
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 313

The Seed (Registration, Licensing and Enforcement) (Scotland) Regulations 2006

PART IV

LICENSED SEED SAMPLERS

Applications for licences

17.—(1) A person may apply to the Scottish Ministers to be licensed to carry out the functions specified in Part 1 of Schedule 3.

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

Licences

18.—(1) Subject to paragraph (2), the Scottish Ministers shall grant an application made under regulation 17(1) if the applicant has in the 6 month period immediately preceding the date of the application—

- (a) completed such training courses and passed such examinations of competence as the Scottish Ministers may require in relation to such functions from Part I of Schedule 3 as are to be specified in the licence; and
- (b) signed a statement of commitment to carry out the functions of a licensed seed sampler in accordance with such instructions as may from time to time be issued by or on behalf of the Scottish Ministers,

and otherwise shall refuse the application.

(2) The Scottish Ministers may refuse to grant an application made under regulation 17(1) if they are of the opinion that the applicant is not a suitable person to be the holder of a licence having regard to—

- (a) any previous suspension or revocation of a licence held by the applicant—
 - (i) under the Seeds (Registration, Licensing and Enforcement Regulations) 1985(1);
 - (ii) under these Regulations; or
 - (iii) granted by the Secretary of State, the National Assembly for Wales or the Department of Agriculture and Rural Development,and the circumstances leading to the suspension or revocation; or
- (b) any circumstances which led to the applicant being convicted of an offence under section 16(7) of the Act.

(3) A licence granted under paragraph (1) may be granted for any duration up to a maximum of three years and—

(a) shall specify which of the functions listed in Part I of Schedule 3 are covered by the licence and such other functions; and

(b) shall be subject to the conditions listed in Part II of Schedule 3 and such other conditions, as the Scottish Ministers consider necessary or desirable.

(4) Where a licensed seed sampler applies for a licence under regulation 17(1) to take effect on expiry of the existing licence, the existing licence shall continue to have effect, regardless of its expiry date, pending final determination of the application or, where applicable, final determination of an appeal against refusal of the application.

(5) A licensed seed sampler who is employed by a registered person shall only sample seed lots produced by or on behalf of that employer unless otherwise agreed between the licensed seed sampler, that employer, the applicant for certification and the Scottish Ministers.

Variation of licences

19.—(1) A licensed seed sampler may apply to the Scottish Ministers for a variation of the functions specified in, or the conditions attached to, the licence.

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

(3) The Scottish Ministers may vary a seed sampler's licence, whether or not they have received an application under this regulation, by varying the functions specified in, or the conditions attached to, the licence.

Termination of licences

20. The Scottish Ministers shall terminate a seed sampler's licence at the licence holder's request.

Suspension and revocation of licences

21.—(1) The Scottish Ministers may suspend or revoke a seed sampler's licence if they are satisfied that the licence holder—

(a) is no longer competent to perform a function specified in the licence;

(b) has failed to comply with a condition attached to the licence; or

(c) has been convicted of an offence under section 16(7) of the Act.

(2) A licence suspended under paragraph (1) may be suspended for any period up to its unexpired duration and shall cease to have effect and be deemed withdrawn during the period of suspension.

(3) The Scottish Ministers may suspend a seed sampler's licence with immediate effect if they are satisfied that the carrying out of the functions specified in the licence is causing, or is likely to cause, prejudice to the administration or enforcement of seeds regulations.

(4) The Scottish Ministers may recall a suspension of licence if they consider it appropriate to do so.

Register

22. The Scottish Ministers—

(a) shall keep a register of the names and addresses of licensed seed samplers;

(b) shall make the register available for inspection by any person at any reasonable time; and

(c) may from time to time publish the register in such manner as they consider appropriate.

Fees

23.—(1) A licensed seed sampler shall charge the fees prescribed in seeds regulations for carrying out the functions specified in the seed sampler's licence and, where no fees are so prescribed, may charge reasonable fees for carrying out such functions.

(2) A licensed seed sampler shall not derive private gain in connection with carrying out the functions specified in the seed sampler's licence.