# EXPLANATORY MEMORANDUM

## Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 2011

## 2011 No. 223

**1.** The Department of Agriculture and Rural Development proposes to make the above named Statutory Rule under powers conferred on it by sections 3(3), 7(2) and 11(1) of the Marketing of Potatoes Act (Northern Ireland) 1964 and of all powers enabling it in that behalf and with the approval of the Department of Finance and Personnel, makes the above Regulations which are subject to negative resolution.

## 2. Description

**2.1** These Regulations revoke and replace the Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 2005.

The changes which are outlined come into operation on 1 September 2011.

## 3. Matters of special interest to the Examiner of Statutory Rules

3.1 None.

## 4. Legislative Background

4.1 The Department delivers a number of statutory services to the potato industry and, in accordance with the general policy on fees and charges set out in Department of Finance and Personnel (DFP) guidelines, the cost of providing these services should be fully met by service users. Under the DFP guidelines, DARD is required to review the cost of providing its services and the level of fees on an annual basis, and, where appropriate, to apply an increase. DARD endeavours to keep costs to a minimum, and ensures that inspection fees are set only to cover costs.

4.2 The Regulations increase the fee payable for the inspection or examination of ware potatoes from £3.90 per tonne or part of a tonne to £4.30 per tonne or part of a tonne in line with full cost recovery.

## 5. Consultation

5.1. This amendment requires consultation with the ware potato industry and other interested parties. A consultation of 12 weeks commenced on 15 October 2010, ended on 9 March and one response was received.

## 6. Territorial Extent and Application

6.1 This Statutory Rule applies to Northern Ireland.

## 7. European Convention on Human Rights

7.1 The proposed legislation has been screened for these issues and none were identified.

## 8. Equality Impact

8.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

## 9. Regulatory Impact

9.1 A Regulatory Impact Assessment has not been prepared for this instrument as it results in only negligible costs for business and none for charities or voluntary bodies.

## 10. Financial Implications

10.1 There are negligible financial implications. It is a routine increase in fees in line with the Department of Finance and Personnel's (DFP) full cost recovery guidelines only.

## 11. Policy background

11.1 The Department delivers a number of statutory services to the potato industry and, in accordance with the general policy on fees and charges set out in Department of Finance and Personnel (DFP) guidelines, the cost of providing these services should be met fully by service users. Under the DFP guidelines, DARD is required to review the cost of providing its services and the level of fees on an annual basis, and, where appropriate, to apply an increase to cover pay and price movements. DARD endeavours to keep costs to a minimum, and ensures that inspection fees are set only to cover the costs and never to make a profit.

11.2 The overall increase in the cost of the inspection or examination fees may not be welcomed by the industry. However the Department is

bound to attempt to achieve full cost recovery for the cost of providing these services.

11.3 In Scotland, inspection of a consignment of ware potatoes for export is charged at £62 (when the value of the consignment is more than £500), a second or subsequent certificate issued on the same day is £11. England and Wales only inspect ware potatoes for export, the fee is £20.25 for each quarter of an hour or part thereof spent on site by an inspector with a minimum of £40.50 in respect of any visit. ROI currently do not charge inspection fees for ware potatoes leaving the state.

## 12. Impact

12.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has negligible impact on business, charities or voluntary bodies.

## 13. Contact

Renee McDowell at the Department of Agriculture Tel: 02890 520855 or e-mail: renee.mcdowell@dardni.gov.uk can answer any queries regarding the Statutory Rule.