**POLICY NOTE**

**THE SEED (FEES) (SCOTLAND) AMENDMENT REGULATIONS 2026**

**SSI 2026/13**

## 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 ("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)

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

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

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

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

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). Those 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 Seed 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. The proposed rate increase of 3.7% (in line with UK GDP deflator figures as of Sep 2025) is to be applied across all services lines:

    a. Fees prescribed in **Schedule 1 of the 2018 Regulations** which cover the inspections and testing of seed lots being grown that season.

    b. Fees prescribed in **Schedule 2 of the 2018 Regulations** which cover licencing and enforcement activities.

9. Implementation of the recommended fee increases would result in a projected income of £238,882 against the estimated cost of £233,157 (assuming similar service use to last year). This would mean a projected recovery rate of 102.5% which is within accepted limits

10. Incorporating these fee increases, the cost of certifying per tonne for Barley, would roughly be of £10.15, which is an increase of £0.36 compared to last year (figure provided by SASA, factoring in average tonnes per hectare for the past harvest, for Large sized applicants).

**EU Alignment Consideration**

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

**Consultation**

12. 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.

13. The consultation ran for an four week period (24/11/2025 to 22/12/2025) and targeted over 30 relevant industry stakeholders (SASA service users) as well as being advertised on the SASA website via a Seed Certification Letter. However, no responses were received during this consultation period.

**Financial Considerations**

14. Users of these services have informed us that SG statutory costs are minor compared with energy and haulage expenses. They also welcome the annual review of fees, which maintains small incremental increases rather than sudden price hikes.

15. 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.

16. Over the years it has been difficult to get users of these services to attend the BRIA interviews, required as part of this exercise, quoting "we're happy with the service SASA provides" and "like regular review of fees, helpful to them to be able to cover costs".

17. Those organisations approached to take part in a BRIA interview were unable to participate, and therefore no interviews were conducted. Accordingly, the BRIA considers the impact on businesses based on the information that was available to the Scottish Government. On this basis, the assessment concluded that the proposed changes are expected to have no negative impact on businesses.

18. The absence of comments to the consultation and BRIA suggest that stakeholders have no concerns regarding these fee increases.

**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 2026* are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

**Timing**

21. The SSI comes into force on 1 July 2026.

Scottish Government
Agriculture and Rural Economy Directorate
SASA, Agriculture Division