
STATUTORY INSTRUMENTS

2001 No. 3510

The Seeds (National Lists of Varieties) Regulations 2001

[^{F1}Representations and hearings

16.—(1) The [^{F2}appropriate authority] shall provide any person who would be affected by a proposed relevant decision an opportunity—

- (a) to make written representations to them about it in the manner, and within the period, published for the purpose in the Gazette under regulation 3; or
- (b) if a request for oral representations is made within the period published for the purpose in the Gazette under regulation 3, to make oral representations about the proposed relevant decision to a person appointed by them,

or to do both, subject to the payment of any fee in respect of such representations payable under the fees Regulations.

(2) The [^{F2}appropriate authority] may afford to any person entitled to make representations in accordance with paragraph (1) above in respect of a proposed relevant decision an opportunity to make representations to them about it on more than one occasion if in the circumstances it appears to them to be necessary or desirable to do so; and, on a second or subsequent such occasion, may afford to any such person the opportunity to do so without charging any fee.

(3) The [^{F2}appropriate authority] shall send to each person entitled to make written representations in accordance with paragraph (1) above of whom they are aware a copy of any representations so made.

(4) Where any person entitled to make oral representations in accordance with paragraph (1) above in respect of a proposed relevant decision makes a request to do so in accordance with that paragraph, or is afforded an opportunity to make oral representations in respect of it in accordance with paragraph (2) above, the [^{F2}appropriate authority] shall—

- (a) appoint a time and place in [^{F3}Great Britain] for the hearing of oral representations in respect of the proposed relevant decision, having regard to—
 - (i) the convenience, wishes of and expenses of any such person;
 - (ii) the situation of any land or premises to be viewed in relation to the oral representations; and
 - (iii) all other relevant circumstances;
- (b) appoint a person to conduct the hearing of the oral representations; and
- (c) give not less than 14 days notice of the time and place appointed for the hearing to—
 - (i) the persons affected by the proposed relevant decision; ^{F4}...
 - ^{F4}(ii)

(5) Any person entitled to make oral representations at a hearing in accordance with this regulation shall, not later than 7 days before the day appointed for the hearing, deliver to the [^{F2}appropriate authority] two copies of any documents which the person proposes to rely upon; and

the [F²appropriate authority] shall deliver a copy of these documents to each of the other persons who appear to them to be concerned in the matter.

(6) The procedure in relation to the preparation for the hearing of oral representations in respect of a proposed relevant decision, and, subject to paragraph (7) below, the procedure at the hearing of them, including any adjournment or subsequent convening of the hearing, shall be as the person conducting the hearing directs having regard to the wishes of the persons affected by the proposed relevant decision who are entitled to make the oral representations in respect of it or who have been afforded an opportunity to make oral representations in respect of it in accordance with paragraph (2) above.

(7) A person who makes oral representations in accordance with this regulation may—

- (a) rely upon the documents in respect of which copies have been delivered to the [F²appropriate authority] as required by paragraph (5) above;
- (b) call witnesses; and
- (c) put questions directly to any witnesses called by or on behalf of any other person making oral representations at the hearing,

and may be represented for the purpose by a person of their choice.

(8) The [F²appropriate authority] shall not take a relevant decision until they have considered any oral or written representations made to them in accordance with this regulation in respect of the proposal for it and any documents relied on and evidence adduced at the hearing of any oral representations.

(9) The [F²appropriate authority] shall give to each person who has made oral or written representations in accordance with this regulation notice of their decision together with their reasons for it and shall inform them of the time and manner in which an appeal against the relevant decision may be brought to the Tribunal.]

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| F1 | Regulations revoked (N.I.) (31.12.2020) by The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294) , regs. 1(2)(b), 5 (with savings and transitional provisions in S.R. 2020/302, reg. 25) |
| F2 | Words in regs. 10-17 substituted (E.W.S.) (31.12.2020) by The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294) , regs. 1(2)(b), 3(4) |
| F3 | Words in reg. 16(4)(a) substituted (E.W.S.) (31.12.2020) by The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294) , regs. 1(2)(b), 3(8) |
| F4 | Reg. 16(4)(c)(ii) and word omitted (19.9.2013) by virtue of The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013 (S.I. 2013/2042) , art. 1(2), Sch. para. 52 |

Changes to legislation:

There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) Regulations 2001, Section 16.