

**Explanatory Memorandum to
The Seed (Miscellaneous Amendments) (Wales) Regulations 2010**

This Explanatory Memorandum has been prepared by the Department for Rural Affairs and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

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 2010.

Elin Jones

Minister for Rural Affairs

13 July 2010

1. Description

These Regulations implement Commission Directive 2009/74/EC which updates botanical names of plants and the scientific names of other organisms and introduces small technical amendments to the annexes of Directives 66/401/EEC, 66/402/EEC and 2002/57/EC in light of recent scientific developments and technical knowledge.

2. Matters of special interest to the Constitutional Affairs Committee

The Seed (Miscellaneous Amendments) (Wales) Regulations 2010 are being made in English and in Welsh. The Seed (Miscellaneous Amendments) (Wales) Regulations 2010 amend the existing seed marketing regulations, the Fodder Plant Seed (Wales) Regulations 2005, the Cereal Seed (Wales) Regulations 2005, the Oil and Fibre Plant Seed (Wales) Regulations 2004 and the Vegetable Seed (Wales) Regulations 2005 (“the Principal Regulations”). These Principal Regulations were made in English only due to the size of the text and the highly technical aspects of the statutory instruments. Each of the Principal Regulations is aimed mainly at industry rather than the general public or public voluntary bodies that use the Welsh language.

3. Legislative background

These Regulations are made in exercise of powers under the Plant Varieties and Seeds Act 1964. Those powers are exercisable in relation to Wales, by the Welsh Ministers.

The Seed (Miscellaneous Amendments) (Wales) Regulations 2010 amend the Fodder Plant Seed (Wales) Regulations 2005, the Cereal Seed (Wales) Regulations 2005, the Oil and Fibre Plant Seed (Wales) Regulations 2004 and the Vegetable Seed (Wales) Regulations 2005.

This statutory instrument follows a negative procedure timetable.

4. Purpose & intended effect of the legislation

Commission Directive 2009/74/EC introduces minor nomenclature updates to crop species and weed species and technical standard updates in summary consisting of changes to minimum germination and maximum seed lots for specific crops.

The amendment to the Cereal Seed (Wales) Regulations 2005 reflects nomenclature changes to certain species and reduces the minimum germination standard for naked barley.

The amendment to the Fodder Plant Seed (Wales) Regulations 2005 reflects nomenclature developments and makes necessary consequential changes.

The amendment to the Oil and Fibre Plant Seed (Wales) Regulations 2004 reflects nomenclature changes to certain species of mustard and increases the maximum weight of a seed lot of soya beans to 30 tonnes.

The amendment to the Vegetable Seed (Wales) Regulations 2005 reflects nomenclature updates and reduces the minimum germination standard for super sweet corn.

The Seed (Miscellaneous Amendments) (Wales) Regulations 2010 partly transposes Commission Directive 2009/74/EC in Wales. The full transposition of the directive also required an amendment to the UK national listing regulations. The Seeds (National Lists of Varieties) (Amendment) Regulations 2010 was laid before the UK Parliament on 8 April 2010 and came into force on 30 June 2010.

5. Consultation

Main stakeholders in Wales have been informed of the proposed changes to the existing seed marketing regulations and have had sight of the draft SI. No comments were received during the specified consultation period.

6. Regulatory Impact Assessment (RIA)

Regulatory Impact assessment has not been prepared because it was not deemed necessary. These Regulations transpose Commission Directive 2009/74/EC and slightly amend the existing legislation.

The impact of these Regulations on businesses in Wales is considered to be inconsequential.