

Consultation on the Seed fees Review 2023

Purpose

The purpose of this consultation is to seek views from individuals and companies including Professional Operators (seed merchants, seed processors, seed packers), Licensed Crop Inspectors, Licensed Seed Samplers, Licensed Seed Testing Stations (LSTS), farmers and interested members of the public on the Scottish Government's proposal to:

- Amend fees for seed certification, seed testing & associated seed functions to allow full cost recovery

We are inviting responses to this consultation by Midnight 5th May 2023.

Any amendments made to fees will become effective from 1st July 2023.

Background

Scottish Government has five Scottish Statutory instruments which legislate for the marketing of agricultural seed crops:

- The Beet Seed (Scotland) (No 2) Regulations 2010
- The Cereal Seed (Scotland) Regulations 2005
- The Fodder Plant Seed (Scotland) Regulations 2005
- The Oil & Fibre Plant Seed (Scotland) Regulations 2004
- The Vegetable Seed Regulations 1993,

along with -

- The Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016

Within Scottish Government, SASA and the Rural Payments Inspection Directorate (RPID) have responsibility for carrying out the technical and administrative work associated with seed certification including field inspection of crops, testing of seed and the training and examination of people who undertake these activities.

Scottish Government's policy objective is that the fees set for public services should be full cost recovery, to avoid unnecessary public expenditure. SASA are the Seed Certifying Authority for Scotland and they review the fees for seed testing, seed certification and associated functions annually to ensure that costs incurred, are met by those businesses which benefit directly from the services provided.

Scope of Consultation

The proposals set out in this consultation apply to Scotland only.

Fees outline

1. Seed Lot Fees

These fees relate to issuing an Official Certificate or a Breeders Confirmation in respect of a seed lot, certifying the seed to be -

- (1) of a multiplication category
- (2) of a final generation category

The specific nature of these costs entail documentation processing (SDG4, SDG7 & SDG10) relating to seed lot applications, preparation and the issuing of official certificates along with invoicing costs. Certification Plot Control costs are also included in these fees.

Total costs calculated were £68,104.10, with a total income of £68,661.15, equalling a recovery of 100.82%.

2. Crop Costs

a) Crop entry costs

This includes fees per hectare for entering a seed crop into the certification scheme in Scotland, late application fees applicable in addition to crop entry fees.

- (1) Pre basic or Basic seed
- (2) Certified Seed, Certified Seed of 1st Generation, 2nd Generation or 3rd Generation.

The costing for this area includes documentation processing relating to crop entries, preparation and issue of inspection results and invoicing.

b) Fees for undertaking an official inspection in Scotland

Specific costs include time spent on preparing for, undertaking and completing inspections, Travel and Subsistence costs directly related to crop Inspections.

Total crop costs calculated were £81,406.44, with a total income of £84,553.39, equalling a 103.86% recovery.

3. Additional costs

Fees are also set for taking an official sample and for issue and printing of an official label these fees are based on the time recorded by SASA and RPID staff against these functions.

Total costs calculated were £2780.57, with a total income of £2099.75 equalling a 75.72% recovery.

Total costs for Seed Certification

The total costs amounted to £152,964.97, with a total income of £161,306.75, equalling a 105% cost recovery. However, these costs are based on historical data and an inflation rate from March 2022 (4.05%). Costs have risen sharply since then, and these values do not take into account the 2022 salary award (which increases any staff costs by 3%) or inflation rates that peaked circa 11% in the later stages of 2022 (7% higher than when calculated).

Official Seed Testing Station for Scotland (OSTS) fees

The OSTs offers a wide range of laboratory tests that provide practical and reliable information for seed processors, merchants and growers on the quality of seed intended for sowing. Unlike seed certification, where there is a need for an SSI in order to levy fees, the OSTs rely on section 24/4 of the Plant Variety and Seeds Act 1964, which with Ministers consent provides for charges to be made for the services the OSTs provides. These fees are reviewed in line with other certification costs.

For seed testing relating to certification the total recovery equalled 86%, indicating an under recovery. However recovery % varies from year to year depending on a range of factors including the season, over the past 6 years recovery has averaged around 93%. Key contributors to losses and the need to increase fees have been increases in the cost of goods, utilities and equipment, in addition to staff cost increases.

Licensed Seed Testing Stations and Seed Sampling Courses

Schedule 2 of The Seed (Fees) (Scotland) Regulations addresses fees associated with making a representation, licence costs for licensed seed testing stations, and inspection and sampling courses. The past two years have impacted this area also, necessitating changes to a virtual or hybrid way of delivering functions associated them. Some of the changes made may become 'the norm' moving forward, however this will need thorough consideration by delivery teams.

Options for consideration

Option 1: Increase fees for seed certification by 5% and fees for seed testing and associated licensed activities by 7%

- This option would increase fees for seed certification by 5% and fees for seed testing and associated licensed activities by 7%. These increases recognise the additional costs brought about by the high CPI throughout the second half of 2022 and into 2023 while balancing the desire to limit increases in cost to industry.

Option 2: Increase all fees at a flat rate of 5%

- This option would increase fees for all seed certification, seed testing & associated seed functions by 5%. This is in recognition of both the high value for CPI and the increases faced in other aspects of business e.g. rising energy costs but would risk further under recovery in seed testing particularly in 2023-24 potentially leading to a requirement for higher increases in 2024-25.

Please see annexes A - C for examples of the proposed changes to fees.

Duration

The consultation will run for a period of 8 weeks.

Start date: 10th March 2023

End date: 5th May 2023

Responding to the Consultation

We are inviting responses to this consultation by midnight 5th May 2023.

Please respond to this consultation by completing the Respondent Information Form (Annex D) and emailing it to seeds@sasa.gov.scot

If you are unable to respond via email, please send your response by post to:

Chris Byrne, SASA, Roddinglaw Road, Edinburgh, EH12 9FJ

Handling your response

All respondents should be aware that the Scottish Government is 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.

To find out how we handle your personal data, please see our privacy policy:

<https://beta.gov.scot/privacy/>

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at seeds@sasa.gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. 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

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.

FEEES FOR MATTERS RELATING TO THE SEED MARKETING REGULATIONS

SCHEDULE 1

Matter	Current Fee £	Proposed Fee £ (with 5% increase)
(i) Initial fee per hectare or part thereof for crops intended to produce:-		
(a) Pre-Basic Seed or Basic Seed –		
Online Applications	28.15	29.56
Other Applications	32.71	34.35
(b) Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Certified Seed of the Third Generation.		
Online applications	4.06	4.26
Other applications	4.70	4.94
ii) Reduced initial fee per hectare or part thereof for applications referred to in sub-paragraph (i)(a) or (b) which are withdrawn before arrangements have been made for the purposes of an official examination.	3.04	3.19
(iii) Late application fee per crop payable in addition to initial fee under sub-paragraph (i)(a) or (b) where application is not made by the date for enabling arrangements to be made for an official examination of a crop grown to produce seed of a species to which any instrument comprising the Seed Marketing Regulations applies	32.05	33.65
B. Crop inspection fees		
(i) Fee for the official examination of crops intended to produce Pre-Basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation and Certified Seed of the Third Generation per hectare or part thereof examined.	22.44	23.56

Matter	Current Fee £	Proposed Fee £ (with 5% increase)
(ii) Fee for the official field inspection of a hybrid of swede rape, per hectare or part thereof examined.	67.32	70.69
(iii) Fee for the further official examination of crops intended to produce Pre-Basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Certified Seed of the Third Generation, per hectare or part thereof examined, except:-	22.44	23.56
(a) Further official examination of crops for wild oats, per hectare or part thereof examined	10.33	10.85
(b) Further official examination of crops in respect of isolation distance, per hectare or part thereof examined	4.05	4.25
(c) Further official examination of crops which have been lodged, per hectare or part thereof examined	9.13	9.59
(iv) Fee for authentication of seed lot sown, (where this has not been carried out at crop inspection), per crop	9.13	9.59
(v) Fee for the official examination of crops where there has been an official post control the results of which have been unsatisfactory, per hectare or part thereof examined	22.44	23.56
(vi) Fee payable in addition to fee under subparagraph (i) to (v) above where arrangements have been made for an official examination to be carried out by a licensed crop inspector and the applicant subsequently requests that the examination be carried out instead by the Scottish Ministers.	32.05	33.65
Fee for the issuing an official certificate or a breeder's confirmation (other than in the circumstances described under paragraph D below) in respect of a seed lot certifying the seed lot to be:-		
(i) of a multiplication category online application	85.11	89.37
Other applications	98.64	103.57

(ii) of a final generation category - on line applications	33.04	34.69
Matter	Current Fee £	Proposed Fee £ (with 5% increase)
Other applications	38.29	40.21
Fee for issuing an official certificate or a breeder's confirmation in respect of a seed lot where, following an application for certification of the seed to be within one particular category, that application has been withdrawn and a new application has been submitted for certification of the seed within another category, as follows:		
(i) Pre-Basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation	40.61	42.64
(ii) Certified Seed of the Second Generation or Certified Seed of the Third Generation	20.24	21.25
Fee for sampling or re sampling of a Seed lot for the purposes of an official examination, and for sampling or re-sampling imported Seed intended for further multiplication	59.81	62.80
Fee per seed lot for the issue and printing of a:-		
(i) Tear resistant label for breeder's confirmation seed, Pre-Basic Seed or seed for export	48.35	50.77
(ii) Self-adhesive label for breeder's confirmation seed, Pre-Basic Seed or seed for export	33.42	35.09
Fee per certificate for issuing an Organisation for Economic Co-operation and Development (OECD) Certificate	29.84	31.33
Fee per seed lot for verification that a seed lot meets the applicable Higher Voluntary Standards (HVS)	8.36	8.78

**MATTERS ARISING UNDER THE SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) (SCOTLAND) REGULATIONS 2006
SCHEDULE 2**

Matter	When Payable	Current Fee £	Proposed Fee £ (with 5% increase)	Proposed Fee £ (with 7% increase)
	A. Representations by, and hearings of, a licensed professional seed operator, licensed crop inspector, licensed seed sampler or personnel pertaining to a licensed seed testing station			
(i) Fee for making written representations to the Scottish Ministers	On making representations	37.77	39.66	40.41
(ii) Fee for being heard by a person appointed by the Scottish Ministers	On applying to be heard	75.59	79.37	80.88
B. Licensed seed testing stations				
(i) Annual fee payable during the currency of the licence (or a proportion thereof in respect of a part of a year)	Within one month of demand by or on behalf of the Scottish Ministers, annually in advance	1547	1624.35	1655.29
(ii) Fee payable by a licensed seed testing station in respect of an official examination of seed	Within one month of demand by or on behalf of the Scottish Ministers, annually in arrears	8.24	8.65	8.82
C. Cereal Crop Inspection Courses and Examination				
Fee for:-	Fee payable within one month of demand by or on behalf of the Scottish Ministers			
(i) Cereal Crop inspection course		699.83	734.82	748.82
(ii) Initial examination and compulsory re-test				
(a) all 3 species groups		109.5	114.98	117.17
(b) 2 species		80.62	84.65	86.26

Annex B

(c) 1 species only		40.32	42.34	43.14
	D. Seed Sampling Courses and Examination			
Fee for:-	Fee payable within one month of demand by or on behalf of the Scottish Ministers			
(i) Tuition and examination for seed samplers licence (administrative and sampling elements)		469.95	493.45	502.85
(ii) Tuition and examination for seed samplers licence (administrative element only)		140.98	148.03	150.85
(iii) Re-examination fee for seed samplers license with sampling function enabled		41.1	43.16	43.98
(iv) Re-examination fee for seed samplers license with sampling function not enabled		11.78	12.37	12.60
	E. Seed analyst courses and examination			
Fee for:—	Within one month of demand by or on behalf of the Scottish Ministers			
(i) Laboratory management course registration		1146.05	1203.35	1226.27
(ii) Laboratory management course attendance and examination (per day or part thereof)		432	453.60	462.24
(iii) Analyst course registration		1896.81	1991.65	2029.59

Annex B

(iv) Analyst course registration – additional and retake divisions (per division)		184.55	193.78	197.47
(v) Analyst course attendance (per day or part thereof. Number of days depends on division)		432	453.60	462.24
(vi) Analyst course examination (per day or part thereof)		432	453.60	462.24
(vii) Tetrazolium testing course attendance (per day or part thereof)		446.68	469.01	477.95
(viii) Tetrazolium testing course examination (per day or part thereof)		446.68	469.01	477.95

**FEES CHARGED BY THE OFFICIAL SEED TESTING STATION FOR SCOTLAND
FOR SEED TESTING (OSTS)**

CEREALS	Current Fee £		Proposed Fee £ (with 5% increase)		Proposed Fee £ (with 7% increase)	
	Min	HVS	Min	HVS	Min	HVS
Fee for an official examination of seed for:						
Certification tests (analytical purity, determination of other seeds by number and germination).	67.30	83.99	70.67	88.19	72.01	89.87
Certification tests (analytical purity, determination of other seeds by number, germination and moisture content).	71.75	88.99	75.34	93.44	76.77	95.22
Certification tests (analytical purity, determination of other seeds by number and moisture content).	49.50	62.85	51.98	65.99	52.97	67.25
Certification by STZ						
Certification tests (analytical purity, determination of other seeds by number, 100 seed STZ).	68.41	85.10	71.83	89.36	73.20	91.06
Certification tests (analytical purity, determination of other seeds by number, 100 seed STZ and moisture content).	72.86	90.10	76.50	94.61	77.96	96.41
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).	94.55	111.24	99.28	116.80	101.17	119.03
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).	99.00	116.25	103.95	122.06	105.93	124.39

Certification tests (analytical purity, determination of other seeds by number, 200 seed STZ).	90.10	110.13	94.61	115.64	96.41	117.84
Certification tests (analytical purity, determination of other seeds by number, 200 seed STZ and moisture content).	94.55	115.13	99.28	120.89	101.17	123.19
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).	115.69	135.71	121.48	142.50	123.79	145.21
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).	120.14	140.72	126.15	147.76	128.55	150.57
Certification tests (analytical purity, determination of other seeds by number, 400 seed STZ)	136.27	162.97	143.08	171.12	145.81	174.38
Certification tests (analytical purity, determination of other seeds by number, 400 seed STZ and moisture content).	140.16	167.97	147.17	176.37	149.97	179.73
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).	161.85	189.11	169.94	198.57	173.18	202.35
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).	166.30	193.56	174.62	203.24	177.94	207.11

HVS Verification: A search of an EU certified sample for designated species to assess compliance with Higher Voluntary standards (HVS) standard for wheat, durum wheat, spelt wheat, barley and oats and red oat.	55.06		57.81		58.91	
Fee for individual or additional tests						
100 seed STZ test on a certification sample.	38.38	38.38	40.30	40.30	41.07	41.07
100 seed STZ test on a certification sample followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met.	64.52	64.52	67.75	67.75	69.04	69.04
200 seed STZ test on a certification sample.	73.42	73.42	77.09	77.09	78.56	78.56
200 seed STZ test on a certification sample followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met.	99.56	99.56	104.54	104.54	106.53	106.53
400 seed STZ test on a certification sample.	149.06	149.06	156.51	156.51	159.49	159.49
400 seed STZ test on a certification sample followed by a germination test when the STZ result does not remove doubt as to whether the germination standard will be met.	159.07	159.07	167.02	167.02	170.20	170.20
An analytical purity test on a certification sample.	31.15	31.15	32.71	32.71	33.33	33.33
An analytical purity test and a moisture content test on a certification sample.	36.71	36.71	38.55	38.55	39.28	39.28
An additional 2kg seed search for wild oats on a certification sample.	101.78	101.78	106.87	106.87	108.90	108.90
Fee for an official examination of certified seed for loose smut infection of wheat, durum wheat, spelt wheat and barley (per thousand embryos examined).	61.74	61.74	64.83	64.83	66.06	66.06

Annex C

Moisture content test only on certification sample.	7.23	7.23	7.59	7.59	7.74	7.74
Germination test only on certification sample.	36.71	36.71	38.55	38.55	39.28	39.28
Fee for provision of an International Certificate						
Orange International Certificate	19.47		20.44		20.83	
Blue International Certificate	19.47		20.44		20.83	

FODDER	Current Fee (£)		Proposed Fee £ (with 5% increase)		Proposed Fee £ (with 7% increase)	
	Min	HVS	Min	HVS	Min	HVS
Fees for an official examination of seed for:-						
Analytical purity, germination and determination of other seeds by number of:						
(a) grasses, except timothy	124.59		130.82		133.31	
(b) timothy	92.33		96.95		98.79	
(c) large seeded legumes	71.75		75.34		76.77	
(d) small seeded legumes	86.78		91.12		92.85	
(e) brassicas	93.99		98.69		100.57	
Bitter Lupin Test.	53.40		56.07		57.14	
HVS Verification : Fee for a search for designated species to assess compliance with HVS standards for appropriate species	55.06		57.81		58.91	
Fee for provision of an International Certificate						
Orange International Certificate	19.47		20.44		20.83	
Blue International Certificate	19.47		20.44		20.83	

OIL AND FIBRE	Current Fee (£)		Proposed Fee £ (with 5% increase)		Proposed Fee £ (with 7% increase)	
	Min	HVS	Min	HVS	Min	HVS
Fees for an official examination of seed for:-						
Analytical purity, germination and determination of other seeds by number, of sunflower, linseed, flax, soya bean and hemp.	78.98		82.93		84.51	
Analytical purity, germination and determination of other seeds by number of <i>Brassica</i> species.	94.00		98.70		100.58	
Seed-borne Disease Tests						
Sunflowers for <i>Botrytis</i> spp.	72.31		75.93		77.37	
Flax and linseed for –						
(a) <i>Alternaria</i> spp.	59.51		62.49		63.68	
(b) <i>Phoma exigua</i> var. <i>linicola</i> (<i>Ascochyta linicola</i>)						
(c) <i>Colletotrichum lini</i>						
(d) <i>Fusarium</i> spp.						
(e) <i>Botrytis</i> spp.						
Soya bean for <i>Pseudomonas syringae</i> pv.<i>glycinea</i> spp. –						
(a) for one sub-sample test.	103.45		108.62		110.69	
(b) for five sub-sample tests.	345.40		362.67		369.58	
Soya bean for <i>Diaporthe phaselorum</i> spp.	64.52		67.75		69.04	
Fee for provision of an International Certificate						
Orange International Certificate.	19.47		20.44		20.83	
Blue International Certificate.	19.47		20.44		20.83	

BEET SEEDS	Current Fee (£)		Proposed Fee £ (with 5% increase)		Proposed Fee £ (with 7% increase)	
	Min	HVS	Min	HVS	Min	HVS
Fees for an official examination of seed for:–						
Analytical purity, germination and determination of other seeds by number.	82.87		87.01		88.67	
Includes: Number of seedlings germinating from a cluster in monogerm and precision seeds.						
Fee for provision of International Certificates						
Orange International Certificate	19.47		20.44		20.83	
Blue International Certificate	19.47		20.44		20.83	

VEGETABLE SEEDS	Current Fee (£)		Proposed Fee £ (with 5% increase)		Proposed Fee £ (with 7% increase)	
	Min	HVS	Min	HVS	Min	HVS
Fees for an official examination of seed for:–						
Analytical purity, germination and determination of other seeds by number.	71.75		75.34		76.77	
Fee for provision of International Certificates						
Orange International Certificate	19.47		20.44		20.83	
Blue International Certificate	19.47		20.44		20.83	



Title

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government 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 Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No