
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 119

**The Marketing of Fruit Plant and Propagating
Material Regulations (Northern Ireland) 2017**

PART 6

Administration and revocations

Arrangements for official measures

26.—(1) The Department may make such arrangements with any person (“A”) as the Department considers necessary or desirable for the purpose of enabling A to carry out official measures on the Department’s behalf.

(2) But the Department must not make any arrangement under this regulation unless satisfied that the arrangement makes provision for the purpose of preventing any person from—

- (a) deriving any private gain from any official measures carried out under the arrangement; and
- (b) carrying out any official measures under the arrangement except under official supervision.

(3) The Department may include in any arrangement such conditions as the Department considers necessary or desirable for the purposes referred to in paragraphs (1) and (2), including conditions—

- (a) specifying—
 - (i) the official measures that A must carry out;
 - (ii) the methods to be used in connection with the official measures that A carries out;
 - (iii) the fees that A may charge in relation to the official measures that A carries out;
 - (iv) the records that A must keep in connection with the official measures that A carries out;
- (b) prohibiting A from—
 - (i) charging fees in relation to the official measures that A carries out under the arrangement except to the extent that these do not exceed the costs that A incurs in carrying them out;
 - (ii) carrying out the official measures except under official supervision;
- (c) prohibiting A from making any further arrangement with any other person (“B”) for any purpose in connection with the carrying out of the official measures that A has arranged with the Department to carry out unless—
 - (i) the Department has approved all the conditions of the further arrangement and A has received the prior written approval of the Department to make the further arrangement;

- (ii) the further arrangement includes a condition prohibiting B from making any subsequent arrangements for any purpose connected with the carrying out of the official measures in respect of which the Department made the arrangement with A;
- (iii) the further arrangement includes an acknowledgement by A and B that the Department may vary, revoke or suspend the further arrangement if it appears to the Department that B is not complying, or has failed to comply, with any condition of the further arrangement; and
- (iv) the further arrangement includes the conditions specified in sub-paragraphs (a) and (b) of this paragraph and for these purposes references in those sub-paragraphs to A are to be construed as references to B and references to “the arrangement” are to be construed as references to the further arrangement.

(4) The Department must not approve the making of any further arrangement under this regulation unless satisfied that B will not—

- (a) derive any private gain from any official measures that B is to be authorised to carry out under the further arrangement;
- (b) carry out any official measures under the further arrangement except under official supervision.

(5) The Department may, by written notice to A or B (as the case may be), vary, suspend or revoke an arrangement or further arrangement, or any conditions of an arrangement or further arrangement made under this regulation.

(6) A notice given under paragraph (5) must specify—

- (a) in respect of a variation or revocation, the date from which the variation or revocation takes effect;
- (b) in respect of a suspension, the period during which the suspension has effect.

(7) When a variation, revocation or suspension has effect, the Department may, for any purposes in relation to these Regulations, continue to have regard to such of the official measures carried out under an arrangement (or further arrangement) which was varied, revoked or suspended as appear to the Department to be official measures carried out in accordance with the provisions of these Regulations.

(8) In this regulation, “official measures” include official examinations, inspections, sampling and testing.