EXPLANATORY MEMORANDUM

THE SEED (REGISTRATION, LICENSING AND ENFORCEMENT) (ENGLAND) (AMENDMENT) REGULATIONS 2004

2004 No. 2390

1. This explanatory memorandum has been prepared by Defra and is laid before Parliament by Command of Her Majesty.

2. Description

These Regulations reflect changes made by Commission Decision 2004/371/EC to Council Directive 66/401/EEC on the marketing of fodder plant seed. The Regulations apply in England and amend the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002 (SI 2002/3176).

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Background

4.1 These Regulations:

- amend legislation in England setting down rules on the production of seed mixtures intended for use as fodder plant seed;
- update references to amended EC legislation;
- amend the example quantity of seed to be sampled from small containers to reflect the new International Seed Testing Association definition of a small container.

4.2 A Transposition Table is attached as an Annex to the memorandum.

4.3 The Regulations also correct an error in the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002.

5. Extent

This instrument applies to England.

6. European Convention on Human Rights

It is the view of Defra that these Regulations are compatible with the Convention Rights.

7. Policy background

7.1 EC Directives require official certification of seed of the main commercial crop species before marketing, to ensure that seed sold to farmers and growers meets specified standards. The Directives are implemented in England by 5 regulations concerned with different species groups (cereals, beet, oil and fibre plants, vegetables and fodder plants) and by a regulation controlling the registration and licensing of seed companies and personnel.

7.2. The regulations were substantially revised in 2002 to bring them into line with latest directive requirements, and to reduce official and industry costs by removing 'gold plating'. Amendments are now needed, as outlined in paragraph 4 above, to implement subsequent changes to EU legislation; and correct errors in the current regulations.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Kevin Johnson at Defra, Plant Variety Rights Office and Seeds Division Tel: 01223 342351 or e-mail: Kevin.Johnson@defra.gsi.gov.uk can answer any queries regarding the instrument.

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Annex

Transposition Table

Table showing how the main elements of Commission Decision **2004/371/EC** on conditions for the placing on the market of seed mixtures intended for use as fodder plants have been implemented by-

The Seed (Registration, Licensing and Enforcement) (England) (Amendment) Regulations 2004.

The Regulations apply only to England and amend the **Seed (Registration, Licensing and Enforcement) (England) Regulations 2002 (SI 2002/3176)** ("the RLE Regulations"). The devolved administrations are making separate provision with regard to implementation.

Commission Decision 2004/371/EC			
Article	**Purpose**	**Implementation**	**Comment**
2(b)	Provides that firms producing seed mixtures must have appropriate procedures for all mixing operations.	Regulation 2(3)(a)	The regulation amends Schedule 1 to the RLE Regulations by enabling the Secretary of State to take into account the appropriateness of mixing procedures when determining an application for registration of a person who may engage in seed industry activities.
2(c)	Provides that firms producing seed mixtures must have a person in charge who has direct responsibility for the mixing operation.	Regulations 2(3)(b); and 2(3)(c)	Regulation 2(3)(b) amends Part I of Schedule 1 to the RLE Regulations by enabling the Secretary of State to take into account the person with direct responsibility for mixing operations when determining an application for registration of a person who may engage in seed industry activities. Regulation 2(3)(c) amends Part II of Schedule 1 to the RLE Regulations by providing that, as a condition of registration, the Secretary of State must be notified within 21 days of any change regarding that person.

2(d)	Provides that firms producing seed mixtures must maintain a register of seed mixtures intended for use as fodder plants.	Regulation 2(3)(d)	This Regulation amends Part II of Schedule 1 to the RLE Regulations by providing that, as a condition of registration, a person registered as a person who may engage in a seed industry activity is required to keep a register of seed mixtures intended for use as fodder plants.
2(a); 3; 4; 5	n/a	n/a	The provisions of articles 2(a), 3, 4 and 5 are implemented in the RLE Regulations.