
STATUTORY INSTRUMENTS

2011 No. 463

The Seed Marketing Regulations 2011

PART 3

Marketing seed

Marketing seed

- 8.** Seed to which these Regulations apply may only be marketed as seed if it is—
- (a) certified under regulation 10 and 11 as being one of the categories in regulation 5;
 - (b) packaged and sealed in accordance with regulation 16;
 - (c) labelled in accordance with regulation 17;
 - (d) marketed by a person licensed to do so in accordance with regulation 20.

Exceptions

- 9.**—(1) The requirement for certification does not apply in relation to breeder's seed.
(2) Schedule 4 makes provision for the marketing of seed not fully complying with regulation 8.

Overriding requirements: the building blocks necessary for certification

- 10.** To be certified under these Regulations as one of the categories in regulation 5 seed must—
- (a) be a variety entered in the [^{F1}GB Variety List];
 - (b) be grown from a seed eligible to produce that category in accordance with Schedule 2;
 - (c) come from a crop inspected under these Regulations and certified as complying with the requirements of Schedule 2;
 - (d) be tested in accordance with these Regulations.

F1 Words in reg. 10(a) substituted (31.12.2020) by S.I. 2019/131, regs. 1(b), 7(6) (as substituted by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(a), 29(5)(e)); 2020 c. 1, Sch. 5 para. 1(1)

Detailed requirements for certification

11.—(1) In order to be certified a sample of the seed from which the crop is going to be produced must be entered with the Secretary of State in sufficient time for the Secretary of State to grow a control plot.

(2) The Secretary of State may accept the entry of a sample of the seed after this time, but in this case the crop grown to produce the seed must be inspected by an official crop inspector in accordance with regulation 12.

(3) The crop used to produce the seed must be inspected by a crop inspector in accordance with the provisions relating to that crop in Schedule 2, and the crop inspector must certify that—

- (a) the crop meets the standard for that crop specified in Schedule 2, or
- (b) the crop meets a lower standard but still meets one of the standards in Schedule 2,

and lodge a report to that effect with the Secretary of State.

(4) The crop inspector may indicate that remedial action or further inspection is necessary before the crop is certified as meeting the required standard.

(5) Once the crop has been harvested and processed, a sample of the seed must be taken by a licensed seed sampler (using current international sampling methods in so far as they exist) in accordance with the provisions relating to that crop in Schedule 2 (for the avoidance of doubt the seed lot sizes and sample weights are specified in each of the Directives in that Schedule dealing with the seed).

(6) The seed must be tested in a seed testing station (either licensed or operated by the Secretary of State), which must test the seed (using current international sampling and testing methods in so far as they exist) to ensure that the certification standards in Schedule 2 are complied with and issue a seed test report stating the results and lodge the report with the Secretary of State.

Crop inspections

12. A crop inspection for certification must be carried out by a licensed crop inspector; except for the inspection of—

- (a) a crop intended for the production of pre-basic or basic seed, or
- (b) a crop producing seed when the entry of the seed under regulation 11 was too late to allow the Secretary of State to grow a control plot,

when the inspection must be carried out by an official crop inspector appointed by the Secretary of State for the purposes of such inspection.

Standard of seed at the time of marketing

13. At the time of marketing the seed must as a minimum comply with the standards in Schedule 2 relating to that type of seed.

Re-grading a crop or seed

14. For the avoidance of doubt, if a crop or seed has been certified as belonging to one category, but complies with the requirements of another category for that seed, it may be re-graded as any category for which it satisfies the requirements.

Control plots and tests

15.—(1) The Secretary of State must carry out any necessary tests on the entered seed, and in particular must grow the seed in a control plot.

(2) If the tests or the control plot meets the requirements for varietal identity and varietal purity no further action is taken.

(3) Otherwise the Secretary of State must obtain more information from crops grown from that seed and, if the Secretary of State decides that the crop is not satisfactory, notify the applicant that the crop may not be certified, or must be downgraded to a lower category.

Packaging and sealing

16.—(1) All seed, other than loose sales (for which see Part 5 of Schedule 3) must be supplied in a sealed package by a person licensed to do so under regulation 20.

(2) The packaged seed must be in homogeneous lots.

[^{F2}(3) A package must be sealed by or under the supervision of a licenced seed sampler using an official seal.]

(4) It must either have a non-re-useable sealing system or be sealed in such a manner that opening the package—

(a) damages the sealing system; or

(b) leaves evidence of tampering on either the label or the package.

(5) If a package is opened other than by the final consumer it must be re-labelled and re-sealed by or under the supervision of a licensed seed sampler, and the fact of resealing, the most recent date of resealing and the authority responsible for it must be stated on the label.

(6) This regulation does not apply in relation to the marketing of small packages of seed as defined in Schedule 3.

F2 Reg. 16(3) substituted (30.6.2016) by [The Seed Marketing \(Amendment\) Regulations 2016 \(S.I. 2016/613\)](#), regs. 1(1), 2

Labelling

17.—(1) All seed must be labelled in accordance with Schedule 3 by a person licensed to do so under regulation 20.

(2) No person may reproduce, remove, alter, deface, conceal or misuse in any way any label produced for the purposes of these Regulations.

Mixtures of seed

18. A mixture of seed may only be marketed if the mixture is permitted under the following table.

Permitted mixtures

<i>Column header</i>	<i>Beet</i>	<i>Cereals</i>	<i>Fodder</i>	<i>Oil and fibre</i>	<i>Vegetable</i>	<i>Seed outside the scope of these Regulations</i>
Beet	No	No	No	No	No	No
Cereals	No	Yes	Yes	No	No	No
Fodder	No	Yes	Yes	Yes	Yes	Yes
Oil and fibre	No	No	Yes	No	No	No
Vegetable	No	No	Yes	No	Yes	No

(i) A mixture of varieties of one species of cereal seed is permitted only if it is effective against the propagation of a harmful organism. All the seed must comply with these Regulations before mixing.

(ii) [^{F3}A mixture of different varieties of standard seed of the same species must be marketed in a package containing not more than 5kg of seed (in the case of legumes), 500g of seed (in the case of asparagus, beetroot, carrot, chard or spinach beet, gourd, marrow, onion, radish, spinach or turnip) or 100g of seed (in the case of any other species)]

F3 Words in [reg. 18](#) substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, 4

Records

19.—(1) Any person who—

- (a) markets seed,
- (b) packs, seals, labels, re-packs, re-seals or re-labels seed for marketing,
- (c) prepares mixtures of seed for marketing, or
- (d) cleans, treats or in any other way processes seed intended for marketing,

must make sufficient records (either written or electronic) to create an audit trail so that the identity and provenance of any seed marketed or otherwise dealt with in the course of the operation can be established.

(2) Records must be kept for at least 3 years and produced on demand to an officer of the Secretary of State (in the case of electronic records a printout must be provided).

Changes to legislation:

There are currently no known outstanding effects for the The Seed Marketing Regulations 2011, PART 3.