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STATUTORY INSTRUMENTS

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**2002 No. 3176**

**The Seed (Registration, Licensing and Enforcement) (England) Regulations 2002**

**PART V**

*LICENSED SEED TESTING STATIONS*

**Applications for licences**

**24.**—(1) A person may apply to the Secretary of State for an establishment to be licensed as a laboratory that may be used for carrying out statutory seed testing.

(2) An application made under paragraph (1) may relate to any species of seed to which the Seed Marketing Regulations apply, except seed of a species to which the Vegetable Seed (England) Regulations 2002 apply.

(3) An application made under paragraph (1) shall—

- (a) contain the name and address of the applicant and, where different, the person who shall be in charge of the laboratory (the “person in charge”);
- (b) be accompanied by details of the laboratory and species of seed in respect of which a licence is sought; and
- (c) contain such other information as the Secretary of State may reasonably require for the purpose of considering the matters to be taken into account in Part I of Schedule 4.

**Licences**

**25.**—(1) Where an application is made in accordance with regulation 24 the Secretary of State shall license the establishment to be used as a laboratory that may carry out statutory seed testing of the species specified in that application if she is satisfied that the laboratory is suitable having regard to the matters to be taken into account in Part I of Schedule 4.

(2) A LSTS belonging to a registered person shall only carry out statutory seed testing on seed lots produced by or on behalf of that person unless otherwise agreed between the registered person, the applicant for certification and the Secretary of State.

(3) The licence shall be subject to the conditions set out in Part II of Schedule 4 and such other conditions as the Secretary of State may think necessary or desirable having regard to the species of seed to be tested, the nature of the tests to be carried out and the procedure to be followed in connection with such tests.

**Variation of licences**

**26.**—(1) The person in charge of a LSTS may apply to the Secretary of State for the licence held in respect of that LSTS to be varied so as to authorise its use as a laboratory that may carry out statutory seed testing on another species of seed in addition to the species specified in the licence or instead of such species.

(2) Where an application is made under paragraph (1) the Secretary of State shall vary the licence so as to authorise the laboratory to which it relates to carry out statutory seed testing on the species of seed to which that application relates if she is satisfied that the laboratory is suitable, having regard to the matters to be taken into account in Part I of Schedule 4.

(3) In varying a licence under paragraph (2) the Secretary of State may vary the conditions imposed by the licence.

(4) Subject to regulation 36, the Secretary of State may vary a LSTS licence whether or not she has received any application under this regulation—

- (a) by removing the authorisation relating to the statutory seed testing of a species of seed if she is satisfied that the LSTS is no longer suitable to carry out statutory seed tests in respect of that species or that the authorisation to test such seed is otherwise no longer appropriate; or
- (b) by varying the conditions imposed by a LSTS licence.

### **Examinations**

**27.**—(1) For the purposes of this Part and Schedule 4—

- (a) a seed analyst is a person who—
  - (i) has completed a training course organised by, or on behalf of, the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development relating to seed testing in respect of seed of the species being tested, or to be tested, by him; and
  - (ii) having completed such a course, has passed the relevant examination organised by, or on behalf of, the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development;
- (b) an Analyst in Charge is a person who, being also a seed analyst, has—
  - (i) completed the training course and passed the examination required of a seed analyst in respect of seed of each of the species which may be tested at the LSTS for which he has, or is to have, responsibility; and
  - (ii) passed an examination relating to laboratory management organised by, or on behalf of, the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development.

(2) The Secretary of State may from time to time require any seed analyst carrying out statutory seed testing at a LSTS or the Analyst in Charge of a LSTS to attend such further training courses and undergo such further examinations as she considers appropriate in order to maintain his knowledge and qualifications in respect of his functions at the LSTS.

### **Duties of seed analysts in charge of LSTSs**

**28.** A person acting as the Analyst in Charge of a LSTS shall—

- (a) have direct responsibility for the technical operations of the LSTS ;
- (b) be in effective control of all the statutory seed testing carried out at the LSTS; and
- (c) exercise close supervision of the work of any seed analyst assisting him in connection with statutory seed testing carried out at the LSTS.

### **Suspension and revocation of licences**

**29.** Subject to regulation 36, the Secretary of State may suspend or revoke a LSTS licence if it appears to her that—

- (a) there has been a breach of any conditions of the licence;
- (b) a person acting as a Analyst in Charge of a LSTS—
  - (i) is no longer qualified to act as such,
  - (ii) has failed to comply with the duties imposed on him by regulation 28, or
  - (iii) is otherwise unfit to perform his duties; or
- (c) a seed analyst carrying out statutory seed testing at the LSTS is no longer qualified to do so.

### **List**

#### **30.** The Secretary of State—

- (a) shall prepare a list of LSTSs and shall specify in the case of each LSTS the species of seed which it is licensed to test;
- (b) shall make the list available for inspection by any person at any reasonable time; and
- (c) may from time to time publish the list in such manner as she thinks appropriate.

### **Fees**

**31.—**(1) The person in charge of a LSTS may charge reasonable fees for statutory seed testing carried out on seed at the LSTS but shall not derive any private gain from such tests.

(2) The Secretary of State may charge the person in charge of a LSTS reasonable fees in respect of costs incurred by the Secretary of State in connection with the licensing and supervision of the LSTS and the statutory seed testing carried out there.