

2004 No. 2390

SEEDS, ENGLAND

**The Seed (Registration, Licensing and Enforcement) (England)
(Amendment) Regulations 2004**

Made - - - - - *10th September 2004*
Laid before Parliament *15th September 2004*
Coming into force - - - *8th October 2004*

The Secretary of State in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4), (5A) 24(5), 26(2) and (3) and 36 of the Plant Varieties and Seeds Act 1964(a), and now vested in her(b), after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to her to be concerned, hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Seed (Registration, Licensing and Enforcement) (England) (Amendment) Regulations 2004, and shall come into force on 8th October 2004.

Amendment of the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002

2.—(1) The Seed (Registration, Licensing and Enforcement) (England) Regulations 2002(c) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1)—

(a) for the definition of “the Seed Marketing Directives” there shall be substituted the following definition—

““the Seed Marketing Directives” means—

(a) Council Directive 2002/54/EC(d) on the marketing of beet seed, as last amended by Council Directive 2003/61/EC(e);

(a) 1964 c. 14; section 16 was amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972 (c. 68), S.I. 1977/1112 and section 2 of the Agriculture Act 1986 (c. 49); see section 38(1) for a definition of “the Minister”.

(b) Under the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2(1) and Schedule 1, the functions transferred to the Secretary of State by the 1978 transfer Order were transferred to the National Assembly for Wales; under the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to England, transferred to the Secretary of State.

(c) S.I. 2002/3176.

(d) O.J. L193, 20.7.2002, p. 12.

(e) O.J. L165, 3.7.2003, p. 23.

- (b) Council Directive 66/402/EEC(a) on the marketing of cereal seed, as last amended by Council Directive 2003/61/EC;
 - (c) Council Directive 66/401/EEC(b) on the marketing of fodder plant seed, as last amended by Commission Decision 2004/371/EC(c);
 - (d) Council Directive 2002/57/EC(d) on the marketing of oil and fibre plant seed, as last amended by Council Directive 2003/61/EC; and
 - (e) Council Directive 2002/55/EC(e) on the marketing of vegetable seed, as last amended by Commission Decision 2004/297/EC(f);”;
- (b) for the definition of “the Seed Marketing Regulations” there shall be substituted the following definition—

““the Seed Marketing Regulations” means—

- (a) in relation to beet seed, the Beet Seed (England) Regulations 2002(g), as amended by the Beet Seed (England) (Amendment) Regulations 2004(h);
- (b) in relation to cereal seed, the Cereal Seed (England) Regulations 2002(i), as amended by the Cereal Seed (England) (Amendment) Regulations 2004(j);
- (c) in relation to fodder plant seed, the Fodder Plant Seed (England) Regulations 2002(k), as amended by the Fodder Plant Seed (England) (Amendment) Regulations 2004(l);
- (d) in relation to oil and fibre plant seed, the Oil and Fibre Plant Seed (England) Regulations 2002(m), as last amended by the Oil and Fibre Plant Seed (England) (Amendment) Regulations 2004(n); and
- (e) in relation to vegetable seed, the Vegetable Seed (England) Regulations 2002(o), as amended by the Vegetable Seed (England) (Amendment) Regulations 2004(p);”

(3) In Schedule 1—

- (a) after paragraph 2 of Part I, there shall be inserted the following paragraph—

“**2A.** In relation to seed mixtures intended for use as fodder plants, the appropriateness of the procedures employed by the applicant in carrying out mixing operations.”;

- (b) after paragraph 4 of Part I, there shall be added the following paragraph—

“**5.** Where the activities carried out by the applicant include the preparation of seed mixtures intended for use as fodder plants, the individual who has direct responsibility for the mixing operations.”;

- (c) after paragraph 3 of part II, there shall be inserted the following paragraph—

“**3A.** In the case of the preparation of seed mixtures intended for use as fodder plants, to notify the Secretary of State within 21 days of any change regarding the person with direct responsibility for the mixing operation.”;

(a) O.J. L125, 11.7.66, p. 2309.
 (b) O.J. L125, 11.7.66, p. 2298.
 (c) O.J. L116, 22.4.2004, p. 39.
 (d) O.J. L193, 20.7.2002, p. 74.
 (e) O.J. L193, 20.7.2002, p. 33.
 (f) O.J. L97, 1.4.2004, p. 66.
 (g) S.I. 2002/3171.
 (h) S.I. 2004/2385.
 (i) S.I. 2002/3173.
 (j) S.I. 2004/2386.
 (k) S.I. 2002/3172.
 (l) S.I. 2004/2387.
 (m) S.I. 2002/3174.
 (n) S.I. 2004/2388.
 (o) S.I. 2002/3175.
 (p) S.I. 2004/2389.

- (d) after paragraph 4 of part II, there shall be inserted the following paragraph—
 - “4A. To keep a register of seed mixtures intended for use as fodder plants.”; and
 - (e) for paragraph 5 of part II, there shall be substituted the following paragraph—
 - “5. To permit, at any reasonable time, an authorised officer to inspect and take copies of the records specified in paragraph 4 and of the register specified in paragraph 4A.”.
- (4) In Schedule 5—
- (a) in paragraph 4, after the words “100kg of seed”, for the words “the maximum number” there shall be substituted the words “the minimum number”; and
 - (b) in paragraph 6, for the words “six packages of 15kg” there shall be substituted the words “eight packages of 12kg”.

10th September 2004

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002 (SI 2002/3176) (the “2002 Regulations”).

The amendments to the 2002 Regulations give effect in England to articles 2(b) and 2(d) of Commission Decision 2004/371/EC (O.J. L 116 22.4.2004, p39) on conditions for the placing on the market of seed mixtures intended for use as fodder plants.

The amendments to the 2002 Regulations—

- (a) update references to amended EC and national legislation (*Regulation 2(2)*);
- (b) provide that, when considering an application for a person to be registered as a person who may engage in a seed industry activity under the 2002 Regulations, the Secretary of State may take into account the appropriateness of the seed mixing procedures used by the applicant (*Regulation 2(3)(a)*);
- (c) provide that, when considering an application for a person to be registered as a person who may engage in a seed industry activity under the 2002 Regulations, if the activities of that person include the preparation of seed mixtures intended for use as fodder plants, the Secretary of State may take into account the person having direct responsibility for the mixing operations (*Regulation 2(3)(b)*); and provide as a condition of registration that the Secretary of State must be notified within 21 days of any change regarding that person (*Regulation 2(3)(c)*);
- (d) provide that, as a condition of registration, a person registered as a person who may engage in a seed industry activity under the 2002 Regulations would be required to keep a register of seed mixtures intended for use as fodder plants (*Regulation 2(3)(d)*); and provide that inspectors may inspect and take copies of that register (*Regulation 2(3)(e)*);
- (e) correct an error (*Regulation 2(4)(a)*); and
- (f) amend the example quantity for sampling from small containers to reflect the amended International Seed Testing Association definition of a small container (*Regulation 2(4)(b)*).

A Transposition Note has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Transposition Note can be obtained from the Plant Variety Rights Office and Seeds Division of the Department for Environment, Food and Rural Affairs, White House Lane, Huntingdon Road, Cambridge CB3 0LF.

A regulatory impact assessment has not been prepared for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies.

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