1974. No. 146 **[C]**

SEEDS

Registration and Licensing

REGULATIONS DATED 28TH JUNE 1974, MADE BY THE DEPARTMENT OF AGRICULTURE UNDER SECTION 1 OF THE SEEDS ACT (NORTHERN IRELAND) 1965 AS AMENDED BY SCHEDULE 3 TO THE EUROPEAN COMMUNITIES (AGRICULTURE) ORDER (NORTHERN IRELAND) 1972.

ARRANGEMENT OF REGULATIONS

Regulation

1 Citation and commencement
2 Interpretation
3 Registration of seed merchants, seed packers and seed processors
4 Prohibition of marketing of seeds
5 Representations and hearings
6 Extension of time
7 Seed testing stations
8 Crop inspectors and seed samplers
9 Publication

The Department of Agriculture in exercise of the powers conferred on it under section 1 of the Seeds Act (Northern Ireland) 1965(**a**) as amended by Schedule 3 to the European Communities (Agriculture) Order (Northern Ireland) 1972(**b**) and of every other power enabling it in that behalf, and after consultation with representatives of such interests as appeared to it to be concerned, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Seeds (Registration and Licensing) Regulations (Northern Ireland) 1974 and shall come into operation on 1st July 1974.

Interpretation

2. In these regulations, unless the context otherwise requires—

"the Act" means the Seeds Act (Northern Ireland) 1965;

"marketing" includes, as the context shall permit, the offering for sale, exposing for sale, sale and possession with a view to sale of seeds, and any transaction in the course of business under which the property in seeds is transferred from one person to another and "marketed" shall be construed accordingly;

"the Department" means the Department of Agriculture;

"seed merchant" means a person engaged in the business of trading in seeds other than trading only in small packages of seeds as defined in seeds regulations or in unpacketed seeds which may be marketed in accordance with seeds regulations;

(a) 1965, c. 22 (N.I.). (b) S.R. & O. (N.I.) 1972, No. 351.

"seed packer" means a person engaged in the business of re-packing seeds or a person who in accordance with the requirements of seeds regulations labels or marks packages of standard seeds of vegetables;

"seed processor" means a person engaged, in the business of cleaning, treating or otherwise processing seeds intended for sale;

"seeds" means seeds of any kind to which, for the time being, seeds regulations apply but does not include seed potatoes or silvicultural propagating or planting material;

"seeds regulations" means regulations made under section 1 of the Act and for the time being in force;

Registration of seed merchants, seed packers and seed processors

3.—(1) No person shall after 31st August 1974 carry on the business of a seed merchant, of a seed packer or of a seed processor unless he has by not later than that date applied to the Department for registration as a seed merchant, seed packer or seed processor as the case may be for the purposes of these regulations and the Department has not refused so to register him or unless he is for the time being so registered by the Department.

(2) A person desirous of being so registered shall make an application to the Department in writing and shall give to the Department such information and particulars relating to his business or proposed business as the Department may require.

(3) The Department shall register a person if it is satisfied that there are available to such person such premises, machinery, equipment and facilities and the services of such persons as appear to the Department to be adequate to enable such person to carry on the business to which the application relates.

(4) A person so registered shall keep proper records of his transactions in seeds and of the transport, treatment, testing and other operations undertaken by him or on his behalf in relation to any seeds and shall give to the Department such information as it shall require and when required to do so shall permit an officer authorised by the Department to inspect and take copies of any such records and to inspect the premises, machinery, equipment and facilities available for the carrying on of the business in respect of which such person is registered.

(5) The registration of a person shall be effective for a period not exceeding three years:

Provided that the Department may at any time revoke such registration if it appears to it that there are no longer available to such person such premises, machinery, equipment, facilities and services as are adequate to enable him to carry on the business in respect of which he is registered, or if such person has failed to comply with the obligations imposed by paragraph (4).

Prohibition of marketing of seeds

4.—(1) If it shall appear to the Department that seeds of a particular category, kind or variety marketed by a person registered in accordance with Regulation 3 have been shown to fail to satisfy the requirements of seeds regulations it may prohibit for either an indeterminate or for a specified period the further marketing of seeds of that category, kind or