



# Legal obligations when collecting tree seed in Wales

## Registering as supplier

Anyone *marketing* 'Forest reproductive materials' (FRM) for 'Forestry purposes' must register themselves with the Forestry Commission (FC) as a supplier. FRM includes tree seed sold directly, or seed collected and grown on for later marketing (e.g. planted in a nursery and sold on as seedlings/transplants). FRM also covers many other types of material such as cuttings and seedlings produced by vegetative propagation or other specialised methods. 'Forestry purposes' includes most types of woodland planting but excludes landscape planting for road & rail schemes, urban planting relating to industrial and domestic developments, and production of Christmas trees (unless these have been FC grant aided).<sup>1,2</sup>

It is straightforward to apply to be a registered supplier – it is administered by Forestry Commission (Edinburgh) and there is a simple application form available online. You need to state what type of activity you intend to be involved in – Seed Collector / Trader / Tester / Importer / Exporter / Nursery / Plant stock trader / Poplar grower. The details you provide will be made public when added to the national register of FRM suppliers.<sup>1,2,3,4</sup>

Currently almost all registered suppliers in Wales are collectors and/or nurseries, and there is just one approved seed testing facility run by Maelor Forest Nurseries Ltd near Wrexham. If you are collecting seed for you own use and they won't be marketed, or grown on to be marketed, then the FRM regulations do not apply. However, best practice should be to maintain records of the seed source and grown stock, and obtaining landowner permission is still important.



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Details of all seed that is intended to be marketed needs to be provided to FC at least 2 weeks before collection begins. Once the collection is complete a 'Master certificate' must also be completed and provided to FC.<sup>8</sup>

Any person wishing to market seed MUST be registered with FC as a SUPPLIER. In general, all seed which is marketed must be TESTED (for purity, percentage viability / germination rate, and weight). To avoid the destruction of potentially scarce seed, smaller quantities may not need to be tested for germination rate (small quantities are defined in Schedule 11 of the regulations, e.g. <40kg for Oak, <50g for Birch, etc). Currently only a small number of suppliers have been approved by FC to undertake such tests and only seed testing facilities approved by FC can carry out statutory seed testing as this requires defined laboratory-level standards.<sup>2,5</sup>

So, if you intend to market seed on your own account, you must be a registered supplier and have samples of any market seed tested. Theoretically, you could become an approved seed testing facility to do this, but meeting the rigorous standards which are required is difficult (there are currently only 3 test stations in the UK). A solution is to send samples of your seed to an approved facility but each type of test may cost in the region of £40-£60 and minimum specified quantities of seed will be needed (e.g. 500 Oak seeds, 10g Birch seed, etc) so you will need to be collecting large enough quantities to make this cost effective. Alternatively, rather than trying to sell seed directly, you can provide seed to a registered supplier as a 'contractor', in which case they will pay you for the collection, and will complete all the paperwork and testing before they market the seed themselves.<sup>5</sup>

If you are collecting seed to grow on in a nursery and intend to market the seedlings then you will need to be registered as a supplier. Before selling any grown-on stock you will also need to complete a 'Master certificate' recording all the relevant information for that FRM. Any planting stock sold must also be accompanied by a supplier's document.<sup>2,3,9</sup>

### ***Process for seed collection if intending to grow on and market the seedlings/transplants:***

- ◇ *Register as a supplier*
- ◇ *Obtain written permission from the landowner for seed collection*
- ◇ *Notify FC at least two weeks prior to collection (site location, dates, species etc.)*
- ◇ *Collect the seed and ensure it is labelled & stored correctly*
- ◇ *All seed beds must be identifiable / labelled. Good record keeping should be maintained.*
- ◇ *Apply for a Master Certificate within 9 months of seed collection, and before any sales.*
- ◇ *A supplier's document should be provided with any growing stock sold.*

### **National Register of basic material**

Information on all FRM basic material (seed / cuttings / clones etc) is held on the National Register of Approved Basic Material. The FC maintains this register and approves all material. Any FRM intended to be marketed must be registered.<sup>8</sup>

## Registering the sources of seed

The most basic category of seed source is simply “Source identified” – the seed may come from an individual or groups of trees. There are no selection criteria relating to the quality of this basic material, the only restriction being that the collection must come from within a single region of provenance / seed zone. Registration of source identified material is not necessary, but FC still needs to be notified of the collection. Only basic information is required (region of provenance / Seed zone, altitude band for ‘native’ species). Source identified sites generally won’t be inspected unless they are to be categorised as a natural stand of “Indigenous” material. Further information on the evidence that might be considered can be found in Appendix 4 of the FRM regulations.<sup>2</sup>

If you wish to register seed coming from a defined ‘Stand’ then the site needs to be registered and additional information must be provided (details of origin and yield class, if known, 1:10000 maps showing boundaries). Stands can provide seed of simply ‘source identified’ material, or ‘Selected’ if the parent trees are inspected and deemed of superior quality.

Basic source-identified stands are unlikely to be inspected, but ‘Selected’ stands will be visited by the Technical Service Unit of Forest Research who will consider the quality of the trees on the basis of health, visual superiority, isolation from inferior/hybridising species and size/stocking density.

## Certifying stands

There may be benefits to certifying a seed stands. Seed from stands categorised as ‘selected’ can be more valuable (e.g. for Oak seed, in the region of 5-10% extra). If you wish to have a stand categorised as ‘Selected’, the application must come from the owner, or with the written permission of the owner of the woodland. Applications should be made to FC using form FRM1A.<sup>6</sup>

### **Basic details are required:**

- ◇ *Species name, planting year, area (hectares) and details of origin and yield class if known*
- ◇ *Location details, forest name, compartment number grid reference, altitude of site*
- ◇ *Ownership and contact details*
- ◇ *Map(s) (1:10,000 scale) showing the area boundary*

A Forest Research inspector will make a site visit to assess the trees and recommend whether the stand is accepted or rejected. Various criteria are considered, mostly relating to the potential timber quality or whether the trees can be classed as ‘indigenous’. Details are provided in Appendix 3 of FRM regulations guidance.<sup>2</sup> If you are interested in registering your woodland as a Selected stand for seed collection, but are unsure whether it would be approved, you may want to employ a professional forester who can advise. Accredited foresters in Wales can be contacted through the Institute of Chartered Foresters (contact address below).

Currently in Wales there are just 8 ‘selected’ broadleaf stands, and 15 ‘selected’ conifer stands registered. There appears to be a particular shortage of selected stands of native Sessile Oak (*Quercus petraea*). The process of registering a ‘Selected’ stand normally takes a few months but is quite often dependent on the workload of the inspectors (and, at the moment, COVID restrictions). If a stand application is urgent then FC can ask for it to be prioritised

## FC Voluntary scheme

The FRM regulations apply to 46 controlled tree species (see Appendix 2 in FRM regulations<sup>2</sup>). Of these, 28 are used commonly in British Forestry and 15 are native to Great Britain. Species not covered by the regulations can also be certified under the FC 'Voluntary Scheme'. The procedures are the same as for the Controlled Species Scheme.<sup>2,3</sup>

## Certifying other sources of seed

Other source categories, 'Seed orchards', 'Parents of families', 'Clones' and 'Clonal mixtures' must all be registered and greater levels of information and inspections are required. If the intention is to establish a site to propagate material of these types, FC should be consulted (FC Forest Reproductive Material Manager, Edinburgh, contact address below) at an early stage in planning.

The majority of seed orchards have been set up to develop improved varieties of Conifers for timber production, and information on broadleaf orchards is limited.<sup>11</sup> Orchards are often based on grafted individuals and are usually designed to maximise inter-pollination and facilitate easy seed collection. Seed orchards tend to be used for the production of seed of new and improved cultivars and hybrids. Currently in Wales there are 3 broadleaf seed orchards of Ash, Cherry and Sessile Oak (managed by either FC or Maelor Forest Nurseries Ltd). There are also 6 conifer seed orchards.<sup>9,11</sup>

## Resources

1. Work with planting material for forestry purposes (2018). Available online at: <https://www.gov.uk/guidance/work-with-planting-material-for-forestry-purposes>
2. FC Forest Reproductive Material: Regulations controlling seed cuttings and planting stock for forestry in Great Britain (2019) online at: <https://www.forestresearch.gov.uk/research/forest-reproductive-material-regulations-controlling-seed-cuttings-and-planting-stock-for-forestry-in-great-britain-2nd-edition/>
3. FC The Basic Obligations for Suppliers under the Forest Reproductive Material Regulations. Online at: <https://www.gov.uk/guidance/work-with-planting-material-for-forestry-purposes#basic-material-and-forest-reproductive-material>
4. Register as a supplier of FRM (Form FRM6). Available online at: <https://www.gov.uk/guidance/work-with-planting-material-for-forestry-purposes#register-as-a-supplier-of-frm>
5. FC Seed testing guidelines and notes. Available online at: <https://www.gov.uk/guidance/work-with-planting-material-for-forestry-purposes>
6. Register a stand or orchard as a source of basic material (Form FRM1a). Available online at: <https://www.gov.uk/government/publications/frm1a-register-a-stand-or-orchard-as-a-source-of-basic-material>
7. List of registered suppliers (Wales). Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/893073/supplierlist.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/893073/supplierlist.pdf)
8. National register of approved basic material. Available online at: <https://www.gov.uk/guidance/work-with-planting-material-for-forestry-purposes#national-register-of-approved-basic-material>
9. Master certificate, reproductive material from seed sources/stands (Form FRM4a). Available online at: <https://www.gov.uk/government/publications/frm4a-master-certificate-reproductive-material>

10. Supplier's document – when you need to provide one. <https://www.gov.uk/guidance/work-with-planting-material-for-forestry-purposes#register-as-a-supplier-of-frm>

11. FC Bulletin 54. Seed orchards (1975) Available online: <https://www.forestryresearch.gov.uk/research/archive-seed-orchards/>

## **Contacts for the Forestry Commission:**

For the national register of basic material and all matters related to basic material, register of suppliers, imports and exports, and queries on the FRM regulations, contact:

Forest Reproductive Material Manager  
Forestry Commission  
Silvan House  
231 Corstorphine Road  
Edinburgh  
EH12 7AT

Phone: 0300 067 5041 Fax: 0131 314 6148 Email: [FRM@forestrycommission.gov.uk](mailto:FRM@forestrycommission.gov.uk)

For seed collection notifications and queries, master certificates queries and applications and general FRM enquiries contact:

FRM Admin support  
Forestry Commission  
Silvan House  
231 Corstorphine Road  
Edinburgh  
EH12 7AT

Phone: 0300 067 5129 Fax: 0131 314 6148 Email: [FRM@forestrycommission.gov.uk](mailto:FRM@forestrycommission.gov.uk)

## **Institute of Chartered Foresters**

List of accredited Forestry consultants in Wales: <https://www.charteredforesters.org/about-us/hire-a-consultant/>



## GYMRYD RHAN

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## GET INVOLVED

To find out more:

[DEWISGWYLLT.CO.UK](http://DEWISGWYLLT.CO.UK)



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