

SCHEDULE 2

Certification requirements

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)[^{F1}(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.

[^{F2}(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.]

[^{F3}(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.

[^{F4}(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.]

F1	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), 50(c)(i) ; 2020 c. 1, Sch. 5 para. 1(1)
F2	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), 50(c)(ii) ; 2020 c. 1, Sch. 5 para. 1(1)
F3	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, 3(f)
F4	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, 2(4)(c) (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.

<i>Column header</i>	<i>Minimum analytical purity of all other species by weight)</i>	<i>Total weight of a single other species (% by weight)</i>	<i>Seed of Rumex spp excluding R acetosella and R maritimus</i>	<i>Seed of couch</i>	<i>Seed of blackgrass</i>	<i>Limits of other specific species</i>
Fine grasses						
festulolium	98	1.5	0	0	10	0
red fescue	95	1.5	0.5	5	10	10
smooth-stalked meadowgrass	90	1.5	0.5	2	3	3
Fodder grasses						
cocksfoot	90	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

Maximum of 0.4% by weight of seed of other meadowgrass

Changes to legislation: There are currently no known outstanding effects for the The Seed Marketing Regulations (Northern Ireland) 2016, PART 3. (See end of Document for details)

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 Small seeded legumes	98	1.5	0.5	4	10	10	0.3% <i>Argostis spp</i>
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>

Changes to legislation:

There are currently no known outstanding effects for the The Seed Marketing Regulations (Northern Ireland) 2016, PART 3.