

**EXPLANATORY MEMORANDUM TO
THE PESTICIDES, GENETICALLY MODIFIED ORGANISMS AND
FERTILISERS (MISCELLANEOUS AMENDMENTS) REGULATIONS
(NORTHERN IRELAND) 2018**

SR 2018 No. 188

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (The Department) 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 section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 and is subject to the negative resolution procedure.
- 1.3 The Statutory Rule will come into operation on 7 January 2019.

2. Purpose

- 2.1 This Statutory Rule is being made to provide a number of minor, necessary amendments and updates to existing Northern Ireland Statutory Rules before the United Kingdom (UK) leaves the European Union (EU).

3. Background

- 3.1 The Department has carried out a review of its existing legislation, in respect of pesticides, genetically modified organisms, fertilisers, seed marketing and nitrates, in preparation to leave the EU.
- 3.2 The review has identified a number of amendments that are necessary to update legislation under existing powers, in the European Communities Act 1972, prior to exit day.
- 3.3 In this Statutory Rule the amendments are minor and technical and do not involve implanting any new policy. They merely ensure that references in the legislation are correct and, in particular, that the amended provisions will operate effectively on exit day.

4. Consultation

- 4.1 As the provisions in the Rule are minor and technical in nature and do not involve implementing any new policy and there is no statutory requirement to consult, the Department has not consulted on it.

5. Equality Impact

- 5.1 There are no equality issues associate with the Statutory Rule. As explained in paragraph 3.3, the amendments are minor and technical and do not, therefore have any adverse impact on the persons specified in section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1 This Statutory Rule does not have any material impact on small businesses or the community or voluntary sector.

7. Financial Implications

- 7.1 There are no financial implications associated with the making of this Statutory Rule

8. Section 24 of the Northern Ireland Act 1998

- 9.1 This Statutory Rule complies with the provisions set out in section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1 This Statutory Rule contains amendments to Statutory Rules which have been made under powers of the European Communities Act 1972. However the amendments do not implement any EU legislation. Rather, it updates references in domestic, Northern Ireland subordinate legislation.

10. Parity or Replicatory Measure

- 10.1 Similar legislation will be made in the rest of the UK to update out of date references.

11. Additional Information

- 11.1 For further information contact Tommy McNamara (028 9052 5583) at the Department of Agriculture, Environment and Rural Affairs or e-mail tommy.mcnamara@daera-ni.gov.uk.