

## SCHEDULE 2

Regulations 10, 11, 13 and 24

### Certification requirements

## [<sup>F1</sup>Part A1

### Introduction

**F1** Sch. 2 Pt. A1 inserted (28.12.2020) by [The Seed Marketing \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/301\)](#), regs. 1, **2(4)(a)** (as amended by [S.R. 2020/322](#), regs. 1, **2**)

### Interpretation

A1. In this Schedule—

“EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;

“protected zone quarantine pest” means a pest within the meaning given in Article 32(1) of the EU Plant Health Regulation;

“RNQP” means a regulated non-quarantine pest within the meaning given in Article 36 of the EU Plant Health Regulation;

“Union quarantine pest” means a pest within the meaning given in Article 4 of the EU Plant Health Regulation.]

## PART 1

### Beet

### Interpretation of Part 1

1. In this Part—

(a) “monogerm seed” means seed that is genetically monogerm; and

(b) “precision seed” means seed designed for use in precision drills to produce single seedlings.

### Permitted types of beet seed

2. Beet seed must be—

(a) pre-basic seed;

(b) basic seed; or

(c) certified seed.

### Meaning of “pre-basic” seed

3. Pre-basic seed is seed—

(a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and

(b) intended for the production of—

- (i) more pre-basic seed;
- (ii) basic seed; or
- (iii) with the breeder's written authority, certified seed.

#### Meaning of “basic seed”

4. Basic seed is seed—
- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
  - (b) intended for the production of certified seed.

#### Meaning of “certified seed”

5. Certified seed is seed that is of direct descent from basic seed and is intended for the production of beet.

#### Crop and seed requirements

6.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A)[<sup>F2</sup>(a) to (d)] of, and Annex I(A) to, Council Directive 2002/54/EC on the marketing of beet seed, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 9(2) of, and Annex II to, that Directive, and must satisfy the conditions in Annex I(B) to that Directive.

(3) It must be labelled in accordance with [<sup>F3</sup>Schedule 3].

(4) The maximum moisture content must not exceed 15% by weight.

(5) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

[<sup>F4</sup>(6) For the purposes of this paragraph, Council Directive 2002/54/EC is to be read as if—

(a) in Article 2(3)(A)(a)(iii), for “officially licensed by the seed certification authority of the member State concerned”, there were substituted “ licensed by the Department ”;

(b) in Annex I—

(i) in point A—

(aa) in paragraph 3, for “certification authority” there were substituted “ Department ”;

(bb) in the last paragraph, for the words from “the common” to “that Directive”, there were substituted “ United Kingdom National List ”;

(ii) in point B, in paragraph 3(c)—

(aa) the reference to “member States” were a reference to “The Department”;

(bb) the reference to “Community” were omitted.]

**F2** Words in Sch. 2 para. 6(1) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), 50(a)(i); 2020 c. 1, Sch. 5 para. 1(1)

**F3** Words in Sch. 2 para. 6(3) substituted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), 50(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)

- F4** Sch. 2 para. 6(6) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), **50(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

## PART 2

### Cereals

#### Permitted types of cereal seed

7.—(1) Cereal seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed;
- (d) certified seed, first generation;
- (e) certified seed, second generation; or
- (f) seed of a higher voluntary standard.

(2) The seed may be a mixture of cereal species of different varieties provided that each variety in the mixture is certified and is effective against the propagation of harmful organisms.

#### Meaning of “pre-basic seed” (including hybrids)

8. Pre-basic seed (including hybrids) is seed—

- (a) produced from a generation prior to pre-basic seed or from pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
- (b) intended for the production of—
  - (i) more pre-basic seed;
  - (ii) basic seed; or
  - (iii) with the breeder's written authority, certified seed of categories CS, C1 or C2 (hybrid varieties may not be produced to C1 or C2).

#### Meaning of “basic seed”

9. Basic seed is seed complying with the following conditions.

<i>Type of cereal</i>	<i>Condition</i>
Self-pollinating varieties of oats, naked oats, barley, rye, triticale, wheat, durum wheat and spelt wheat	The seed must be— <ul style="list-style-type: none"><li>(a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and</li><li>(b) intended for the production of certified seed of categories CS, C1 or C2</li></ul>

Hybrid varieties of oats, barley, rye, wheat, durum wheat, spelt wheat, triticale and maize	The seed must be intended for the production of hybrids
Maize spp. open-pollinated varieties	The seed must be— <ul style="list-style-type: none"> <li>(a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and</li> <li>(b) intended for the production of seed of this variety of the category “certified seed” triple cross or of top cross hybrid variety or of intervarietal hybrids</li> </ul>
Maize, inbred lines	Any seed

### Meaning of “certified seed”

10. Certified seed is seed—

- (a) of rye and maize and hybrids of barley, oats, wheat, durum wheat, spelt wheat and self-pollinating triticale;
- (b) that has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed;
- (c) that is intended for purposes other than the production of cereal seed.

### Meaning of “certified seed, first generation”

11. Certified seed, first generation is seed—

- (a) of oats, barley, triticale, wheat, durum wheat or spelt wheat other than hybrids in each case;
- (b) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (c) intended either for the production of seed of the category “certified seed, second generation” or for purposes other than the production of cereal seed.

### Meaning of “certified seed, second generation”

12. Certified seed, second generation is seed—

- (a) of oats, barley, triticale, wheat, durum wheat or spelt wheat other than hybrids in each case;
- (b) produced directly from basic seed, from certified seed, first generation or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (c) intended for purposes other than the production of cereal seed.

### Crop and seed requirements

13.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A)[<sup>F5</sup>(a) to (d)] of, and Annex I to, Council Directive [66/402/EEC](#) on the marketing of cereal seed, and the crop from which the seed has been produced must—

- (a) satisfy the conditions in that Annex; and
- (b) be found to be free from plants of wild oat.

(2) The seed produced by the crop must be sampled in accordance with Article 7 of, and Annex III to, that Directive [<sup>F6</sup>(with the omission of paragraphs 1a(f) and 1b)] and must—

- (a) satisfy the conditions in Annex II to that Directive; and
- (b) be free of seeds of wild oat in a 3 kilogram sample.

[<sup>F7</sup>(2A) For the purposes of sub-paragraphs (1) and (2), Council Directive 66/402/EEC is to be read as if—

- (a) in Article 2(3)(A)(a)(iii), for “officially licensed by the seed certification authority of the member State concerned”, there were substituted “ licensed by the Department ”;
- (b) in Article 7—
  - (i) the reference to “member States” were a reference to “The Department”;
  - (ii) in paragraph 1a(a), for “seed certification authority of the member State concerned”, there were substituted “ Department ”.]

(3) The moisture content must not exceed 17% by weight.

[<sup>F8</sup>(4) The crop and the seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(5) The crop and the seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.]

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|-----------|---|
| <b>F5</b> | Words in Sch. 2 para. 13(1) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), <b>50(b)(i)</b> ; 2020 c. 1, Sch. 5 para. 1(1)  |
| <b>F6</b> | Words in Sch. 2 para. 13(2) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), <b>50(b)(ii)</b> ; 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F7</b> | Sch. 2 para. 13(2A) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), <b>50(b)(iii)</b> ; 2020 c. 1, Sch. 5 para. 1(1)        |
| <b>F8</b> | Sch. 2 para. 13(4)(5) substituted for Sch. 2 para. 13(4) (28.12.2020) by The Seed Marketing (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/301), regs. 1, <b>2(4)(b)</b> (as amended by S.R. 2020/322, regs. 1, 2)                    |

### Higher voluntary standards for cereals

14.—(1) Barley, oats, wheat (including durum wheat and spelt wheat) or naked oats classified as basic seed, or certified seed of categories C1 or C2, may be marketed as being of a higher voluntary standard, which is a standard higher than that required under paragraph 13, if it meets the higher standards specified in this paragraph and paragraphs 15, 16 and 17.

(2) The seed must meet the minimum standards laid down in paragraph 13.

(3) The seed must have at least 99.99% (by number) species purity.

(4) Other than a hybrid, the minimum varietal purity of seed is—

- (a) 99.95% for basic seed;
- (b) 99.9% for C1 seed;
- (c) 99.7% for C2 seed.

(5) In the case of C1 and C2 the seed must have 99% by weight analytical purity.

**Changes to legislation:** There are currently no known outstanding effects for the The Seed Marketing Regulations (Northern Ireland) 2016, SCHEDULE 2. (See end of Document for details)

### Additional requirements for barley, wheat, durum wheat and spelt wheat

15. In the case of barley, wheat, durum wheat and spelt wheat the maximum percentage by number of loose smut infection in seed is—

- (a) 0.1% for basic seed;
- (b) 0.2% for C1 and C2 seed.

16. The number of seeds from other plant species in a sample of 1 kilogram must not exceed the following.

#### Seed of other species

<i>Category of seed sampled</i>	<i>All other plant species (including species specified in columns 3 to 6)</i>	<i>Other cereal species</i>	<i>All plant species other than cereals</i>	<i>Darnel</i>	<i>Wild radish, corn cockle, sterile brome or couch</i>
Basic seed	1	0	1	0	0 <sup>1</sup>
C1	2	1	1	0	1
C2	4	3	2	0	1

<sup>1</sup> Only in respect of wild radish and corn cockle.

### Ergot and sclerotia

17. In a sample of 1 kilogram—

- (a) in the case of basic seed there must be no ergot or sclerotia;
- (b) in the case of certified seed (C1 and C2) there must be no more than one piece of ergot or sclerotia.

## PART 3

### Fodder plants

#### Permitted types of fodder seed

18.—(1) Fodder seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed;
- (d) certified seed, first generation;
- (e) certified seed, second generation;
- (f) commercial seed; or
- (g) seed of a higher voluntary standard.

(2) The seed may be a mixture of fodder species of different varieties provided that each variety in the mixture is certified.

### **Meaning of “pre-basic seed”**

19. Pre-basic seed is seed—

- (a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
- (b) intended for the production of—
  - (i) more pre-basic seed;
  - (ii) basic seed; or
  - (iii) with the breeder's written authority, certified seed CS, C1 or C2.

### **Meaning of “basic seed”**

20.—(1) Basic seed is seed of—

- (a) bred varieties; or
- (b) local varieties.

(2) Seed of bred varieties is seed—

- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
- (b) intended for the production of certified seed.

(3) Seed of local varieties is seed—

- (a) produced under official control from material officially accepted as being of the local variety on one or more holdings situated within a clearly demarcated region of origin;
- (b) intended for the production of certified seed.

### **Meaning of “certified seed”**

21. Certified seed is seed (other than of field beans, field peas, lucerne (*Medicago sativa*), lupins and vetches)—

- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (b) intended for purposes other than the production of seed.

### **Meaning of “certified seed, first generation”**

22. Certified seed, first generation in relation to field beans, field peas, lucerne (*Medicago sativa*), lupins and vetches is seed—

- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (b) intended for—
  - (i) the production of certified seed, second generation (in the case of field beans and field peas only); or
  - (ii) purposes other than the production of seed (in all cases).

### **Meaning of “certified seed, second generation”**

23. Certified seed, second generation in relation to field beans, field peas, lucerne (*Medicago sativa*), lupins and vetches is seed—

- (a) produced directly from basic seed, from certified seed, first generation (C1) or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (b) intended for purposes other than the production of seed of fodder plants.

### Meaning of “commercial seed”

24. Commercial seed is seed of annual meadowgrass, Hungarian vetch or sainfoin that is identifiable as belonging to a species.

### Crop and seed requirements

25.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A)[<sup>F9</sup>(a) to (d)] of, and Annex I to, Council Directive 66/401/EEC on the marketing of fodder plant seed, and the crop must satisfy the conditions in that Annex.

[<sup>F10</sup>(1A) For the purposes of sub-paragraph (1), Council Directive 66/401/EEC is to be read as if—

- (a) in Article 2(3)(A)(a)(iii), for “officially licensed by the seed certification authority of the member State concerned”, there were substituted “licensed by the Department”;
- (b) in Annex I, in paragraph 4, in the second sub-paragraph, the words from “Upon” to the end were omitted.]

[<sup>F11</sup>(1A) For the purposes of sub-paragraph (1), Council Directive 66/401/EEC is to be read as if—

- (a) in Article 2(3)(A)(a)(iii), for “officially licensed by the seed certification authority of the member State concerned”, there were substituted “licensed by the Department”;
- (b) in Annex 1, in Part 4, in the second sub-paragraph, the words from “Upon” to “appropriate means” were omitted.]

(2) The seed produced by the crop must be sampled in accordance with Article 7 of, and Annex III to, that Directive, and must satisfy the conditions in Annex II to that Directive.

[<sup>F12</sup>(3) The crop and the seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4) The crop and seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, as well as measures adopted pursuant to Article 30(1) of that Regulation.]

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| <b>F9</b>  | Words in Sch. 2 para. 25(1) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), <b>50(c)(i)</b> ; 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F10</b> | Sch. 2 para. 25(1A) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), <b>50(c)(ii)</b> ; 2020 c. 1, Sch. 5 para. 1(1)        |
| <b>F11</b> | Sch. 2 para. 25(1A) inserted (31.12.2020) by The Seed Marketing and Fertilisers (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/319), regs. 1, <b>3(f)</b>  |
| <b>F12</b> | Sch. 2 para. 25(3)(4) substituted for Sch. 2 para. 25(3) (28.12.2020) by The Seed Marketing (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/301), regs. 1, <b>2(4)(c)</b> (as amended by S.R. 2020/322, regs. 1, 2)                   |

### Higher voluntary standards for fodder seed

26. In the case of cocksfoot, festulolium, hybrid ryegrass, Italian ryegrass, lucerne, meadow fescue, perennial ryegrass, red clover, red fescue, sainfoin, small timothy, timothy, smooth stalked



meadow grass, tall fescue and white clover, certified seed (CS) may be marketed as certified seed of a higher voluntary standard, where the sample of seed taken under paragraph 25(2) satisfies the standards specified in the following Table.

<b>Column header</b>	<b>Minimum analytical purity (% by weight)</b>	<b>Total weight of all other species (% by weight)</b>	<b>Total weight of a single other species (% by weight)</b>	<b>Seed of Rumex spp excluding R acetosella and R maritimus</b>	<b>Seed of couch</b>	<b>Seed of blackgrass</b>	<b>Limits of other specific species</b>
Fine grasses							
festulolium	98	1.5	0	0	10	0	
red fescue	95	1.5	0.5	5	10	10	The sample must have no more than four seeds of ryegrass, cocksfoot, meadow fescue and 0.3% rough stalked meadowgrass
smooth-stalked meadowgrass	90	1.5	0.5	2	3	3	Maximum of 0.4% by weight of seed of other meadowgrass
Fodder grasses							
cocksfoot	90	1.5	0.5	5	10	10	
meadow fescue, tall fescue	98	1.5	0.5	5	10	10	0.3% rough stalked meadowgrass, 0.3% ryegrass
hybrid ryegrass, Italian ryegrass, perennial ryegrass	98	1.5	0.5	5	10	10	0.4% annual meadowgrass, 0.3% rough stalked meadowgrass
small timothy, timothy	98	1.5	0.5	4	10	10	0.3% <i>Argostis spp</i>
Small seeded legumes							
lucerne, red clover, white clover	98	1.5	0.5	10	10	10	0.3% <i>Melilotus spp</i>
sainfoin	98	1.5	0.5	5	10	10	0.3% <i>Melilotus spp</i>

## **PART 4**

### **Oil and fibre**

#### **Permitted types of oil and fibre seed**

27. Oil and fibre seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed;
- (d) certified seed, first generation;
- (e) certified seed, second generation;
- (f) certified seed, third generation; or
- (g) commercial seed.

#### **Meaning of “pre-basic seed”**

28.—(1) Pre-basic seed is seed of a generation prior to basic seed—

- (a) that has been produced by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
- (b) is intended to be used for the production of more pre-basic seed, basic seed or, with the breeder's written authority—
  - (i) in the case of black mustard, brown mustard, dioecious hemp, sunflower, swede rape, turnip rape or white mustard, CS seed;
  - (ii) in the case of monoecious hemp or soya bean, C1 or C2 seed;
  - (iii) in the case of flax or linseed, C1 C2 or C3 seed.

(2) But in relation to a component of a hybrid variety, “pre-basic seed” means seed of a generation prior to basic seed that is intended to be used for the production of—

- (a) more pre-basic seed;
- (b) basic seed; or
- (c) with the breeder's written authority, CS seed.

#### **Meaning of “basic seed” for non-hybrid varieties**

29. In the case of a non-hybrid variety, basic seed is seed—

- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
- (b) intended for the production of—
  - (i) certified seed;
  - (ii) certified seed, first generation;
  - (iii) certified seed, second generation; or
  - (iv) certified seed, third generation.

### **Meaning of “basic seed” for inbred lines**

30. In the case of an inbred line, basic seed is seed of an inbred line of a hybrid that satisfies the conditions for basic seed.

### **Meaning of “basic seed” for simple hybrids**

31. In the case of a simple hybrid, basic seed is seed intended for the production of hybrids.

### **Meaning of “certified seed”**

32. Certified seed is seed of black, brown and white mustard, dioecious hemp, sunflower, swede rape or turnip rape—

- (a) produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed;
- (b) intended for purposes other than the production of seed of oil or fibre plants.

### **Meaning of “certified seed, first generation”**

33. Certified seed, first generation is seed of monoecious hemp, flax, linseed or soya—

- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (b) intended for the production of—
  - (i) certified seed, second generation;
  - (ii) where appropriate, certified seed, third generation; or
  - (iii) for purposes other than the production of seed of oil or fibre plants.

### **Meaning of “certified seed, second generation”**

34.—(1) Certified seed, second generation is seed of flax, linseed, soya or monoecious hemp.

(2) In the case of flax, linseed and soya it is seed—

- (a) produced directly from basic seed, from certified seed, first generation or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for—
  - (i) purposes other than the production of seed; or
  - (ii) where appropriate, the production of certified seed, third generation.

(3) In the case of monoecious hemp it is seed—

- (a) produced directly from certified seed, first generation established and officially controlled with a view to the production of certified seed, second generation; and
- (b) intended for the production of hemp to be harvested in flower.

### **Meaning of “certified seed, third generation”**

35. Certified seed, third generation is seed from flax or linseed—

- (a) of direct descent from basic seed, from certified seed, first or second generation or, if the breeder so requests, from seed of a generation prior to basic seed; and
- (b) intended for purposes other than the production of seed.

### Meaning of “commercial seed”

36. Commercial seed (black mustard seed only) is seed that is identifiable as belonging to a species.

### Crop and seed requirements

37.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(5)(A)[<sup>F13</sup>(a) to (d)] of, and Annex I to, Council Directive [2002/57/EC](#) on the marketing of seed of oil and fibre plants, and the crop must satisfy the conditions in that Annex.

[<sup>F14</sup>(1A) For the purposes of sub-paragraph (1), Council Directive [2002/57/EC](#) is to be read as if—

- (a) in Article 2(5)(A)(a)(iii), for “officially licensed by the seed certification authority of the member State concerned”, there were substituted “ licensed by the Department ”;
- (b) in Annex 2, in Part 1, in paragraph 5C the last sub-paragraph were omitted.]

(2) The seed produced by the crop must be sampled in accordance with Annex III to that Directive and must satisfy the conditions in Annex II to that Directive.

[<sup>F15</sup>(3) The crop and the seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4) The crop and seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, as well as measures adopted pursuant to Article 30(1) of that Regulation.]

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|------------|---|
| <b>F13</b> | Words in <a href="#">Sch. 2 para. 37(1)</a> inserted (31.12.2020) by <a href="#">The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211)</a> , regs. 1(1), <b>50(d)(i)</b> ; 2020 c. 1, <a href="#">Sch. 5 para. 1(1)</a> |
| <b>F14</b> | <a href="#">Sch. 2 para. 37(1A)</a> inserted (31.12.2020) by <a href="#">The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211)</a> , regs. 1(1), <b>50(d)(ii)</b> ; 2020 c. 1, <a href="#">Sch. 5 para. 1(1)</a>        |
| <b>F15</b> | <a href="#">Sch. 2 para. 37(3)(4)</a> substituted for <a href="#">Sch. 2 para. 37(3)</a> (28.12.2020) by <a href="#">The Seed Marketing (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/301)</a> , regs. 1, <b>2(4)(c)</b> (as amended by <a href="#">S.R. 2020/322</a> , regs. 1, 2)  |

### Requirements for a varietal association

38.—(1) Seed marketed as a varietal association must comply with this paragraph.

(2) The varietal association must be an association of certified CS seed of a specified pollinator-dependent hybrid variety with certified CS seed of one or more specified pollinator varieties both of which have been accepted on to the [<sup>F16</sup>NI Variety List]<sup>F17</sup>....

(3) The seed of the female and male components of a varietal association must have been dressed using seed dressings of different colours.

(4) The seed must be mechanically combined in the proportions jointly determined by the persons responsible for the maintenance of these components.

(5) The proportions must be notified to the Department by the person responsible for the maintenance of the pollinator-dependent hybrid and pollinators with the varietal association.

(6) In this paragraph—

- (a) “pollinator-dependent hybrid” means the male-sterile component within the varietal association (female component); and

(b) “pollinator” means a component shedding pollen within a varietal association.

- F16** Words in Sch. 2 para. 38(2) substituted (31.12.2020) by [The Seeds \(Variety Lists\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/302\)](#), regs. 1, **26(1)(c)**
- F17** Words in Sch. 2 para. 38(2) omitted (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), **50(e)**; 2020 c. 1, Sch. 5 para. 1(1)

## PART 5

### Vegetables

#### Permitted types of vegetable seed

39.—(1) Vegetable seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed; or
- (d) standard seed.

(2) The seed may be a mixture of different varieties of the same vegetable species provided that each variety in the mixture is standard seed.

#### Meaning of “pre-basic seed”

40. Pre-basic seed is seed—

- (a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
- (b) intended for the production of—
  - (i) more pre-basic seed;
  - (ii) basic seed; or
  - (iii) with the breeder's written authority, certified seed.

#### Meaning of “basic seed”

41.—(1) Basic seed is seed—

- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
- (b) intended for the production of certified seed.

(2) For the avoidance of doubt this includes seed intended as a component of a hybrid variety of vegetable.

#### Meaning of “certified seed”

42. Certified seed is seed—

- (a) produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed;
- (b) intended mainly for the production of vegetables.

### Meaning of “standard seed”

43. Standard seed is seed that is intended mainly for the production of vegetables and has been approved by the Department as having sufficient varietal purity and varietal identity.

### Crop and seed requirements

44.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(4)(A)[<sup>F18</sup>(a) to (d)] of, and Annex I to, Council Directive 2002/55/EC on the marketing of vegetable seed, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 25 [<sup>F19</sup>(with the omission of paragraphs 1a(F) and 1b)] of, and Annex III to, that Directive and must satisfy the conditions in Annex II to that Directive.

[<sup>F20</sup>(2A) For the purposes of sub-paragraphs (1) and (2), Council Directive 2002/55/EC is to be read as if—

(a) in Article 2(4)(A)(a)(iii), for “officially licensed by the seed certification authority of the member State concerned”, there were substituted “ licensed by the Department ”;

(b) in Article 25—

(i) references to “member States” were references to “the Department”;

(ii) in paragraph 1a(a), for “seed certification authority of the member State concerned”, there were substituted “ Department ”.]

(3) Sub-paragraph (1) does not apply in the case of standard seed.

[<sup>F21</sup>(4) The crop and seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4A) The crop and seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, as well as measures adopted pursuant to Article 30(1) of that Regulation.]

(5) After marketing, vegetable seed is subject to control by the Department for varietal identity and varietal purity.

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|------------|---|
| <b>F18</b> | Words in Sch. 2 para. 44(1) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), <b>50(f)(i)</b> ; 2020 c. 1, Sch. 5 para. 1(1)  |
| <b>F19</b> | Words in Sch. 2 para. 44(2) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), <b>50(f)(ii)</b> ; 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F20</b> | Sch. 2 para. 44(2A) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), <b>50(f)(iii)</b> ; 2020 c. 1, Sch. 5 para. 1(1)        |
| <b>F21</b> | Sch. 2 para. 44(4)(4A) substituted for Sch. 2 para. 44(4) (28.12.2020) by The Seed Marketing (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/301), regs. 1, <b>2(4)(d)</b> (as amended by S.R. 2020/322, regs. 1, 2)                   |

**Changes to legislation:**

There are currently no known outstanding effects for the The Seed Marketing Regulations (Northern Ireland) 2016, SCHEDULE 2.