

## **Explanatory Memorandum to the Seed Marketing (Wales) (Amendment) Regulations 2016**

This Explanatory Memorandum has been prepared by the Natural Environment & Agriculture Team within the Economy, Skills and Natural Resources Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Seed Marketing (Wales) (Amendment) Regulations 2016.

Lesley Griffiths

Cabinet Secretary for Environment and Rural Affairs

19 December 2016

## **1. Description**

The main purpose of this amending instrument is to insert a provision into the Seed Marketing (Wales) Regulations 2012 which allows the Welsh Ministers to enter into arrangements with persons outside government to carry out official measures under official supervision. Four additional, minor amendments are being introduced to correct minor omissions in the 2012 Regulations, clarify the classification of Lucerne and insert the timeframe for retaining seed samples for enforcement purposes.

## **2. Matters of special interest to the Constitutional and Legislative Affairs Committee**

There are no matters of special interest to the Constitutional and Legislative Affairs Committee.

## **3. Legislative background**

The power to make this amending instrument is provided in section 16 of the Plant Varieties and Seeds Act 1964. Section 16 confers broad powers to make Regulations in relation to seeds which include, but are not limited to, the power to make regulations in relation to sales, marketing, importation or exportation, prevention of the spread of disease, licensing, ensuring seeds stay true to variety, packaging, information, tests, samples, exemptions and charges.

The statutory functions in sections 16 were transferred to the National Assembly for Wales pursuant to article 2 of and Schedule 1, to the National Assembly for Wales (Transfer of Functions) Order 1999. The functions are now vested in Welsh Ministers pursuant to section 162 of and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.

The amending Regulations are subject to the negative procedure.

## **4. Purpose & intended effect of the legislation**

When the seed regulations were consolidated into the Seed Marketing (Wales) Regulations 2012, the Welsh Ministers' power to enter into arrangements with persons outside government to carry out official measures (e.g. seed testing, crop inspections and performance trials) was unintentionally omitted. This means that currently there is no power to outsource the seed certification and seed testing functions.

The amending Regulations will ensure seed testing, certification and national listing services can continue to be outsourced to external agencies with the appropriate technical expertise, knowledge and resources, by re-introducing the power to enter into arrangements for 'official measures'.

The amending Regulations also include four additional, minor amendments introduced to correct minor omissions in the 2012 Regulations, clarify the classification of Lucerne and insert the timeframe for retaining seed samples for enforcement purposes.

## **5. Consultation**

The consultation started on 1 September and ended on 29 September. All respondents supported the changes.

## **6. Regulatory Impact Assessment (RIA)**

An impact assessment has not been prepared.

No impact on charities or voluntary bodies is foreseen.

No impact on the public or private sector is foreseen.