

2004 No. 237

SEEDS

**Oil and Fibre Plant Seeds (Amendment) Regulations
(Northern Ireland) 2004**

Made - - - - - *24th May 2004*

Coming into operation *9th July 2004*

The Department of Agriculture and Rural Development(a), in exercise of the powers conferred on it by sections 1(1) and (2A) and 2 of the Seeds Act (Northern Ireland) 1965(b) and of every other power enabling it in that behalf, after consultation, in accordance with section 1(1) of that Act, with representatives of such interests as appear to it to be concerned, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Oil and Fibre Plant Seeds (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 9th July 2004.

Amendment of the Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994

2.—(1) The Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994(c) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3(2) (interpretation) –

(a) in the definition of “Pre-basic Seed” –

(i) in paragraph (a) –

(aa) after the words “a hybrid variety” the words “of sunflower, swede rape or turnip rape” shall be deleted;

(bb) in sub-paragraph (ii)(aa) after the words “brown mustard,” there shall be inserted the words “dioecious hemp,”;

(cc) in sub-paragraph (ii)(bb) and (cc) after the word “linseed” there shall be inserted the words “, monoecious hemp”;

(ii) in paragraph (b) after the words “a hybrid variety” the words “of sunflower, swede rape or turnip rape,” shall be deleted;

(b) in the definition of “Basic Seed” –

(i) in paragraph (a) –

(aa) after the word “flax,” there shall be inserted the word “hemp,” and after the words “a hybrid” the words “of sunflower, swede rape or turnip rape” shall be deleted;

(a) Formerly the Department of Agriculture for Northern Ireland: *see* S.I. 1999/283 (N.I. 1) Art. 3(4)
(b) 1965 c. 22 (N.I.); section 1 was amended by section 10 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970, 1970 c. 20 (N.I.) and by S.R. & O. (N.I.) 1972 No. 351; section 2 was amended by section 10 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970 and by S.R. 1977 No. 295
(c) S.R. 1994 No. 255 as amended by S.R. 1996 No. 312, S.R. 1997 No. 240, S.R. 2000 No. 55, S.R. 2001 No. 328 and S.R. 2003 No. 384

- (bb) in sub-paragraph (ii)(aa) after the words “brown mustard,” there shall be inserted the words “dioecious hemp,”;
 - (cc) in sub-paragraph (ii)(bb) and (cc) after the word “linseed” there shall be inserted the words “, monoecious hemp”;
 - (ii) in paragraph (b) after the words “a hybrid variety” the words “of swede rape or turnip rape,” shall be deleted and after the words “inbred line” the words “of sunflower” shall be deleted;
 - (iii) in paragraph (c) after the words “a hybrid variety” the words “of sunflower” shall be deleted;
 - (c) in the definition of “Certified Seed” after the words “brown mustard,” there shall be inserted the words “dioecious hemp,” and after the word “hybrids” the words “of sunflower, swede rape and turnip rape” shall be deleted;
 - (d) in the definition of “Certified Seed of the First Generation” for the words “means seeds of soya bean, flax or linseed which” there shall be substituted the following words “means seeds of flax, linseed, monoecious hemp and soya bean which”;
 - (e) in the definition of “Certified Seed of the Second Generation” for the words “means seeds of soya bean, flax or linseed which” there shall be substituted the following words “means seeds of flax, linseed, monoecious hemp and soya bean which”;
- (3) In Schedule 1 (kinds of seeds to which the Regulations apply) under the title (*Latin Name*) after the entry for “*Brassica rapa* (L.) var *silvestris* (Lam) Briggs” insert the entry “*Cannabis sativa* L.” and under the title (*Common Name*) after the entry “Turnip rape” insert the entry “Hemp”.

(4) In Schedule 4 (requirements for Basic Seed, Certified Seed, Certified Seed of the First, Second and Third Generations and Commercial Seed) –

- (a) in Part I (conditions relating to crops from which seeds other than Commercial Seed are obtained) –
 - (i) in paragraphs (3A) and (5A) after the words “of swede rape” the words “or turnip rape” shall be deleted;
 - (ii) in paragraph 7(1) after the words “(2), for” there shall be inserted the words “dioecious hemp,”;
 - (iii) in paragraph 7(1)(d)(i) and (ii) after the words “of swede rape” the words “and turnip rape” shall be deleted;
 - (iv) in paragraph 7 after sub-paragraph (d) insert –
 - “(e) crops to produce –
 - (i) Basic seed of monoecious hemp, 5,000 metres;
 - (ii) Certified Seed of monoecious hemp, 1,000 metres,”;
 - (v) in paragraph 8(a)(i) after the words “of swede rape” the words “or turnip rape” shall be deleted;
 - (vi) for the table in paragraph 8(a)(ii) there shall be substituted the following table:

“

Column (1) <i>Species and category</i>	Column (2) <i>Minimum varietal purity (percentage)</i>
(a) Flax –	
(i) Basic seed	99.7
(ii) Certified seed or Certified seed of the first generation	98.0
(iii) Certified seed of the second generation	97.5
(iv) Certified seed of the third generation	97.5
(b) Linseed –	
(i) Basic seed	99.7
(ii) Certified seed or Certified seed of the	98.0

Column (1) <i>Species and category</i>	Column (2) <i>Minimum varietal purity (percentage)</i>
first generation	
(iii) Certified seed of the second generation	97.5
(c) Soya bean –	
(i) Basic seed	99.5
(ii) Certified seed or Certified seed of the first generation	99.0
(iii) Certified seed of the second generation	99.0
(d) Sunflower except hybrid varieties and components of hybrid varieties –	
(i) Basic seed	99.7
(ii) Certified Seed	99.0
(e) Swede rape and turnip rape except hybrid varieties, components of hybrid varieties and varieties to be used solely for fodder purposes –	
(i) Basic seed	99.9
(ii) Certified Seed	99.7
(f) Swede rape and turnip rape varieties to be used solely for fodder purposes except hybrid varieties and components of hybrid varieties –	
(i) Basic seed	99.7
(ii) Certified Seed	99.0
(g) Components of hybrid varieties of swede rape and hybrid varieties produced using male sterility –	
(i) Basic seed, female component	99.0
(ii) Basic seed, male component	99.9
(iii) Certified Seed	90.0
(h) White mustard –	
(i) Basic seed	99.7
(ii) Certified Seed	99.0

”;

- (vii) in paragraph 8(b) for the words “and black mustard” there shall be inserted the words “, black mustard and dioecious hemp”;
- (viii) after paragraph 8(b) there shall be inserted the following paragraph –
- “(bA) In the case of a crop of monoecious hemp, the number of plants of the crop species which are recognisable as obviously not being true to the variety shall not exceed –
- (i) one plant in per 30 sq m in a crop intended for the production of Basic Seed; and
- (ii) one plant in per 10 sq m in a crop intended for the production of Certified Seed of the First and Second generation.”;
- (ix) in paragraph 8(c) the words “of sunflower” shall be deleted where they twice occur;
- (x) for paragraph 8(e) there shall be substituted the following paragraph –
- “(e) In a case where a male-sterile component is used for the production of seed of a hybrid variety of swede rape male sterility shall be at least 99% for the

production of basic seed and 98% for the production of certified seed. The level of male sterility shall be assessed by examining flowers for the absence of fertile anthers;”;

(xi) after paragraph 8(e) there shall be inserted the following sub-paragraph –

“(f) In the case of the production of a hybrid variety of swede rape produced using the male sterility the percentage by number of plants which are recognisable as obviously not being true to the inbred line or the component shall not exceed –

(a) for the production of Basic Seed of –

(i) an inbred line; 0.1%;

(ii) a male component of a simple hybrid; 0.1%; and

(iii) a female component of a simple hybrid; 0.2%; and

(b) for the production of Certified Seed of –

(i) a male component; 0.3%; and

(ii) of a female component; 1.0%.”.

(b) in Part II (conditions relating to Basic Seed, Certified Seed and Certified Seed of the First, Second and Third Generations) –

(i) in the table in paragraph 2 after the entry for flax there shall be inserted the following entry –

“Hemp(**)	75	98	–	30	0	0				”;
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(ii) after the table in paragraph 2 there shall be inserted the following footnote –

“(**) Hemp seed shall be free from *Orobanche* spp. However, the presence of one seed of *Orobanche* spp. in a sample of 100 grams shall not be regarded as an impurity where a second sample of 200 grams is free from any such seeds.”;

(iii) in the table in paragraph 3(1) after the entry for flax and linseed there shall be inserted the following entry –

“Hemp	5			”;
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(iv) in paragraph 4(1) and (2) the words “or turnip rape” shall be deleted;

(5) In Part II of Schedule 5 (maximum weight of a seed lot and minimum weight of a submitted sample) –

(a) in the table in paragraph 1(a) after the entry for flax and linseed there shall be inserted the following entry –

“Hemp	10”
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(b) in the table in paragraph 1(b) after the entry for flax and linseed there shall be inserted the following entry –

“Hemp	600”
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(c) in the table in paragraph 2 after the entry for flax and linseed there shall be inserted the following entry –

“Hemp	600”
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(6) In Schedule 6 –

(a) in Part I, section C paragraph 11(d) the words “of swede rape or turnip rape” shall be deleted; and

(b) in Part I, section F paragraph (a) –

(i) in sub-paragraph (i) the words “followed by the number 95/232/EC” shall be deleted; and

(ii) in sub-paragraph (xi) the word “number” shall be replaced by the word “weight”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 24th May 2004.

(L.S.)

D. Small

A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994 (S.R. 1994 No. 255), as amended by S.R. 1996 No. 312, S.R. 1997 No. 240, S.R. 2000 No. 55, S.R. 2001 No. 328 and S.R. 2003 No. 384 (the “1994 Regulations”).

The amendments to the 1994 Regulations give effect in Northern Ireland to Commission Directive 2003/45/EC amending Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants (O.J. No. L138, 5.6.2003, p. 40) and Commission Decision 2003/234/EC amending Decision 74/360/EEC as regards the United Kingdom’s exemption from applying to hemp (*Cannabis sativa*) Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants (O.J. No. L86, 3.4.2003, p. 48).

Regulation 2 –

- (a) includes hybrids of all oil and fibre plant species within the definition of basic seed;
- (b) repeals the specific numerical varietal identity, varietal purity and crop standards for hybrids of turnip rape;
- (c) repeals the specific numerical varietal identity and varietal purity standards for self-incompatible hybrids of swede rape;
- (d) introduces crop standards for hybrids of swede rape;
- (e) amends labelling requirements for varietal associations;
- (f) includes hemp seeds within the scope of the 1994 Regulations; and
- (g) introduces specific standards for hemp.

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Published by The Stationery Office Limited

ISBN 0-337-95545-X



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