

2010 No. 1808 (W. 176)

SEEDS, WALES

**The Seed (Miscellaneous
Amendments) (Wales) Regulations
2010**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Commission Directive 2009/74/EC of 26 June 2009 (“the 2009 Directive”) in relation to Wales. The 2009 Directive amends Council Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC as regards the botanical names of plants, the scientific names of other organisms and certain Annexes to Directives 66/401/EEC, 66/402/EEC, and 2002/57/EC in the light of developments of scientific and technical knowledge.

Regulation 2 amends the Cereal Seed (Wales) Regulations 2005, S.I. 2005/3036 (W.224) to reflect nomenclature changes to certain species, and to reduce the minimum germination standard for naked barley.

Regulation 3 amends the Fodder Plant Seed (Wales) Regulations 2005, S.I. 2005/1207 (W.79) to reflect nomenclature changes to certain species, and to make necessary consequential changes to those Regulations.

Regulation 4 amends the Oil and Fibre Plant Seed (Wales) Regulations 2004, S.I. 2004/2881 (W.251) to reflect nomenclature changes to certain species of mustard, and by increasing the maximum weight of a seed lot for soya beans to 30 tonnes.

Regulation 5 amends the Vegetable Seed (Wales) Regulations 2005, S.I. 2005/3035 (W.223) to reflect nomenclature changes to certain species, and to reduce the minimum germination standard for super sweet corn.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

2010 No. 1808 (W. 176)

SEEDS, WALES

**The Seed (Miscellaneous
Amendments) (Wales) Regulations
2010**

Made 13 July 2010

Laid before the National Assembly for Wales
15 July 2010

Coming into force 9 August 2010

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4) and (5) and 36 of the Plant Varieties and Seeds Act 1964 and now vested in them⁽¹⁾.

In accordance with section 16(1) of that Act the Welsh Ministers have consulted with representatives of such interests as appear to them to be concerned.

Title, application and commencement

1.—(1) The title of these Regulations is the Seed (Miscellaneous Amendments) (Wales) Regulations 2010.

(2) These Regulations apply in relation to Wales, and come into force on 9 August 2010.

(1) 1964 c.14; section 16 was amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972 (c.68), S.I. 1977/1112 and section 2 of the Agriculture Act 1986. See section 31(1) for a definition of “the Minister”. Under the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 2, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2(1) and Schedule 1, the functions transferred to the Secretary of State by the 1978 transfer Order were transferred to the National Assembly for Wales. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 those functions are exercisable by the Welsh Ministers.

Amendment of the Cereal Seed (Wales) Regulations 2005

2.—(1) The Cereal Seed (Wales) Regulations 2005(1) are amended as follows.

(2) In regulation 3—

(a) for the definition of “oats” substitute—

“ “oats” means plants of the species *Avena nuda* L. and *Avena sativa* L.”;

(b) for the definition of “triticale” substitute—

“ “triticale” means plants of the species *xTriticosecale* Wittm. Ex A. Camus (which are hybrids resulting from the crossing of a species of the genus *Triticum* and a species of the genus *Secale*)”;

(c) for the definition of “wheat” substitute—

“ “wheat” means plants of the species *Triticum aestivum* L.”; and

(d) for the definition of “wild oats” substitute—

“ “wild oats” means plants of the species *Avena fatua* and *Avena sterilis*”.

(3) In Schedule 4—

(a) in paragraph 12(2) for “*Agropyron repens*” substitute “*Elytrigia repens*”;

(b) in paragraph 13(1) in the table for “(i) barley” substitute “(i) barley (other than CS, C1 and C2 seed of barley officially classified as being of a naked barley type)”;

(c) in paragraph 13(1) in the table after the row containing the entry “(b) CS, C1 and C2 seed of oats officially classified as being of a naked oat type” insert the following row—

(ba) CS, C1 and C2 seed of barley officially classified as being of a naked barley type	75
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(4) In Schedule 8 in paragraphs 1(e), 9(l) and 14(b)(ix) after “oats” insert “or barley” and after “naked oat” insert “or a naked barley”.

Amendment of the Fodder Plant Seed (Wales) Regulations 2005

3.—(1) The Fodder Plant Seed (Wales) Regulations 2005(2) are amended as follows.

(1) S.I. 2005/3036 (W.224), as last amended by S.I. 2009/1356 (W.131).
(2) S.I. 2005/1207 (W.79), as last amended by S.I. 2009/1356 (W.131).

(2) In regulation 3—

- (a) for the definition of “festulolium”, substitute—

“ “festulolium” means plants of the species *xFestulolium* Asch. & Graebn. which are hybrids resulting from the crossing of a species of the genus *Festuca* with a species of the genus *Lolium*”;
- (b) in the definition of “fine grasses” after “Schedule 2” insert “and plants of the species *Poaceae (Graminae)*”;
- (c) after the definition of “fine grasses” insert the following definition—

“ “fine leaved sheep’s fescue” means plants of the species *Festuca filiformis* Pourr.”;
- (d) after the definition of “fodder radish” insert the following definition—

“ “hard fescue” means plants of the species *Festuca trachyphylla* (Hack.) Krajina”;
- (e) in the definition of “large seeded legumes” after “Schedule 2” insert “and plants of the species *Fabaceae (Leguminosae)*”;
- (f) in the definition of “meadow fescue” for “Hudson” substitute “Huds”;
- (g) in the definition of “small Timothy” for “*bertolonii* DC” substitute “*nodosum* L”;
- (h) in the definition of “tall oatgrass” for “J. and C. Presl” substitute “P. Beauv. Ex J. Presl & C. Presl”.

(3) In paragraph 2 of Schedule 2 after “(b) cocksfoot” insert “(ba) fine leaved sheep’s fescue” and “(bb) hard fescue”.

(4) In Schedule 4—

- (a) in paragraph 4 in the table after the row containing the entry (“2. Fodder grasses”) “b. cocksfoot” insert the following rows—

(ba) Fine leaved sheep’s fescue	85	Not applicable
(bb) Hard fescue	85	Not applicable

;

- (b) in paragraph 5(2) after the entry “festulolium” insert entries “(ba) fine leaved sheep’s fescue” and “(bb) hard fescue”;
- (c) in paragraph 7 for “*Agropyron repens*” substitute “*Elytrigia repens*”;
- (d) in paragraph 9(1) omit “;*Avena ludoviciana*”; and

(e) for paragraph 12(2) substitute the following definition—

“12(2) In the case of C1 seed of lupins, the percentage by number of seeds of another colour must not exceed 4.0 % for bitter lupins and 2.0 % for other lupins”.

(f) in paragraph 14 in the table after the row containing the entry (“2. Fodder grasses”) “b. cocksfoot” insert the following rows—

(ba) Fine leaved sheep’s fescue	75	Not applicable
(bb) Hard fescue	75	Not applicable

(5) In Schedule 7 in the table—

(a) after the row containing the entry (“2. Fodder grasses”) “b. cocksfoot” insert the following rows—

(ba) Fine leaved sheep’s fescue	10	100	30
(bb) Hard fescue	10	100	30

; and

(b) for the rows 4 (Large seeded legumes) (a), (b), (c), (d), (e), (f), (g) and (h), substitute “30” for each numerical entry in the second column.

(6) In Schedule 10 in the table insert the following rows in the appropriate places—

Fine leaved sheep’s fescue	Regulation 3
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Hard fescue	Regulation 3
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Amendment of the Oil and Fibre Plant Seed (Wales) Regulations 2004

4.—(1) The Oil and Fibre Plant Seed (Wales) Regulations 2004(1) are amended as follows.

(2) In regulation 3—

(1) S.I. 2004/2881 (W.251), as last amended by S.I. 2009/1356 (W.131).

- (a) in the definition of “black mustard” for “Koch” substitute “W.D.J. Koch”; and
- (b) in the definition of “brown mustard” for “Czernj.” substitute “Czern.”.

(3) In Schedule 7 in the table entry where “soya bean” appears in the first column, in the second column of that entry substitute “30” for “25”.

Amendment of the Vegetable Seed (Wales) Regulations 2005

5.—(1) The Vegetable Seed (Wales) Regulations 2005(1) are amended as follows.

(2) In paragraph 4(1) of Schedule 4 after the row lettered “cc” insert the following row—

(dd) sweet corn of the supersweet type	80
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(3) In Schedule 7 in the rows where “2(b) French bean”, “2(c) runner bean” and “23 (pea)” appear in the first column, substitute “30” for each numerical entry in the second column.

Elin Jones

Minister for Rural Affairs, one of the Welsh Ministers

13 July 2010

(1) S.I. 2005/3035 (W.223), as last amended by S.I. 2007/2747 (W.230).