

SCHEDULE 2

Certification requirements

PART 2

Cereals

CHAPTER 1

Types of seed

Scope of Part 2

8. This Part regulates the types of cereal in Schedule 1.

Permitted types of cereal seed

9.—(1) Cereal seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed;
- (d) certified seed, first generation;
- (e) certified seed, second generation; or
- (f) seed of a higher voluntary standard.

(2) The seed may be a mixture of cereal species of different varieties provided that each variety in the mixture is certified and is effective against the propagation of harmful organisms.

Meaning of “pre-basic seed” (including hybrids)

10. Pre-basic seed (including hybrids) is seed—

- (a) produced from a generation prior to pre-basic seed or from 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 of categories CS, C1 or C2 (hybrid varieties may not be produced to C1 or C2).

Meaning of “basic seed”

11. Basic seed is seed complying with the following conditions.

<i>Type of cereal</i>	<i>Condition</i>
Self-pollinating varieties of oats, naked oats, barley, rye, triticale, wheat, durum wheat and spelt wheat	The seed must be— <ul style="list-style-type: none">(a) produced under the responsibility of the breeder according to well-defined

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<i>Type of cereal</i>	<i>Condition</i>
	practices for the maintenance of the variety; and
	(b) intended for the production of certified seed of categories CS C1 or C2
Hybrid varieties of oats, barley, rye, wheat, durum wheat, spelt wheat, triticale and maize	The seed must be intended for the production of hybrids
Maize spp open-pollinated varieties	The seed must be— (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 seed of this variety of the category ‘certified seed’ triple cross or of top cross hybrid variety or of intervarietal hybrids
Maize, inbred lines	Any seed

Meaning of “certified seed”

12. Certified seed is seed—

- (a) of rye, maize, or triticale and hybrids of barley, oats, wheat, durum wheat, spelt wheat;
- (b) that has been 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; and
- (c) that is intended for purposes other than the production of cereal seed.

Meaning of “certified seed, first generation”

13. Certified seed, first generation is seed—

- (a) of oats, barley, triticale, wheat, durum wheat or spelt wheat, other than hybrids in each case;
- (b) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (c) intended either for the production of seed of the category ‘certified seed, second generation’ or for purposes other than the production of cereal seed.

Meaning of “certified seed, second generation”

14. Certified seed, second generation is seed—

- (a) of oats, barley, triticale, wheat, durum wheat or spelt wheat, other than hybrids in each case;

- (b) produced directly from basic seed, from certified seed, first generation or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (c) intended for purposes other than the production of cereal seed.

Crop and seed requirements

15.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) [^{F1}(a) to (d)] of, and Annex I to, Council Directive 66/402/EEC on the marketing of cereal seed⁽¹⁾, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 7 of, and Annex III to, that Directive [^{F2}(except paragraphs 1a(f) and 1b of Article 7)] and must satisfy the conditions in Annex II to that Directive.

[^{F3}(2A) For the purposes of sub-paragraphs (1) and (2), Council Directive 66/402/EEC is to be read as if—

- (a) in Article 2(3)(A)(a)(iii), for “officially licensed by the seed certification authority of the Member State concerned” there were substituted “ licensed by the Secretary of State ”;
- (b) in Article 7—
 - (i) the reference to “Member States” were a reference to “The Secretary of State”;
 - (ii) in paragraph 1a(a), for “seed certification authority of the Member State concerned” there were substituted “ Secretary of State ”.]

(3) The moisture content must not exceed 17% by weight.

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

(5) The crop and the seed produced by the crop must comply with the requirements concerning [^{F5}GB] quarantine pests, [^{F6}PFA] quarantine pests and RNQPs set out in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.]

Textual Amendments

- F1** Words in Sch. 2 para. 15(1) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1(b), 7(13)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 2 para. 15(2) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1(b), 7(13)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Sch. 2 para. 15(2A) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1(b), 7(13)(b)(iii); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Sch. 2 para. 15(4)(5) substituted for Sch. 2 para. 15(4) (24.7.2020) by The Marketing of Seed, Plant and Propagating Material (England) Regulations 2020 (S.I. 2020/682), regs. 1(1), 4(3)(b)
- F5** Word in Sch. 2 para. 15(5) substituted (16.11.2022) by The Animals, Food, Plant Health, Plant Propagating Material and Seeds (Miscellaneous Amendments etc.) Regulations 2022 (S.I. 2022/1090), regs. 1(1), 2(2)(b)(ii)

(1) OJ No L 125, 11.7.1966, p. 2309, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

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F6 Word in Sch. 2 para. 15(5) substituted (16.11.2022) by [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(b)(i)**

CHAPTER 2

Higher voluntary standards

Higher voluntary standards for cereals

16.—(1) Barley, oats, wheat (including durum wheat and spelt wheat) or naked oats classified as basic seed, or certified seed of categories C1 or C2, may be marketed as being of a higher voluntary standard, which is a standard higher than that regulated under Chapter 1, if it meets the higher standards in this Chapter.

- (2) The crop must have at least 99.99% (by number) species purity.
- (3) Other than a hybrid, the minimum varietal purity of seed is—
 - (a) 99.95% for basic seed;
 - (b) 99.9% for C1 seed;
 - (c) 99.7% for C2 seed.
- (4) In the case of C1 and C2 the seed must have 99% by weight analytical purity.

Additional requirements for barley, wheat, durum wheat and spelt wheat

- 17.** In the case of barley, wheat, durum wheat and spelt wheat—
- (a) the maximum number of wild oats in a crop is 7 per hectare.
 - (b) the maximum percentage by number of loose smut infection in seed is—
 - (i) 0.1% for basic seed;
 - (ii) 0.2% for C1 and C2 seed.

Seed from other plants

18. The number of seeds from other plant species in a sample of 1000g must not exceed the following.

Seed of other species

Category of seed sampled	All plant species (including species specified in columns 3 to 6)	Other cereal species	All plant species other than cereals	Wild oats or darnel	Wild radish, corn cockle, sterile brome or couch
Basic seed	1	0	1	0	0
C1	2	1	1	0	1
C2	4	3	2	0	1

(a) Only in respect of wild radish and corn cockle.

Ergot and sclerotia

19. In a sample of 1000g—

- (a) in the case of basic seed there must be no ergot or sclerotia;
- (b) in the case of certified seed (C1 or C2) there must be no more than one piece of ergot or sclerotia.

Changes to legislation:

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