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STATUTORY RULES OF NORTHERN IRELAND

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**2020 No. 302**

**The Seeds (Variety Lists) Regulations (Northern Ireland) 2020**

**Representations and hearings**

17.—(1) the Department shall provide any person likely to be affected by a proposed relevant decision an opportunity—

- (a) to make written representations to it about it in the manner, and within the period, published for the purpose in the Gazette under regulation 3; or
- (b) if a request for oral representations is made within the period published for the purpose in the Gazette under regulation 3, to make oral representations about the proposed relevant decision to a person appointed by it,

or to do both, subject to the payment of any fee in respect of such representations payable under the Fees Regulations.

(2) The Department may afford to any person entitled to make representations in accordance with paragraph (1) in respect of a proposed relevant decision an opportunity to make representations to it on more than one occasion if in the circumstances it appears to it to be necessary or desirable to do so; and, on a second or subsequent such occasion, may afford to any such person the opportunity to do so without charging any fee.

(3) The Department shall send to each person entitled to make written representations in accordance with paragraph (1) of whom it is aware a copy of any representations so made.

(4) Where any person entitled to make oral representations in accordance with paragraph (1) in respect of a proposed relevant decision makes a request to do so in accordance with that paragraph, or is afforded an opportunity to make oral representations in respect of it in accordance with paragraph (2), the Department shall—

- (a) appoint a time and place in Northern Ireland for the hearing of oral representations in respect of the relevant decision, having regard to—
  - (i) the convenience, wishes and expenses of any such person;
  - (ii) the situation of any land or premises to be viewed in relation to the oral representations; and
  - (iii) all other circumstance;
- (b) appoint a person to conduct the hearing of the oral representations; and
- (c) give not less than 14 days notice of the time and place appointed for the hearing to those persons likely to be affected by the decision.

(5) Any person entitled to make oral representations at a hearing in accordance with this regulation shall, not later than 7 days before the day appointed for the hearing, deliver to the Department two copies of any documents which the person proposes to rely upon, and the Department shall deliver a copy of these documents to each of the other persons who appear to it to be concerned in the matter.

(6) The procedure in relation to the preparation for the hearing of oral representations in respect of a proposed relevant decision, and, subject to paragraph (7), the procedure at the hearing of them, including any adjournment or subsequent convening of the hearing, shall be as the person conducting

the hearing directs having regard to the wishes of the persons affected by the proposed relevant decision who are entitled to make the oral representations in respect of it or who have been afforded an opportunity to make oral representations in respect of it in accordance with paragraph (2).

- (7) A person who makes oral representations in accordance with this regulation may—
- (a) rely upon the documents in respect of which copies have been delivered to the Department as required by paragraph (5);
  - (b) call witnesses; and
  - (c) put questions directly to any witnesses called by or on behalf of any other person making oral representations at the hearing,

and may be represented for the purpose by a person of their choice.

(8) The Department shall not take a relevant decision until it has considered any oral or written representations made in accordance with this regulation in respect of the proposal for it and any documents relied on and evidence adduced at the hearing of any oral representations.

(9) The Department shall give to each person who has made oral or written representations in accordance with this regulation notice of its decision together with their reasons for it and shall inform such person of the time and manner in which an appeal against the relevant decision may be brought to the Tribunal.