POLICY NOTE

THE SEED (FEES) (SCOTLAND) AMENDMENT REGULATIONS 2025

S.S.I. 2025/154

Introduction

1. The above instrument ("the SSI") is made by the Scottish Ministers in exercise of the powers conferred by sections 16(1), (1A), 3(i) and 36 of the Plant Varieties and Seeds Act 1964 ("the Act") and all other powers enabling them to do so. The SSI is subject to negative procedure.

Purpose of the Instrument

The purpose of the SSI is to update the fees charged for seed certification, and associated licensed activities by amending the relevant provisions of the Seed (Fees) (Scotland) Regulations 2018.

Policy objectives

2. This SSI will update the provisions for the charging for seed certification (in relation to seed marketing) and associated licensed activities by substituting new schedules 1 and 2 of the Seeds (Fees) (Scotland) Regulations 2018[1] ("the 2018 Regulations").

3. The 2018 Regulations prescribe fees in respect of matters arising under the various regulations, known collectively as the "Seed Marketing Regulations", namely:

    • The Vegetable Seeds Regulations 1993 (S.I. 1993/2008)[2]

    • The Oil and Fibre Plant Seed (Scotland) Regulations 2004 (S.S.I. 2004/317)[3]

    • The Cereal Seed (Scotland) Regulations 2005 (S.S.I. 2005/328)[4]

    • The Fodder Plant Seed (Scotland) Regulations 2005 (S.S.I. 2005/329)[5]

    • The Beet Seed (Scotland) (No 2) Regulations 2010 (S.S.I. 2010/148)[6]

4. The 2018 Regulations also prescribe fees in relation to matters arising under the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 (S.S.I. 2016/68)[7]. Those

[1] https://www.legislation.gov.uk/ssi/2018/152
[2] https://www.legislation.gov.uk/uksi/1993/2008/contents/made
[3] https://www.legislation.gov.uk/ssi/2004/317/contents/made
[4] https://www.legislation.gov.uk/ssi/2005/328/contents
[5] https://www.legislation.gov.uk/ssi/2005/329/made
[6] https://www.legislation.gov.uk/ssi/2010/148/contents
[7] https://www.legislation.gov.uk/ssi/2016/68/contents/made

regulations allow a number of official functions related to seed certification and seed testing to be undertaken by licensed individuals, as well as providing for the training and supervision of licensed persons.

5. Seed certification is carried out to ensure that farmers and growers receive seeds of a known minimum quality. These standards remain aligned with the EU. This is achieved in Scotland through the Marketing Regulations, which ensure that seeds of the main agricultural and vegetable species can be marketed only after being examined and certified as meeting specified minimum standards and as being derived from crops which have also met specific standards. The Scottish Government carries out technical and administrative work associated with seed certification.

6. The certification of seed and the training and examination of licensed persons are statutory functions. As such, under Scottish Government Fees & Charges Guidance, fees require to be levied for that service.

7. The annual review of certification services by Scottish Government is undertaken by SASA, the Seed Certifying Authority for Scotland, to check that full cost recovery is achieved (with limited over-recovery) whilst still providing a robust system, where functions and costs are transparent to all.

8. Fees prescribed in schedule 1 of the 2018 Regulations which cover the inspections and testing of seed lots being grown that season will be subject to a 6.14% increase.

9. Incorporating these fee increases, the cost of certifying per tonne for Barley, would roughly be of £18.71, which is an average increase of £0.74 compared to last year (figure provided by SASA, factoring in average tonnes per hectare for the past harvest).

10. Fees prescribed in schedule 2 of the 2018 Regulations will also be subject to a 6.14% increase, excluding service lines belonging to Section B(i) and B(ii) which will see a bespoke increase of 15% and 10% respectively.

11. Service fee adjustments (as detailed in points 9 and 11) were calculated using historical data and UK GDP deflator[8] figures from September 2024.

12. Implementation of the recommended fee increases (as detailed in points 9 and 11) would result in a projected income of £221,395 against the estimated cost of £227,977 (assuming similar service use to last year).

13. This would mean a projected recovery rate of 97.1% which accounts for the varying demand in service.

[8] https://www.gov.uk/government/statistics/gdp-deflators-at-market-prices-and-money-gdp-september-2024-quarterly-national-accounts

EU Alignment Consideration

14. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

15. Section 16(1) of the Act requires Scottish Ministers to consult with representatives of such interests as appear to them to be concerned before making regulations under that power.

16. All service users (over 30 relevant stakeholders) of the seed certification system in Scotland and / or OSTS were sent an email providing them the link to the consultation on changes to the fees. The Seed Fees Review 2024-25 consultation[9] was also placed on the SASA website.

17. The consultation ran for an eight week period (07/01/2025 to 04/03/2025). However, no responses were received during this consultation period.

Financial Considerations

18. In addition to the consultation, a Business Regulatory Impact Assessment (BRIA) was undertaken to determine the extent of the financial effects of the proposed changes. Several businesses across Scotland were invited to take part in BRIA interviews, but we had no responses. Therefore, it was not possible to conduct any interviews. Accordingly, the BRIA considers the impact on businesses based on the information that was available to the Scottish Government.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

19. Under the requirements of the UNCRC (Incorporation) (Scotland) Act 2024, these amendments are not relevant to children's rights or wellbeing as set out in the UNCRC (Incorporation) (Scotland) Act 2024.

20. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, *The Seed (Fees) (Scotland) Amendment Regulations 2025* is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

[9] https://www.sasa.gov.uk/seed-testing-certification/2024-25-consultation-fees-seed-testing-seed-certification-and-associated

Timing

21. The SSI comes into force on 01 July 2025.

Scottish Government
Agriculture and Rural Economy Directorate
SASA, Agriculture Division

May 2025