

SCHEDULE 2

Certification requirements

PART 5

Vegetables

Permitted types of vegetable seed

39.—(1) Vegetable seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed; or
- (d) standard seed.

(2) The seed may be a mixture of different varieties of the same vegetable species provided that each variety in the mixture is standard seed.

Meaning of “pre-basic seed”

40. 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.

Meaning of “basic seed”

41.—(1) 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 certified seed.

(2) For the avoidance of doubt this includes seed intended as a component of a hybrid variety of vegetable.

Meaning of “certified seed”

42. Certified seed is seed—

- (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 mainly for the production of vegetables.

Meaning of “standard seed”

43. Standard seed is seed that is intended mainly for the production of vegetables and has been approved by the Department as having sufficient varietal purity and varietal identity.

Crop and seed requirements

44.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(4)(A)[^{F1}(a) to (d)] of, and Annex I to, Council Directive 2002/55/EC on the marketing of vegetable seed, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 25 [^{F2}(with the omission of paragraphs 1a(F) and 1b)] of, and Annex III to, that Directive and must satisfy the conditions in Annex II to that Directive.

[^{F3}(2A) For the purposes of sub-paragraphs (1) and (2), Council Directive 2002/55/EC is to be read as if—

- (a) in Article 2(4)(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 Article 25—
 - (i) references to “member States” were references to “the Department”;
 - (ii) in paragraph 1a(a), for “seed certification authority of the member State concerned”, there were substituted “ Department ”.]

(3) Sub-paragraph (1) does not apply in the case of standard seed.

[^{F4}(4) The crop and seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4A) 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.]

(5) After marketing, vegetable seed is subject to control by the Department for varietal identity and varietal purity.

- F1** Words in Sch. 2 para. 44(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(f)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 2 para. 44(2) 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(f)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Sch. 2 para. 44(2A) 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(f)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Sch. 2 para. 44(4)(4A) substituted for Sch. 2 para. 44(4) (28.12.2020) by The Seed Marketing (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/301), regs. 1, **2(4)(d)** (as amended by S.R. 2020/322, regs. 1, 2)

Changes to legislation:

There are currently no known outstanding effects for the The Seed Marketing Regulations (Northern Ireland) 2016, PART 5.