

1989 No. 1315

SEEDS

The Vegetable Seeds (Amendment) Regulations 1989

<i>Made</i> - - - -	<i>26th July 1989</i>
<i>Laid before Parliament</i>	<i>11th August 1989</i>
<i>Coming into force</i>	<i>1st September 1989</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4) and (8), 36 and 38(1) of the Plant Varieties and Seeds Act 1964^(a) and of all other powers enabling them in that behalf, after consultation in accordance with the said section 16(1) with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Vegetable Seeds (Amendment) Regulations 1989 and shall come into force on 1st September 1989.

Amendment

2.—(1) The Vegetable Seeds Regulations 1985^(b) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3(1) (interpretation) in the definition of “small package” after the word “turnip” there shall be inserted the word “gourd”.

(3) In regulation 5 (marketing of seeds) after paragraph (11) there shall be inserted the following paragraph—

“(12) Seeds which have been produced and packaged in a Member State other than the United Kingdom, notwithstanding that they have not been officially certified as Certified Seed in that Member State, may be imported but shall not be marketed in the United Kingdom until they have been officially certified in the United Kingdom.”.

(4) In regulation 9(8) (labelling of packages) after the words “variety of the seeds” there shall be inserted the words “from which it shall be separated by a dash”.

(5) For Schedule 1 (kinds of seeds to which the Regulations apply) there shall be substituted the following—

^(a) 1964 c.14; section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and paragraph 5(1), (2) and (3) of Schedule 4; section 38(1) (as amended by S.I. 1978/272) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which these Regulations are made.

^(b) S.I. 1985/979, amended by S.I. 1987/1093.

KINDS OF SEEDS TO WHICH THE REGULATIONS APPLY

(1) Latin Name	(2) Common Name
<i>Allium cepa</i> L.	Onion
<i>Allium porrum</i> L.	Leek
<i>Apium graveolens</i> L.	Celery, Celeriac
<i>Asparagus officinalis</i> L.	Asparagus
<i>Beta vulgaris</i> L. var. <i>vulgaris</i>	Spinach beet, leaf beet or chard
<i>Beta vulgaris</i> L. var. <i>conditiva</i> Alef.	Red beet or Beetroot
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>gongyloides</i> L.	Kohl rabi
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>sabellica</i>	Curly kale or Borecole
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i>	Cauliflower
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>cymosa</i> Duch.	Sprouting broccoli, Calabrese
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>alba</i> DC.	Cabbage
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>rubra</i> DC.	Red cabbage
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>sabauda</i> L.	Savoy cabbage
<i>Brassica oleracea</i> L. convar. <i>oleracea</i> var. <i>gemmifera</i> DC.	Brussels sprouts
<i>Brassica pekinensis</i> (Lour.) Rupr.	Chinese cabbage
<i>Brassica rapa</i> L. var. <i>rapa</i>	Turnip
<i>Cichorium endivia</i> L.	Endive
<i>Cichorium intybus</i> L. (partim.)	Chicory
<i>Cucumis melo</i> L.	Melon
<i>Cucumis sativus</i> L.	Cucumber, Gherkin
<i>Cucurbita maxima</i> Duchesne	Gourd
<i>Cucurbita pepo</i> L.	Marrow
<i>Daucus carota</i> L.	Carrot
<i>Lactuca sativa</i> L.	Lettuce
<i>Lycopersicon lycopersicum</i> (L.) Karsten	Tomato
<i>Petroselinum crispum</i> (Miller) Nyman ex A.W. Hill	Parsley
<i>Phaseolus coccineus</i> L.	Runner bean
<i>Phaseolus vulgaris</i> L.	French bean
<i>Pisum sativum</i> L. (partim.)	Pea (excluding field pea)
<i>Raphanus sativus</i> L.	Radish
<i>Spinacia oleracea</i> L.	Spinach
<i>Vicia faba</i> L. (partim.)	Broad bean

”

(6) In Schedule 4, Part I (Basic Seed and Certified Seed conditions relating to crops from which seeds are obtained) for paragraph 7, there shall be substituted the following paragraph—

“ 7. Throughout the period of flowering of the crop there shall be the following minimum distances from sources of undesirable pollen capable of fertilizing the seed crop—

(a) *Beta* species—

(i) from any pollen sources of the genus *Beta* not included in sub-paragraphs (ii) or (iii)

1000m

- (ii) from pollen sources of varieties of the same sub-species belonging to a different group of varieties—
- | | |
|---------------------------------|-------|
| Crops to produce Basic Seed | 1000m |
| Crops to produce Certified Seed | 600m |
- (iii) from pollen sources of varieties of the same sub-species belonging to the same group of varieties—
- | | |
|---------------------------------|-------|
| Crops to produce Basic Seed | 1000m |
| Crops to produce Certified Seed | 600m |
- (b) *Brassica* species—
- | | |
|---------------------------------|-------|
| Crops to produce Basic Seed | 1000m |
| Crops to produce Certified Seed | 600m |
- (c) other cross-fertilized vegetable species
- | | |
|---------------------------------|------|
| Crops to produce Basic Seed | 500m |
| Crops to produce Certified Seed | 300m |

With the approval of the Minister, these distances may be modified if there is adequate protection against undesirable pollen.

For the purposes of this paragraph the groups of varieties of the *Beta* species shall be those set out in the following table classified in groups according to their characteristics. Where the crop is of a genetically monogerm variety, multigerm varieties shall be deemed to belong to a different group—

(1) *Beta vulgaris* L. var. *vulgaris*, Spinach beet, chard

Group	Characteristics
1	2
1	White petiole and pale green leaf blade, without anthocyanin coloration.
2	White petiole and medium or dark green leaf blade, without anthocyanin coloration.
3	Green petiole and medium or dark green leaf blade, without anthocyanin coloration.
4	Pink petiole and medium or dark green leaf blade.
5	Red petiole and leaf blade with anthocyanin coloration.

(2) *Beta vulgaris* L. var. *conditiva* Alef., red beet or beetroot

Group	Characteristics
1	2
1	Transverse narrow elliptic or transverse elliptic shape of root longitudinal section and root flesh red or purple.
2	Circular or broad elliptic shape of root longitudinal section and root flesh white.
3	Circular or broad elliptic shape of root longitudinal section and root flesh yellow.
4	Circular or broad elliptic shape of root longitudinal section and root flesh red or purple.
5	Narrow oblong shape of root longitudinal section and root flesh red or purple.
6	Narrow obtriangular shape of root longitudinal section and root flesh red or purple.

(7) In Schedule 4, Part II (Basic Seed, Certified Seed and Standard Seed conditions relating to the seeds) in the table in paragraph 2(a)—

- (a) after the entry "chicory" there shall be inserted an entry "Chinese cabbage" and
 (b) after the entry "Gherkin" there shall be inserted "Gourd" as follows:

Kind	Minimum analytical purity (% by weight)	Maximum content of seeds of other plant species (% by weight)	Minimum germination (% of pure seeds or pellets)
Chinese cabbage	97	1	75
Gourd	98	0.1	80

(8) In Schedule 5—

(a) in Part I (sampling of seed lots)—

(i) in paragraph 9 after “sampling device” the words “approved by the Minister” shall be deleted;

(ii) in paragraph 11(i) (Dynamic Spear Sampler) at the end of the table, under the appropriate columns (a) to (g) there shall be inserted—

“Peas and beans 78 15 15 40 18 20 22”;

(iii) paragraph 15 (moisture samples) shall be deleted;

(b) in Part II (maximum weight of a seed lot and minimum weight of a submitted sample) in the table after “Gherkin” there shall be inserted “Gourd” as follows—

Kind	Maximum Lot Weight (tonnes)	Minimum Submitted Sample Weight (g)
“Gourd	20	250”

(9) In Schedule 6 (labelling), immediately after the heading “SCHEDULE 6” there shall be inserted the following—

“For the purposes of these Regulations the particulars prescribed in this Schedule as to the kind and variety of seed shall be indicated on the label in roman characters. The kind of seed shall be designated by its Latin name, or its common name, or both, as prescribed in Schedule 1.”

(10) In Schedule 6, Part I, paragraph B(a) after item 10 there shall be inserted—

“11. In the case of varieties which are hybrids or inbred lines—

(a) for Basic Seed where the hybrid or inbred line to which the seed belongs has been officially accepted on a National List or the Common Catalogue—

the name of this component, under which it has been officially accepted, with or without reference to the final variety, accompanied, in the case of hybrids or inbred lines which are intended solely as components for final varieties, by the word “component”;

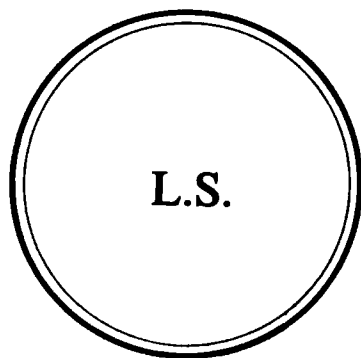
(b) for Basic Seed in other cases—

the name of the component to which the Basic Seed belongs, which may be given in code form, accompanied by a reference to the final variety, with or without reference to its function (male or female), and accompanied by the word “component”;

(c) for Certified Seed—

the name of the variety to which the seed belongs, accompanied by the word “hybrid”.”

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th July 1989.



John MacGregor
Minister of Agriculture, Fisheries and Food

Sanderson of Bowden
Minister of State, Scottish Office

Peter Walker
Secretary of State for Wales

25th July 1989

26th July 1989

EXPLANATORY NOTE

(This note is not part of the Regulations)

In addition to some minor and drafting amendments, these Regulations, which further amend the Vegetable Seeds Regulations 1985, implement article 7.18 of Council Directive 88/380/EEC (OJ No. L187, 16.7.88, p.31) insofar as it amends article 31 of Council Directive 70/458/EEC (OJ No. L225, 12.10.70, p.7) (as amended) on the marketing of vegetable seed to the extent that seeds produced and packaged but not officially certified in another Member State may be imported into the United Kingdom but shall not be marketed in the United Kingdom until they have been officially certified in the United Kingdom (regulation 2(3)).

Article 6 of Council Directive 86/155/EEC (OJ No. L118, 7.5.86, p.23) and article 7 of Council Directive 88/380/EEC are implemented insofar as they amend article 2 and Annexes II and III of Council Directive 70/458/EEC by adding Chinese cabbage and gourd to the list of vegetable seeds to which the Regulations apply (regulation 2(2), (5), (7) and (8)).

Article 5 of Commission Directive 87/120/EEC (OJ No. L49, 18.2.87, p.39) is implemented insofar as it amends article 2 of Council Directive 70/458/EEC by amending the botanical names used to those recognised internationally (regulation 2(5)).

Article 1 of Commission Decision 87/481/EEC (OJ. No. L273, 26.9.87, p.45) as amended by Commission Directive 89/14/EEC (OJ No. L8, 11.1.89, p.9) is implemented insofar as it amends Annex I of Council Directive 70/458/EEC by indicating the minimum distances from sources of undesirable pollen to be observed throughout the period of flowering of beet crops (regulation 2(6)).

A larger dynamic spear sampler for peas and beans has been approved by the Minister (regulation 2(8)).

Article 7.17 and 7.25–29 of Council Directive 88/380/EEC is implemented insofar as it amends article 30 and Annex IV of Council Directive 70/458/EEC by providing that the particulars relating to kind and variety of seed on official labels must be in roman characters and that the kind of seed must be designated by its Latin name, or common name, or both (regulation 2(9)) and requiring the components of hybrid or inbred lines of basic seed to be indicated on the official label (regulation 2(10)).