STATUTORY INSTRUMENTS

2016 No. 613

SEEDS, ENGLAND

The Seed Marketing (Amendment) Regulations 2016

Made - - - -	*26th May 2016*
Laid before Parliament	*1st June 2016*
Coming into force - -	*30th June 2016*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 16(1), (1A), (2), (3) and (4) of the Plant Varieties and Seeds Act 1964(**1**) and now vested in the Secretary of State(**2**).

In accordance with section 16(1) of that Act, the Secretary of State has consulted with representatives of such interests as appear to the Secretary of State to be concerned.

Citation, commencement etc.

1.—(1) These Regulations may be cited as the Seed Marketing (Amendment) Regulations 2016 and come into force on 30th June 2016.

(2) The Seed Marketing Regulations 2011(**3**) are amended as follows.

Regulation 16 (packaging and sealing)

2. In regulation 16, for paragraph (3) substitute—

"(3) A package must be sealed by or under the supervision of a licenced seed sampler using an official seal".

Regulation 24 (sampling for enforcement purposes)

3. In regulation 24, after paragraph (2) insert—

"(3) That part of the sample sent for testing must be retained for at least two years".

(**1**) 1964 c. 14; section 16(1) was amended, and section 16(1A) was inserted, by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 5. See section 38(1) for the definition of "the Minister".

(**2**) The functions of the Ministry of Agriculture, Fisheries and Food were transferred to the Secretary of State by virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(**3**) S.I. 2011/463, amended by S.I. 2011/2992; there is another amending instrument but it is not relevant.

Arrangements for official measures

4. After regulation 28 insert—

"**Arrangements for official measures**

28A.—(1) The Secretary of State may make such arrangements with any person ("A") as the Secretary of State considers necessary or desirable for the purpose of enabling A to carry out official measures on the Secretary of State's behalf.

(2) But the Secretary of State must not make any arrangement under this regulation unless satisfied that the arrangement makes provision for the purpose of preventing any 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 official supervision.

(3) The Secretary of State may include in any arrangement such conditions as the Secretary of State considers necessary or desirable for the purposes referred to in paragraphs (1) and (2), including conditions—

(a) specifying—

(i) the official measures that A must carry out;

(ii) the species and generation of seed in respect of which A may carry out the official measures;

(iii) the methods to be used in connection with the official measures that A carries out;

(iv) the fees that A may charge in relation to the official measures that A carries out;

(v) the records that A must keep in connection with the official measures that A carries out;

(b) prohibiting A from—

(i) charging fees in relation to the official measures that A carries out under the arrangement except to the extent that these do not exceed the costs that A incurs in carrying them out;

(ii) carrying out the official measures except under official supervision;

(c) prohibiting A from making any further arrangement with any other person ("B") for any purpose in connection with the carrying out of the official measures that A has arranged with the Secretary of State to carry out, unless—

(i) the Secretary of State has approved all the conditions of the further arrangement and A has received the prior written approval of the Secretary of State to make the further arrangement;

(ii) the further arrangement includes a condition prohibiting B from making any subsequent arrangements for any purpose connected with the carrying out of the official measures in respect of which the Secretary of State made the arrangement with A;

(iii) the further arrangement includes an acknowledgment by A that the Secretary of State may vary, revoke or suspend the further arrangement if it appears to the Secretary of State that B is not complying, or has failed to comply, with any condition of the further arrangement; and