
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 313

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

PART V

LICENSED SEED TESTING STATIONS

Applications for licences

24.—(1) A person may apply to the Scottish Ministers for a laboratory to be licensed for use in the carrying out of statutory seed testing.

(2) An application made under paragraph (1) may relate to any species of seed to which the Seed Marketing Regulations apply and shall—

- (a) nominate an Analyst in Charge and a Person in Charge and include the names and addresses of those persons;
- (b) be accompanied by details of the laboratory and species of seed in respect of which a licence is sought; and
- (c) contain such other information as the Scottish Ministers may reasonably require for the purpose of considering the matters to be taken into account in Part I of Schedule 4.

Licences

25.—(1) Subject to paragraph (2), the Scottish Ministers shall grant an application made under regulation 24(1) authorising the use of the laboratory as a licensed seed testing station for the carrying out of statutory seed testing of the species specified in that application if they are satisfied that the laboratory is suitable for that purpose having regard to the matters to be taken into account in Part I of Schedule 4.

(2) The Scottish Ministers may refuse to grant an application made under regulation 25(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 shall be subject to the conditions set out in Part II of Schedule 4 and such other conditions as the Scottish Ministers consider necessary or desirable having regard to the species of seed to be tested, the nature of the tests to be carried out and the procedures to be followed in connection with such tests.

(4) Where the holder of a seed testing station licence applies for a licence under regulation 25(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 testing station belonging to a registered person shall only be used to carry out statutory seed testing on seed lots produced by or on behalf of that person unless otherwise agreed between the registered person, the applicant for certification and the Scottish Ministers.

Variation of licences

26.—(1) The holder of a seed testing station licence may apply to the Scottish Ministers for a variation of licence—

- (a) to authorise statutory seed testing on another species of seed in addition to, or instead of, the species specified in the licence; or
- (b) in respect of the functions specified in, or the conditions attached to, the licence.

(2) Where an application is made under paragraph (1)(a) the Scottish Ministers shall vary the licence to authorise statutory seed testing on the species of seed to which that application relates if they are satisfied that the licensed seed testing station is suitable for that purpose having regard to the matters to be taken into account in Part I of Schedule 4.

(3) In varying a licence under paragraph (2) the Scottish Ministers may vary the functions specified in, or conditions attached to, the licence.

(4) The Scottish Ministers may vary a seed testing station licence whether or not they have received an application under this regulation by—

- (a) removing the authorisation relating to the statutory seed testing of a species of seed if they are satisfied that the licensed seed testing station is no longer suitable for the carrying out of statutory seed tests in respect of that species having regard to the matters to be taken into account in Part I of Schedule 4; or
- (b) varying the functions specified in, or the conditions attached to, the licence.

Training and examinations

27. The Scottish Ministers may require a seed analyst carrying out statutory seed testing at a licensed seed testing station, or the Analyst in Charge of a licensed seed testing station, to attend such training courses and undergo such examinations as the Scottish Ministers consider necessary to maintain the knowledge and qualifications required in respect of the functions of the seed analyst or Analyst in Charge carried out at that licensed seed testing station.

Duties of the Analyst in Charge of a licensed seed testing station

28. The Analyst in Charge of a licensed seed testing station shall—

- (a) have direct responsibility for the technical operations of the licensed seed testing station;
- (b) supervise the work of all seed analysts assisting in statutory seed testing carried out at the licensed seed testing station; and

- (c) be in effective control of all statutory seed testing carried out at the licensed seed testing station and have direct responsibility for the issuing of results of statutory seed tests.

Suspension and revocation of licences

29.—(1) The Scottish Ministers may suspend or revoke a seed testing station licence if it appears to them that—

- (a) there has been a breach of a condition of the licence;
- (b) the Analyst in Charge of the licensed seed testing station—
 - (i) is no longer qualified to act as such;
 - (ii) has failed to comply with a requirement under regulation 27 or with the duties imposed by regulation 28; or
 - (iii) is otherwise unfit to perform the duties of Analyst in Charge;
- (c) there is no longer a person acting as Analyst in Charge of the licensed seed testing station;
- (d) a seed analyst carrying out statutory seed testing at the licensed seed testing station is no longer qualified to do so or has failed to comply with a requirement under regulation 27; or
- (e) the licence holder or any person whilst employed at the seed testing station 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 testing station licence with immediate effect if they are satisfied that the carrying on of statutory seed testing at the licensed seed testing station 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

30. The Scottish Ministers—

- (a) shall keep a register of licensed seed testing stations and shall specify in the case of each licensed seed testing station the name and address of the licence holder, the names of the Analyst in Charge and the Person in Charge and the species of seed which may be tested under the licence;
- (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

31.—(1) The holder of a seed testing station licence may charge reasonable fees for carrying out the functions specified in that licence.

(2) No person shall derive private gain in connection with carrying out the functions specified in a seed testing station licence.