
WELSH STATUTORY INSTRUMENTS

2005 No. 3038

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

PART VI

ENFORCEMENT OF SEEDS REGULATIONS

Sampling for enforcement purposes

32.—(1) A sample of seed taken for the enforcement of the Seed Marketing Regulations or these Regulations shall be taken and divided by an authorised officer in accordance with the requirements contained in Schedule 5 to provide three parts of which—

- (a) one part shall be delivered or sent to the owner of the seed or his or her representative; and
- (b) two parts shall be delivered or sent to an official seed testing station, one of which parts shall be officially examined for the purposes of the appropriate Seed Marketing Regulations and the other of which shall be retained by such person for production to a court in accordance with section 26(7) of the Act,

except that where it appears to the person taking the sample that the seed from which the sample has been taken was purchased for use and not for resale, the first part of the sample shall be delivered or sent to the last seller of the seed or to his or her representative instead of to the owner of the seed or his or her representative.

(2) Where a part of a sample taken under this regulation has been officially examined for the purposes of the appropriate Seed Marketing Regulations, any residue from the sample may be used for such other tests as the National Assembly may direct including for the purpose of the Community comparative tests referred to in the corresponding Seed Marketing Directives.

(3) Subject to paragraph (4), the minimum weight of the sample of seed shall be such as to ensure that each of the parts into which it is divided is of not less than the prescribed minimum weight for the sample.

(4) Where the seed from which a sample is to be taken for the enforcement of the Vegetable Seed (Wales) Regulations 2005 is contained in small packages, the sample shall consist of as many such packages as the person taking the sample may reasonably require.