

1974 No. 900

SEEDS**The Cereal Seeds Regulations 1974**

<i>Made</i>	- - -	22nd May 1974
<i>Laid before Parliament</i>		7th June 1974
<i>Coming into Operation</i>		1st July 1974

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers vested in them by sections 16(1), (1A), (2), (3), (4), (5) and (8), 17(1), (2), (3) and (4), 18(1), 24(5), 26(2) and (3) and 36 of the Plant Varieties and Seeds Act 1964(a) as amended by section 4(1) of and paragraph 5(1), (2) and (3) of Schedule 4 to the European Communities Act 1972(b) and of all other powers enabling them in that behalf, after consultation with representatives of such interests as appear to them to be concerned, hereby make the following Regulations.

Application, citation and commencement

1. These Regulations, which apply to Great Britain, may be cited as the Cereal Seeds Regulations 1974 and shall come into operation on the 1st July 1974.

Interpretation

2.—(1) A reference in these Regulations to a numbered Regulation or Schedule shall be construed as a reference to the Regulation or Schedule bearing that number in these Regulations.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Plant Varieties and Seeds Act 1964 as amended by section 4(1) of and Schedule 4 to the European Communities Act 1972;

“Common Catalogue” means the Common Catalogue of varieties of kinds of agricultural plants published or to be published in the Official Journal of the European Communities;

“higher voluntary standard” means the standards so described in Schedules 2 or 3 in relation to the seeds, being standards which the seeds satisfy and which they have, on an official examination, been shown to satisfy;

“maintainer” means a person who is indicated in a National List or in the Common Catalogue as responsible for the maintenance of the particular cereal variety;

“marketing” includes, as the context shall permit, the offer for sale, exposure for sale, sale and possession with a view to sale of seeds, and any transaction in the course of business:

(a) under which the property in seeds is transferred from one person to another; or

(a) 1964 c. 14.

(b) 1972 c. 68.

(b) under which the seeds are made over by one person to another in pursuance of a contract under which the seeds will be used for producing further seeds or for producing plants or parts of plants for human or animal consumption;

and “market” and “marketed” shall be construed accordingly;

“Member State” means a member state of the European Communities;

“the Minister” means, in relation to England and Wales, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State, and “the Ministers” means the said two Ministers acting jointly;

“National List” means a list of varieties of kinds of cereals published in accordance with The Seeds (National List of Varieties) Regulations 1973(a);

“official examination” means an examination carried out by or on behalf of the Minister, subject to the payment of any fee imposed by Regulations made under the Act, an examination carried out by or on behalf of the Department of Agriculture for Northern Ireland or, in relation to seeds harvested elsewhere than in the United Kingdom, an examination approved by the Minister;

“official label” and “official notice” mean respectively a label and a notice prepared by or on behalf of the Minister;

“pure” in relation to seeds means wholly comprised of seeds of the kind of which the seeds purport to be;

“small package” means a package of basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or a mixture of seeds, containing no more than a net weight of 15 kilograms of seeds.

(3) In these Regulations, in relation to the categories of seeds referred to therein—

“pre-basic seeds” means seeds of a generation earlier than that of basic seeds—

- (a) which have been produced by or under the responsibility of the maintainer,
- (b) which are intended for the production of pre-basic seeds, uncertified pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, or certified seeds of the second generation and
- (c) which satisfy the requirements for basic seeds set out in Schedules 2 and 3 and which have, on an official examination, been found to satisfy the requirements set out in Schedule 2;

“uncertified pre-basic seeds” means seeds of a generation earlier than that of basic seeds—

- (a) which have been produced in the United Kingdom by or under the responsibility of the maintainer and
- (b) which are intended for the production of pre-basic seeds, uncertified pre-basic seeds, or basic seeds;

“basic seeds” means—

- (a) seeds of oats, barley, rye, wheat, hard wheat and spelt wheat,
 - (i) which have been produced by or under the responsibility of the maintainer,
 - (ii) which are intended to be used for the production of certified

(a) S.I. 1973/994 (1973 II, p. 3024).

seeds, certified seeds of the first generation or certified seeds of the second generation and

- (iii) which satisfy the requirements for basic seeds set out in Schedules 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

(b) seeds of open pollinated varieties of maize,

- (i) which have been produced by or under the responsibility of the maintainer,

- (ii) which are intended to be used for the production of certified seeds of the same variety, top cross hybrids or inter-varietal hybrids and

- (iii) which satisfy the requirements for basic seeds set out in Schedules 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

(c) seeds of inbred lines of maize,

- which satisfy the requirements for basic seeds set out in Schedules 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

(d) seeds of simple hybrids of maize,

- (i) which are intended to be used for the production of double hybrids, triple-cross hybrids or top cross hybrids and

- (ii) which satisfy the requirements for basic seeds set out in Schedules 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

“certified seeds” means seeds of rye and maize—

- (a) which have been produced directly from basic seeds or, with the approval of the maintainer, from pre-basic seeds,

- (b) which are intended to be used mainly for the production of plants or parts of plants for human or animal consumption and

- (c) which satisfy the requirements for certified seeds set out in Schedules 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

“certified seeds of the first generation” means seeds of oats, barley, wheat, hard wheat and spelt wheat—

- (a) which have been produced directly from basic seeds or, with the approval of the maintainer, from pre-basic seeds,

- (b) which are intended either for the production of certified seeds of the second generation or to be used mainly for the production of plants or parts of plants for human or animal consumption and

- (c) which satisfy the requirements for certified seeds of the first generation set out in Schedules 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

“certified seeds of the second generation” means seeds of oats, barley, wheat, hard wheat and spelt wheat—

- (a) which have been produced directly from basic seeds, certified seeds of the first generation or, with the approval of the maintainer, from pre-basic seeds,

- (b) which are intended to be used mainly for the production of plants or parts of plants for human or animal consumption and

(c) which satisfy the requirements for certified seeds of the second generation set out in Schedules 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

(4) In these Regulations, in relation to the varieties, inbred lines and hybrids of maize—

“open pollinated variety” means a sufficiently uniform and stable variety;

“inbred line” means a sufficiently uniform and stable line, obtained either by artificial self-fertilisation together with selection over several successive generations or by equivalent operations;

“simple hybrid” means the first generation of a cross between two inbred lines, defined by the maintainer;

“double hybrid” means the first generation of a cross between two simple hybrids, defined by the maintainer;

“triple-cross hybrid” means the first generation of a cross between an inbred line and a simple hybrid, defined by the maintainer;

“top cross hybrid” means the first generation of a cross between either an inbred line or a simple hybrid and an open pollinated variety, defined by the maintainer;

“inter-varietal hybrid” means the first generation of a cross between plants grown from basic seeds of two open pollinated varieties, defined by the maintainer.

(5) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Seeds to which the Regulations apply

3.—(1) Subject to paragraph (2) of this Regulation these Regulations apply to cereal seeds of the kinds set out in Schedule 1 to these Regulations being seeds intended to be used only for the production of agricultural or horticultural crops.

(2) These Regulations shall not apply to—

(a) seeds which are marketed for delivery elsewhere than in a Member State,

(b) seeds used or to be used for research or experiment,

(c) seeds used or to be used in the course of a process of selection and

(d) seeds which are marketed with a view to processing, treatment or cleaning provided that the identity of the seeds is stated by the person by whom they are marketed.

Marketing of Seeds

4.—(1) Subject to the provisions of this Regulation no person shall market any seeds which have been produced in a Member State unless they are—

(a) pre-basic seeds, uncertified pre-basic seeds or basic seeds,

(b) certified seeds or certified seeds of the first generation marketed after the 30th June 1975,

(c) certified seeds of the second generation marketed after 30th June 1976,
or

(d) seeds which satisfy the conditions in Part II of Schedule 2 relating to certified seeds of the second generation or certified seeds, as the case may be, and are marketed before the 1st July 1976.

(2) No person shall market any seeds which have been produced elsewhere than in a Member State, unless they are—

(a) seeds marketed before the 1st July 1976, not being pre-basic seeds, uncertified pre-basic seeds, certified seeds, certified seeds of the first generation or certified seeds of the second generation;

or, unless they are—

(b) pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation or certified seeds of the second generation marketed in accordance with and subject to the conditions imposed by a general licence granted by the Ministers:

Provided that seeds marketed in accordance with sub-paragraph (a) above satisfy the conditions in Part II of Schedule 2 relating to certified seeds of the second generation or certified seeds, as the case may be.

(3) Paragraphs (1) and (2) of this Regulation shall not prevent the marketing of a mixture of seeds where each of the constituents to which these Regulations apply consists of either basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or of seeds marketed in accordance with paragraphs (1)(d) or (2)(a) of this Regulation.

(4) The Minister may, by a general licence taking effect during a period specified in the licence and subject to any conditions imposed by the licence, authorise any person to market as pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or seeds marketed in accordance with paragraphs (1)(d) or (2)(a) of this Regulation, seeds which fail in some respect to satisfy the requirements for such seeds set out in Schedule 2 or to market seeds which, notwithstanding the requirements of The Seeds (National Lists of Varieties) Regulations 1973, are of a variety not entered in a National List or in the Common Catalogue: Provided that in all other respects unless expressly otherwise provided the provisions of these Regulations shall apply in relation to the marketing of the seeds.

(5) Notwithstanding the requirement in Schedule 2 that basic seeds shall attain the minimum standards of germination specified in the said Schedule any person may, subject to the requirements of paragraphs (2)(b) and (7) of Regulation 8, market as pre-basic seeds or basic seeds, seeds which in other respects satisfy the requirements for basic seeds set out in the said Schedule but which attain a lower percentage of germination than that specified in the said Schedule in relation to seeds of that kind.

(6) In a case where the official examination in respect of the germination of a proposed consignment of seeds has not been completed and the Minister has been informed of the name and address of the first consignee and provided with a provisional report in respect of such germination he may, if the seeds in other respects satisfy the appropriate requirements of Schedule 2, authorise the sale of the seeds as pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation or certified seeds of the second generation, as the case may be, to the said consignee.

(7) Paragraphs (5) and (6) of this Regulation shall not apply to seeds which have been imported from a country other than a Member State unless they

were produced directly from pre-basic seeds, basic seeds or certified seeds of the first generation certified in a Member State.

Sampling

5.—(1) A sample of seeds taken either for the purposes of an official examination or, subject to paragraph (3) of this Regulation, for the enforcement of these Regulations shall be taken in accordance with the procedure set out in Schedule 4.

(2) A sample of seeds taken for the enforcement of these Regulations shall be divided into three parts of which one part shall be delivered or sent to the owner of the seeds or his representative, one part shall be delivered or sent to the Chief Officer of an Official Seed Testing Station and the remaining part shall be retained and be available for production to a Court in accordance with section 26(7) of the Act: provided that where it appears to the person taking the sample that the seeds from which the sample has been taken were purchased for use and not for re-sale, the first part of the sample shall be delivered or sent to the last seller of the seeds or to his representative in place of the owner of the seeds or his representative.

(3) The weight of a sample taken for the enforcement of these Regulations shall be such as to ensure that each of the parts into which it is divided is of not less than the minimum weight indicated in Schedule 4 and the sample shall be divided accordingly.

Certificates of taking and testing of a sample

6.—(1) A certificate in the form set out in Part I of Schedule 5 of the taking of a sample of seeds, adapted as appropriate for use either in England and Wales or in Scotland, is hereby prescribed in accordance with section 26(3) of the Act.

(2) A certificate in the form set out in Part II of Schedule 5 of the result of a test of a sample of seeds taken for the enforcement of these Regulations, adapted as appropriate for use either in England and Wales or in Scotland, is hereby prescribed in accordance with section 24(5) of the Act.

Sealing of packages

7.—(1) No person shall market a package of pre-basic seeds or a package, other than a small package, of basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or a mixture of seeds unless it has been, not later than at the time of sampling, sealed by a person authorised by the Minister in that behalf with a sealing device (which may be an adhesive label) in such a manner that when the package is opened the sealing device will be broken and cannot be replaced.

(2) If a package of seeds which has been sealed in accordance with paragraph (1) of this Regulation shall have been opened it may only be re-sealed or further re-sealed by a person authorised by the Minister in that behalf.

(3) No person shall market a package of uncertified pre-basic seeds or a small package of seeds unless it has been sealed with a sealing device approved by the Minister and in such a manner that when the package is opened the sealing device will be broken and cannot be replaced.

Labelling of packages

8.—(1) Subject to paragraph (6) of this Regulation no person shall market any seeds except in a package which is labelled, inscribed or otherwise dealt with in accordance with this Regulation.

(2) (a) A package of pre-basic seeds, or a package, other than a small package, of basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or a mixture of seeds shall have affixed on the outside an official label containing, as appropriate to the seeds, particulars of the matters specified, and being of the size and colour also specified, in Schedule 6 which shall be either an adhesive label or a label secured to the package by an alternative sealing device affixed in either case by a person authorised by the Minister in that behalf.

(b) If in accordance with Regulation 4(5) a person shall market basic seeds of a lower percentage of germination than that specified in Schedule 2 the fact shall be stated on the official label.

(c) A person who markets a package, other than a small package, containing a mixture of seeds shall, with the seeds or not later than 14 days after the sale or delivery (whichever is the later) of the seeds give to the purchaser a statement in writing, on a label attached to the package, on the package itself or on an invoice or other document associated with the seeds, containing particulars of the matters relating to the seeds to which these Regulations apply, specified in Part IV of Schedule 6.

(3) A package, other than a small package, of basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation, or a mixture of seeds shall contain an official notice which shall be of the same colour as the official label and shall contain particulars of the matters specified in the items numbered, in the case of basic seeds, certified seeds, certified seeds of the first generation, or certified seeds of the second generation, 3, 4 and 5 in Part I of Schedule 6 or, in the case of a mixture of seeds, the items numbered 1 and 3 in Part III of Schedule 6: provided that if such particulars are printed indelibly on the outside of the package or if the official label is an adhesive label the official notice referred to in this paragraph shall not be required.

(4) (a) A package of uncertified pre-basic seeds or a small package of seeds shall have affixed on the outside a label containing, as appropriate to the seeds, particulars of the matters specified and being of the colour also specified in Schedule 6: provided that if such particulars are printed indelibly on the outside of the package, the said label shall not be required.

(b) A person who markets a small package containing a mixture of seeds shall, with the seeds or not later than 14 days after the sale or delivery (whichever is the later) of the seeds, give to the purchaser a statement in writing, on a label attached to the package, on the package itself or on an invoice or other document associated with the seeds, containing particulars of the matters relating to the seeds specified in Part IV of Schedule 6.

(5) A person who markets a package of seeds in accordance with paragraphs (1)(d) or (2)(a) of Regulation 4 shall, with the seeds or not later than 14 days after the sale or delivery (whichever is the later) of the seeds, give to the purchaser a statement in writing, on a label attached to the package, on the package itself or on an invoice or other document associated with the seeds, containing particulars of the matters relating to the seeds specified in Part VIII of Schedule 6.

(6) A person may sell any seeds otherwise than in a package provided that they are sold by way of retail sale, in a quantity not exceeding 5 kilograms and are taken in the presence of the purchaser from a container on or in the proximity of which there is clearly and visibly marked or displayed a statement containing the particulars of the matters specified in Part IX of Schedule 6.

(7) If a person shall market basic seeds in accordance with Regulation 4(5) or if the Minister shall have authorised the marketing of seeds in accordance with Regulation 4(6) a supplier's label affixed to the outside of the package shall contain a statement of the germination of the seeds together with the name and address of the seller and the reference number of the lot.

(8) If a package of seeds shall have been re-sealed in accordance with Regulation 7(2) the fact shall be stated, together with the date of the re-sealing and the name of the authority responsible for it, on the official label.

(9) If any seeds have been subjected to any chemical treatment the fact that they have been so subjected and the nature of the treatment or the proprietary name of the chemical employed shall be stated either—

(a) on the label referred to in paragraphs (2), (4) or (5) of this Regulation or, where such a label is not required, with the particulars otherwise given in accordance with those paragraphs, or

(b) on a separate supplier's label,

and also (except where the label referred to in paragraphs (2), (4) or (5) of this Regulation is not required, or where the information prescribed by this paragraph is given on an adhesive label) either on the outside of the package or in a statement enclosed in the package.

(10) The particulars and information given in accordance with this Regulation shall be given in one of the official languages of the European Economic Community.

(11) Subject to the provisions of the Act and of these Regulations no person shall, in the course of the marketing or the preparation for the marketing of any seeds by himself or by some other person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label or notice affixed to, contained in or marked on any package of seeds or to be so affixed, contained or marked.

Higher Voluntary Standard

9. Where in the course of the marketing of any seeds it is stated or indicated in any label or notice affixed to, contained in or marked on any package of seeds or in any document accompanying the seeds that the seeds attain the higher voluntary standard the person marketing the seeds shall be deemed to state, for the purposes of the enforcement of these Regulations and in relation to the particulars given to a purchaser, that the seeds attain the higher voluntary standards applicable to the seeds.

Civil liabilities of sellers of seeds

10.—(1) The particulars given to a purchaser by the seller of pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation or certified seeds of the second generation whether given in pursuance of these Regulations expressly or by implication arising from the description under which the seeds are sold, shall constitute a statutory warranty for the purpose of section 17 of the Act in so far as they relate to the percentage of germination, the percentage of analytical purity, the content of seeds of other plant

kinds and the varietal purity of the seeds or, in the case of a mixture of seeds, of each of its constituents to which these Regulations apply.

(2) Section 17(2) of the Act shall apply to any particulars given to a purchaser by the seller of seeds, being particulars given or implied as in paragraph (1) of this Regulation, in so far as they relate to the percentages of germination, of analytical purity, or to the content of seeds of other plant kinds and there are hereby prescribed in respect of such matters the limits of variation set out in Schedule 7.

(3) Section 17(3) of the Act shall apply to any particulars given to a purchaser by the seller of seeds, being particulars given or implied as in paragraph (1) of this Regulation, in so far as they relate to the percentages of germination, or analytical purity or to the content of seeds of other plant kinds.

(4) A purchaser who intends to obtain a test of seeds for the purposes of section 17(3) of the Act shall, not more than 10 days after delivery to him of the seeds or of the particulars prescribed in Regulation 8(2)(c), (4)(b) or (5) (whichever is the later), give to the seller written notice of his intention and thereupon the seller may indicate a day (not being more than 21 days after delivery of the seeds or the said particulars, whichever is the later, to the purchaser) and a reasonable time on that day at which a sample of the seeds may be taken in the presence of himself or of his representative and the purchaser shall afford to the seller reasonable facilities for that purpose.

(5) On the day and at the time appointed by the seller in accordance with paragraph (4) of this Regulation or, if the seller shall have failed to appoint such a day and time, on a day not more than 28 days after delivery of the seeds or the said particulars (whichever is the later) to the purchaser, the purchaser may, and if the seller or his representative is present shall, take a sample of the seeds, such sample being taken in accordance with the procedure set out in Schedule 4 and shall divide the sample so taken into two parts, each being of at least the appropriate minimum weight specified in Schedule 4, of which one part shall be sent to the Chief Officer of an Official Seed Testing Station for the purpose of being tested and the other part delivered or tendered to the seller or his representative or, if he or his representative was not present when the sample was taken, sent to him by post.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st May 1974.

(L.S.)

Frederick Peart,
Minister of Agriculture Fisheries
and Food.

William Ross,
Secretary of State for Scotland.

22nd May 1974.

Regulation 3(1)

SCHEDULE 1

KINDS OF SEEDS TO WHICH THE REGULATIONS APPLY

<i>Avena sativa</i> L.	Oats
<i>Hordeum distichum</i> L.	Barley
<i>Hordeum polystichum</i> L.	Barley
<i>Secale cereale</i> L.	Rye
<i>Triticum aestivum</i> L.	Wheat
<i>Triticum durum</i> Desf.	Hard wheat
<i>Triticum spelta</i> L.	Spelt wheat
<i>Zea mays</i> L., except for <i>Zea mays</i> convar. <i>microsperma</i> Koern. and <i>Zea mays</i> convar. <i>saccharata</i> Koern.	Maize, except for Popcorn and Sweet corn.

Regulations 2(2) and (3), 4(1), (2),
(4), (5) and (6) and 8(2)

SCHEDULE 2

REQUIREMENTS FOR BASIC SEEDS, CERTIFIED SEEDS, CERTIFIED SEEDS OF THE
FIRST GENERATION AND CERTIFIED SEEDS OF THE SECOND GENERATION

PART I

CONDITIONS RELATING TO THE CROP FROM WHICH THE SEEDS ARE OBTAINED

Inspections

1. (a) For oats, barley, wheat, hard wheat, spelt wheat and rye there shall be at least one official inspection.
- (b) For maize, during the flowering period, there shall be at least the following number of official inspections:—

(i) open pollinated varieties	1
(ii) for the production of certified seeds of hybrid varieties	3
(iii) for the production of simple hybrid basic seeds	4
(iv) inbred lines	4

Crop Condition

2. (a) Minimum standard: The cultural condition of the field and the stage of development of the crop shall be such as to permit a sufficient check of identity and varietal purity and state of health and, with regard to maize, of the identity and the purity of the inbred lines and of the emasculation for the production of seeds of hybrid varieties; plus the provision that the crops must not be so stunted, weedy, diseased or damaged that adequate inspections are impossible.

(b) Higher Voluntary Standard: As for the minimum standard plus the provision that crops more than one-third laid at time of inspection will be rejected.

Previous Cropping

3. Previous cropping shall accord with the requirements of the Minister who will have regard to the circumstances likely to affect the kind of crop under consideration.

Isolation

4. For oats, barley, wheat, hard wheat and spelt wheat there shall be a physical barrier or at least 2 metres of non-cereal crop or fallow between the crop and another cereal crop.

For rye and maize, the minimum distances from neighbouring crops of other varieties or inbred lines of the same species and from crops of the same variety or inbred line which do not comply with the conditions for purity for the production of seed of the same category shall be:—

	<i>Crops to produce basic seeds</i>	<i>Crops to produce certified seeds</i>
(a) maize	200 metres	200 metres
(b) rye	300 metres	250 metres

These distances need not be observed if there is adequate protection against any undesirable foreign pollination.

Avena fatua, *Avena sterilis*, *Avena ludoviciana* (wild oats)

5. (a) Minimum standard: (i) Crops to produce:
Basic seeds Nil in oats, not more than 3 plants per acre in barley, wheat, hard wheat, spelt wheat, rye or maize.
- (ii) Certified seeds, Certified seeds 1st generation, or Certified seeds 2nd generation: } Not more than 250 plants per acre in wheat, hard wheat, spelt wheat, rye or maize, 50 in barley. Nil in oats.
- (b) Higher Voluntary Standard: Crops to produce Basic seeds, Certified seeds 1st generation, or Certified seeds 2nd generation: } Nil in oats, not more than 3 plants per acre in barley, wheat, hard wheat, and spelt wheat.

Diseases

6. The crop shall be of a satisfactory state of health insofar as seed-borne diseases and organisms affecting the seeds, particularly *Ustilagineae* (smuts) are concerned.

Special conditions for maize

7. (a) The percentage by number of plants showing typical aberrations shall not exceed:

- (i) for the production of basic seeds ... 0.1
- (ii) for the production of certified seeds of hybrid varieties... 0.2
- (iii) for the production of certified seeds of open pollinated varieties 0.5
- (b) With regard to the emasculation for the production of certified seeds of hybrid varieties, the observed percentage of plants of the female parent ascertained to have emitted pollen shall not exceed 1 at any one official field inspection and shall not exceed 2 in all the official field inspections carried out;
- (c) In the production of certified seeds of hybrid varieties, all the parent plants shall flower sufficiently simultaneously.

Varietal Purity

8. Oats, barley, wheat, hard wheat and spelt wheat.

Crops to produce	Minimum Standard (percentage by number of plants)	Higher Voluntary Standard (percentage by number of plants)
Basic seeds	99.9	99.95
Certified seeds 1st generation...	99.7	99.9
Certified seeds 2nd generation ...	99.0	99.7

So far as it can be ascertained at crop inspection, supplemented where appropriate by examination of a plot sown by the Minister with a sample from the seed lot sown in the field, the plants shall conform to the characteristics of the variety established when the variety was included in the National List or the Common Catalogue. For hybrids the plants shall conform to the known characteristics of the parental line.

Species purity

9. Oats, barley, wheat, hard wheat and spelt wheat	Minimum Standard	Higher Voluntary Standard (percentage by number of plants)
Basic seeds	No standard	99-99
Certified seeds 1st generation		
Certified seeds 2nd generation		

PART II

CONDITIONS RELATING TO THE SEEDS

1. The seeds are to possess the identity and varietal purity specified in Part I. This condition shall be applicable by analogy to inbred lines of maize.
2. The seeds shall be of a satisfactory state of health insofar as seed-borne diseases and organisms affecting the seeds are concerned.
3. The seeds shall have been shown on an official examination to comply with the following standards:

(a) Oats, barley, wheat, hard wheat and spelt wheat	Minimum Standard	Higher Voluntary Standard
<i>Germination</i> (% by number)	85	85
<i>Analytical Purity</i> Basic Seeds	99	99
(% by weight) All other categories	98	99

Sample Purity Standards

1/Minimum Standard—Maximum number of other seeds or structures in 500 g sample

Category	SEEDS OF OTHER PLANT SPECIES					Ergot (pieces)
	All other species	Other cultivated cereal species	All species other than cultivated cereals	<i>Avena fatua</i> <i>Avena sterilis</i> or <i>Avena ludoviciana</i> or <i>Lolium temulentum</i> (darnel)	<i>Raphanus raphanistrum</i> (wild radish) and <i>Agrostemma githago</i> (corn cockle)	
BASIC SEEDS	4	1	3	0	1	1
CERTIFIED SEEDS OF THE FIRST GENERATION AND CERTIFIED SEEDS OF THE SECOND GENERATION	10	7	7	0	3	3

2/Higher Voluntary Standard—Maximum number of other seeds or structures in 2 kg sample

Category	SEEDS OF OTHER PLANT SPECIES					Ergot (pieces)	Other distinguishable varieties in 200 seeds
	All other species	Other cultivated cereal species and other obviously distinguishable varieties	All species other than cultivated cereals	<i>Avena fatua</i> , <i>Avena sterilis</i> or <i>Avena ludoviciana</i> , or <i>Lolium temulentum</i>	<i>Raphanus raphanistrum</i> and <i>Agrostemma githago</i>		
BASIC SEEDS	2	1	1	0	1	1	2
CERTIFIED SEEDS OF THE FIRST GENERATION	4	2	2	0	1	1	2
CERTIFIED SEEDS OF THE SECOND GENERATION	8	6	3	0	1	1	No Standard

(b) Rye

Germination (% by number)

Basic Seeds 85

Certified Seeds 75

Analytical Purity (% by weight)

Basic and Certified Seeds 98

Sample Purity Standards

Maximum Number of Seeds in 500 g Sample

Category	SEEDS OF OTHER PLANT SPECIES					Ergot (pieces)
	All other species	Other cultivated cereal species	All species other than cultivated cereals	<i>Avena fatua</i> , <i>Avena sterilis</i> or <i>Avena ludoviciana</i> and <i>Lolium temulentum</i>	<i>Raphanus raphanistrum</i> and <i>Agrostemma githago</i>	
BASIC SEEDS	4	1	3	0	1	1
CERTIFIED SEEDS	10	7	7	0	3	3

(c) Maize

Germination (% by number)

All categories 90

Analytical Purity (% by weight)

All categories 98

Sample Purity Standards

Maximum content of seeds of other plant species (number of seeds in 250 g)

(All categories) NIL

4. Special conditions for the minimum standard only:

- (i) concerning the maximum content of seed of the species *Avena fatua*, *Avena sterilis*, or *Avena ludoviciana* and *Lolium temulentum*. The presence of one

seed of one of these species in a 500 g sample shall not be considered an impurity if a second sample of 500 g is free.

- (ii) Concerning the maximum content of seeds of other cereal species, where the maximum content is fixed at one seed, a second seed shall not be regarded as an impurity, if a second sample of 500 g is free.

Regulation 2(3)

SCHEDULE 3

MOISTURE CONTENT AND LOOSE SMUT STANDARDS

Moisture Content

(percentage by weight)

	Minimum Standard	Higher Voluntary Standard
All Categories	18 maximum	18 maximum
<i>Loose Smut</i> (percentage by number)	Barley, wheat, hard wheat, spelt wheat	
	Minimum Standard	Higher Voluntary Standard
Barley		
Basic seeds and certified seeds 1st generation	not more than 0.5 infection	Either an approved treatment or embryo test in which case results must show not more than 0.1 infec- tion in basic seeds or 0.2 infection in 1st generation seeds.
Certified seeds 2nd generation	no standard	no standard
Wheat, hard wheat, spelt wheat		
Basic seeds	not more than 0.5 infection	Not more than 0.1 infection as shown by pre-control plot; plus compulsory treatment of basic seeds of varieties susceptible to the C4 race of loose smut.
Certified seeds 1st generation	not more than 0.5 infection	Not more than 0.2 infection as shown by pre-control plot.
Certified seeds 2nd generation	no standard	no standard

Regulation 5(1) and (3) and 10(5)

SCHEDULE 4

PROCEDURE FOR THE TAKING OF SAMPLES

1. Prior to sampling a seed lot shall be well mixed so as to be as uniform among its parts as is practicable.

2. When the seed lot is in sacks or other similar sized containers, the number of containers to be sampled shall be in accordance with the following table:—

<i>Number of containers in the lot</i>	<i>Minimum number of containers to be sampled</i>
1 — 5 (inclusive)	Each container, portions being taken from at least five positions
6 — 14 „	Not less than 5 containers
15 — 30 „	At least 1 container in 3
31 — 49 „	Not less than 10 containers
50 or more	At least one container in 5

When there are more than 5 containers in the lot the containers to be sampled must be selected at random.

3. For sampling seed lots in containers weighing less than 50 kg a 100 kg weight of seeds is taken as the basic unit. Containers are combined to form sampling units weighing a maximum of 100 kg (e.g. 5 containers each of 20 kg form 1 unit). For sampling purposes each unit is regarded as one container and the sampling intensity prescribed above is used.

4. The samples should be taken in the following manner:

(a) SEEDS IN FULL CONTAINERS

Where the seeds are in sacks they shall be sampled at random and samples taken from either the top, middle or bottom of each selected sack. The position from which the seeds are taken shall be varied from sack to sack and seeds shall be taken from different horizontal positions. Wherever practicable, seeds shall be sampled with a metal spear, trier or probe with a solid point which shall be of sufficient length to reach beyond the middle of the sack when inserted from the side and shall have an oval aperture so placed that the instrument removes portions of seeds of equal volume from each part of the sack through which it travels. The instrument should be inserted into the sack in an upward direction at an angle of approximately 30° to the horizontal, with its aperture downwards until the aperture reaches the centre of the sack. It shall then be rotated so as to bring the aperture uppermost and withdrawn at once at a decreasing speed so that the quantity of seeds obtained from successive locations increases progressively from the centre to the side of the sack. Alternatively, a longer instrument should be inserted until the aperture reaches the farther side of the sack, rotated in the manner described above and then withdrawn at a uniform speed. A stick sampler may be used in place of the instrument above. It may be used horizontally or vertically. If the stick sampler has more than one aperture it must have transverse partitions so that each aperture opens into a separate compartment: it should be inserted diagonally into the sack in the closed position, then opened, gently agitated to allow it to fill completely, closed again, withdrawn and emptied.

Seeds in containers other than sacks shall wherever practicable be sampled with an instrument as aforesaid, which shall be used as already described.

Where it is not practicable to sample seeds in sacks or other containers in the manner already described, portions may be taken by hand, care being taken to keep the fingers tightly closed about the seeds so that none may escape as the hand is withdrawn. If necessary, in order to reach the lower levels, part of the contents shall be emptied into another sack or other container.

(b) SEEDS IN A PARTLY FILLED CONTAINER

The seeds shall be thoroughly mixed by hand and small portions then taken from at least five different positions.

(c) SEEDS IN BULK

Portions of seeds shall be taken with a stick sampler from at least the number of positions indicated in the table below:—

<i>Size of lot</i>	<i>Number of positions to be sampled</i>
Up to 50 kg	Not less than 3
51 to 1,500 kg	" " " 5
1,501 to 3,000 kg	At least 1 for each 300 kg
3,001 to 5,000 kg	Not less than 10
5,001 to 20,000 kg	At least 1 for each 500 kg

Sampling positions must be selected at random in both vertical and horizontal planes.

If the stick sampler has more than one aperture it shall have transverse partitions so that each aperture opens into a separate compartment.

(d) SEEDS IN A CLEANING, MIXING OR DRESSING MACHINE

Portions of seeds shall be drawn during the cleaning, mixing or dressing process so that the entire cross section of the seed stream is uniformly sampled at regular intervals throughout the whole process. The frequency shall be at least as indicated in the table below:—

<i>Size of lot</i>	<i>Number of times to be sampled</i>
Up to 50 kg	Not less than 3
51 to 1,500 kg	" " " 5
1,501 to 3,000 kg	At least 1 for each 300 kg
3,001 to 5,000 kg	Not less than 10
5,001 to 20,000 kg	At least 1 for each 500 kg

5. When the individual portions taken from the lot already exceed the amount required they shall be put together in a clean receptacle and well mixed. The composite sample so obtained shall be reduced by using an efficient seed divider.

6. Portions of seeds for moisture tests shall be drawn in such a way as to prevent exposure to the atmosphere. Samples shall be packed in air-tight containers. Seeds for moisture tests shall be kept separate from seeds on which other determinations are to be made.

MAXIMUM WEIGHT OF A LOT AND MINIMUM WEIGHT OF A SAMPLE

7. The maximum weight of a lot to be sampled shall be 20 tons.

8. The minimum weight of each part of a sample shall be for the minimum standard 1 kg or 250 grams for inbred lines of maize and for the higher voluntary standard 2 kg.

9. The minimum weight of each part of a sample for a moisture test shall be 100 g.

Regulation 6(1) and (2)

SCHEDULE 5

PART I

CERTIFICATE OF THE TAKING OF A SAMPLE OF SEEDS
MINISTRY OF AGRICULTURE, FISHERIES AND FOOD/DEPARTMENT OF AGRICULTURE
AND FISHERIES FOR SCOTLAND

PLANT VARIETIES AND SEEDS ACT 1964
THE CEREAL SEEDS REGULATIONS 1974

CERTIFICATE OF THE TAKING OF A SAMPLE OF SEEDS TAKEN UNDER
SECTION 25(5) OF THE ACT

on the premises of

Name.....

Address.....

.....

.....

Kind.....

Variety.....

Category.....

Certificate or
reference number.....

Date of sampling.....

Ministry's/Department's reference number.....

I certify that in taking the sample referred to above I used the
method of sampling prescribed in Schedule 4 to The Cereal Seeds
Regulations 1974.

(Signed).....

Authorised by the Minister of Agriculture,
Fisheries and Food/Secretary of State for
the execution of the Act

Date.....

CERTIFICATE OF THE RESULT OF A TEST OF SEEDS

Control Sample No.....

on the premises of (Name and Address)

Quantity sampled Quantity represented.....

Kind

Variety

Reference

[illegible]

Category

--	--

% Pure seeds	% Inert matter	% Other crop seeds	% Weed seeds

Number of seeds in

Number of seeds in	500 g	Further 500 g	Further 1,000 g	Total 2,000 g
Other cultivated cereal spp. Spp. other than cultivated cereals				
Total				
<i>Raphanus raphanistrum</i>				
<i>Agrostemma githago</i>				
<i>Avena fatua</i> , <i>A. ludoviciana</i> <i>A. sterilis</i>				
<i>Lolium temulentum</i>				

Number of pieces Ergot

Other varieties Seeds in 200 examined

Loose smut infection in..... embryos examined

Germination % Fresh seeds

%

% pre-treated for dormancy

REMARKS

Date.....

Chief Officer

Regulation 8(2), (3), (4), (5) and (6)

SCHEDULE 6

PART I

OFFICIAL LABEL FOR A PACKAGE OF BASIC SEEDS, CERTIFIED SEEDS, CERTIFIED SEEDS OF THE FIRST GENERATION OR CERTIFIED SEEDS OF THE SECOND GENERATION

(a) PRESCRIBED CONTENTS

1. "EEC rules and standards"
2. Certifying Authority and Member State or their mark
3. Reference number of the lot
4. Kind
5. Variety, or inbred line of maize
6. Category
7. Country of production
8. Declared net or gross weight or declared number of seeds
9. For hybrid varieties of maize: "hybrid"

(b) MINIMUM SIZE OF THE LABEL

110 mm x 67 mm

- (c) The label shall be coloured white for basic seeds, blue for certified seeds and certified seeds of the first generation and red for certified seeds of the second generation.

PART II

OFFICIAL LABEL FOR A PACKAGE OF PRE-BASIC SEEDS

(a) PRESCRIBED CONTENTS

1. Certifying Authority and Member State or their mark
2. Reference number of lot
3. Kind
4. Variety, or inbred line of maize
5. Specification "pre-basic seed"
6. Declared net or gross weight or declared number of seeds
7. Number of generations preceding seed of the categories "certified seeds" or "certified seeds 1st generation"
8. For hybrid varieties of maize: "hybrid"

(b) MINIMUM SIZE OF THE LABEL

110 mm x 67 mm

- (c) The label shall be coloured white with a diagonal violet line

PART III

OFFICIAL LABEL FOR A PACKAGE OF A MIXTURE OF SEEDS

(a) PRESCRIBED CONTENTS

1. "Mixture (Kind) "
2. Service responsible for sealing and Member State or their mark
3. Reference number of the lot
4. Proprietary name of the mixture or kinds of the constituents
5. Declared net or gross weight or declared number of seeds

(b) MINIMUM SIZE OF THE LABEL

110 mm x 67 mm

(c) The label shall be coloured green

PART IV

FURTHER PARTICULARS TO BE GIVEN IN RESPECT OF
MIXTURES OF SEEDS

FOR EACH CONSTITUENT: —

1. Kind
2. Category
3. Variety, or inbred line of maize
4. Country of production
5. Proportion by weight of the mixture
6. For hybrid varieties of maize: "hybrid"

PART V

SUPPLIER'S LABEL FOR A PACKAGE OF UNCERTIFIED
PRE-BASIC SEEDS

(a) PRESCRIBED CONTENTS

1. Reference number of the lot
2. Name and address of the supplier responsible for fixing the labels or his identification mark
3. Kind
4. Variety or inbred line of maize
5. Specification "uncertified pre-basic seeds"
6. Declared net or gross weight or declared number of seeds
7. For hybrid varieties of maize: "hybrid"

(b) The label shall be coloured buff

PART VI

SUPPLIER'S LABEL FOR A SMALL PACKAGE OF SEEDS OTHER THAN A
MIXTURE OF SEEDS

(a) PRESCRIBED CONTENTS

1. "EEC rules and standards"
2. Name and address of the supplier responsible for affixing the label or his identification mark
3. Kind
4. Variety, or inbred line of maize

5. Category
 6. Reference number of the lot
 7. Declared net weight or declared number of seeds
 8. For hybrid varieties of maize: "hybrid"
- (b) The label shall be coloured white for basic seed, blue for certified seed and certified seed of the first generation and red for certified seed of the second generation.

PART VII

SUPPLIER'S LABEL FOR A SMALL PACKAGE OF A MIXTURE OF SEEDS

- (a) PRESCRIBED CONTENTS
1. "Mixture" (Kind)
 2. Name and address of person responsible for sealing package or their identification mark
 3. Reference number of the lot
 4. Proprietary name of the mixture or kinds of the constituents
 5. Declared net weight or declared number of seeds
- (b) The label shall be coloured green

PART VIII

PARTICULARS TO BE GIVEN WITH A PACKAGE OF SEEDS SOLD IN ACCORDANCE WITH REGULATION 8(5)

1. Name and address of seller or his identification mark
2. "Complies with legal standards"
3. Kind
4. Variety, or inbred line of maize
5. For hybrid varieties of maize: "hybrid"
6. The country of production
7. Where the seeds comprise a mixture, a statement to that effect and such particulars in respect of each constituent to which these Regulations apply as would be required if that constituent alone were marketed, together with a statement of the proportion by weight of each such constituent present in the mixture:
Provided that where the mixture is one of seeds derived from plants which have been grown together, it shall be sufficient to state that fact and to give in respect of the mixture as a whole the particulars which would otherwise have been required in respect of each constituent.

PART IX

PARTICULARS TO BE MARKED OR DISPLAYED ON THE SALE OF UNPACKETED SEEDS

1. "Complies with legal standards"
2. Kind
3. Variety or inbred line of maize
4. For hybrid varieties of maize: "hybrid"

Regulation 10(2)

SCHEDULE 7

LIMITS OF VARIATION
GERMINATION

<i>Minimum percentage of germination per cent</i>	<i>Limit of variation per cent</i>
99 and 100	2
97 and 98	3
94 to 96	4
91 to 93	5
87 to 90	6
85 and 86	7

ANALYTICAL PURITY

<i>Minimum percentage of analytical purity per cent</i>	<i>Limit of variation per cent</i>
99.9 and 100	0.2
99.8	0.3
99.6 and 99.7	0.4
99.3 to 99.5	0.5
99.0 to 99.2	0.6
98.5 to 98.9	0.7
98.3 and 98.4	0.8
98.0 to 98.2	0.9

SEEDS OF OTHER PLANT SPECIES OR VARIETIES

<i>Maximum number of seeds of other plant species or varieties number</i>	<i>Limit of variation number</i>
0	1
1	3
2	4
3 and 4	5
5 and 6	6
7 and 8	7
9 and 10	8

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made under the Plant Varieties and Seeds Act 1964, as amended by the European Communities Act 1972. They regulate the marketing in Great Britain of cereal seeds, previously subject to regulations made under the Seeds Act 1920, such regulations being revoked by the Fodder Plant Seeds Regulations 1974 (S.I. 1974/897) which come into operation at the same time as these Regulations.

The Regulations are to be enforced in England and Wales by the Minister of Agriculture, Fisheries and Food and in Scotland by the Secretary of State. They apply to cereal seeds of the kinds which are set out in Schedule 1 to the Regulations except where they are seeds sold for delivery to countries not within the European Economic Communities, seeds used for research, experiment or selection processes or uncleaned seeds.

Seeds may be marketed only if they are of specified categories which attain the minimum standards prescribed by the Regulations although a seller will be at liberty to claim that his seeds attain the higher standards which are also prescribed. Provision is made for the sealing and labelling of the packages in which seeds are sold and for the taking of samples for verification and enforcement purposes. The Regulations also provide that sellers are deemed to warrant the correctness of certain particulars stated or implied on the sale of seeds.

Schedules to the Regulations include details of the standards to be attained by the different categories of seeds and the crops from which they are derived, of the procedure for the taking of samples and of the particulars to appear on labels on packages of seeds. Tampering with such labels will constitute an offence.

The Regulations give effect to Directive 66/402/EEC of the Council of the European Economic Community (O.J. No. 125 11.7.66(O.J./S.E. 1966)) on the marketing of cereal seed.

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