

EXECUTIVE NOTE

THE SEEDS (FEES) (SCOTLAND) (AMENDMENT) REGULATION 2007 (SSI/2007/184)

Introduction

1. The above instrument was made in exercise of powers conferred by sections 16(1), (1A)(e), 3(i), and 36 of the Plant Varieties and Seeds Act 1964. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The purpose of this instrument is to amend the Seeds (Fees) (Scotland) Regulations 2002, reducing fees in relation to licences for operating a Licensed Seed Testing Station (LSTS) and in respect of an official examination of seed (the “throughput fee”).

3. Seeds regulations in Scotland, which mainly implement European law obligations, provide that certain kinds of seeds can be marketed only after being officially examined or examined under official supervision by LSTSs and certified as meeting specific minimum seed quality standards. This arrangement ensures that farmers and growers receive seed of a minimum known quality.

4. Council Directive 2004/117/EC allows for the use of licensed personnel in the regulation of seed marketing, this includes the testing of seed for certification purposes. Seed testing in Scotland is carried out by LSTSs, which are laboratories that have been authorised for the purpose by the Scottish Ministers.

5. A condition of 2004/117 is that Member States are required to supervise the performance of LSTSs. In Scotland the supervision of LSTSs is carried out by the Official Seed Testing Station and fees are charged for this by the Scottish Agricultural Science Agency (SASA) on a full cost recovery basis. A licence fee is charged for work relating to licensing and carrying out audits of the LSTS. In addition a throughput fee is charged in respect of check testing a proportion of the samples examined by the LSTS.

6. Following the coming into force of the Seeds (Registration, Licensing and Enforcement) (Scotland) Regulations 2006 a review of the supervision of licensed personnel in Scotland together with a review of the costs of carrying out these functions was undertaken by SASA and it was concluded that the licence fee and the throughput fee payable by the LSTSs could be reduced whilst maintaining a robust monitoring system and achieving 100% full cost recovery. The reductions are shown in the following table-

	<i>Old fee</i> £	<i>New fee</i> £
Annual fee payable during the currency of the licence	1,800.00	1,500.00
Fee payable by a Licensed Seed Testing Station in respect of an official examination of seed	9.65	5.25

Consultation

7. The following bodies have been consulted during the preparation of the instrument in accordance with the requirements of section 16 of the Plant Varieties and Seeds Act 1964.

Alexander Harley Seeds (LSTS)

Dalgety Arable Ltd (LSTS)

Dods of Haddington Ltd. (LSTS)

Grain and Seed Analysis (LSTS)

National Farmers Union of Scotland

Scots Timothy Seed Growers Association

Scottish Seed and Nursery Trade Association

The British Society of Plant Breeders Ltd.

The Seed Lab Ltd (LSTS)

The United Kingdom Supply Trade Association Scottish Council

The consultation period ended on 2 March 2007. SEERAD received only one response, from an individual who welcomed the reduction of the licence and through put fees for LSTSs.

Timing

8. This instrument will come into force on the 1 July 2007.

Financial Implications

9. No additional burdens on the industry in Scotland are foreseen and so a Regulatory Impact Assessment is not appropriate. There are no financial implications for the UK or Community budgets.

Relationship to Current Policy/Practice

10. The certification authorities for England and Wales have already reduced their licence fee for LSTSs . In Northern Ireland, seed for certification is all carried out by official and therefore the changes to the licence and throughput fee is of no consequence.