EXPLANATORY MEMORANDUM TO

THE FERTILISERS AND AMMONIUM NITRATE MATERIAL (AMEMDMENT) (EU EXIT) REGULATIONS 2020

2020 No. 998

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs ("Defra") and is laid before Parliament by command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends the Fertilisers and Ammonium Nitrate Material (EU Exit) Regulations 2019 ("S.I. 2019/601"). It changes references to "exit day" with "IP completion day" to reflect the European Union (Withdrawal Agreement) Act 2020. It will ensure that the UK's statute book operates properly following the end of the transition period.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales and Scotland.

4.2 The territorial application of this instrument is England and Wales and Scotland.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 S.I. 2019/601 addresses failures of retained EU law to work effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. Further amendments are required to the transitional provisions to take account of the transition period.

6.2 By virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020, Parts 3 and 4 of S.I. 2019/601 will come into force on IP completion day. This instrument, made in exercise of the power under section 41(1) of that Act, replaces references to "exit day" with references to "IP completion day".

7. Policy background

What is being done and why?

7.1 This instrument will replace references to "exit day" with "IP completion day" in S.I. 2019/601. This will ensure that S.I. 2019/601 will operate as intended. S.I. 2019/601 replaces the "EC fertiliser" regime with a new domestic regime providing for a "UK fertiliser" label which will function in the same way. It will allow 'EC fertilisers' to continue to be sold for a two-year transition period without a requirement to be re-labelled. This instrument will ensure that this transition period starts from IP completion day to ensure continued supply and reduce burdens on businesses. S.I 2019/601 also provides transitional arrangements (for 2 years) for imports of ammonium nitrate from the EU. This instrument ensures that this transition period starts to run from IP completion day. This will allow time for increased UK laboratory testing capacity of ammonium nitrate to be fully realised, ensuring there is no risk to fertiliser supply, which would then impact on the production of food in the UK.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument is being made using the power under section 41(1) of the European Union (Withdrawal Agreement) Act 2020 in order to make technical changes as a consequence of that Act.

9. Consolidation

9.1 This instrument does not consolidate any legislation.

10. Consultation outcome

10.1 This instrument was not subject to formal consultation.

11. Guidance

11.1 A technical note will be published on the gov.uk website.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because the regulations are intended to ensure that the instrument they amend functions as originally intended.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 As set out in Section 12.3 above and elsewhere in this Explanatory Memorandum, this instrument amends legislation already made to ensure that it functions as intended and does not place any new obligations on business. It will not therefore have any disproportionate impact on small business.

14. Monitoring & review

14.1 Though made under the European Union (Withdrawal Agreement) Act 2020, this instrument amends regulations made under the European Union (Withdrawal) Act 2018 for which no review clause is required. Consequently, no review clause is included for this instrument.

15. Contact

15.1 William Brown at the Department for Environment, Food and Rural Affairs Telephone: 020 822 56586 or email: william.brown@defra.gov.uk can be contacted with any queries about the instrument.

15.2 Karen Lepper, Deputy Director for the Fertiliser Policy area, at the Department for Environment, Food and Rural Affairs can confirm that this explanatory memorandum meets the required standard.

15.3 Victoria Prentis MP, Parliamentary Under-Secretary of State, at the Department for Environment, Food and Rural Affairs can confirm that this explanatory memorandum meets the required standard.