
WELSH STATUTORY INSTRUMENTS

2004 No. 2881

The Oil and Fibre Plant Seed (Wales) Regulations 2004

PART IV

MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

Arrangements for official measures

28.—(1) Subject to the following provisions of this regulation, the National Assembly for Wales may make arrangements, in such form as it is of the opinion may be necessary or desirable, for the purpose of enabling any person to act under its responsibility in carrying out official measures.

(2) The National Assembly for Wales shall not make an arrangement under this regulation unless it is satisfied that it will make provision for the purpose of preventing the person with whom the arrangement is made, and any other person, from —

- (a) deriving any private gain from any official measures carried out under the arrangement; and
- (b) carrying out any official measures under the arrangement except under the supervision of the National Assembly for Wales.

(3) An arrangement under this regulation may include such conditions as the National Assembly for Wales is of the opinion are necessary or desirable for the purposes referred to in paragraphs (1) and (2) above, including conditions —

- (a) specifying —
 - (i) the official measures that the person with whom the arrangement is made shall carry out under it;
 - (ii) the species and category of seed in respect of which he or she may carry out the official measures;
 - (iii) the methods to be used in connection with the official measures he or she carries out under the arrangement;
 - (iv) the fees that may be charged by the person with whom the arrangement is made in relation to the official measures he carries out under it; and
 - (v) the records that must be kept by the person with whom the arrangement is made in connection with the official measures he or she carries out;
- (b) prohibiting the person with whom the arrangement is made from —
 - (i) carrying out the official measures except under official supervision, and
 - (ii) charging fees in relation to the official measures he or she carries out under the arrangement except to the extent that these do not exceed the costs he or she incurs in carrying them out; and
- (c) prohibiting the person with whom the arrangement is made from making any further arrangement for any purpose in connection with the carrying out of any of the official

measures he or she has arranged with the National Assembly for Wales to carry out, unless —

- (i) the National Assembly for Wales has first approved all the conditions of the further arrangement and the person with whom the arrangement was made has received the prior approval of the National Assembly for Wales to make the further arrangement;
- (ii) the further arrangement includes a condition prohibiting the making of any subsequent arrangements for any purpose in connection with the carrying out of any of the official measures in respect of which the National Assembly for Wales made the arrangement;
- (iii) the further arrangement includes an acknowledgement by the person with whom it is made that the National Assembly for Wales may vary, suspend or revoke the further arrangement, whether or not it also varies, suspends or revokes the arrangement it made with the person seeking its approval for the further arrangement; and
- (iv) the further arrangement includes the conditions specified in sub-paragraphs (a) and (b).

(4) The National Assembly for Wales shall not approve the making of a further arrangement by any person with whom it makes an arrangement under this regulation unless it is satisfied that the person with whom the further arrangement is to be made —

- (a) will not derive any private gain from any official measures he or she is to be authorised to carry out under the further arrangement, and
- (b) will not carry out any official measures under the further arrangement except under official supervision.

(5) The National Assembly for Wales may vary, suspend or revoke an arrangement or the conditions of an arrangement made under this regulation, or a further arrangement or any of the conditions of a further arrangement under this regulation, by giving notice to the person with whom the arrangement or further arrangement is made, and a further arrangement may be varied, suspended or revoked under this paragraph notwithstanding that the arrangement in respect of which it was made is not also varied, suspended or revoked.

(6) A notice of a variation, suspension or revocation of an arrangement or further arrangement, or of a condition of an arrangement or further arrangement, shall specify —

- (a) in respect of a variation or a revocation, a date on and after which the variation or revocation shall have effect, and
- (b) in respect of a suspension, a period during which suspension shall have effect,

and the variation, suspension or revocation shall have effect in accordance with the notice.

(7) When a variation, suspension or revocation has effect the National Assembly for Wales may, for any purposes in relation to these Regulations or a determination under these Regulations, continue to have regard to such of the official measures carried out under an arrangement which was varied, suspended or revoked as appear to it to be official measures carried out in accordance with the provisions of these Regulations.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Oil and Fibre Plant Seed (Wales) Regulations 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2012/245 reg. 34\(a\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)