
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 68

The Seed (Licensing and Enforcement
etc.) (Scotland) Regulations 2016

PART II

LICENSING

Determination of licences

- 4.—(1) Where an application is made under regulation 3(1), the Scottish Ministers may—
- (a) grant a licence—
 - (i) specifying the functions covered by the licence; and
 - (ii) subject to such conditions as the Scottish Ministers may determine; or
 - (b) refuse it.
- (2) For the purpose of paragraph (1)(a)(i), the Scottish Ministers must specify—
- (a) in the case of a professional seed operator's licence, whether the licence holder is authorised to carry out the functions of a seed merchant, a seed processor or a seed packer (or any combination of those functions) and the species and categories of seed in respect of which those functions can be carried out;
 - (b) in the case of a crop inspector's licence, the species and categories of crops which the licence holder is entitled to inspect;
 - (c) in the case of a seed sampler's licence, the species of seed which may be sampled and the functions which the licence holder is authorised to carry out;
 - (d) in the case of a seed testing station licence, the species and categories of seed which may be tested by the seed testing station and the methods of testing which may be carried out.
- (3) Without prejudice to the generality of paragraph (1)(a)(ii)—
- (a) a licence may include general conditions or conditions which are specific to the type of licence granted; and
 - (b) the Scottish Ministers may from time to time publish a list of standard conditions which, subject to a determination under that paragraph, may be included in any licence granted.
- (4) Before granting a licence under paragraph (1)(a), or varying a licence under regulation 5(1), the Scottish Ministers must be satisfied that—
- (a) in the case of a professional seed operator, the person—
 - (i) is suitable to carry out the functions of a seed merchant, a seed processor or, as the case may be, a seed packer;
 - (ii) has adequate premises or equipment for the purposes of carrying out those functions; and

- (iii) has appropriate knowledge and qualifications for the purposes of carrying out those functions;
 - (b) in the case of a crop inspector or a seed sampler, the person is competent to act as such, and has completed such training courses and passed such examinations as may be required by the Scottish Ministers;
 - (c) in the case of a seed testing station, the station has adequate premises or equipment and the Analyst in Charge and any seed analyst have appropriate knowledge and qualifications, for the purposes of carrying out statutory seed testing.
- (5) The Scottish Ministers may refuse to grant a licence under paragraph (1)(b), or vary a licence under regulation 5(1), if they are not or are no longer satisfied that the person is a suitable person to be a licence holder having regard to—
- (a) any previous suspension or revocation of a licence held by the person—
 - (i) under the 2006 Regulations or these Regulations; or
 - (ii) in any other part of the United Kingdom for the purposes of the Seed Marketing Directives; or
 - (b) any circumstances which led to the person being convicted of an offence under section 16(7) of the Act⁽¹⁾.
- (6) A licence may be granted under paragraph (1)(a) for a maximum period of five years.
- (7) Subject to regulation 23, where a person applies for a licence under regulation 3(1) to take effect on expiry of an existing licence granted under regulation 4(1)(a), the existing licence continues to have effect, regardless of its expiry date, pending final determination of the application or, where applicable, final determination of an appeal against refusal of the application.

(1) Under section 16(7), it is an offence to include anything in a statutory statement which is false in a material particular or to contravene any provision in seeds regulations.