

POLICY NOTE

THE SEED POTATOES (FEES) (SCOTLAND) REGULATIONS 2015

SSI 2015/396

Introduction

1. The above instrument is made in exercise of the powers conferred by sections 16(1), (1A)(e) and (5)(a) of the Plant Varieties and Seeds Act 1964. As required by section 16(1) of the 1964 Act a consultation exercise was undertaken. The instrument is subject to negative procedure.

Policy Objective

2. This instrument revokes and replaces the Seed Potatoes (Fees) (Scotland) Regulations 2009 (“the 2009 Regulations”). This is in consequence of the Seed Potatoes (Scotland) Regulations 2015 (“the 2015 Regulations”), which implement among others Council Directive 2002/56/EC on the marketing of seed potatoes (OJ L 193, 20.7.2002, p.60) and introduce a new certification and grading scheme for Scottish seed potatoes by reference to the Union grades with effect from 1 January 2016.

The Seed Potatoes (Fees) (Scotland) Regulations 2015

3. The instrument provides for the charging of fees in connection with the inspection of seed potatoes and other functions related to the 2015 Regulations. These fees are charged by the Science and Advice for Scottish Agriculture (SASA) for carrying out the official examinations of seed potatoes and related services on behalf of Scottish Ministers. Those services include crop inspections, scientific testing of crop samples, tuber inspections and the provision of labels (including official labels) and seals in respect of grades of seed potatoes. They also include provision for the administration costs for the return of labels (including official labels) and seals where an inspection is cancelled on the day it was due to take place. No changes are being made to the level of fees being charged from those provided for in the 2009 Regulations.

Fees for nuclear stocks

4. This instrument includes provision for the three fees for the provision and maintenance of nuclear stock set out in the Schedule to the Regulations. The 2015 Regulations requires that seed potato stocks derived in Scotland must originate from nuclear stock. These are pathogen tested microplants produced officially as the initial planting material for seed potato production in Scotland.

5. The nuclear stock fees are for: - a) the initiation of new nuclear stock (£185.50 for 6 microplants), b) the provision of *in vitro* maintained nuclear stock (£53 for 6 microplants) and c) the fee for the *in vitro* maintenance of nuclear stock (£76 annual fee per variety).

Approved Stock

6. The instrument also includes provision for fees for authorisations in respect of the production of scientific and selection seed potatoes (previously referred to as 'Approved Stocks' in the 2009 Regulations). Approved Stocks are seed potato crops of varieties which are being considered for putting forward for National Listing or are being multiplied for other scientific and trial purposes.

Consultation

7. In terms of section 16(1) of the 1964 Act a short consultation exercise was undertaken on the proposal to introduce these Regulations. Two responses were received. Both were in favour of the changes proposed.

Timing

8. This instrument will come into force on 1 January 2016.

Financial effects

9. No increases are being made to the level of the fees charged for the services provided. A business and regulatory impact assessment has not been prepared.

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Plant Health, Horticulture and Potatoes
19 November 2015