

Explanatory Memorandum to the Seed (Miscellaneous Amendments) (Wales) Regulations 2017

This Explanatory Memorandum has been prepared by the Plant Health and Environment Protection Branch 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 (Miscellaneous Amendments) (Wales) Regulations 2017.

Hannah Blythyn,

Minister for Environment

16 November 2017

1. Description

These Regulations amend the Seed Marketing (Wales) Regulations 2012 and the Seed Potatoes (Wales) Regulations 2016.

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 powers to make these Regulations are 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 functions in section 16 that were vested in the Secretary of State 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.

These Regulations are subject to the negative procedure.

4. Purpose & intended effect of the legislation

The Seed Marketing (Wales) Regulations 2012 control the marketing of seed of the main agricultural and vegetable species in Wales. The International Seed Testing Association has recently changed the botanical name of hybrid ryegrass from *Lolium x boucheanum* Kunth to *Lolium x hybridum* Hausskn. These Regulations amend the Seed Marketing (Wales) Regulations 2012 to reflect the change of botanical name.

The Seed Potatoes (Wales) Regulations 2016 control the production with a view to the certification and the marketing of seed potatoes in Wales other than those intended for export outside the EU.

Commission Implementing Decision (EU) 2016/320 includes the requirement for an officially assigned serial number to be stated on the official label of seed potatoes that are authorised to be marketed for the purposes of tests and trials. These Regulations amend the Seed Potatoes (Wales) Regulations 2016 to reflect the requirement.

5. Consultation

Two separate targeted, twelve week consultations were launched on 27 July 2017 and ended 19 October 2017.

No responses were received in respect of the consultation concerning the botanical change of name.

One response was received from the British Potato Trade Association in respect of the consultation concerning the official labels of test and trial seed potatoes. The British Potato Trade Association represent over 100 potato trade companies across the UK and fully support this proposal.

6. Regulatory Impact Assessment (RIA)

There has been no regulatory impact assessment undertaken. Seed potato producers in Wales already use labels with unique numbers so the amendments will simply bring into law this existing industry practice for test and trial potatoes.

No impact on charities or voluntary bodies is foreseen.

No impact on the public or private sector is foreseen.