

EXPLANATORY MEMORANDUM TO
THE SEED POTATOES (AMENDMENT) REGULATIONS (NORTHERN IRELAND)
2011

2011 No. 351

1. The Department of Agriculture and Rural Development⁽¹⁾ makes the following Regulations, in exercise of the powers conferred by sections 1(1) and (2A), 2 and 12(1) of the Seeds Act (Northern Ireland) 1965⁽²⁾, Article 3(8) of the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984⁽³⁾ and being a Department designated⁽⁴⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽⁵⁾ in relation to the common agriculture policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), after consultation, in accordance with section 1(1) of the said Act of 1965, makes the following Regulations which are subject to negative resolution.

2. Description

2.1 These Regulations amend the Seed Potatoes Regulations (Northern Ireland) 2010 (S.R. 2010 No. 350) “the principal Regulations”) to introduce zero tolerance of *Dickeya* spp. for all grades of seed potato.

3. Matters of special interest to the Examiner of Statutory Rules

None

4. Legislative Background

4.1 This Regulation amends the Seed Potatoes Regulations (Northern Ireland) 2010.

5. Consultation

5.1 The Department conducted an 8 week consultation from 27 June to 22 August 2011. One response was received from the Ulster Farmers’ Union (UFU). The UFU were supportive of the proposals to introduce a nil tolerance for *Dickeya solani*.

(1) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Article 3(4)

(2) 1965 c.22 (N.I.) as amended by S.R. & O.(N.I.) 1972 No.351 Art.3 and Schedule 3

(3) S.I. 1984/702 (N.I. 2)

(4) S.I. 2000/2812

(5) 1972 c.68

6. Territorial Extent and Application

6.1 This Statutory Rule applies to Northern Ireland. Similar but separate legislation operates in Scotland.

7. European Convention on Human Rights

7.1 The proposed legislation has been screened for these issues and none were identified.

8. Equality Impact

8.1 The proposed legislation will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the Section 75 groups.

9. Regulatory Impact

9.1 It is not considered necessary to conduct a Regulatory Impact Assessment on the Seed Potatoes (Amendment) Regulations (Northern Ireland) 2011.

10. Financial Implications

10.1 There are no financial implications associated with these Regulations.

11. Policy background

11.1 These Regulations are aimed at protecting Northern Ireland's high grade plant health status for seed potatoes and to protect the ware crop in general from the spread of *Dickeya solani*.

12. Contact

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