
WELSH STATUTORY INSTRUMENTS

2012 No. 245

The Seed Marketing (Wales) Regulations 2012

PART 5

Administration and revocations

Withdrawing certification

- 23.**—(1) The Welsh Ministers may withdraw certification from any seed if satisfied that—
- (a) the seed, or the seed from which the crop producing the seed was grown, was incorrectly sampled;
 - (b) the crop from which the seed was harvested did not meet the conditions in Schedule 2; or
 - (c) the seed—
 - (i) did not meet the conditions in Schedule 2 when it was tested; or
 - (ii) no longer meets those conditions.
- (2) If certification is withdrawn the Welsh Ministers must notify the applicant.
- (3) Within 7 days of being notified the applicant must notify any person to whom they have sold or supplied the seed.

Sampling for enforcement purposes

- 24.**—(1) A sample of seed taken for the purposes of enforcing these Regulations must be taken by an authorised officer of the Welsh Ministers, who must divide it into three parts.
- (2) One part must be given to the owner of the seed (or a representative of the owner) and the other two parts must be sent to an official testing station, one for testing and the other for retention pending production to a court in accordance with section 26(7) of the Plant Varieties and Seeds Act 1964⁽¹⁾.

Forms of certificates used for enforcement

- 25.**—(1) For the purposes of section 26(3) of the Plant Varieties and Seeds Act 1964, a certificate of how a sample was taken for the purpose of enforcing these Regulations must—
- (a) make reference to these Regulations, and must certify that the sample was taken and treated in accordance with regulation 24;
 - (b) specify—
 - (i) the name and address of the person taking the sample;
 - (ii) the premises at which the sample was taken;
 - (iii) the type of seed sampled;
 - (iv) the date the sample was taken;

- (v) the reference number of the seed lot;
- (vi) the quantity sampled.

(2) For the purposes of section 24(5) of the Plant Varieties and Seeds Act 1964, a certificate of the result of a test at an official seed testing station of a sample taken by an authorised officer for the purposes of that Act must—

- (a) make reference to these Regulations;
- (b) identify the seed tested;
- (c) contain all test results relating to the standard required for that seed.

Certification for export

26. The Welsh Ministers may certify the quality of any seed intended for export outside the European Union.

Importation from outside the European Union

27.—(1) Seed imported from outside the European Union must be labelled with a label approved by the Organisation for Economic Cooperation and Development⁽²⁾ for the varietal certification on the control of seed moving in international trade.

(2) If the seed is to be further multiplied the person intending to multiply it must first submit a sample to the Welsh Ministers for verification.

(3) Any person marketing seed that has been imported from a third country and exceeds two kilograms must supply the Welsh Ministers, in writing and within one month of the first marketing of the seed, with the following particulars relating to the seed—

- (a) the species;
- (b) the variety;
- (c) the category;
- (d) the country of production and the official inspection authority;
- (e) the country of despatch;
- (f) the importer; and
- (g) the quantity of seed.

Appeals

28.—(1) Any person who is aggrieved by a decision of the Welsh Ministers to—

- (a) vary, suspend, revoke or refuse to grant a licence of a crop inspector, seed sampler, seed testing station, or a person requiring a licence under regulation 20,
- (b) refuse to certify seed,
- (c) withdraw certification of seed,

may, within 21 days of being notified of the decision, appeal against it to a person appointed for the purpose by the Welsh Ministers.

(2) The appointed person must consider the appeal and any representations made by the Welsh Ministers, and within 21 days report in writing with a recommended course of action to the Welsh Ministers.

(2) Details of these labels are available on the OECD's website.

(3) The Welsh Ministers must then make a final decision and notify the appellant, together with the reasons.

Fees

29. The Welsh Ministers may charge a reasonable fee for anything done under these Regulations.

Marketing seed under a specific derogation

30. The Secretary of State acts as the member State for the purposes of Commission Regulation (EC) No 217/2006 laying down rules for the application of Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination(3).

Confidentiality

31. If the breeder so requests, the description of genealogical components of seed must not be disclosed by the Welsh Ministers.

Licensing and certifying in another part of the United Kingdom

32.—(1) Any seed certified in another part of the United Kingdom may be marketed in Wales.

(2) A crop inspector, seed sampler or seed testing station licensed to act as such in another part of the United Kingdom may act as such under these Regulations.

Transitional provisions

33.—(1) A crop inspector, seed sampler or seed testing station licensed at the time these Regulations come into force under the Seed (Registration, Licensing and Enforcement) (Wales) Regulations 2005(4) continues to be licensed as such under these Regulations.

(2) A person requiring to be licensed under regulation 20 of these Regulations who was licensed under the Seed (Registration, Licensing and Enforcement) (Wales) Regulations 2005, at the time these Regulations come into force, is now licensed to act as such under these Regulations subject to such conditions as may be notified by the Welsh Ministers and continues to be licensed unless the licence is subsequently suspended or revoked by the Welsh Ministers under these Regulations.

Revocation

34. The following Regulations are revoked—

- (a) the Oil and Fibre Plant Seed (Wales) Regulations 2004(5);
- (b) the Vegetable Seed (Wales) Regulations 2005(6);
- (c) the Cereal Seed (Wales) Regulations 2005(7);
- (d) the Beet Seed (Wales) Regulations 2005(8);
- (e) the Fodder Plant Seed (Wales) Regulations 2005(9);

(3) OJ No L 38, 9.2.2006, p. 17.

(4) S.I.2005/3038 (W. 226).

(5) S.I. 2004/2881 (W. 251)

(6) S.I. 2005/3035 (W. 223)

(7) S.I. 2005/3036 (W. 224)

(8) S.I. 2005/3037 (W. 225)

(9) S.I. 2005/1207 (W. 79).

- (f) the Seed (Registration, Licensing and Enforcement) (Wales) Regulations 2005**(10)**;
- (g) the Cereal Seed (Wales) and Fodder Plant Seed (Wales) (Amendment) Regulations 2006**(11)**;
- (h) the Seed (Wales) (Amendments for Tests and Trials etc) Regulations 2007**(12)**;
- (i) the Seed (Conservation Varieties Amendments) (Wales) Regulations 2009**(13)**;
- (j) the Seed (Miscellaneous Amendments) (Wales) Regulations 2010**(14)**;
- (k) the Vegetable Seed (Wales) (Amendment) Regulations 2011**(15)**.

(10) S.I. 2005/3038 (W. 226).
(11) S.I. 2006/3250 (W. 294).
(12) S.I. 2007/119 (W. 9).
(13) S.I. 2009/1356 (W. 131).
(14) S.I. 2010/1808 (W. 176).
(15) S.I. 2011/994 (W. 147).