
STATUTORY INSTRUMENTS

2002 No. 3175

The Vegetable Seed (England) Regulations 2002

PART III

CONTROL OF VEGETABLE SEED

Packaging

23.—(1) No person shall market any —

- (a) officially certified pre-basic, basic or CS seed, or
- (b) standard seed,

unless it is marketed in a sufficiently homogeneous seed lot or in part of such a seed lot.

(2) Subject to paragraph (3), no person shall market any —

- (a) breeder's seed;
- (b) officially certified pre-basic, basic or CS seed; or
- (c) standard seed,

unless it is in a properly sealed package.

(3) Paragraph (2) shall not apply in the case of the marketing of —

- (a) legume seed not exceeding three kilograms in weight, or
- (b) seed of a species specified in Schedule 2, other than legume seed, not exceeding one kilogram in weight,

to the final consumer.

(4) In this regulation, in the case of breeder's seed, "properly sealed package" means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(5) In this regulation, in the case of a package of seed to which paragraph (6) applies and that has been sealed only once, "properly sealed package" means —

- (a) in the case of a package of seed sealed in England, a sealed package of seed that has been sealed —
 - (i) no later than at the time of official sampling;
 - (ii) by a person to whom regulation 24(2) applies;
 - (iii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
 - (iv) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package, and
- (b) in the case of a package of seed sealed in —
 - (i) in the United Kingdom, elsewhere than in England, or

(ii) in another member State,

a sealed package of seed that has been sealed in accordance with the provisions of Article 27(1) of the Vegetable Seed Directive.

(6) This paragraph applies to a package of officially certified pre-basic, basic or CS seed other than —

- (a) a small package of pre-basic or basic seed sealed in the United Kingdom, and
- (b) a small package of CS seed.

(7) In this regulation, in the case of a small package of officially certified pre-basic or basic seed that has been sealed in the United Kingdom “properly sealed package” means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(8) In this regulation, in the case of a small package of officially certified CS seed that has been sealed only once, “properly sealed package” means —

- (a) in the case of a package of seed sealed in England, a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package, and
- (b) in the case of a package of seed sealed in —
 - (i) the United Kingdom, elsewhere than in England, or
 - (ii) another member State,

a sealed package of seed that has been sealed in accordance with the relevant provisions of Article 27(3) of the Vegetable Seed Directive.

(9) In this regulation, in the case of a package of seed to which paragraph (10) applies and that has been sealed more than once, “properly sealed package” means —

- (a) in the case of a package of seed that has been resealed in England, a sealed package of seed that, on each occasion it has been resealed, has been resealed —
 - (i) by a person to whom regulation 24(5) applies, and
 - (ii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package, and
- (b) in the case of a package of seed that has been resealed in —
 - (i) the United Kingdom, elsewhere than in England, or
 - (ii) another member State,

a sealed package of seed that, on each occasion it has been resealed, has been resealed in accordance with the provisions of Article 27(2) of the Vegetable Seed Directive.

(10) This paragraph applies to a package of officially certified pre-basic, basic or CS seed including a small package of CS seed but excluding a small package of pre-basic or basic seed sealed in the United Kingdom.

(11) In this regulation, in the case of a package of standard seed, other than a small package of standard seed, “properly sealed package” means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package and to which a lead or an equivalent sealing device has been attached by the person responsible for attaching the label referred to in regulation 25(8).

(12) In this regulation, in the case of a small package of standard seed, “properly sealed package” means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.