

EXECUTIVE NOTE

THE SEEDS (FEES) (SCOTLAND) AMENDMENT REGULATIONS 2006

SSI/2006/70

Introduction

1. The above instrument was made in exercise of the powers conferred by section 16(1), (1A) (e) and 36 of the Plant Varieties and Seeds Act 1964. The instrument is subject to negative resolution procedure.

Policy objectives

2. The Seeds (Fees) (Scotland) Regulations 2002 (SSI 2002/526) (“the 2002 Regulations”) prescribe statutory fees in respect of matters arising under the Cereal Seed (Scotland) Regulations 2005, the Fodder Plant Seed (Scotland) Regulations 2005, the Oil and Fibre Plant Seed (Scotland) Regulations 2004, the Beet Seeds Regulations 1993 and the Vegetable Seed Regulations 1993. The purpose of this instrument is to amend the 2002 Regulations by removing the following statutory fees-

Matter	Fee £
<i>Schedule 1 (matters arising under the Cereal Seed (Scotland) Regulations 2005)</i>	
Fee for an official examination of seed for loose smut infection of wheat, durum wheat, spelt wheat and barley (per thousand embryos examined)	39.40
Fee for a tetrazolium seed viability test on certified seed of the first generation of Winter Wheat and Winter Barley	46.20
<i>Schedule 3 (matters arising under the Oil and Fibre Plant Seed (Scotland) Regulations 2004)</i>	
Fees for an official examination of seed of-	
(i) sunflower for <i>Botrytis</i> spp	46.15
(ii) flax and linseed for-	
(a) <i>Alternaria</i> spp	37.95
(b) <i>Phoma exigua</i> var. <i>linicola</i>	37.95
(c) <i>Colletotrichum lini</i>	37.95
(d) <i>Fusarium</i> spp	37.95
(e) <i>Botrytis</i> spp	37.95
(iii) soya bean for <i>Pseudomonas syringae</i> pv. <i>glycinea</i> spp for-	
(a) for one sub sample test	66.15
(b) for five sub sample tests	220.50
(iv) soya bean for <i>Diaporthe phaselorum</i> spp	41.35

3. Seed Testing fees were once largely prescribed by regulations. Over time, Licensed Seed Testing Stations (LSTS) have become capable of carrying out an increasing range of services and various prescribed seed testing fees, which have been removed from regulations to allow the LSTS to set their own reasonable fees under regulation 9(1A) of the Seeds (Registration, Licensing and Enforcement) Regulations 1985 (S.I. 1985/980). The seed testing fees which remain, as detailed in the table above, are now to be removed from the 2002 Regulations to complete that process.

4. Additionally, the Cereal Seed Directive permits measures to be put in place to facilitate rapid marketing of seed on the basis that it is established before marketing that the seed will meet the germination standard. The Standard Tetrazolium test (“the STZ test”) is a recognised international seed testing method for quickly establishing seed viability. It may be used as an alternative to a germination test to facilitate rapid marketing of seed where delay might otherwise arise from a wait of 10 days or more for the results of a germination test. In the 2002 Regulations a fee was prescribed for an STZ test but restricted to only the first generation of winter wheat and winter barley. The Cereal Seed (Scotland) Regulations 2005 permit an STZ test to be carried out on all species and categories of cereal. The statutory fee for STZ testing is being removed from the 2002 Regulations and this will allow customers to benefit from developments in the STZ methodology that can, in some circumstances, reduce the cost of the test. It will also allow licensed seed testing stations set their own fee in respect of this test.

5. Fees for services carried out by the Official Seed Testing Station (“OSTS”) have been authorised by the Scottish Ministers under Section 24(4) of the 1964 Act including in respect of STZ and other seed testing. The procedure under section 24(4) allows the Scottish Ministers to set fees for OSTS seed testing services administratively without the need for subordinate legislation.

6. Regulation 3 of the 2002 Regulations is being amended on the basis that there are no longer, prescribed fees payable to the Licensed Seed Testing Station.

Consultation

7. A consultation was carried out in December 2005 which informed the industry of the proposals to amend the 2002 Regulations. Over 300 letters were sent out to seed merchants, processors and packers, as well as other government and interested bodies. There were no responses to the consultation.

Timing

8. We propose that the SSI will come into force on 17 March 2006.

Financial effects

9. No additional burdens on the seed industry in Scotland are foreseen and no Regulatory Impact Assessment has been prepared. There are no financial implications for the UK or Community budgets.

Scottish Executive Environment and Rural Affairs Department
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