

**EXPLANATORY MEMORANDUM TO**  
**THE SEED MARKETING REGULATIONS (NORTHERN IRELAND) 2016**  
**SR No. 244**

## **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs 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), (2A) and 2 of the Seeds Act (Northern Ireland) 1965 and in exercise of the powers in section 2(2), as read with paragraph 1A of Schedule 2, of the European Communities Act and is subject to the negative resolution procedure.
- 1.3 The Rule will come into operation on 14<sup>th</sup> July 2016.

## **2. Purpose**

- 2.1 The main objective of the Regulations is to consolidate 5 largely horizontal seed marketing regulations and the connected Seed Licensing and Enforcement Regulations into a single instrument. The Regulations implement long standing EU Directives on the marketing of beet, fodder plant, cereals, oil and fibre plants and vegetable seeds. These Directives prescribe minimum quality standards for seeds to ensure that purchasers receive seeds of a reasonable and uniform quality.
- 2.2 The directives set out conditions covering all aspects of production and marketing. These include checks on varietal and analytical purity, germination, conditions and procedures for the official examination of crops and the testing of seeds. The Licensing and Enforcement Regulations register persons to market certified seeds and licence individuals to undertake certain crop inspection and seed sampling functions under official supervision.
- 2.3 Combining the 6 regulations will condense around 500 pages of protracted and complicated regulations into a single composite instrument of around 50 pages. This will be done through the use of horizontal provisions applicable to each of the crop groups and ambulatory reference to the technical standards in the parent marketing Directives.
- 2.4 The Regulations will also implement a number of minor and technical amendments which will not have any discernible impact on the seed industry.
- 2.5 The Regulations will introduce a provision to clarify the position in relation to farm saved seed to ensure that it cannot be marketed or shared.

2.6 Although currently there is a right of appeal to the Plant Varieties and Seeds Tribunal against a decision of the Department, there is no specified time limit within which an appeal may be brought. The Regulations introduce a time limit of 30 days within which an appeal must be made, with the discretion to extend this period of time to an absolute maximum of one year.

2.7 At present a person must be registered with the Department before they can undertake any seed industry activity. This registration cannot be altered or varied in order to add additional seed industry activities or conditions. To maintain parity with the rest of the UK, the Regulations will introduce licensing of persons engaged in seed industry activities. This will also allow for greater flexibility as a licence can be varied according to individual circumstances.

### **3. Background**

3.1 This is essentially a consolidation exercise. The six separate regulations being consolidated have been amended several times and need to be remade. In the interests of better regulation it has been decided to combine and simplify the existing texts into a single instrument, which provides more transparency and makes the Regulations easier to use.

### **4. Consultation**

4.1 In accordance with section 1(1) of the Seeds Act (Northern Ireland) 1965 the Department consulted with representatives of the seed trade and others. There was one response to the consultation from the main industry representative, who was supportive of the proposals.

### **5. Guidance**

5.1 As this is a consolidation exercise, current procedures and guidance will remain the same. However, the Department will revise and remake its existing guides in due course.

### **6. Equality Impact**

6.1 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.

### **7. Regulatory Impact**

7.1 As this is a consolidation and current procedures will not change a Regulatory Impact Assessment has not been conducted. However, condensing and combining the regulations into a single instrument will have a beneficial impact on all stakeholders by making the Regulations more understandable and easier to use.

## **8. Financial Implications**

8.1 As this is a consolidation and current procedures will not change there will be no additional costs to the seed industry.

## **9. Section 24 of the Northern Ireland Act 1998**

9.1 The Regulations 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.

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

## **10. EU Implications**

10.1 The Regulations implement long standing EU Directives on the marketing of beet, fodder plant, cereals, oil and fibre plants and vegetable seeds. The use of ambulatory reference will allow the Department to transpose future EU Directives administratively, i.e. without recourse to further legislation.

## **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, Environment and Rural Affairs, Tel: 028 9052 5570 or email: [brian.ervine@daera-ni.gov.uk](mailto:brian.ervine@daera-ni.gov.uk) can answer any queries regarding the Regulations.