EXECUTIVE NOTE

THE SEED POTATOES (FEES) (SCOTLAND) AMENDMENT REGULATIONS 2011

SSI 2011/414

Introduction

1. The above instrument is made in exercise of the powers conferred by sections 16(1), (1A) (e) and (5A) and 36 of the Plant Varieties and Seeds Act 1964. As required by section 16(1) of the 1964 Act a consultation exercise was undertaken. The instrument is subject to negative resolution procedure.

Policy Objective

2. In this Executive Note –

"the Principal Regulations" means the Seed Potatoes (Fees) (Scotland) Regulations 2009 (S.S.I. 2009/306); and

"the 2000 Regulations" means the Seed Potatoes (Scotland) Regulations 2000 (S.S.I 2000/201)[1].

3. This instrument amends the Principal Regulations. It makes some further amendments of a minor or consequential drafting nature, and provides for an increase in the rate of fees payable for nuclear stock services and makes amendments to the level of fee charged for crop and tuber inspections for Approved Stocks.

The Seed Potatoes (Fees) (Scotland) Regulations 2009

4. The Principal Regulations provide for the charging of fees. These fees are charged by the Science and Advice for Scottish Agriculture (SASA) for carrying out the official examinations of seed potatoes and related services. Those services include crop inspections, scientific testing of crop samples, tuber inspections and the provision of official labels in respect of classes of seed potatoes.

5. This instrument amends the provisions of the Principal Regulations.

Paragraphs 6 - 8 provide more information about these amendments.

Fees for nuclear stock

6. This instrument increases the three fees for the provision and maintenance of nuclear stock set out in the Schedule to the 2009 Regulations. The 2000 Regulations requires that seed potato stocks derived in Scotland must originate from Nuclear stock. These are

[1] Amended by S.S.I. 2005/280, S.S.I. 2007/41, S.S.I. 2009/226, S.S.I. 2010/71 and SI 2011/1043.

pathogen tested microplants produced officially as the initial planting material for seed potato production in Scotland.

7. The fees increases are for: - a) the initiation of new nuclear stock (increased from £176 to £185.50 for 6 microplants), b) the provision of *in vitro* maintained nuclear stock (increased from £50 to £53 for 6 microplants) and c) the fee for the *in vitro* maintenance of nuclear stock (increased from £72 to £75 annual fee per variety). The previous fees for nuclear stock were set by the 2009 Regulations.

Approved Stock

8. Approved Stocks are seed potato crops of varieties which are being considered for National Listing or are undergoing National List testing, or are being multiplied for other trial purposes. For the crop and tuber inspections for these crops the changes proposed are to move the entries in the Schedule at paragraphs 1 (Crop inspections – at a cost of £25 per half hour or part thereof) and 5 (Official tuber examinations – at a cost of £25 per half hour or part thereof) to paragraphs 2 (at a cost of £29 per half hectare or part thereof) and 4 (provision of any number of official labels and seals required – at a cost of £3 per tonne). These changes will reflect the actual size of the crops now being presented for both types of inspection and are considered to be more appropriate to the volume of Approved Stocks today.

Consultation

9. In terms of section 16(1) of the 1964 Act a short consultation exercise was undertaken on the proposal to introduce these Regulations. One response was received from the British Potato Trade Association who was supportive of the increases proposed.

Timing

10. This instrument will come into force on 1 January 2012.

Financial effects

11. The increases for the nuclear stock services are below the rate of inflation and the seed potato industry accept that maintaining the plant health security of the initial material is of benefit to all in the seed potato industry. Although the increases in fees for nuclear stock services and the amendments to the charges for Approved Stock inspections are minimal a Business and Regulatory Impact Assessment has been prepared.

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