
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 244

The Seed Marketing Regulations (Northern Ireland) 2016

PART 4

Licensing

Operations requiring a licence from the Department

20.—(1) Any person carrying out any of the following operations must be licensed to do so by the Department—

- (a) marketing seed;
- (b) packing, sealing or labelling seed;
- (c) re-packing, re-sealing or re-labelling seed;
- (d) preparing mixtures of seed for marketing; or
- (e) cleaning, treating or in any other way processing seed intended for marketing.

(2) But the requirement for a licence does not apply in relation to the marketing of—

- (a) small packages of seed as defined in Schedule 3;
- (b) unpacketed seed; or
- (c) seed as grown, for processing, provided the identity of the seed is ensured under paragraph 2 of Schedule 4.

(3) The Department may license any person to carry out any of the operations in paragraph (1), if it is satisfied the person—

- (a) is competent to carry out such operations;
- (b) has adequate premises or equipment for the purposes of carrying out those operations; and
- (c) has sufficient knowledge and qualifications for the purposes of carrying out those operations.

Licensing crop inspectors, seed samplers and seed testing stations

21.—(1) The Department may license crop inspectors, seed samplers and seed testing stations to act under these Regulations.

(2) Before licensing a crop inspector or seed sampler the Department must be satisfied that the person is competent to act as such, and has passed an examination specified by the Department.

(3) Before licensing a seed testing station the Department must be satisfied that the station has adequate premises, qualified personnel and equipment to test for the purposes of these Regulations.

(4) A licensed crop inspector, seed inspector or seed testing station may charge reasonable fees for carrying out functions under these Regulations but may not derive any private gain in connection with the carrying out of such functions.

Licences for temporary experiments

22. The Department may by licence exempt any person or class of person from compliance with any provision of these Regulations for the purposes of a temporary experiment organised under—

- (a) Article 19 of Council [Directive 2002/54/EC](#) on the marketing of beet seed;
- (b) Article 13a of Council [Directive 66/402/EEC](#) on the marketing of cereal seed;
- (c) Article 13a of Council [Directive 66/401/EEC](#) on the marketing of fodder plant seed;
- (d) Article 16 of Council [Directive 2002/57/EC](#) on the marketing of seed of oil and fibre plants; or
- (e) Article 33 of Council [Directive 2002/55/EC](#) on the marketing of vegetable seed.

General provisions relating to licences

23.—(1) A licence, under regulations 20, 21 or 22 must be in writing, and may be subject to such conditions as the Department considers appropriate.

(2) Subject to paragraph (3), the Department may vary, suspend or revoke a licence by notice in writing at any time.

(3) Where the Department proposes to vary, suspend or revoke a licence it shall—

- (a) give the person concerned notice in writing stating what the Department is proposing to do and the reasons for it;
- (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 such representations may be made; and
- (c) not proceed with its proposed course of action until the period allowed for making representations has passed.

(4) The Department shall consider any representations made before giving the person concerned notification of its decision together with the reasons for that decision and, where appropriate the date from which the decision has effect.

(5) A notification under paragraph (4) shall inform the person concerned of—

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