

EXPLANATORY MEMORANDUM

The Seed Potatoes (Crop Fees) Regulations (Northern Ireland) 2011

2011 No. 63

1. The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by section 1 of the Seeds Act (Northern Ireland) 1965, and of every other power enabling it in that behalf, after consultation with representatives of such interests as appear to it to be concerned, makes the above-named Regulations, which are subject to negative resolution.

2. **Description**

2.1 These Regulations amend the Seed Potatoes (Crop Fees) Regulations (Northern Ireland) 2009. They increase, from 1st April 2011, the fees payable to the Department of Agriculture and Rural Development in respect of the certification of seed potato crops arising under the Seed Potatoes Regulations (Northern Ireland) 2001.

3. **Matters of special interest to the Examiner of Statutory Rules**

3.1 None.

4. **Legislative Background**

4.1 These Regulations increase the fees for seed potato crop inspections, in line with full cost recovery. In the case of an application for the certification and classification of seed potato crops, except for pre-basic tissue culture, received by the Department on or before the 30th May in any calendar year:

(a) where the total area of the crop does not exceed 1 hectare the fee is increased from £43.00 to £46.00;

(b) where the total area of the crop exceeds 1 hectare the fee is increased from £21.50 to £23.00 per half hectare or part of a half hectare.

4.2. In the case of an application for the certification and classification of seed potato crops, except for pre-basic tissue culture received by the Department after 30th May in any calendar year:

(a) where the total area of the crop does not exceed 1 hectare the fee is increased from £53.00 to £56.00;

(b) where the total area of the crop exceeds 1 hectare the fee is increased from £26.50 to £28.00 per half hectare or part of a half hectare.

4.3 Inspection of pre-basic tissue culture (mini-tubers) which are charged on an

hourly basis will remain at £40 per hour.

5. Consultation

5.1 This amendment requires consultation with the seed potato industry and other interested parties. A consultation of 8 weeks was issued on 12 November and no responses were received.

6. Territorial Extent and Application

6.1 This Statutory Rule applies to Northern Ireland.

7. European Convention on Human Rights

7.1 The proposed legislation has been screened for these issues and none were identified.

8. Equality Impact

8.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

9. Regulatory Impact

9.1 A Regulatory Impact Assessment has not been prepared for this instrument as it results in only negligible costs for business and none for charities or voluntary bodies.

10. Financial Implications

10.1 There are negligible financial implications. It is a routine increase in fees in line with the Department of Finance and Personnel's (DFP) full cost recovery guidelines only.

11. Policy background

11.1 The Department delivers a number of statutory services to the potato industry and, in accordance with the general policy on fees and charges set out in Department of Finance and Personnel (DFP) guidelines, the cost of providing these services should be met fully by service users. Under the DFP guidelines, DARD is required to review the cost of providing its services and the level of fees on an annual basis, and, where appropriate, to apply an increase to cover pay and price movements. DARD endeavours to keep costs to a minimum, and ensures that inspection fees are set only to cover the costs and never to make a profit.

11.2 The overall minimal increase in the cost of the crops inspection fees should be welcomed by the industry. However the Department is bound to attempt to achieve full cost recovery for the cost of providing these services. Officials have been mindful to ensure that the inspection and certification regimes are conducted as efficiently as possible. It should be noted that the proposed fees for seed

potatoes inspection in Northern Ireland compare favourably with the cost of equivalent services in England and Scotland and where a minimum inspection service fee ranging between £81 and £58 per hectare is charged. In the South, the fee is 100 euros (£81.99) per hectare..

12. Impact

12.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has negligible impact on business, charities or voluntary bodies.

13. Contact

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