

EXPLANATORY MEMORANDUM TO

THE SEED MARKETING (AMENDMENT) REGULATIONS 2016

2016 No. 613

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Environment Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The Secretary of State's powers to enter into arrangements with persons outside government to carry out official measures (e.g. seed testing, crop inspections and performance trials) on the Secretary of State's behalf were unintentionally omitted from the 2010 consolidation of seed marketing Regulations. This instrument reinstates those powers.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 This instrument amends the Seed Marketing Regulations 2011 to reinstate a power for the Secretary of State to enter into arrangements for official measures that was omitted from those Regulations.

5. Extent and Territorial Application

- 5.1 This instrument extends to England and Wales.
5.2 The territorial application of this instrument is England only.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

- 7.1 This instrument will re-instate the Secretary of State's authority to delegate responsibility for conducting seed testing, crop inspections and performance trials outside of Defra and its agencies and to allow the associated Technical Services Contracts to be re-tendered. This authority was inadvertently left out when the

Regulations were consolidated in 2010, but not realised until the re-tendering process began in December 2015. The Technical Services Contracts is being re-tendered in early September 2016.

Consolidation

- 7.2 Defra's general policy is to revoke and replace SIs when changes are necessary. On this occasion, because of the simple corrective nature of the change and in view of the need for rapid action, an amending instrument was considered appropriate. The Department will keep the need to consolidate the legislation under review.

8. Consultation outcome

- 8.1 The main industry representative organisations were consulted on the proposed amendment to the Regulations. The organisations are the Agricultural Industries Confederation, British Society of Plant Breeders and National Farmers Union. They fully understood the need for the amendments and were in agreement to the changes being made.

9. Guidance

- 9.1 As the instrument reinstates a previously undetected omission from the regulations and no new policy/process is being introduced, no guidance is necessary.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
10.2 There is no impact on the public sector.
10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 This amending instrument does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 The primary Regulations (the Seed Marketing Regulations 2011) already contain a review clause.

13. Contact

- 13.1 Andy Mitchell, at the Department for Environment Food and Rural Affairs, telephone: 02080265784 or email: andy.mitchell@defra.gsi.gov.uk can answer any queries regarding the instrument.