

SCHEDULE 2

Certification requirements

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)[^{F1}(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.

[^{F2}(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.

[^{F3}(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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| F1 | Words in Sch. 2 para. 37(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(d)(i); 2020 c. 1, Sch. 5 para. 1(1) |
| F2 | Sch. 2 para. 37(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(d)(ii); 2020 c. 1, Sch. 5 para. 1(1) |
| F3 | Sch. 2 para. 37(3)(4) substituted for Sch. 2 para. 37(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) |

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 [^{F4}NI Variety List]^{F5}....

(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—

Changes to legislation: There are currently no known outstanding effects for the The Seed Marketing Regulations (Northern Ireland) 2016, PART 4. (See end of Document for details)

- (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.

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| <p>F4 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)</p> <p>F5 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)</p> |
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There are currently no known outstanding effects for the The Seed Marketing Regulations (Northern Ireland) 2016, PART 4.