

**EXPLANATORY MEMORANDUM TO
THE SEEDS (MISCELLANEOUS AMENDMENTS) REGULATIONS (NORTHERN
IRELAND) 2014**

SR No. 295

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred on it by sections 1(1) and (2A) of the Seeds Act (Northern Ireland) 1965 and in exercise of the powers in section 2(2) of, as read with paragraph 1A of Schedule 2 to the European Communities Act and is subject to the negative resolution procedure.
- 1.3 The Rule will come into operation on 31 December 2014.

2. Purpose

- 2.1 These Regulations will allow the Department to implement a regime to control, with a view to eradicating, wild oat in the area of cereal production and to ensure that obligations under European law are fulfilled.

3. Background

- 3.1 The Regulations are required to implement a regime to control, with a view to eradicating, wild oat in the area of cereal production. The Regulations also introduce a number of minor, technical amendments, the majority of which are to ensure that current policy is reflected in legislation. The amendment updating the table in the Cereal Seeds Regulations (Northern Ireland) 2009 is required to ensure the Department complies fully with its obligations under European law.
- 3.2 Failure to comply with the provisions concerning wild oat will become an enforceable offence under the Seeds Act (Northern Ireland) 1965, in effect reinstating an offence that existed prior to 2009. Officials in the Department of Justice have been consulted and are content for the Regulations to be made.
- 3.3 The other proposed technical amendments will ensure that national standards reflect those laid down by Europe.

4. Consultation

- 4.1 The Department ran a targeted consultation, focused on the seed industry for the proposed amendments. Given the proposed amendments will only affect those connected with the seed industry, we consider this approach to be proportionate

and pragmatic, reducing bureaucracy in line with Better Regulations principles. No comments were received.

5. Equality Impact

5.1 In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. No adverse equality impacts have been identified under the Equality and Human Rights screening procedures. The Department considers the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

6.1 The Department prepared a Regulatory Impact Assessment (RIA) to evaluate the impact of this legislation on the industry. The RIA identified that although the Regulations will impact on all seed merchants, this impact and associated costs would be minimal. Consultation was targeted to key stakeholders in the local seed sector. This approach is in line with DARD's commitment to Better Regulation, to the Public Service Agreement (PSA) target to reduce the administrative burden on the agri-food sector and avoids "gold plating".

7. Financial Implications

7.1 At present all seed certified in the north of Ireland undergoes a test for wild oat as a matter of course; as such there will be no additional costs to industry in this regard.

7.2 With the introduction of the proposed Regulations it will become a legal requirement for imported seed to be accompanied by a document certifying that the seed has been tested for and found to be free from seed of wild oat before it can be marketed. If the imported seed is not accompanied by such a document it will need to undergo a test for the presence of wild oat. This test will be carried out by the Agri-Food and Biosciences Institute. The current fee for this test and subsequent certification is £21. It is anticipated that the number of tests required will be small and not, therefore cost prohibitive.

8. Section 24 of the Northern Ireland Act 1998

8.1 The proposed legislation implements a regime to control, with a view to eradicating, wild oat in the area of cereal production. The Regulations also ensure the Department complies fully with its obligations under European law. The Regulations do not have any human rights implications, nor are they incompatible with EU law.

8.2 The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Currently the 2009 Regulations do not accurately reflect Council Directive 66/402/EEC, in respect of standards relating to the content of seeds of other plant species. The amendment will ensure that national standards reflect those laid down in the Directive.

10. Parity or Replicatory Measure

10.1 Northern Ireland, by means of a derogation granted by the European Commission, is permitted to implement stricter tolerances concerning wild oat control than Scotland, England or Wales. The Republic of Ireland currently has legislation in place to ensure that cereal seed marketed there is relatively free from wild oat.

11. Additional Information

11.1 The DSO has examined the Regulations and confirmed it is content with the draft SR.

12. Contact

12.1 Brian Ervine at the Department of Agriculture and Rural Development, Tel: 028 9052 5570 or email: brian.ervine@dardni.gov.uk can answer any queries regarding the Regulations.