

POLICY NOTE

THE SEED (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2017

S.S.I. 2017/384

Introduction

1. The above instrument was made in exercise of the powers conferred by sections 16(1), (1A), (2) (3) (4), (5) and 36 of the Plant Varieties and Seeds Act 1964 and all other enabling powers. The instrument is subject to negative procedure.

Policy objectives

2. The purpose of this instrument is to transpose:

- Commission Implementing Directive (EU) 2016/2109 as regards the inclusion of new species and the botanical name of the species *Lolium x boucheanum* Kunth (OJ L 327, 2.12.2016, p. 59) to change the botanical name of the grass species *Lolium x boucheanum* Kunth.

Principal purpose of the instrument

3. The principal purpose of this instrument is to ensure that the Fodder Plant Seed (Scotland) Regulations 2005 (“the principal Regulations”) contains the correct botanical name for a particular species of ryegrass.

Main changes introduced by the instrument

4. The Germplasm Resources Information Network (GRIN) database, which updates plant botanical names in light of accepted new research into plant species relationships, has changed the botanical name for *Lolium x boucheanum* Kunth to *Lolium x hybridum* Hausskn. Commission Implementing Directive (EU) 2016/2109 amends Council Directive 66/401/EEC on the marketing of seed of fodder plants (OJ 125, 11.7.1966, p. 2298) (“the Fodder Plant Seed Directive”) to take account of this. EU Member States are now required to transpose this amendment into their domestic legislation and apply it from 1st January 2018. This instrument updates the botanical name in schedule 1 of the principal Regulations. It also updates the definition of the Fodder Plant Seed Directive in regulation 2(1) of the principal Regulations, to take account of the amendments made by Commission Implementing Directive (EU) 2016/2109.

Commission Implementing Decision (EU) 2017/478 (OJ L 73, 18.3.2017, p.29) releases the United Kingdom from the obligation to transpose article 1(1)(b), (c) and (3) of Commission Implementing Directive (EU) 2016/2109 into domestic law.

Minor Amendments

5. Whilst making the instrument, we are taking the opportunity to amend the Seed (Fees etc.) (Scotland) Regulations 2017. The Seed (Fees etc.) (Scotland) Regulations 2016 had

prescribed a fee of £7.63, payable by a licensed seed testing station in respect of an official examination of seed. The Seed (Fees etc.) (Scotland) Regulations 2017 revoked and replaced those regulations reducing the applicable fee to £7.50. This instrument reinstates the fee at £7.63.

Consultation

6. Letters have been sent to the main stakeholders (National Farmers Union Scotland, Agricultural Industries Confederation Scotland and the Scottish Seed Trade Association) and to the four Licensed Seed Testing Stations (“the LSTS”), informing them of the changes. An article concerning these changes has also been placed on the Scottish Government and SASA (responsible for seed certification & seed testing) websites for other interested parties.

Financial Effects

7. There will be no additional costs to citizens or the environment. Over the last 6 months the reduced fee for an ‘official examination of seed’ has amounted to a loss of ~ £30 for Scottish Government.

8. The reinstatement of the correct fee for an ‘official examination of seed’ and the nomenclature change to the grass species will only have a minor financial impact on the LSTS, therefore no business and regulatory impact assessment has been prepared.

Transposition Note

9. A transposition note has not been prepared in relation to this instrument.

Timing

10. This instrument will come into force on 1st January 2018.

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