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WELSH STATUTORY INSTRUMENTS

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**2005 No. 3038**

**The Seed (Registration, Licensing and Enforcement) (Wales) Regulations 2005**

**PART IV**

**LICENSED SEED SAMPLERS**

**Applications for licences**

17.—(1) An individual may apply to the National Assembly for a licence authorising the individual to take samples of seed of the species specified in Part I of Schedule 3 for the purposes of the Seed Marketing Regulations.

(2) An application made under paragraph (1) shall be made in such form and manner as the National Assembly may require and shall be accompanied by such information as the National Assembly may reasonably require.

**Licences**

18.—(1) Where an application is made under regulation 17 the National Assembly shall grant the applicant a seed sampler's licence if—

- (a) it is satisfied that the applicant has undertaken a training course on seed sampling organised by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development; and
- (b) the applicant, having completed such a course, has passed an examination on seed sampling organised by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development.

(2) A licence granted under paragraph (1)—

- (a) shall specify which of the functions listed in Part II of Schedule 3 are covered by the licence and may in addition specify any other functions which the National Assembly thinks necessary or desirable; and
- (b) may impose any of the conditions listed in Part III of Schedule 3 and such other conditions as the National Assembly may think necessary or desirable.

(3) A licensed seed sampler who is employed by a person who is engaged in a seed industry activity shall only sample seed lots produced by or on behalf of his or her employer unless otherwise agreed between his or her employer, the applicant for certification and by the National Assembly.

**Variation of licences**

19. Subject to regulation 36, the National Assembly may vary a seed sampler's licence as it thinks fit.

### **Termination of licences**

**20.** If a seed sampler requests the National Assembly to terminate his or her licence the National Assembly shall comply with the request.

### **Suspension and revocation of licences**

**21.** Subject to regulation 36, the National Assembly may suspend or revoke a seed sampler's licence if it is satisfied that the seed sampler—

- (a) is no longer qualified to sample seed or is otherwise unfit to perform any of the functions specified in his or her licence; or
- (b) is not carrying out the functions specified in his or her licence or complying with the conditions imposed on the seed sampler by the licence.

### **List**

**22.** The National Assembly—

- (a) shall keep a list of the names and addresses of licensed seed samplers;
- (b) shall make the list available for inspection by any person at any reasonable time; and
- (c) may from time to time publish the list in such manner as it thinks appropriate.

### **Fees**

**23.** A licensed seed sampler may charge reasonable fees for carrying out his or her functions as a licensed seed sampler but shall not derive any private gain in connection with the carrying out of such functions.