Strategic Planning and Corporate Services Group
Strategic Support Directorate

Department of
Agriculture, Environment and Rural Affairs
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FROM: **PAUL MCGRANAGHAN**
DAERA DALO

DATE: **05 NOVEMBER 2026**

TO: **DR. JANICE THOMPSON**
AERA COMMITTEE CLERK

The Seed Marketing (Amendment) Regulations (Northern Ireland) 2026

Summary: The Department of Agriculture, Environment and Rural Affairs proposes to make the above-named Statutory Rule under powers conferred on it by sections 11 and 22 of, and paragraph 1(1) of Part 1 and paragraph 11M of Part 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018. The SR will be laid before the Assembly under the negative resolution procedure and contains technical amendments to fully implement the Windsor Framework in the Plant Varieties and Seeds policy area.

Business Area: Natural Environment Policy Division, Environmental Farming Branch

Issue: The AERA Committee is being asked to approve the laying of the above Statutory Rule which is subject to negative resolution.

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Restrictions: None

Action Required: To approve the Statutory Rule

Officials Attending: Phillip McDonald, Plant Varieties and Seeds Policy Officer

Brian Ervine, Head of Environmental Farming Branch

Background

The Department of Agriculture, Environment and Rural Affairs proposes to make the above-named Statutory Rule under powers conferred on it by sections 11 and 22 of, and paragraph 1(1) of Part 1 and paragraph 11M of Part 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018.

The Statutory Rule is subject to negative resolution.

The SR is required to amend the Seed Marketing Regulations (Northern Ireland) 2016 to ensure that they accurately reflect the legislative framework governing the marketing of agricultural seed in Northern Ireland, which is derived from a suite of EU seed marketing directives. These directives are listed in Annex 2 of the Windsor Framework and apply in Northern Ireland. This includes Council Directive 66/401/EEC (fodder seed), Council Directive 66/402/EEC (cereal seed), Council Directive 2002/54/EC (beet seed), Council Directive 2002/55/EC (vegetable seed) and Council Directive 2002/57/EC (oil and fibre plant seed).

Council Directive 66/401/EEC (fodder seed) was added to Annex 2 of the Northern Ireland Protocol by decision of the EU-UK Joint Committee on 17 December 2020. Amendments to the Seed Marketing Regulations (Northern Ireland) 2016 are required to reflect that change and to correct provisions that were amended through earlier EU Exit legislation on the basis that the Directive would no longer apply in Northern Ireland. The SR will also make minor technical amendments to Council Directive 66/402/EEC (cereal seed), Council Directive 2002/54/EC (beet seed), Council Directive 2002/55/EC (vegetable seed) and Council Directive 2002/57/EC (oil and fibre plant seed).

A Statutory Rule to make the necessary amendments was prepared in 2021 but did not proceed at that time. Progression of the legislation has subsequently been delayed due to resource pressures and competing policy and legislative priorities associated with EU Exit implementation and the operation of the Northern Ireland Protocol and Windsor Framework.

It is anticipated that it will come into operation on 7 January 2027. A copy of the draft SR is attached at **Annex A** and associated Explanatory Memorandum is at **Annex B**.

Purpose of legislation/policy background

The proposed amendments are technical in nature and do not introduce any new policy requirements or regulatory burdens on businesses. The principal risk associated with the legislation is limited to the possibility of continued legislative inconsistency if the amendments are not made. No significant unintended consequences have been identified.

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Failure to implement the Rule would leave the Seed Marketing Regulations (Northern Ireland) 2016 out of alignment with the legislative framework applicable in Northern Ireland. This could create legal uncertainty for industry and enforcement authorities and would leave inaccuracies within the domestic statute book unresolved. The proposed Rule will therefore regularise the legislative position and ensure the continued effective operation of the seed marketing regime in Northern Ireland.

Previous Engagement with the Committee

No previous engagement with the Committee on the subject matter of the rule.

Financial Implications

The proposed Rule is technical and corrective in nature and does not introduce any new policy requirements, regulatory burdens or enforcement activities. As such, there are no anticipated capital or resource costs associated with its implementation.

The Rule will be implemented using existing departmental resources and requires no additional funding. It is not expected to have any financial impact on businesses, consumers, other public bodies or Northern Ireland Departments.

Failure to implement the Rule would not result in direct financial costs but would leave inaccuracies within the legislative framework governing seed marketing in Northern Ireland, creating potential legal uncertainty for industry and enforcement authorities.

Consultation

No consultation with stakeholders or regulated operators has been undertaken. The proposed Statutory Rule makes technical and operability amendments to the Seed Marketing Regulations (Northern Ireland) 2016 to ensure that the legislation accurately reflects the legal framework applicable in Northern Ireland under the Windsor Framework.

The amendments do not introduce any new policy, regulatory requirements or burdens on the seed industry. As the changes are technical in nature and are intended solely to update and correct existing legislation, consultation was not considered necessary. The impact on seed producers, traders and other stakeholders is therefore expected to be negligible.

Compliance with Section 24 of the Northern Ireland Act 1998

The Department has considered the requirements of section 24 of the Northern Ireland Act 1998 in the development of this Rule.

The Rule makes technical and corrective amendments to the Seed Marketing Regulations (Northern Ireland) 2016 to ensure that the domestic legislation accurately reflects the legislative framework governing the marketing of seed in Northern Ireland. It does not introduce new policy requirements, create new offences, or alter existing rights, obligations or regulatory controls.

The Department has assessed the Rule and is satisfied that it is compatible with the Convention rights. No Convention rights are considered to be engaged by the amendments.

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The Department has also considered the requirements of Article 2(1) of the Windsor Framework and is satisfied that the Rule does not diminish any of the rights, safeguards or equality of opportunity protections set out in that Article. The amendments are technical in nature and do not affect the enjoyment of those rights or protections.

Accordingly, the Department is satisfied that the Rule is compliant with section 24 of the Northern Ireland Act 1998.

Consideration by the Executive

Executive approval is not required as the Statutory Rule is made under existing statutory powers to give effect to technical amendments to the Seed Marketing Regulations (Northern Ireland) 2016.

Equality Impact

In accordance with Section 75 of the Northern Ireland Act 1998, the Department has screened the proposed Regulations. No adverse, differential, or disproportionate impacts have been identified for any of the Section 75 groups. The Regulations are technical in nature and are to ensure that the domestic legislation accurately reflects the legislative framework governing the marketing of seed in Northern Ireland. The Department considers that the SR will not result in any equality issue and a full Equality Impact Assessment is not required.

Regulatory Impact

The proposed Statutory Rule is not expected to have any significant regulatory or financial impact on businesses operating within the seed sector. The amendments are technical and operability-related in nature and are intended to ensure that the Seed Marketing Regulations (Northern Ireland) 2016 accurately reflect the legislative framework applicable in Northern Ireland under the Windsor Framework.

The SR does not introduce any new policy requirements, regulatory obligations, compliance costs, or enforcement activities. Rather, it updates existing legislation to reflect the addition of Council Directive 66/401/EEC (fodder seed) to Annex 2 and corrects provisions amended through earlier EU Exit legislation, along with minor technical amendments to Council Directive 66/402/EEC (cereal seed), Council Directive 2002/54/EC (beet seed), Council Directive 2002/55/EC (vegetable seed) and Council Directive 2002/57/EC (oil and fibre plant seed).

On this basis, a full Regulatory Impact Assessment has not been undertaken as the overall impact on businesses, consumers and the public sector is considered negligible.

Rural Needs Impact

As required by the Rural Needs Act (Northern Ireland) 2016, a Rural Needs Impact Assessment has been completed by the Department.

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Data Protection Impact

The amendments do not introduce any new functions involving the collection, processing, sharing or retention of personal data, nor do they create any new information management or data handling requirements. A screening exercise concluded that the proposals present no risk from a data protection perspective.

On this basis, a full Data Protection Impact Assessment has not been undertaken.

Child Rights Impact

The proposed SR does not directly affect children or young people, and no significant direct or indirect impacts on children's rights have been identified. A full Child Rights Impact Assessment is therefore not considered necessary.

Position in Great Britain (if appropriate)

The legislation is specific to Northern Ireland and is required to reflect the continued application of relevant EU seed marketing legislation under the Windsor Framework. Great Britain is not subject to these requirements and operates under its own domestic seed marketing regime.

Any other information

None.

Proposed timing of consideration of the SL1

The SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe. The Department proposes that the Committee consider the SL1 at the meeting of the Committee for Agriculture, Environment and Rural Affairs taking place on Thursday 10 December 2026.

Proposed Operational Date

It is proposed that the rule will come into operation on 7 January 2027, or as soon as practical.

The draft of the proposed Statutory Rule and Explanatory Memorandum are attached, and you will wish to bring this matter to the attention of the Committee for Agriculture, Environment and Rural Affairs.

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This SL1 is being copied to the Human Rights Commission, Equality Commission and Assembly & Legislation Section of The Executive Office.

Yours sincerely,

[redacted]

Paul McGranaghan
Departmental Assembly Liaison Officer

Enc.

Annex A: **The Seed Marketing (Amendment) Regulations (Northern Ireland) 2026**

Annex B: **Explanatory Memorandum to The Seed Marketing (Amendment) Regulations (Northern Ireland) 2026**

Cc: **Assembly & Legislation Section (Executive Office)**
Human Rights Commission
Equality Commission

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