



FAQs on FARM-**SAVED SEED**



The difficult weather conditions of the last 12 months have brought short-term issues of seed availability into sharp focus, prompting questions from growers about the regulatory position on seed use and supply.

Seed marketing regulations safeguard the integrity, quality and performance of seed supply, while Plant Variety Rights legislation promotes continued investment by plant breeders in the development of improved varieties.

Compliance with these regulations is essential to support continued access to quality seed of high-performing crop varieties.

Based on genuine queries received from growers this year, BSPB's farm-saved seed team provides a guide to the legal ins and outs on the use of farm-saved and certified seed.

I have 5 tonnes of farm-saved wheat seed left over, with FSS royalty already paid when it was processed. Can I sell or give it to my neighbour?

No, it is against the law to transfer FSS from one holding to another for planting. Any transaction – whether free, bartered or charged – constitutes a transfer of ownership and this is against the law.

If the farm-saved seed is surplus to requirements or cannot be sown, it may be carried over for planting the following year without further royalty payment, although it is advisable to have seed tested prior to planting as the vigour and germination of FSS can deteriorate over time.

Can I have my FSS certified in order to sell or transfer it legitimately?

No, farm-saved seed cannot be certified retrospectively.

Certified seed must be produced from an officially entered seed crop which has been field inspected by a licensed crop inspector and complies with all legal standards.

Inspection of the growing crop is a key principle of seed certification, providing an assurance of seed health, purity and provenance, and that the certified seed crop has been produced and inspected in accordance with regulatory requirements.

I have several tonnes of dressed FSS in the barn which I was unable to sow. Can I claim a refund on the FSS royalty already paid to the processor?

You could request a refund from the processor for any surplus FSS, although this could result in paying a higher royalty if the seed is then sown the following season as payment rates are calculated annually under the terms of the FSS agreement between BSPB and the farming unions.

If a refund is made but no FSS use is declared the following season, BSPB may seek confirmation that the seed has been disposed of in accordance with the legal requirements for chemically treated seed, for example via the waste disposal note.

A contractor is now farming my land. Who should make the FSS declaration?

Under most contracting arrangements the farmer maintains control of his business accounts, which is where the responsibility and accountability for FSS declaration and payment will lie.

A farmer can delegate the responsibility for FSS declaration to a contractor by notifying BSPB, but ultimately the owner of the holding and recipient of the single farm payment is responsible for ensuring compliance on all legal matters.





My cousin sold me some barley to feed my pigs. I have been unable to buy any spring barley seed to sow this spring from local seed merchants. Can I sow the barley that I bought as feed if I pay the FSS royalty?

No, it is against the law to use any bought-in grain to establish a crop. By law, farm-saved seed must be sown by the business that produced the original crop.

My farm is organic and a processor never puts a dressing on my seed. Why do I have to pay farm-saved seed payments to BSPB?

Payment for FSS use recognises and rewards the genetic value contained in a plant variety, and applies whether seed has been cleaned and dressed or taken straight from the barn.

Royalties on farm-saved and certified seed support continued investment in the development of improved varieties to meet ever changing disease, pest, climatic and market demands.

I farm on heavy land in Lincolnshire and have been unable to sow 20 tonnes of Xi19 certified seed. I have a friend on Cotswold Brash who has spring barley seed on order – he offered to do a swap if I pay for the transport. Is this legal?

No, such a transaction would be in breach of the Seed Marketing Regulations 2011 which stipulate that the sale or transfer of certified seed between businesses can only be undertaken by officially licensed operators.

Licences can only be granted by Government-appointed agencies - Fera for England and Wales, SASA in Scotland and DARD in Northern Ireland – providing an independent assurance of the quality and integrity of certified seed supply in the UK.

I drilled a field but ran short of seed near the end and topped up the drill with some grain I had in the barn. What do I need to do?

If this was grain from your own harvest, simply declare the area sown with top-up seed to BSPB in the usual way. BSPB will then invoice you for the FSS payment for the variety and area sown.

Please note, however, that if the grain in question was bought in, perhaps as livestock feed, it would not fall within the FSS exemption and could not be used for sowing.

Can I farm-save seed of a hybrid variety?

It is against the law to establish a commercial crop using farm-saved seed from a hybrid variety without the breeder's consent.

Furthermore, it makes no agronomic or economic sense to farm-save hybrid varieties because the resulting crop will segregate to produce variable offspring, reduced yields and loss of agronomic characters.

From harvest 2013, any crops grown from FSS of hybrid oilseed rape varieties are likely to be unmarketable, as the revised contract specified by European oilseed crushers' organisation FOSFA – on which virtually all UK oilseed rape is traded – prohibits the use of FSS from hybrid varieties. The same contract also permits only once-grown FSS from conventional varieties.



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