EXPLANATORY MEMORANDUM

The Seed Potatoes (Tuber Inspection Fees) (Amendment) Regulations (Northern Ireland) 2011

2011 No. 97

1. The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by section 1 of the Seeds Act (Northern Ireland) 1965, and of every other power enabling it in that behalf, after consultation with representatives of such interests as appear to it to be concerned, makes the above-named Regulations, which are subject to negative resolution.

2. Description

2.1 These Regulations amend The Seed Potatoes (Tuber Inspection Fees) Regulations (Northern Ireland) 2006 (S.R. 2006/187). They increase, from 1st September 2011, the fees payable to the Department of Agriculture and Rural Development in respect of the certification of seed potato crops arising under the Seed Potatoes Regulations (Northern Ireland) 2001.

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 It is proposed to increase the fee for the inspection of seed potato tubers prior to their being sealed and for the provision of an appropriate number of labels for packages per tonne from £4.40 per tonne or part thereof to £4.80 per tonne or part thereof.

4.3 The average seed grower in Northern Ireland markets around 90 tonnes of seed per annum. This increase will represent an extra cost of £36 per grower.

5. Consultation

5.1 This amendment requires consultation with the seed potato industry and other interested parties. A consultation of 12 weeks was conducted. 1 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 tuber inspection 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. The proposed fees for tuber inspections cannot be directly compared with GB and ROI as charges are not applied in the same way for inspections.

- Scotland charges £25 per half hour or part thereof for an official examination of tubers;
- England charges £12 for tuber inspections up to 2 inspections, with the minimum fee being £24. Third and any subsequent inspections are £81;
- Wales charges £39.72 up to 25,00kg in weight with a further £39.72 for each additional 25,000kg; and
- In the South there are no separate fees for crop and tuber inspections. The fee for inspections of seed potatoes is €100 (£87.10) per hectare.

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

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