
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Wales, revoke and replace the Seeds (Registration in relation to Licensing and Enforcement) Regulations 1985 (S.I. 1985/980) (the 1985 Regulations) as amended as respects Wales; and the Seeds (Fees) Regulations 1985 (the 1985 Fees Regulations) as amended in relation to matters arising under the 1985 Regulations as respects Wales. These Regulations come into force on 18 November 2005.

The Regulations continue to prohibit a person from engaging in the seed industry (now defined in relation to a “seed industry activity” in regulation 2) unless the person has been registered by the National Assembly (regulation 3). New provision is made to request the termination of registrations (regulation 7). Breach of the conditions of registration may lead to revocation (regulation 8).

There is continued provision to license crop inspectors (regulation 11). New provision is made for a crop inspector to apply to the National Assembly to have his or her licence varied (regulation 12(1)) or terminated (regulation 13) and the National Assembly continues to be able to vary the licence in any event (regulation 12(4)). The National Assembly has power to suspend or revoke the licence (regulation 14).

The Regulations continue arrangements to license seed samplers (regulation 18). The power of the National Assembly to vary the licence continues (regulation 19) and new provision is made for the licensee to apply to the National Assembly for the termination of his or her licence (regulation 20). The National Assembly has power to suspend or revoke the licence (regulation 21).

There is continued provision to license seed testing stations (LSTSs) (regulation 25). The person in charge may now apply to vary the licence (regulation 26(1)) and the National Assembly continues to be able to vary it in any event (regulation 26(4)). The licence may now be suspended or revoked not only for breach of conditions of the licence but also if any seed analyst or the Analyst in Charge of the LSTS is unfit (regulation 29).

There is new provision to keep a list of registered persons (regulation 9), a list of licensed crop inspectors (regulation 15), a list of licensed seed samplers (regulation 22) and a list of LSTSs (regulation 30).

Provision is continued from the 1985 Regulations for fees to be charged for the services provided by crop inspectors (regulation 16), seed samplers (regulation 23) and LSTSs (regulation 31). In addition, fees which were prescribed under the 1985 fees Regulations are now included in these Regulations, namely fees for the licensing, supervision and operation of LSTSs (regulation 31(2)), for examination fees for crop inspectors and seed samplers (regulation 35) and for making representations (regulation 36(10)).

Provision for enforcement of seeds regulations is also continued and requirements relating to sampling are now set out in these regulations (regulation 32).

New arrangements are made for any person to act under the responsibility of the National Assembly in carrying out official measures (regulation 34) and for fees to be charged in that connection (regulation 35).

The right to make representations is expanded to cover the categories set out in regulation 36(1). The National Assembly will not proceed with a refusal, variation, suspension or revocation until the person concerned has had an opportunity to make representations, except that it may suspend a licence with immediate effect if it considers it necessary. The right of appeal to the Tribunal is correspondingly expanded, with some exceptions (regulation 36(9)).

Status: *This is the original version (as it was originally made).*

A Regulatory Appraisal has been prepared in respect of these Regulations. Copies can be obtained from the Department for Environment, Planning and Countryside, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.