1974. No. 146 **[C]**

SEEDS

Registration and Licensing

REGULATIONS DATED 28TH JUNE 1974, MADE BY THE DEPARTMENT OF AGRICULTURE UNDER SECTION 1 OF THE SEEDS ACT (NORTHERN IRELAND) 1965 AS AMENDED BY SCHEDULE 3 TO THE EUROPEAN COMMUNITIES (AGRICULTURE) ORDER (NORTHERN IRELAND) 1972.

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The Department of Agriculture in exercise of the powers conferred on it under section 1 of the Seeds Act (Northern Ireland) 1965(**a**) as amended by Schedule 3 to the European Communities (Agriculture) Order (Northern Ireland) 1972(**b**) and of every other power enabling it in that behalf, and after consultation with representatives of such interests as appeared to it to be concerned, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Seeds (Registration and Licensing) Regulations (Northern Ireland) 1974 and shall come into operation on 1st July 1974.

Interpretation

2. In these regulations, unless the context otherwise requires—

"the Act" means the Seeds Act (Northern Ireland) 1965;

"marketing" includes, as the context shall permit, the offering for sale, exposing for sale, sale and possession with a view to sale of seeds, and any transaction in the course of business under which the property in seeds is transferred from one person to another and "marketed" shall be construed accordingly;

"the Department" means the Department of Agriculture;

"seed merchant" means a person engaged in the business of trading in seeds other than trading only in small packages of seeds as defined in seeds regulations or in unpacketed seeds which may be marketed in accordance with seeds regulations;

(a) 1965, c. 22 (N.I.). (b) S.R. & O. (N.I.) 1972, No. 351.

"seed packer" means a person engaged in the business of re-packing seeds or a person who in accordance with the requirements of seeds regulations labels or marks packages of standard seeds of vegetables;

"seed processor" means a person engaged, in the business of cleaning, treating or otherwise processing seeds intended for sale;

"seeds" means seeds of any kind to which, for the time being, seeds regulations apply but does not include seed potatoes or silvicultural propagating or planting material;

"seeds regulations" means regulations made under section 1 of the Act and for the time being in force;

Registration of seed merchants, seed packers and seed processors

3.—(1) No person shall after 31st August 1974 carry on the business of a seed merchant, of a seed packer or of a seed processor unless he has by not later than that date applied to the Department for registration as a seed merchant, seed packer or seed processor as the case may be for the purposes of these regulations and the Department has not refused so to register him or unless he is for the time being so registered by the Department.

(2) A person desirous of being so registered shall make an application to the Department in writing and shall give to the Department such information and particulars relating to his business or proposed business as the Department may require.

(3) The Department shall register a person if it is satisfied that there are available to such person such premises, machinery, equipment and facilities and the services of such persons as appear to the Department to be adequate to enable such person to carry on the business to which the application relates.

(4) A person so registered shall keep proper records of his transactions in seeds and of the transport, treatment, testing and other operations undertaken by him or on his behalf in relation to any seeds and shall give to the Department such information as it shall require and when required to do so shall permit an officer authorised by the Department to inspect and take copies of any such records and to inspect the premises, machinery, equipment and facilities available for the carrying on of the business in respect of which such person is registered.

(5) The registration of a person shall be effective for a period not exceeding three years:

Provided that the Department may at any time revoke such registration if it appears to it that there are no longer available to such person such premises, machinery, equipment, facilities and services as are adequate to enable him to carry on the business in respect of which he is registered, or if such person has failed to comply with the obligations imposed by paragraph (4).

Prohibition of marketing of seeds

4.—(1) If it shall appear to the Department that seeds of a particular category, kind or variety marketed by a person registered in accordance with Regulation 3 have been shown to fail to satisfy the requirements of seeds regulations it may prohibit for either an indeterminate or for a specified period the further marketing of seeds of that category, kind or

variety by such person from such premises, if any, as may be indicated and thereafter such seeds may not be marketed by such person from such premises, if any, until the prohibition is terminated.

(2) If the Department during the period whilst the marketing of seeds is so prohibited becomes satisfied that it is no longer likely that such seeds when marketed by such person will fail to satisfy the said requirements it shall terminate the prohibition imposed by this regulation.

Representations and hearings

5.—(1) The Department shall, before making a decision to refuse to register a person on the ground that it is not satisfied as to one or more of the matters referred to in Regulation 3(3), to revoke the registration of a person in accordance with the proviso to Regulation 3(5), or to prohibit in accordance with Regulation 4(1) the marketing by a person of seeds of a particular category, kind or variety, give to such person a notice in writing of its proposed decision with particulars of the grounds upon which it is founded and shall afford to such person, subject to the payment of any fee imposed by seeds regulations, an opportunity of making representations to it in writing or of being heard by a person appointed by it for the purpose or of both making such representations and being so heard.

(2) The said notice shall inform the person affected of his right to make written representations, of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made and of his right to be heard and of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard.

(3) If the person affected shall make no written representations nor apply to be heard the Department shall proceed to make its decision.

(4) A person making written representations to the Department shall with the representations, and a person applying to be heard shall not later than 7 days before the day appointed for the hearing, deliver to the Department two copies of any documents upon which such person proposes to rely.

(5) If a person so entitled shall apply to be heard the Department shall, subject to the payment of any fee imposed by seeds regulations, appoint a time and place for the hearing.

(6) In appointing such time and place the Department shall have regard to the convenience of the person who is to be heard and of his witnesses, the situation of any premises to be viewed in connection with the matter and to the other circumstances of the case.

(7) The Department shall give to the person who is to be heard not less than 21 days notice in writing of the time and place of the hearing.

(8) The hearing may be adjourned from time to time.

(9) The person who is to be heard may be represented at the hearing by a person chosen by him.

(10) The person who is to be heard may give evidence and he or his representative may call witnesses and produce documents: provided that except with the leave of the person conducting the hearing no document shall be produced unless copies were delivered to the Department in accordance with paragraph (4).

(11) The person conducting the hearing may require any witness to give his evidence on oath or affirmation and may for that purpose administer an oath or affirmation in due form.

(12) The hearing shall be in public unless the person conducting the hearing after consultation with the person who is to be heard or his representative otherwise directs.

(13) The Department shall make its decision after taking into account any written representations made to it and the submissions made and evidence adduced at the hearing and shall give the person affected notice thereof, and, if its decision is adverse to such person, with its reasons for its decision together with an indication of the time within which and the manner in which an appeal may be brought.

Extension of time

6. Where any document is to be delivered or given or any act is to be done within a time prescribed by these regulations such time may, if in all the circumstances of the case the Department considers it reasonable to do so, be extended by the Department for such period and upon such terms, if any, as it thinks fit.

Seed testing stations

7.—(1) The Department may by licence granted to any person authorise him to maintain for a period specified in the licence an establishment for the testing of seeds for the purposes of seeds regulations.

(2) A licence granted in accordance with paragraph (1) may impose such conditions as the Department shall deem appropriate having regard to the kinds of seeds to be tested, the kinds of tests to be made and the procedure to be followed in connection therewith and may require the keeping and production of records.

(3) The Department may withdraw a licence granted in accordance with paragraph (1) if it appears to it that there has been a breach of any of the conditions referred to in paragraph (2).

(4) A breach of any of the conditions referred to in paragraph (2) shall be an offence against these regulations.

(5) Upon the granting of a licence in accordance with paragraph (1) there shall be payable to the Department the appropriate fee prescribed in seeds regulations.

Crop inspectors and seed samplers

8.—(1) The Department upon being satisfied that a person has undergone an appropriate course of instruction and is otherwise qualified for the purpose may grant him a licence for a period specified therein to be a crop inspector or a seed sampler.

(2) A person so licensed may for the purposes of seeds regulations perform such functions and in such manner if any, as the Department may direct.

(3) The Department may at any time withdraw a licence granted to a person under paragraph (1) if it is satisfied that such person is no longer qualified or is otherwise unfit to perform the functions of a crop inspector or a seed sampler, as the case may be.

Publication

9. The Department shall be at liberty to publish in such manner as it thinks fit the names and addresses of persons for the time being registered or licensed in pursuance of these regulations.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland this 28th day of June 1974.

(L.S.) *Thomas P. Gibson,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations are made under the Seeds Act (Northern Ireland) 1965 as amended by the European Communities (Agriculture) Order (Northern Ireland) 1972.

The regulations provide that after 31st August 1974 no person shall carry on the business of a seed merchant, seed packer or seed processor unless he is either registered or has before that date applied for registration and his application has not been refused. A seed merchant is so defined as to exclude persons trading only in small packages of seeds or loose seeds under the relevant seeds regulations.

Registration is effected with the Department of Agriculture and continues for a period not exceeding three years. The Department is to be satisfied that persons to be registered have available to them adequate premises, machinery, equipment, facilities and services and it may revoke a registration if these do not continue to be available. The Department may also revoke the registration of a person who fails to maintain proper records and make them available for inspection by the Department. Further, the Department may temporarily prohibit the marketing, by a person registered, of seeds of a particular category, kind or variety which have fallen short of the requirements of seed regulations.

Provision is made for oral and written representations to the Department before it refuses to register a person or revokes a registration or prohibits the marketing of seeds.

The regulations also provide for the licensing by the Department of seed testing stations, which will be required to observe such conditions as to procedure and keeping of records as are imposed by the licence, and of crop inspectors and seed samplers.