



SCOTTISH EXECUTIVE

Environment and Rural Affairs Department
EPHAS - Seeds

Pentland House
47 Robb's Loan
Edinburgh EH14 1TY

«Name»

«Organisation»

«Address1»

«Address2»

«Address3»

«Address4»

«Address5»

«Address6»

«Address7»

Telephone: 0131-244 6341

Fax: 0131-244 6509/6539

Carol.scott@scotland.gsi.gov.uk

<http://www.scotland.gov.uk>

Our ref: SPP 2/2/8/34

28 October 2005

«Salutation»

THE SEEDS (FEES) (SCOTLAND) AMENDMENT REGULATIONS 2006

I am writing to seek the views of the Scottish Seed Trade concerning the proposal to change the legislative base for seed testing fees which appear in the Seeds Fees (Scotland) Regulations 2002 and an expansion of the Seed testing fees to include a breakdown of fees associated with the various stages of the certification process. This action is necessary to tidy-up the fees following the consolidation of the Oil & Fibre Plant Seed (Scotland) Regulations 2004, the Cereal Seed (Scotland) Regulations 2005 and the Fodder Plant Seed (Scotland) Regulations 2005.

SEERAD are also looking to re-introduce charges for International Seed Testing Association (ISTA) certificates. You may re-call that the charges for these services were withdrawn in 2004, due to the absence of a legal basis to charge for these services.

A full list of all the statutory seed testing fees charged by the Official Seed Testing Station, which takes into account the above changes, are provided in the Annexe for your information. The fees which we are proposing to remove from the Regulations are marked with an asterisk and the additional expanded fees are highlighted in grey. The fee for an orange, blue or green ISTA certificate is that payable in respect of all seed tests reported on the certificate and these charges are listed in the annex.

Authorisation for Seed Testing Charges

SEERAD propose to remove (fees marked with an asterisk in the Annex), from the Seeds Fees (Scotland) Regulations 2002. However, the Scottish Ministers' approval will be

required to authorise the Official Seed Testing Station to make charges for these tests under section 24(4) of the Plant Varieties and Seeds Act 1964.

Additionally, in the case of the fee for a tetrazolium test for viability, the test has been extended to include all species and categories of cereals. This will bring all fees for seed testing under the one charging mechanism.

In the case of Licensed Seed Testing Stations (LSTS), regulation 9(1A) of the Seeds (Regulation, Licensing and Enforcement) Regulations 1985 (as amended) permits LSTS to charge a reasonable fee for carrying out tests on seed for the purpose of the seeds regulations, where no such fees are prescribed by regulations.

Expansion of Statutory Fees

Whilst a list of fees was sent out to you by the Official Seed Testing Station on 30 June 2005, unfortunately the list omitted charges, where by if parts of the test were not completed, a lesser fee should be charged. Eg. "*EC certification tests (analytical purity, determination of other seeds by number, germination and moisture content) - £45.80*". If a sample is submitted and it fails the analytical purity test, which is the first stage of the certification process, there is no benefit to gained by completing the test. Consequently, customers should only be charged for the analytical purity test - £19.90.

If you would like to provide any comments about the removal of these fees from the Seeds (Fees) (Scotland) Regulations 2002, you should send them to me - **Carol A Scott** by **20 January 2006** at the following address:

Scottish Executive, Environment and Rural Affairs Department
EPHAS – Seeds
Mail point 1 – B
Pentland House
47 Robb's Loan
EDINBURGH
EH14 1TY

Fax: 0131 244 6509/6539
E-mail: ephas@scotland.gsi.gov.uk

Yours faithfully

Carol A Scott (Ms)
EPHAS - Seeds

FEES CHARGED BY THE OFFICIAL SEED TESTING STATION FOR SEED TESTING -

CEREALS

<i>(1)</i> Matter	<i>(2)</i> fee £
<i>Seed testing fees</i>	
Fee for an official examination of seed for:	
1. EC certification tests (analytical purity, determination of other seeds by number and germination) for wheat, durum wheat, spelt wheat, barley and oats.	43.00
2. EC certification tests (analytical purity, germination and determination of other seeds by number) for maize.	43.00
3. EC certification tests (analytical purity, determination of other seeds by number and moisture content)	31.50
4. EC certification tests (analytical purity, determination of other seeds by number, germination and moisture content)	45.80
5. EC certification tests (analytical purity, determination of other seeds by number, 100 seed STZ)	43.70
6. EC certification tests (analytical purity, determination of other seeds by number, 100 seed STZ and moisture content)	46.50
7. EC certification tests (analytical purity, determination of other seeds by number, 100 seed STZ followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met)	60.20
8. EC certification tests (analytical purity, determination of other seeds by number, 100 seed STZ followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met and moisture content)	63.00
9. EC certification tests (analytical purity, determination of other seeds by number, 200 seed STZ)	57.40
10. EC certification tests (analytical purity, determination of other seeds by number, 200 seed STZ and moisture content)	60.20

CEREALS

(1) Matter	(2) fee £
<i>Seed testing fees</i>	
Fee for an official examination of seed for:	
11. EC certification tests (analytical purity, determination of other seeds by number, 200 seed STZ followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met)	73.90
12. EC certification tests (analytical purity, determination of other seeds by number, 200 seed STZ followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met and moisture content)	76.70
13. EC certification tests (analytical purity, determination of other seeds by number, 400 seed STZ)	86.80
14. EC certification tests (analytical purity, determination of other seeds by number, 400 seed STZ and moisture content)	89.60
15. EC certification tests (analytical purity, determination of other seeds by number, 400 seed STZ followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met)	103.30
16. EC certification tests (analytical purity, determination of other seeds by number, 400 seed STZ followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met and moisture content)	106.10
17. A search of an EC certified sample for designated species to assess compliance with Higher Voluntary standards (HVS) standard for wheat, durum wheat, spelt wheat, barley and oats	35.10
18. HVS certification tests (analytical purity, determination of other seeds by number and germination) for wheat, durum wheat, spelt wheat, triticale, rye, barley and oats	53.60
19. HVS certification tests (analytical purity, determination of other seeds by number, germination and moisture content)	56.80

CEREALS

(1) Matter	(2) <i>fee</i> £
<i>Seed testing fees</i>	
Fee for an official examination of seed for:	
20. HVS certification tests (analytical purity, determination of other seeds by number and moisture content)	40.10
21. HVS certification tests (analytical purity, determination of other seeds by number, 100 seed STZ)	54.30
22. HVS certification tests (analytical purity, determination of other seeds by number, 100 seed STZ and moisture content)	57.50
23. HVS certification tests (analytical purity, determination of other seeds by number, 100 seed STZ followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met)	70.80
24. HVS certification tests (analytical purity, determination of other seeds by number, 100 seed STZ followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met and moisture content)	74.00
25. HVS certification tests (analytical purity, determination of other seeds by number, 200 seed STZ)	70.20
26. HVS certification tests (analytical purity, determination of other seeds by number, 200 seed STZ and moisture content)	73.40
27. HVS certification tests (analytical purity, determination of other seeds by number, 200 seed STZ followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met)	86.70
28. HVS certification tests (analytical purity, determination of other seeds by number, 200 seed STZ followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met and moisture content)	89.90
29. HVS certification tests (analytical purity, determination of other seeds by number, 400 seed STZ)	104.00

CEREALS

<i>(1)</i> Matter	<i>(2)</i> <i>fee</i> £
<i>Seed testing fees</i>	
Fee for an official examination of seed for:	
30. HVS certification tests (analytical purity, determination of other seeds by number, 400 seed STZ and moisture content)	107.20
31. HVS certification tests (analytical purity, determination of other seeds by number, 400 seed STZ followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met)	120.50
32. HVS certification tests (analytical purity, determination of other seeds by number, 400 seed STZ followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met and moisture content)	123.70
33. 100 seed STZ test on a certification sample (EC or HVS)	24.50
34. 100 seed STZ test on a certification sample (EC or HVS) followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met	41.00
35. 200 seed STZ test on a certification sample (EC or HVS)	47.00
36. 200 seed STZ test on a certification sample (EC or HVS) followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met	63.50
37. 400 seed STZ test on a certification sample (EC or HVS)	95.00
38. 400 seed STZ test on a certification sample (EC or HVS) followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met	101.50
39. An analytical purity test on a certification sample (EC or HVS)	19.90
40. An analytical purity test and a moisture content test on a certification sample (EC or HVS)	23.40

CEREALS

(1) Matter	(2) <i>fee</i> £
<i>Seed testing fees</i>	
Fee for an official examination of seed for:	
41. An additional 2kg seed search for wild oats on a certification sample (EC or HVS)	64.80
* 42. Fee for an official examination of EC or HVS certified seed for loose smut infection of wheat, durum wheat, spelt wheat and barley (per thousand embryos examined)	39.40
43. Moisture content test only on certification sample (EC or HVS)	4.50
44. Germination test only on certification sample (EC or HVS)	23.40

The fee for an orange, blue or green International Seed Testing Association (ISTA) certificate is that payable in respect of all seed tests reported on the certificate

FODDER PLANT SEEDS REGULATIONS

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>fee</i> <i>£</i>
<i>Seed testing fees</i>	
1. Fees for an official examination of seed for analytical purity, germination and determination of other seeds by number of:	
(a) grasses, except timothy	79.40
(b) timothy	59.00
(c) large seeded legumes	45.70
(d) small seeded legumes	55.40
(e) brassicas	60.10
2. Fee for a search for designated species to assess compliance with HVS standards for appropriate species.	35.10
3. Fee for an official examination of seed for <i>Ascochyta fabae</i> in seed of field beans - (per hundred seeds examined.	13.40

The fee for an orange, blue or green International Seed Testing Association (ISTA) certificate is that payable in respect of all seed tests reported on the certificate

OIL AND FIBRE PLANT SEEDS REGULATIONS

(1) Matter	(2) fee £
<i>Seed testing fees</i>	
Fees for an official examination of seed for:–	
1. Analytical purity, germination and determination of other seeds by number, of sunflower, linseed, flax, soya bean and hemp.	50.40
2. Analytical purity, germination and determination of other seeds by number of <i>Brassica</i> species.	60.10
* 3. Fee for an official examination of seed for sunflowers for <i>Botrytis</i> spp	46.15
* 4. Fees for an official examination of seed for flax and linseed for -	
(a) <i>Alternaria</i> spp	} 37.95
(b) <i>Phoma exigua</i> var. <i>linicola</i>	
(c) <i>Colletotrichum lini</i>	
(d) <i>Fusarium</i> spp	
(e) <i>Botrytis</i> spp	
* 5. Fees for an official examination of seed for soya bean for <i>Pseudomonas syringae</i> pv. <i>glycinea</i> spp for –	
(a) for one sub-sample test	66.15
6. (b) for five sub-sample tests	220.50
* 7. Fee for an official examination of seed for soya bean for <i>Diaporthe phaselorum</i> spp	41.35

The fee for an orange, blue or green International Seed Testing Association (ISTA) certificate is that payable in respect of all seed tests reported on the certificate

BEET SEEDS REGULATIONS

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>fee</i> <i>£</i>
<i>Seed testing fees</i>	
Fee for an official examination of seed for:-	
1. Analytical purity, germination and determination of other seeds by number.	52.90
2. Number of seedlings germinating from a cluster in monogerm and precision seeds.	32.10

The fee for an orange, blue or green International Seed Testing Association (ISTA) certificate is that payable in respect of all seed tests reported on the certificate

VEGETABLE SEEDS REGULATIONS

(1) Matter	(2) fee £
Seed testing fees	
Fee for an official examination of seed for:-	
1. analytical purity, germination and determination of other seeds by number.	45.70
2. Brassica for <i>Phoma lingam</i>	45.50
3. Red Beet or Beetroot for <i>Phoma betae</i>	37.95
4. Celery for <i>Septoria apiicola</i>	45.50
5. Peas for	
(a) <i>Phoma apiicola</i>	
(b) <i>Ascochyta pisi</i>	
(c) <i>Mycosphaerella pinoies</i>	
(d) <i>Ascochyta pinodella</i>	} 26.80
6. Lettuce for Lettuce Mosaic virus	60.00
7. French Bean for <i>Colletotrichum lindemuthianum</i>	53.60
8. French Bean for <i>Pseudomonas phaseolicola</i>	220.50
9. Broad bean for <i>Ascochyta fabae</i>	80.40

The fee for an orange, blue or green International Seed Testing Association (ISTA) certificate is that payable in respect of all seed tests reported on the certificate

CONSULTATION ON The Seeds (Fees) (Scotland) Amendment Regulation 2006

Responding to this consultation paper

We are inviting written responses to this consultation paper by 20 January 2006] **Please send your response to:**

E-mail: ephas@scotland.gsi.gov.uk

or

Carol Scott at:

Scottish Executive, Environment and Rural Affairs Department

EHPAS – Seeds

Mail point 1 – B

Pentland House

47 Robb's Loan

EDINBURGH

EH14 1TY

If you have any queries contact Carol Scott on 0131 244 6341

We would be grateful if you could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

This consultation, and all other Scottish Executive consultation exercises, can be viewed online on the consultation web pages of the Scottish Executive website at <http://www.scotland.gov.uk/consultations>. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is.

The Scottish Executive now has an email alert system for consultations ([SEconsult: http://www.scotland.gov.uk/consultations/seconsult.aspx](http://www.scotland.gov.uk/consultations/seconsult.aspx)). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces SE distribution lists, and is designed to allow stakeholders to keep up to date with all SE consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Executive are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public (see the attached Respondent Information Form), these will be made available to the public in the Scottish Executive Library by 27 January 2006. We will check all responses where agreement to publish has been given for any potentially defamatory material before logging them in the library or placing them on the website. You can make arrangements to view responses by contacting the SE Library on 0131 244 4565. Responses can be copied and sent to you, but a charge may be made for this service.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

Name: Carol A Scott

Address: Scottish Executive, Environment and Rural Affairs Department

EHPAS – Seeds

Mail point 1 – B

Pentland House

47 Robb's Loan

EDINBURGH

EH14 1TY

E-mail: ephas@scotland.gsi.gov.uk

RESPONDENT INFORMATION FORM: The Seeds (Fees) (Scotland) Amendment Regulation 2006

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name:

Postal Address:

1. Are you responding: (please tick one box)
- (a) as an individual go to Q2a/b and then Q4
- (b) **on behalf of** a group/organisation go to Q3 and then Q4

INDIVIDUALS

- 2a. Do you agree to your response being made available to the public (in Scottish Executive library and/or on the Scottish Executive website)?

Yes (go to 2b below)

No, not at all We will treat your response as confidential

- 2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

ON BEHALF OF GROUPS OR ORGANISATIONS:

- 3 The name and address of your organisation **will be** made available to the public (in the Scottish Executive library and/or on the Scottish Executive website). Are you also content for your **response** to be made available?

Yes

No We will treat your response as confidential

SHARING RESPONSES/FUTURE ENGAGEMENT

- 4 We will share your response internally with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

Yes

No

THE SCOTTISH EXECUTIVE CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Executive working methods. Given the wide-ranging areas of work of the Scottish Executive, there are many varied types of consultation. However, in general, Scottish Executive consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Executive encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Executive consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Executive web site enabling a wider audience to access the paper and submit their responses¹. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Executive library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Executive consultation papers and related publications (eg, analysis of response reports) can be accessed at: [Scottish Executive consultations](http://www.scotland.gov.uk/consultations) (<http://www.scotland.gov.uk/consultations>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

¹ <http://www.scotland.gov.uk/consultations>