EXPLANATORY MEMORANDUM

THE VEGETABLE SEED (ENGLAND) (AMENDMENT) REGULATIONS 2004

2004 No. 2389

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

2. Description

These Regulations make minor amendments to take account of accession. The Regulations apply in England and amend the Vegetable Seed (England) Regulations 2002 (SI 2002/3175).

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

None

4. Legislative Background

4.1 These Regulations amend legislation in England to reflect changes to the European regime on the marketing of vegetable seed.

The principal changes:

- provide that, where there is a requirement for a consent to have been obtained in relation to seed of genetically modified varieties, a consent can be obtained either in accordance with Council Directive 2001/18/EC on the deliberate release to the environment of genetically modified organisms or in accordance with Council Regulation (EC) No 1829/2003 on genetically modified food and feed;
- update references to amended EC legislation.

4.2 These Regulations also correct errors in the Vegetable Seed (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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