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STATUTORY INSTRUMENTS

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**2002 No. 3173**

**The Cereal Seed (England) Regulations 2002**

**PART III**

*Control of Cereal Seed*

**Packaging**

**24.**—(1) No person shall market—

- (a) any officially certified pre-basic, basic, CS, C1 or C2 seed, or
- (b) a mixture of seeds to which regulation 22 applies,

unless it is marketed in a sufficiently homogeneous seed lot or in part of such a seed lot.

(2) Subject to paragraph (3), no person shall market—

- (a) breeder's seed;
- (b) officially certified pre-basic, basic, CS, C1 or C2 seed; or
- (c) a mixture of seeds to which regulation 22 applies,

unless it is in a properly sealed package.

(3) Paragraph (2) shall not apply in the case of—

- (a) the marketing of seed not exceeding 5 kilograms in weight to the final consumer; and
- (b) the marketing of officially certified CS seed (other than maize), C1 seed or C2 seed in bulk direct to the final consumer in a container that is closed after filling and in respect of which the person marketing the seed delivers a note to the final consumer containing the information given on the official label on the container from which the seed was taken.

(4) In this regulation, in the case of breeder's seed, "properly sealed package" means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(5) In this regulation, in the case of a package of seed to which paragraph (6) applies and that has been sealed only once "properly sealed package" means—

- (a) in the case of a package of seed sealed in England, a sealed package of seed that has been sealed—
  - (i) no later than at the time of official sampling;
  - (ii) by a person to whom regulation 25(5) applies;
  - (iii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
  - (iv) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package;
- (b) in the case of a package of seed sealed in—

- (i) the United Kingdom, elsewhere than in England, or

- (ii) another member State,  
a sealed package of seed that has been sealed in accordance with the provisions of Article 9(1) of the Cereal Seed Directive;
  - (c) in the case of a package of seed sealed in an equivalent third country, a sealed package of seed that has been sealed in accordance with the provisions of paragraph B.I of Part II of the Annex to the Third Country Equivalence Decision.
- (6) This paragraph applies to a package of officially certified pre-basic, basic, CS, C1 or C2 seed other than a small package of such seed that has been sealed in the United Kingdom.
- (7) In this regulation, in relation to a package of a mixture of seeds to which paragraph (8) applies and that has been sealed only once, “properly sealed package” means a sealed package of seed that has been sealed—
  - (a) in the case of a package of seed sealed in England, a sealed package of seed that has been sealed—
    - (i) by a person to whom regulation 25(5) applies;
    - (ii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
    - (iii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package;
- (8) This paragraph applies to a package of a mixture of seeds to which regulation 22 applies other than a small package of such seed that has been sealed in the United Kingdom.
- (9) In this regulation, in the case of—
  - (a) a small package of officially certified pre-basic, basic, CS, C1 or C2 seed, and
  - (b) a small package of a mixture of seeds to which regulation 22 applies,that has been sealed in the United Kingdom “properly sealed package” means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.
- (10) In this regulation, in the case of a package of seed to which paragraph (11) applies that has been sealed more than once, “properly sealed package” means—
  - (a) in the case of a package of seed that has been resealed in England, a sealed package of seed that, on each occasion it has been resealed, has been resealed—
    - (i) by a person to whom regulation 25(5) applies, and
    - (ii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package;
  - (b) in the case of a package of seed that has been resealed in—
    - (i) the United Kingdom, elsewhere than in England, or
    - (ii) another member State,a sealed package of seed that, on each occasion it has been resealed, has been sealed in accordance with the provisions of Article 9(2) of the Cereal Seed Directive;
  - (c) in the case of seed that has been resealed in an equivalent third country, a sealed package of seed that, on each occasion it has been resealed, has been resealed in accordance with the provisions of paragraph B.I of Annex II to the Third Country Equivalence Decision.
- (11) This paragraph applies to—
  - (a) a package of officially certified pre-basic, basic, CS, C1 or C2 seed, and
  - (b) a package of a mixture of seeds to which regulation 22 applies,

other than a small package of such seed that has been sealed in the United Kingdom or another member State.