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**FROM: PAUL MCGRANAGHAN
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DATE: 21 SEPTEMBER 2026

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

The Hemp (Third Country Import) (Amendment) Regulations (Northern Ireland) 2026

Summary: The Department of Agriculture, Environment and Rural Affairs intends to make a Statutory Rule (SR), The Hemp (Third Country Import) (Amendment) Regulations (Northern Ireland) 2026. These Regulations amend the Hemp (Third Country Imports) Regulations 2002 (the 2002 Regulations) as they apply in Northern Ireland, primarily to update and raise the maximum acceptable Tetrahydrocannabinol (THC) level of hemp and hemp seeds from third countries in line with updated EU rules which are directly applicable here under the Windsor Framework

Business Area: Sustainable Agri-food Development Division

Issue: SL1 for the Hemp (Third Country Import) (Amendment) Regulations (Northern Ireland) 2026

Restrictions: None

Action Required: To consider the proposed Statutory Rule (SR)

Officials Attending: Samantha Swann – Head of Poultrymeat, Eggs, Dairy, Wines and Spirits, and Hops and Hemp branch.
Kevin Comber – Poultrymeat, Eggs, Dairy, Wines and Spirits, and Hops and Hemp branch.

Background

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

The Statutory Rule will be laid before the Assembly under the negative resolution procedure and it is anticipated that it will come into operation 21 days thereafter. A copy of the SR is attached at **Annex A**. A copy of the Explanatory Memorandum is attached at **Annex B**.

Purpose of legislation/policy background

The proposed Statutory Rule will amend the Hemp (Third Country Imports) Regulations 2002, as they apply in Northern Ireland, primarily to raise the maximum acceptable Tetrahydrocannabinol (THC) level of hemp and hemp seeds from third countries in line with updated EU rules which are directly applicable here under the Windsor Framework.

Article 189 of Regulation (EU) No 1308/2013 lays out the rules for imports of hemp and hemp seeds including permitted levels of tetrahydrocannabinol (THC) content. Prior to January 2023, imports of hemp, including acceptable levels of THC content, into the European Union were set by Regulation (EU) No 1307/2013, establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy. With regards to hemp, Regulation (EU) No 1307/2013 laid out that true hemp/hemp seeds must not have a THC content greater than 0.2%.

Article 189 of 1308/2013 refers to 1307/2013 to set the maximum acceptable THC level that may be imported into the Union. Regulation (EU) No 1307/2013 was repealed and replaced by Regulation 2021/2115, which took effect from 01 January 2023. These new regulations raised the THC level of eligibility for direct payments from 0.2% to 0.3%.

In December 2023, the European Commission issued a notice clarifying that it followed that Regulation 2021/2115 resulted in the maximum allowed THC levels for imports of raw true hemp and seeds of varieties of hemp for sowing also increased from 0.2% to 0.3% from 1 January 2023. The THC threshold was increased to provide greater flexibility for hemp producers by allowing a wider range of approved varieties to be cultivated and marketed within the EU.

The current UK wide domestic regulations, The Hemp (Third Country Imports) Regulations 2002, stipulate that no person shall import true hemp or hemp seeds for sowing from a third country where the THC content is greater than 0.2%. As such the domestic regulations are required to be updated on a Northern Ireland basis.

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The main purpose of the Statutory Rule will be to raise the maximum acceptable level of THC to 0.3% in the 2002 Regulations. It will also make technical amendments, including updating legislative references, removing sections that are covered by updated EU regulations, adding CN codes to products and making grammatical changes.

The proposed SR does not represent a change in the underlying policy and the majority of the changes are technical in nature. The changes will mean that the permitted THC content for hemp products entering Northern Ireland will increase from 0.2% to 0.3%. The requirement for licenses and authorisations, the need for appropriate documentation, information and record keeping requirements and the offences and penalties remain in place.

Previous Engagement with the Committee

The committee received written briefing on 30 June 2026, prior to the launch of the consultation.

Financial Implications

A Regulatory Impact Screening was undertaken and the policy was screened out. Although the policy relaxes maximum Tetrahydrocannabinol (THC) limits to allow a broader range of hemp products to be imported from third countries, no relevant hemp movements have been recorded by DAERA Forest Service since EU Exit (outside of the Northern Ireland Retail Movement Scheme). As a result, the proposed legislation is not expected to create any financial implications.

However, there is a risk that failure to introduce the legislation could lead to EU infringement proceedings, which may result in financial penalties. As such, there are no financial implications associated with the introduction of this SR.

Consultation

As the legislation that is being amended by the proposed SR relates to food, a consultation exercise was carried out on a draft of the SR as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council, laying down the general principles and requirements of food law.

A consultation was launched on 07 July 2026 and closed on 01 September 2026. No responses were received.

Compliance with Section 24 of the Northern Ireland Act 1998

The SR does not have any human rights implications nor is it incompatible with EU Law. The proposed SR was screened for impact on human rights and is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998. DAERA sought views on this conclusion as part of the consultation and no responses were received to change this conclusion.

Consideration by the Executive

Consideration by the Executive is not required, as this Statutory Rule is subject to the negative resolution procedure and does not require Executive approval. The Department of Health (DoH) holds responsibility for licenses to grow industrial hemp and so will have an interest in any proposed Statutory Rule. However, as the changes are specifically an agricultural matter and not a cross-cutting issue, Executive consideration is not required. Engagement was held with the Department of Justice (DOJ) on the basis that the domestic regulations contain various fines and penalties. However, any proposed amendments to domestic legislation will not change any existing penalties, DOJ confirmed it did not need to provide a scrutiny role on this occasion.

Equality Impact

In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications have been assessed. The Department considers that the SR will not result in any equality differentials amongst Section 75 groups. DAERA sought views on this conclusion as part of the consultation and no responses were received to change this conclusion.

Regulatory Impact

A Regulatory Impact Screen was undertaken and the policy was screened out as it has no impact in terms of costs on businesses, charities, social economy enterprises or voluntary bodies. DAERA sought views on this conclusion as part of the consultation and no responses were received to change this conclusion.

Rural Needs Impact

In accordance with the Department's obligations, a Rural needs Impact Assessment was drafted. The draft Rural Needs Impact Assessment of the legislative changes concluded that there would be no negative rural impacts. DAERA sought views on this conclusion as part of the consultation and no responses were received to change this conclusion.

Data Protection Impact

No data protection impacts have been identified. This Statutory Rule is amending existing policy and no impacts on data protection are anticipated.

Child Rights Impact

The main purpose of the proposed Statutory Rule will be to update the 2002 Regulations to raise the maximum acceptable level of THC to 0.3%. It will also make technical amendments, including updating legislative references, removing sections that are covered by updated EU regulations, adding CN codes to products and making grammatical changes. It will have no impact upon child rights.

Position in Great Britain (if appropriate).

In 2025, the UK Government published a response to advice provided by the Advisory Council on the Misuse of Drugs welcoming their views and confirming UKG's intention to implement

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their suggested legislative changes, including increasing the level of THC in industrial hemp to 0.3%. Defra officials have confirmed that UK Government will make amendment regulations to The Hemp (Third Country Imports) Regulations 2002, which will remove any potential divergence. These amendments will only have scope over Great Britain and therefore, in the absence of the updates on a Northern Ireland basis it is likely that there would be future divergence.

Proposed timing of consideration of the SL1

The SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe. The date on which Department officials will provide oral briefing for the SL1 before the Committee is 12 November 2026.

Proposed Operational Date

As the rule is subject to the negative resolution procedure, it is anticipated that it will come into operation 21 days after the legislation is laid.

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.

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

Yours sincerely,

Paul McGranaghan
Departmental Assembly Liaison Officer

Annex A: Statutory Rule - The Hemp (Third Country Import) (Amendment) Regulations (Northern Ireland) 2026

Annex B: Explanatory Memorandum - The Hemp (Third Country Import) (Amendment) Regulations (Northern Ireland) 2026

Cc: Human Rights Commission
Equality Commission
Assembly & Legislation Section TEO

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