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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 244**

**The Seed Marketing Regulations (Northern Ireland) 2016**

**PART 1**

Introduction

**Title, application and commencement**

1. These Regulations may be cited as the Seed Marketing Regulations (Northern Ireland) 2016; they apply in Northern Ireland and come into operation on 14th July 2016.

**Meaning of “marketing”**

2.—(1) In these Regulations “marketing” means the sale, holding with a view to sale, offer for sale or any disposal, supply or transfer aimed in each case at commercial exploitation of seed to third parties, whether or not for consideration and “market” and “marketing” shall be construed accordingly.

(2) But marketing does not include trade that is not aimed at commercial exploitation, such as—

- (a) the supply of seed to official testing and inspection bodies; or
- (b) the supply of seed to a person who provides processing or packaging services but who does not acquire title to the seed.

**Interpretation of other terms**

3.—(1) For the purposes of these Regulations—

- (a) “the Act” means the Seeds Act (Northern Ireland) 1965;
- (b) the “Common Catalogue” is the catalogue provided for in Council Directive [2002/53/EC](#) on the common catalogue of varieties of agricultural plant species <sup>M1</sup> and in Council Directive [2002/55/EC](#) on the marketing of vegetable seed;

[<sup>F1</sup>(b1) “country granted equivalence” means a country that has been granted equivalence under Council Decision [2003/17/EC](#) on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries;

- (b2) “Crown Dependency” means any of the Channel islands or the Isle of Man;]
- (c) the “Department” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;
- (d) the [<sup>F2</sup>“NI Variety List” means the list of agricultural crop varieties prepared and published in accordance with the Seeds (Variety Lists) Regulations (Northern Ireland) 2020;]
- (e) “the Tribunal” means the Plant Varieties and Seeds Tribunal established by the Plant Varieties Act 1997 <sup>M2</sup>;

- (f) “wild oat” means plants of the species *Avena fatua*, *Avena sterilis* and *Avena ludoviciana*.
- (2) In these Regulations all references to—
- (a) Council Directive [2002/54/EC](#) on the marketing of beet seed <sup>M3</sup>;
  - (b) Council Directive [66/402/EEC](#) on the marketing of cereal seed <sup>M4</sup>;
  - (c) Council Directive [66/401/EEC](#) on the marketing of fodder plant seed <sup>M5</sup>;
  - (d) Council Directive [2002/57/EC](#) on the marketing of seed of oil and fibre plants <sup>M6</sup>;
  - (e) Council Directive [2002/55/EC](#) on the marketing of vegetable seed <sup>M7</sup>;
  - (f) Commission Directive [2008/62/EC](#) providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties <sup>M8</sup>;
  - (g) Commission Directive [2009/145/EC](#) providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties <sup>M9</sup>;
  - (h) Commission Directive [2010/60/EU](#) providing for certain derogations for marketing of fodder plant seed mixtures intended for use in the preservation of the natural environment <sup>M10</sup>; and
  - (i) Council Decision [2003/17/EC](#) on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries <sup>M11</sup>;

are references to those instruments as amended from time to time.

- F1** [Reg. 3\(b1\)\(b2\)](#) substituted for [reg. 3\(b1\)](#) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/211\)](#), [regs. 1\(1\)](#), **40**; [2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F2** Words in [reg. 3\(1\)\(d\)](#) substituted (31.12.2020) by [The Seeds \(Variety Lists\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/302\)](#), [regs. 1](#), **26(1)(a)**

#### Marginal Citations

- M1** OJ No L 193, 20.7.2002, p. 1, as amended by Regulation (EC) No 1829/2003 (OJ No L 268, 18.10.2003, p. 1).
- M2** 1997, c. 66, section 42.
- M3** OJ No L 193, 20.7.2002, p. 12, as last amended by Council Directive 2004/117/EC (OJ No L 14, 18.1.2005, p. 18).
- M4** OJ No L 125, 11.7.1966, p. 2309, as last amended by Commission Implementing Directive (EU) 2015/1955 (OJ No L 284, 30.10.2015, p.142)
- M5** OJ No L 125, 11.7.1966, p. 2298, as last amended by Commission Implementing Directive 2012/37/EU (OJ No L 325, 23.11.2012, p. 13)
- M6** OJ No L 193, 20.7.2002, p. 74, as last amended by Commission Implementing Directive 2013/45/EU (OJ No L 213, 8.8.2013, p. 20)
- M7** OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Implementing Directive 2013/45/EU (OJ No L 213, 8.8.2013, p. 20)
- M8** OJ No L 162, 21.6.2008, p.13
- M9** OJ No L 312, 27.11.2009, p.44
- M10** OJ No L 228, 31.8.2010, p. 10

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**Changes to legislation:** *There are currently no known outstanding effects for the The Seed Marketing Regulations (Northern Ireland) 2016, PART 1. (See end of Document for details)*

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**M11** OJ No L 8, 14.1.2003, p. 10, as last amended by Council Regulation (EU) No 517/2013 (OJ No L 158, 10.6.2013, p. 1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Seed Marketing Regulations (Northern Ireland) 2016, PART 1.