EXPLANATORY MEMORANDUM TO

Vegetable Seeds Regulations (Northern Ireland) 2009

SR 2009 No. 387

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under powers conferred on it by section 1(1) and (2A) and 2 of the Seeds Act (Northern Ireland) 1965 and is subject to the negative resolution procedure.

1.3. The rule is due to come into operation on 30th November 2009.

2. Purpose

2.1. The rule consolidates the Vegetable Seeds Regulations and amendments and transposes two EC Directives. EC 2008/62, Conservation Varieties Directive by providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties. It also transposes Commission Directive 2009/74/EC as regards the botanical names of plants, the scientific names of other organisms and certain annexes to 66/401/EEC, 66/402/EEC and 2002/57/EC in the light of developments of scientific and technical knowledge.

3. Background

3.1. The principal regulations, Vegetable Seeds Regulations (NI) 1994 has been amended on numerous occasions. The Department now intends to consolidate these (and the other seeds regulations) in the interests of transparency and accessibility.

4. Matters of Special Interest to the Agriculture and Rural Development Committee

4.1. There is no impact on the rural community as this is a consolidation exercise and has no change on the regulatory regime. The Conservation Variety Directive does not have any practical application in Northern Ireland.

5. Consultation

5.1. As required by the Seeds Act 1965, the Department has consulted representatives of the seeds trade and others. No comments were received.

6. Position in Great Britain and Ireland

6.1. All UK and RoI authorities are transposing the Conservation Varieties Directive.

7. Equality Impact

7.1. The Department has screened out this legislation under the Equality and Human Rights screening procedures.

8. Regulatory Impact

8.1. Not necessary for these Regulations as there is no impact on the private and voluntary sectors. This is a consolidation exercise and therefore has no change in the regulatory regime. The Conservation Variety Directive is being implemented and England has already carried out a Regulatory impact assessment. The Conservation Variety does not have any practical application in Northern Ireland.

9. Financial Implications

9.1. There is no financial impact on the rural community as this is a consolidation exercise and has no change in the regulatory regime. The Conservation Variety Directive does not have any practical application in Northern Ireland.

10. Section 24 of the Northern Ireland Act 1998

10.1. These Regulations are compliant with Section 24 of the NI Act 1998.

11. EU Implications

11.1. This is a transposition of EU directive 62/2008 namely “the conservation variety Directive” and also EU directive 2009/74 namely “the nomenclature directive”.

12. Additional Information

12.1. Not applicable.

13. Contact

13.1 Brian Ervine with any queries regarding the Regulations. Tel: 02890 9052 5570 or e-mail brian.ervine@dardni.gov.uk.

Equality and **Human Rights** Screening Template

December 2007

Department of
Agriculture and
Rural Development
www.dardni.gov.uk

DARD Equality and **Human Rights** Screening Template

DARD has a statutory duty to screen. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, funding arrangement or facility. This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on DARD's customers, service users, staff and visitors.

Section A - asks you to provide details about the policy / decision that is being screened.

Section B - has 4 key questions that require you to consider the likely impact on Section 75 equality groups. Details of all consultation activity should be recorded.

Section C - has 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

Section D - is the formal record of the screening decision. It is important that all efforts to consult and consider evidence are recorded precisely throughout the entire screening process, in accordance with the terms of the Guidance Note at the end of the document.

 Click on the Word icon to download the Screening Guidance

Section A

Details about the policy / decision to be screened

Title of policy / decision to be screened:- Consolidation of the Seeds Regulations.
Brief description of policy / decision to be screened:- This is a routine update of the Seeds Regulations to transpose an EU Directive and consolidate previous amendments. Directive 2008/62/EC, the Conservation Variety Directive amends the Seeds Directives by providing for acceptance of agricultural landraces and varieties, which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed of those landraces and varieties. The proposed Seeds Regulations implement these changes in local legislation as well as consolidating all of the seeds marketing regulations and the registration and licensing regulations.
Aims and objectives of the policy / decision to be screened:- To update the Seeds Regulations to transpose an EU Directive and consolidate previous amendments.

On whom will the policy / decision impact:- As there is no impact on the private and voluntary sectors, in so far as this is a consolidation exercise it has no impact on the regulatory regime. The Conservation Varieties Directive is being implemented but the provisions of this directive are highly unlikely to have any practical application in Northern Ireland.

Section B

1. Is there any evidence of higher or lower participation or uptake by different groups?

	Yes	No	Don't know
Religious belief	☐	☒	☐
Political opinion	☐	☒	☐
Racial group	☐	☒	☐
Age	☐	☒	☐
Marital status	☐	☒	☐
Sexual orientation	☐	☒	☐
Gender	☐	☒	☐
Disability	☐	☒	☐
Dependants	☐	☒	☐

Evidence held? Outline all supporting evidence: N/A-this is a consolidation of the regulations and therefore no changes are being implemented.

No evidence held? Outline how you will obtain it: N/A

2. Do different groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No	Don't know
Religious belief	☐	☒	☐
Political opinion	☐	☒	☐
Racial group	☐	☒	☐
Age	☐	☒	☐
Marital status	☐	☒	☐
Sexual orientation	☐	☒	☐
Gender	☐	☒	☐
Disability	☐	☒	☐
Dependants	☐	☒	☐

Evidence held? Outline all supporting evidence: N/A-this is a consolidation of the regulations and therefore no changes are being implemented.

No evidence held? Outline how you will obtain it: N/A

3. **Consultation is an integral part of policy development and policy screening. Have consultations with relevant groups, organisations or individuals indicated that policies of this type create problems that are specific to them?**

	Yes	No	Don't know
Religious belief	☐	☒	☐
Political opinion	☐	☒	☐
Racial group	☐	☒	☐
Age	☐	☒	☐
Marital status	☐	☒	☐
Sexual orientation	☐	☒	☐
Gender	☐	☒	☐
Disability	☐	☒	☐
Dependants	☐	☒	☐

Evidence held? Outline all supporting evidence: This is a consolidation of the regulations and therefore no changes are being implemented. DARD has consulted representatives of the seeds trade and others. No comments were received.

No evidence held? Outline how you will obtain it: N/A

4. In relation to implementing this policy, is there an opportunity to better promote equality of opportunity or good relations by altering the policy or by working with others in Government or in the larger community?

	Yes	No	Don't know
Religious belief	☐	☒	☐
Political opinion	☐	☒	☐
Racial group	☐	☒	☐
Age	☐	☒	☐
Marital status	☐	☒	☐
Sexual orientation	☐	☒	☐
Gender	☐	☒	☐
Disability	☐	☒	☐
Dependants	☐	☒	☐

Evidence held? Outline all supporting evidence: This is a consolidation of the regulations and therefore no changes are being implemented.

No evidence held? Outline how you will obtain it: N/A

Section C

DARD also has legislative obligations to meet under the Disability Discrimination Order and Human Rights Act. Questions 5 -9 relate to these two areas.

Consideration of Disability Duties

5. Does this proposed policy / decision provide an opportunity for DARD to better promote positive attitudes towards disabled people?

Explain your assessment in full No. This is a consolidation of the regulations and therefore no changes are being implemented.

6. Does this proposed policy / decision provide an opportunity for DARD to actively increase the participation by disabled people in public life?

Explain your assessment in full No. This is a consolidation of the regulations and therefore no changes are being implemented.

Consideration of Human Rights

7. Indicate below (by placing an X in the appropriate box) any *adverse impacts* of the policy / decision in relation to the Human Rights Articles as set out in the European Convention of Human Rights.

Right to Life	**Article 2**	☐
Prohibition of torture, inhuman or degrading treatment	**Article 3**	☐
Prohibition of slavery and forced labour	**Article 4**	☐
Right to liberty and security	**Article 5**	☐
Right to a fair and public trial	**Article 6**	☐
Right to no punishment without law	**Article 7**	☐
Right to respect for private and family life, home and correspondence	**Article 8**	☐
Right to freedom of thought, conscience and religion	**Article 9**	☐
Right to freedom of expression	**Article 10**	☐
Right to freedom of assembly and association	**Article 11**	☐
Right to marry and to found a family	**Article 12**	☐
The prohibition of discrimination	**Article 14**	☐
Protection of property	**Protocol 1 Article 1**	☐
Right to education	**Protocol 1 Article 2**	☐
Right to free and secret elections	**Protocol 1 Article 3**	☐

8. **Please explain any adverse impacts on human rights that you have identified** N/A

9. **Please indicate any ways which you consider the policy positively promotes human rights** N/A.

Section D

Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened – Consolidation of Seeds Regulations.

I can confirm that the proposed policy / decision has been screened for –

☒ equality of opportunity and good relations

☒ disabilities duties; and

☒ human rights issues

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

☒ *Screened Out – No EQIA necessary

☐ *Screened In – Necessary to conduct a full EQIA

*(please check appropriate box above)

Screening assessment completed by (Staff Officer level) -

Name: LORRAINE TURNER Grade: SO

Date:

Branch: Environmental Policy

Details of all consultation/engagements undertaken in making the Screening Assessment *****

Signature: please insert a scanned image of your signature below

Screening decision approved by (must be G7 or above) -

Name: PETER SCOTT Grade: 7

Date:

Branch: Environmental Policy

Signature:



This screening assessment will be copied to all those who contributed to this screening exercise and to all groups listed on the DARD s75 contact and consultee list.

Signed and date actioned:

Please save the completed screening form within TRIM



and also forward the TRIM reference for the signed electronic copy to Equality Branch at equalitybranch@dardni.gov.uk

For more information about screening, contact –

DARD Equality Branch
Room 509
Dundonald House
Upper Newtownards Road
Belfast BT4 3SB

Telephone 028 9052 4435
Textphone 028 9052 4420

Or check out our intranet site
http://dardintranet/coord_intranet/EqualityBranch/index.shtml

***Guidance Note**

Consideration of evidence at each section of this screening assessment should be recorded in detail, in accordance with the following terms:

- Names of all groups and/or individuals consulted, noting (where appropriate) the Section 75 category or stakeholder interest being represented

- Nature of consultation/engagements undertaken, including date, time, location and method (whether in writing; by phone or email; or in person)

- Source and status of all evidential data presented (Title, date, author, publisher, page reference)

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Agriculture and
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Talmhaíochta agus
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