
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 388

**The Seeds (Registration, Licensing and
Enforcement) Regulations (Northern Ireland) 2009**

PART 7

Miscellaneous and supplemental

Right to make representations

36.—(1) The Department shall not—

- (a) refuse to register a person as a person who may engage in a seed industry activity;
- (b) revoke the registration of a person as a person who may engage in a seed industry activity;
- (c) refuse to grant or vary a crop inspector's licence;
- (d) vary a crop inspector's licence pursuant to regulation 12(4);
- (e) suspend or revoke a licensed crop inspector's licence;
- (f) refuse to grant a seed sampler's licence;
- (g) vary a licensed seed sampler's licence;
- (h) suspend or revoke a licensed seed sampler's licence;
- (i) refuse to grant or vary a licensed seed testing station licence;
- (j) vary a licensed seed testing station licence pursuant to regulation 26(4); or
- (k) suspend or revoke a licensed seed testing station licence;

unless the Department has complied with the provisions of this regulation.

(2) The Department shall—

- (a) give the person concerned notice stating what the Department is proposing to do and the reasons for it; and
- (b) inform the person concerned of his right to make representations to the Department and 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.

(3) In this regulation, the person concerned in the case of any notice served in connection with a licensed seed testing station shall be the person in charge of the licensed seed testing station.

(4) Subject to paragraph (5), the Department shall not proceed with its proposed refusal, variation, suspension or revocation (as the case may be) until the period allowed for making representations has passed.

(5) Where the Department considers it necessary to suspend a crop inspector's licence, a seed sampler's licence or a licensed seed testing station licence, with immediate effect, the Department may do so notwithstanding the right of the person concerned to make representations and when the Department gives notice of its decision under paragraph (7) the Department shall—

- (a) indicate whether the suspension should for the time being remain in force; or
- (b) withdraw the suspension of the licence.

(6) A person who makes representations to the Department shall provide the Department with a copy of any document upon which that person seeks to rely within the time allowed for the making of such representations.

(7) The Department shall consider any representations made to it under this regulation before giving the person concerned notice of its decision together with the reasons for that decision and, where appropriate, of the date from which the decision shall have effect.

(8) A notice under paragraph (7) shall where applicable inform the person concerned of—

- (a) his right to appeal to the Tribunal against the Department's decision; and
- (b) the time within which such an appeal may be brought.

(9) There shall be no right of appeal to the Tribunal where the Department—

- (a) has refused to grant a crop inspector's licence or a seed sampler's licence for the sole reason that he failed to pass the relevant examination for the grant of the licence;
- (b) has refused to vary a crop inspector's licence for the sole reason that he failed to pass the relevant examination for the variation of the licence; or
- (c) has decided that a licensed crop inspector or licensed seed sampler is no longer qualified to inspect crops or sample seed (as the case may be) and has—
 - (i) in the case of a crop inspector varied, suspended or revoked his licence, or
 - (ii) in the case of a licensed seed sampler suspended or revoked his licence,

for the sole reason that he failed to pass an examination which he was required to undergo as a condition of his licence.

(10) The Department may charge any person making representations under this regulation reasonable fees in that connection which shall be payable on making the representations to her.