

FAQs on FARM- SAVED SEED

In spring 2013, BSPB issued a briefing note answering some of the questions most frequently asked by farmers and their advisers in relation to seed use and supply.

Many of these queries were prompted by last season's difficult seed supply situation.

With harvest now underway across the country, seed merchants are reporting good overall seed availability across all species although farmers are advised to place orders as soon as possible to secure their first choice varieties.

As autumn drilling plans are finalised, here is an update and reminder of BSPB's FAQs on farm-saved seed. If your question is not answered here please contact BSPB on 01353 653209 or email fss@bspb.co.uk for help.

I have 5 tonnes of farm-saved wheat seed left over. The FSS payment was made 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 sowing. Any transaction – whether free, bartered or charged – constitutes a transfer of ownership and this is against the law.

If the FSS is surplus to requirements or cannot be sown, it may be carried over for planting the following year without further 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, FSS 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 for any surplus FSS, although this could result in paying a higher royalty if the seed is 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.

Can I ask my processor to clean and treat grain that I have bought in so that I can sow it as seed if I make the FSS payment?

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 previous crop. Certified seed must have been sown to establish the initial crop.

My farm is organic and a processor never puts a dressing on my seed. Why do I have to make 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 certified seed and farm-saved seed payments support continued investment in the development of improved varieties to meet ever changing disease, pest, climatic and market demands.

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.

Any crops grown from FSS of hybrid oilseed rape varieties are likely to be unmarketable as the contract specified by the 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.

My neighbour and I have grown different wheat varieties. We have each had some treated by our FSS processors for use as farm-saved seed. Surely we can swap some of this, as provided we make the FSS payment the breeders do not miss out?

It is against the law to transfer FSS from one holding to another whether the FSS payment has been made or not. The legislation is there to establish a balance between the rights of the breeder and the grower, making sure that the breeder is rewarded appropriately and can continue to invest in the development of new varieties. The payment on FSS is approximately half of the royalty paid for a commercial supply of certified seed. Illegal transfer of farm-saved seed therefore erodes breeders' income and reduces the funding available for reinvestment in breeding. Certified seed also brings a guarantee that the seed is of known provenance and quality and has been tested for germination and purity.

I have farm-saved seed to declare but can't find the name of the variety that I have used on the list of eligible varieties; what should I do?

First check whether the full name of the variety that you want to declare has a prefix e.g. KWS Santiago, NFC Tipple, SY Venture, ES Astrid. Varieties are shown on the list in alphabetical order, including the prefix so you need to look for KWS Cassia and not 'Cassia'. If you still cannot find the variety on the list contact BSPB on 01353 653209 or email fss@bspb.co.uk.



Seeds marketing regulations and Plant Variety Rights legislation are there to protect the health, quality and integrity of seed supply and to promote future 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.

FOR FURTHER INFORMATION CONTACT:

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