
WELSH STATUTORY INSTRUMENTS

2013 No. 889 (W. 101)

SEEDS, WALES

The Seed Marketing (Wales) (Amendment) Regulations 2013

<i>Made</i>	- - - -	<i>14 April 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>17 April 2013</i>
<i>Coming into force</i>	- -	<i>10 May 2013</i>

The Welsh Ministers make these Regulations in exercise of the powers in sections 16(1), (1A), (2), (3), (4), (5) and (5A) and 36 of the Plant Varieties and Seeds Act 1964⁽¹⁾, after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to be concerned, and in exercise of the powers in paragraph 1A of Schedule 2 to the European Communities Act 1972⁽²⁾.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972⁽³⁾ and it appears to the Welsh Ministers that it is expedient for the reference in these Regulations to Council Decision [2003/17/EC](#) on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries⁽⁴⁾ to be construed as a reference to that Decision as amended from time to time.

Title, application and commencement

1. The title of these Regulations is the Seed Marketing (Wales) (Amendment) Regulations 2013. They apply in relation to Wales and come into force on 10 May 2013.

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- (1) [1964 c. 14](#). Section 16 has been amended by the European Communities Act [1972 \(c. 68\)](#), section 4 and Schedule 4, paragraph 5; S.I. [1977/1112](#); and section 2 of the Agriculture Act [1986 \(c. 49\)](#). See section 38(1) for the definition of “the Minister”. Under the Transfer of Functions (Wales) (No 1) Order 1978 (S.I. [1978/272](#)) article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were so far as they are exercisable in relation to Wales, transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. [1999/672](#)), article 2 and Schedule 1, the functions transferred to the Secretary of State by the 1978 Order were transferred to the National Assembly for Wales. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 those functions are now exercisable by the Welsh Ministers.
- (2) [1972 c. 68](#). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#).
- (3) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006, and Part 1 of the Schedule to the European Union (Amendment) Act [2008 \(c. 7\)](#).
- (4) OJ No L 8, 14.1.2003, p. 10, as last amended by European Parliament and Council Decision No 1105/2012/EU (OJ No L 328, 28.11.12, pp. 4 — 6).

Amendment of the Seed Marketing (Wales) Regulations 2012

2. The Seed Marketing (Wales) Regulations 2012⁽⁵⁾ are amended as follows.

Regulation 3 (interpretation of other terms)

3. In regulation 3(2)—
- (a) at the end of sub-paragraph (g), omit “and”;
 - (b) after sub-paragraph (h), insert—
 - “and
 - (i) Council Decision [2003/17/EC](#) on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries,”; and
 - (c) for “those Directives”, substitute “those instruments”.

Licences for temporary experiments

4. After regulation 21, insert—

“Licences for temporary experiments

21A. The Welsh Ministers may by licence exempt any person or class of person from compliance with any provision of these Regulations for the purposes of a temporary experiment organised under—

- (a) Article 19 of Council Directive [2002/54/EC](#) on the marketing of beet seed⁽⁶⁾;
- (b) Article 13a of Council Directive [66/402/EEC](#) on the marketing of cereal seed⁽⁷⁾;
- (c) Article 13a of Council Directive [66/401/EEC](#) on the marketing of fodder plant seed⁽⁸⁾;
- (d) Article 16 of Council Directive [2002/57/EC](#) on the marketing of seed of oil and fibre plants⁽⁹⁾; or
- (e) Article 33 of Council Directive [2002/55/EC](#) on the marketing of vegetable seed⁽¹⁰⁾.”

14 April 2013

Alun Davies
Minister for Natural Resources and Food, one of
the Welsh Ministers

⁽⁵⁾ S.I. [2012/245](#).

⁽⁶⁾ OJ No L 193, 20.7.2002, p. 12, as last amended by Council Directive [2004/117/EC](#) (OJ No L 14, 18.1.2005, p. 18).

⁽⁷⁾ OJ No L 125, 11.7.1966, p. 2309 (OJ/SE 1965 — 66, p. 143) as last amended by Commission Implementing Directive 2012/37/EU (OJ No. L 325, 23.11.2012, pp. 13 — 14).

⁽⁸⁾ OJ No L 125, 11.7.1966, p. 2298 (OJ/SE 1965 — 66, p. 132) as last amended by Commission Implementing Directive 2012/37/EU (OJ No L 325, 23.11.12, pp. 13 — 14).

⁽⁹⁾ OJ No L 193, 20.7.2002, p. 74, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).

⁽¹⁰⁾ OJ No L 193, 20.7.2002, p. 33.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seed Marketing (Wales) Regulations 2012 (S.I.2012/245) (“the principal Regulations”).

Regulation 3 adds Council Decision [2003/17/EC](#) on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries (OJ No L 8, 14.1.2003, p. 10) to the list of EU instruments in respect of which references in the principal Regulations are to be construed as references to those instruments as amended from time to time.

Regulation 4 allows the Welsh Ministers to license exemptions for temporary experiments organised under any of the five European Directives on the marketing of, respectively, beet seed, cereal seed, fodder plant seed, seed of oil and fibre plants and vegetable seed. Other provisions of these Directives are already implemented (in relation to Wales) by the principal Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.