
STATUTORY INSTRUMENTS

1990 No. 611

SEEDS

The Seeds (Registration, Licensing and Enforcement) (Amendment) Regulations 1990

<i>Made</i>	- - - -	<i>8th March 1990</i>
<i>Laid before Parliament</i>		<i>15th March 1990</i>
<i>Coming into force</i>	- -	<i>5th April 1990</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 16(1), (1A), (3), (4) and (8), 24(5), 26(2) and (3), 36 and 38(1) of the Plant Varieties and Seeds Act 1964⁽¹⁾ and of all other powers enabling them in that behalf, after consultation in accordance with the said section 16(1) with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Seeds (Registration, Licensing and Enforcement) (Amendment) Regulations 1990 and shall come into force on 5th April 1990.

Amendment

2. The Seeds (Registration, Licensing and Enforcement) Regulations 1985⁽²⁾ shall be amended as follows—

(a) for paragraph (1A) of regulation 9 (licensing of seed testing stations) there shall be substituted the following paragraphs—

“(1A) An establishment licensed under paragraph (1) above may charge reasonable fees for carrying out tests on seeds for the purposes of seeds regulations in respect of which no fees are prescribed by such regulations as well as prescribed fees for carrying out such tests in respect of which fees are so prescribed.

(1) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68), section 4(1) and paragraph 5(1), (2) and (3) of Schedule 4; section 38(1) (as amended by S.I. 1978/272) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which these Regulations are made.
(2) S.I. 1985/980, amended by S.I. 1987/1098

(1B) Subject to paragraph (1A) above, no establishment licensed under paragraph (1) above shall derive any private gain in connection with the carrying out of any tests on seeds for the purposes of seeds regulations.”;

- (b) for paragraph (3A) of regulation 10 (licensing of seed samplers and crop inspectors) there shall be substituted the following paragraphs—

“(3A) A person licensed under paragraph (1) above to be a seed sampler or a crop inspector may charge reasonable fees for carrying out those functions of a seed sampler or a crop inspector (as the case may be) specified in the licence in respect of which no fees are prescribed by seeds regulations as well as prescribed fees for carrying out those functions in respect of which fees are so prescribed.

(3B) Subject to paragraph (3A) above, no person licensed under paragraph (1) above to be a seed sampler or a crop inspector shall derive any private gain in connection with the carrying out of any of the functions of a seed sampler or a crop inspector, as the case may be, specified in the licence.”; and

- (c) in Schedule 1, Part I (functions which may be specified in a licence) for paragraph (1) there shall be substituted the following paragraph—

“(1) sample, in accordance with seeds regulations, such seeds as the Minister shall, under the terms of the licence, permit and submit sealed samples of such seeds for an official examination;”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 5th March 1990.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

8th March 1990

Sanderson of Bowden
Minister of State, Scottish Office

7th March 1990

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Seeds (Registration, Licensing and Enforcement) Regulations 1985 by—

(1) providing that licensed seed testing stations may charge reasonable fees for carrying out tests on seeds for the purposes of seeds regulations in respect of which no fees are prescribed by such regulations but that they shall not derive any private gain in carrying out such tests other than any such prescribed fees or any reasonable fees charged by them under such provision (regulation 2(a));

(2) providing that licensed seed samplers and licensed crop inspectors may charge reasonable fees for carrying out those of their licensed functions in respect of which no fees are prescribed by seeds regulations but that they shall not derive any private gain in carrying out any of their licensed functions other than any such prescribed fees or any fees charged by them under such provision (regulation 2(b)); and

(3) removing the restriction on the categories of seed which the Minister of Agriculture, Fisheries and Food (or the Secretary of State for Scotland or Wales as appropriate) may permit a licensed seed sampler to sample under the terms of his licence (regulation 2(c)).