a non-reusable sealing system or some other sealing system—

- (a) including the use of a label or the affixing of a seal; and
- (b) in such a manner that the package cannot be opened with damaging the sealing system or without leaving evidence of tampering on the label or the package.

19C The prohibition in regulation 15(1) shall not apply to the marketing of standard seed of an amateur variety which has been produced and packaged in a Member state other than the United Kingdom and which has been sealed in accordance with Article 29 and labelled in accordance with Article 30 of Commission Directive 2009/145.”