RURAL ECONOMY AND CONNECTIVITY COMMITTEE

AGENDA

18th Meeting, 2018 (Session 5)

Wednesday 6 June 2018

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Implications for Scotland of the UK’s departure from the EU – agriculture and fisheries:** The Committee will take evidence from—

   Fergus Ewing, Cabinet Secretary for the Rural Economy and Connectivity, Mike Russell, Minister for UK Negotiations on Scotland's Place in Europe, Ian Davidson, Head of Agriculture Policy Division, John Brownlee, Strategy & Post-EU Referendum Unit, and Ian Mitchell, EU Strategy and Migration Division, Scottish Government.

2. **Agriculture update:** The Committee will take evidence from—

   Fergus Ewing, Cabinet Secretary for the Rural Economy and Connectivity, Annabel Turpie, Chief Operating Officer, Douglas Petrie, Head of Area offices and Head of Agricultural Profession, Eddie Turnbull, Head of Information Services, and Andrew Watson, Director of Rural Payments Agency and Head of Rural Payments and Inspections Division Implementation, Scottish Government.

3. **Subordinate legislation:** The Committee will consider the following negative instruments—

   The Seed (Fees) (Scotland) Regulations 2018 (SSI 2018/152)

   The Traffic Signs (Amendment) (Scotland) Regulations and General Directions 2018 (SSI 2018/161)
The papers for this meeting are as follows—

**Agenda Item 1**

Cover note  
PRIVATE PAPER

**Agenda Item 2**

Cover note  
PRIVATE PAPER

**Agenda Item 3**

SSIs cover note
Rural Economy and Connectivity Committee
18th Meeting, 2018 (Session 5), Wednesday, 6 June 2018

Implications for Scotland of the UK’s departure from the EU - agriculture and fisheries

Background

1. The Committee has agreed to hold regular evidence sessions to receive an update from Scottish Ministers on the implications of the UK’s departure from the EU for policy areas within its remit. At this meeting, the Committee will take evidence on progress relating to agriculture and fisheries issues from:
   - Fergus Ewing MSP, Cabinet Secretary for Rural Economy and Connectivity; and
   - Mike Russell MSP, Minister for Negotiations of Scotland’s Place in Europe.

Previous committee considerations

2. Last year, the Committee initially focused on the three of the main areas of impact for the Committee – Agriculture, Forestry and Fisheries.

3. The Committee discussed with stakeholders the impact of the UK’s departure from the European Union on the fisheries, agriculture and forestry sectors at its meeting on 15 and 22 March 2017.

4. At its meeting on 19 April 2017, the Committee discussed issues arising from these two evidence sessions with the Cabinet Secretary for Rural Economy and Connectivity and the Minister for Negotiations of Scotland’s Place in Europe.

5. The Committee received a further update from the Cabinet Secretary and the Minister on 29 November 2017.

6. On the 21 February 2018, the Committee held a further meeting to discuss the impact of the UK’s departure from the European Union for the agriculture and forestry sectors with stakeholders.

Forthcoming committee considerations

7. Michael Gove MP, Secretary of State for Environment, Food and Rural Affairs, UK Government, has agreed to give evidence on the impact of the departure from the EU to both the Rural Economy and Connectivity Committee and the Environment, Climate Change and Land Reform Committee. Both committees are currently liaising with Mr Gove’s office to identify a date for this session.

Rural Economy and Connectivity Committee clerks
June 2018
Rural Economy and Connectivity Committee

18th Meeting, 2017 (Session 5), Wednesday, 6 June 2018

Agriculture update

Background

1. The Committee will take evidence from the Cabinet Secretary for the Rural Economy and Connectivity.

2. This session will allow the Committee to receive a performance report on a range of agricultural matters including Common Agricultural Policy (CAP) Payments, winter resilience for farming (given the particularly difficult conditions for agriculture during periods of severe weather in winter 2017-18), and agricultural tenancies.

3. The session forms part of a series of regular updates in order to monitor current issues relevant to the agriculture sector.

Rural Economy and Connectivity Committee clerks
1 June 2017
Rural Economy and Connectivity Committee

18th Meeting, 2018 (Session 5), Wednesday 6 June 2018

Subordinate Legislation

1. The Committee will consider the following negative SSIs:

   - SSI 2018/152: The Seed (Fees) (Scotland) Regulations 2018 (see Annex A)
   - SSI 2018/161: The Traffic Signs Amendment (Scotland) Regulations and General Directions 2018 (Annex B)

2. The annexes contain, in respect of each instrument, the clerk’s note, the Scottish Government’s policy note, a full business and regulatory impact assessment (for SSI 2018/152 only) and the instrument itself.

Rural Economy and Connectivity Committee Clerks

June 2018
Annex A – SSI 2018/152: The Seed (Fees) (Scotland) Regulations 2018

Type of Instrument: Negative

Laid Date: 14 May 2018

Coming into force: 1 July 2018

Minister to attend the meeting: No

Procedure

1. Under the negative procedure, an instrument comes into force on the date specified on it (the “coming into force date”) unless a motion to annul is agreed to by the Parliament within the 40-day period. Lead committees are not obliged to report to the Parliament on negative instruments, except where a motion recommending annulment has been lodged.

Consideration by the Delegated Powers and Law Reform Committee

2. At its meeting on 29 May 2018, the Delegated Powers and Law Reform (DPLR) Committee considered the instrument and determined that it did not need to draw the attention of the Parliament to the instruments on any grounds within its remit.

Policy Objectives

3. Some seeds, after passing an examination, can be certified as meeting minimum seed quality standards, and therefore be marketed as such. The Scottish Government carries out seed certification services at a fee.

4. This instrument updates fees for the charging of seed certification (in relation to seed marketing) and associated licensed activities. It revokes and replaces the Seeds (Fees etc.) (Scotland) Regulations 2017.

5. The Scottish Government are introducing through this instrument, a full-cost recovery scheme for providing the seed certification and related services. If the instrument comes into force, fees will increase between 3-8%. A 5% discount is available for online applications.

Consultation

6. A 12 week public consultation was carried out. No responses were received from key stakeholders or the seed industry.

7. Interviews with 10 seed related businesses/individuals were carried out for the Business and Regulatory Impact Assessment. Interviewees felt that the services represented value for money. The increase in fees was identified to be slightly higher than other increases in business costs.
8. The policy note and instrument are attached and also available online at the below link:


Recommendation

9. **The Committee is invited to consider any issues that it wishes to raise in relation to this instrument.**

Rural Economy and Connectivity Committee Clerks
May 2018
POLICY NOTE
THE SEED (FEES) (SCOTLAND) REGULATIONS 2018
(S.S.I. 2018/152)

Introduction

1. The above instrument was made in exercise of the powers conferred by sections 16(1), (1A), (2) (3) (4), (5) and 36 of the Plant Varieties and Seeds Act 1964 (“the Act”) and all other enabling powers. The instrument is subject to negative procedure.

Policy objectives

2. The purpose of this instrument is to update the provisions for the charging of seed certification (in relation to seed marketing) and associated licensed activities and it revokes and replaces the Seeds (Fees etc.) (Scotland) Regulations 2017 (“the 2017 Regulations”).

Purpose of the Seed (Fees) (Scotland) Regulations 2018

3. A fundamental principle of the Scottish Government accounting procedure and practice is that each statutory service should have its own financial objective, have separate costing and be charged for and that the financial objective of a statutory service should normally be full cost recovery for all the services it provides. This includes field inspection of crops, testing of seed and the training and examination of people who undertake these activities.

4. The fees are reviewed annually, to ensure that if any changes are required, they are implemented as far as possible that year and not allowed to accumulate over a number of years, resulting in large increases.

5. The review of fees for 2018 indicated that to achieve full cost recovery for certification fees, courses and exams, a 3.0% increase would be required which is in line with CPI at the time of the review. Due to a succession of bad harvests, causing difficulties for seed testing, and a review of staff costing, the seed testing fees were require to be increased by 8%.

6. Encouraged by the level of uptake of the online applications system for seed certification (MySEEDS) and having seen early efficiencies from its use last year, Scottish Government are keen to see others benefit and therefore are proposing a 5% decrease in the costs for online applications as an incentive.

7. The instrument also revokes regulation 3 of the Seed (Miscellaneous Amendments) (Scotland) Regulations 2017 to remove a provision that amended the 2017 Regulations.

Consultation

8. Section 16(1) of the Act requires the Scottish Ministers to consult with representatives of such interests as appear to them to be appropriate.
9. All relevant members of the seed trade have been informed that the Consultation will be online from the 13th February - 8th May, and are invited to participate.

10. As well as consulting with key stakeholders (NFU Scotland, AIC Scotland, and Scottish Seed Trade Association etc.) and other interested parties, a copy of the consultation was placed on the Scottish Government Website.
https://consult.gov.scot/agriculture-and-rural-communities/seed-testing/

**Financial Effects**

11. Ten companies / individuals from a cross section of business throughout Scotland took part in Business and Regulatory Impact Assessment (BRIA) interviews. They were asked about the services provided, the costs and the impact the proposed increases would have on their business.

Overall findings showed that the increase in fees is slightly more than increase of other costs, but most view the fees as a fair way of Scottish Government recovering cost. The industry feel that the service provided by SASA and the knowledge base available are value for money.

12. As the proposed fee increase will result in full cost recovery, there will be no additional cost to the government or tax payer.

**Transposition Note**

13. A transposition note has not been prepared as no EU Directive is involved.

**Timing**

14. This instrument will come into force on 1st July 2018.

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**Graham Hall**
ARD, SASA
Ext 45984
Full Business and Regulatory Impact Assessment

<table>
<thead>
<tr>
<th>Title of Proposal</th>
<th>The Seed (Fees) (Scotland) Regulations 2018</th>
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</table>

**Purpose and intended effect**

**Background**
European law allow certain kinds of agricultural seeds to be marketed. Once official or licensed examination has taken place, the seed is certified as meeting specific minimum seed quality standards. This process ensures that farmers and growers receive seed of a minimum known quality.

**Objective**
Within the Scottish Government, Science and Advice for Scottish Agriculture (SASA) are responsible for carrying out the technical and administrative work associated with seed certification. SASA are known as the Seed Certification Authority for Scotland, responsible for ensuring full-cost recovery for all the services they provide, which includes field inspection of crops, testing of seed and the training and examination of people who undertake these activities.

**Rationale for Government intervention**
Although the service aims to be as accurate as possible, a recent review of the fees for seed certification, seed testing and other seed services recognised that the current charges did not reflect the costs incurred of providing them.

This work contributes to the Scottish Government’s *Wealthier and Fairer* strategic objective by creating a high quality, efficient public service to encourage trade with countries out with the EU and help Scotland’s agriculture and horticulture industries achieve responsible and sustainable future growth. It also ensures that the costs of public services are met by those who benefit directly and the cost to Government is neutral.

**Consultation**

**Within Government**
Scottish Government's policy team have consulted with the Certifying Authority; who working closely with Agriculture Policy Division (APD) and the Official Seed Testing Station (OSTS) for Scotland, to provide the information contained within this Business and Regulatory Impact Assessment (BRIA). Fee Increases between 3% and 8% are required to make full cost recovery in seed certification year 2018/19.

**Public Consultation**
In line with Scottish Government consultation procedures, a 12 week public consultation took place. The consultation documents were sent electronically and by post to Key Stakeholders and all interested parties registered with Scottish Government (~130 businesses / individuals). An electronic copy was also placed on the Scottish Government and Citizen Space websites. The consultation closed on the 8 May, with no responses being received from the Key Stakeholders or the seed industry.
Business

The Consultation is specific to a specialised area of the agricultural sector mainly consisting of Professional Seed Operators, Licensed Crop Inspectors, Licenced Seed Samplers and Licensed Seed Testing Stations. Some of whom were contacted directly and asked to take part by way of BRIA interviews.

A full set of consultation documents including a partial BRIA were placed on the Scottish Government and Citizen Space website.

Fee Structure Options

To meet the stated aim of introducing a full cost recovery for the seed certification, seed testing and associated functions, we have considered the following options:

1. **Maintain the status quo, no increases in fees.**
   No change, will not achieve full cost recovery and any deficits will continue to rise. Essentially, failing to make full cost recovery means the Scottish tax payers subsidising services that should be covered by the industry using it.

2. **Increase fees to achieve full cost recovery in financial year 2018/19**
   This option would deliver the Scottish Government’s aims to recover the full cost of the service. Fees would increase so that those who benefit from the service (i.e. licensed personnel within the seed industry) would be required to meet the true costs of providing a Scottish seed certification scheme.

   Inflation, difficult harvest condition and an increase in staff charges, means that there is a need to increase fees by 3.0% for seed certification and 8.0% for seed testing to allow for full cost recovery.

   With more of the industry using MySEEDS, (which allows certification applicants, to enter seed lots, crops, view seed test results and other functions online), SASA are able to pass on the savings it’s making, by offered a 5% reduction for MySEEDS applications.

Preferred Option

Option 2 is preferred by the Scottish Government. A 3.0% increase in line with CPI for all seed certification cost and 8% increase in seed testing fees, to allow Scottish Government to make full cost recovery on the services provided. It also allows a 5% reduction for the use of electronic seed certification applications.

Sectors and groups affected

- Professional Seed Operators
- Seed Merchants
- Seed Processors
- Seed Packers
- Licensed Seed Testing Stations (LSTS)
- Licensed Seed Samplers
Using the cost information provided by the Certifying Authority, an example of a 30 tonne seed lot of cereals, and 10 tonne lot of Timothy are provided in Annex E at the end of the document.

### Timing of New Fees
The Scottish Government will implement the revised fees on 1 July 2018.

### Scottish Firms Impact Test
A selection of private and corporately owned businesses of varying size and functions were selected randomly from across Scotland to take part in BRIA interviews, which took place face to face or by phone.

**Break down of businesses Interviewed –**

- Two sold grass seed only.
- Three sold cereals & grass seed
- 5 sold only cereals
- 3 of the 10 businesses were Licensed Seed Testing Stations (LSTS) attached to a Professional Seed Operator (PSO)

**Summary of the Interviews –**

#### Certification and Species

- Cereals are the most common seed certified in Scotland, 98% of all crops certified in Scotland are cereals.
- Unlike England, most of the seed certified and marketed in Scotland is final generation.
- Only four companies grow early generation seed.
- These early generation seed lots are less than 0.8% of all seed certified in Scotland.
- Of the companies interview, only five sold grass seed, with 2 specialising in grass seed only

#### Cost

- For most businesses, seed certification and testing fees made up 1% - 5% of total seed costs.
- They viewed the proposed increase as a fair way of Scottish Government covering its cost and accepted the inflationary rise in costs.
- From two of the interviews it was suggested that as long as all internal saving were being made by the Certifying Authority and the OSTS, the fee increases are justifiable.
- The majority of the interviewees believe it would be best suited to conduct a review of the fees every 5 years, but introduce an annual adjustment based
on CPI for the years in between.
- One individual that was interviewed stated that all certification fee increases are absorbed by the company and not added to the cost of a seed lot.

MySEEDS
- All those interviewed were aware of the MySEEDS system and its function and were also pleased with its introduction and how effective it has been.
- Nearly all those interviewed, used MySEEDS in some capacity, and found the system fairly easy to use.
- The seed industry appreciated the Certification Authority had consulted with them during the building of MySEEDS. In doing so, it had provided them with a database, that was fit for purpose.

Advantages of the MY SEEDS:
- Less paperwork due to not filling out lengthy forms;
- The ability to access historic data and results easily;
- The general ease of use of the system;
- Instant access to results of tests, current status of seed lots and crops;
- Ability to produce excel files from information on the system;
- The disparity in fees between paper and online application is sufficient to encourage other users to adopt MySEEDS and;
- More likely to increase their use of MySEEDS in future if online applications stay lower than paper applications.

Training for MySEEDS
- There was some interest in a MySEEDS training course, provided it was offered locally to the users.
- Most suggested that trained staff within their company could provide on the job training on the system to new starts, as and when required.
- One interviewee also suggested that PDF updates on MySEEDS from SASA are a good training aid.

General
Most interviewees were of the opinion that the Certifying Authority and APD (Agricultural policy division) provided a value for money service. All were pleased with the quality of customer service provided by the Certifying Authority and the knowledge transfer available to them.

Competition Assessment
No impact on competition.

Test run of business forms
No new forms for business to fill in will be introduced as a result of our proposals.

Legal Aid Impact Test
Having consulted with the Legal Aid Team, we do not anticipate that the contents of this BRIA will impact the Legal Aid Fund.

Enforcement, sanctions and monitoring
The Scottish Government Accounting System (SEAS) team, the Certifying Authority & the OSTS Scotland all work together to insure invoices are issued timeously. The normal action for non-paid invoices is used by the SEAS team for any statutory services not paid for by an individual or company after the time allotted.

Non-compliance result in companies or individuals being put on a client blacklist. Failure to pay for a service means no further work is carried out by the Certifying Authority or by the OSTS.

**Implementation and delivery plan**
Any increase will be implemented by way of The Seed (Fees) (Scotland) Regulations 2018. Scottish Ministers have authorised Section 24(4) of the Plant Varieties and Seeds Act 1964, which provides Ministers with powers to allow the Official Seed Testing Station for Scotland to make charges for services they provide.

The reduction of 5% for online applications and increases of 3.0% for seed certification and 8.0% for seed testing fees will come into force on the 1 July 2018

**Post-implementation review**
Scottish Ministers have given their assurance to the Environment, Climate Change and Land Reform Committee that the statutory fees charged for seed testing, seed certification, and associated licensed activities should be reviewed on an annual basis.

**Summary and recommendation**

Scottish Government will

- Reduce the fee for online applications by 5%;
- increase all fees for seed certification by 3.0%, and
- Increase all seed testing fees by 8.0%,

Which will remove the deficit the Certifying Authority currently incurs for providing seed certification and seed testing services. The proposed increase is anticipated to bring full cost recovery.

**Summary costs and benefits table**

These have now been updated with information obtained from the BRIA Interviews.
Declaration and publication
I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:

Date:

Mr Fergus Ewing

Cabinet Secretary for the Rural Economy and Connectivity

Scottish Government Contact point:

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Annex E: Example of 3.0% seed certification and 8% seed testing increase of fees on 30 tonne seed lot of cereals

<table>
<thead>
<tr>
<th>Statutory Service/Function</th>
<th>Fee- 2017 Fees</th>
<th>Cost per tonne of Seed (Assuming 30 tonne lot)</th>
<th>Fee- 2018 Fees</th>
<th>Cost per tonne of Seed (Assuming 30 tonne lot)</th>
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</thead>
<tbody>
<tr>
<td>Initial Fees</td>
<td>£4.25</td>
<td>£0.85</td>
<td>£4.04</td>
<td>£0.81</td>
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<tr>
<td>Crop Inspection Fee</td>
<td>£19.14</td>
<td>£3.83</td>
<td>£19.71</td>
<td>£3.94</td>
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<td>Seed Lot Fee</td>
<td>£33.00</td>
<td>£1.10</td>
<td>£31.35</td>
<td>£1.05</td>
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<td>Sampling Fee</td>
<td>£51.02</td>
<td>£1.70</td>
<td>£52.55</td>
<td>£1.75</td>
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<td>Seed Testing – HVS test, 100 Seed STZ</td>
<td>£75.01</td>
<td>£2.50</td>
<td>£81.01</td>
<td>£2.70</td>
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<tr>
<td>Fee Cost per tonne</td>
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<td>£9.98</td>
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<td>£10.25</td>
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<tr>
<td>Labels*</td>
<td></td>
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<td>£1.00</td>
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<tr>
<td>Seals*</td>
<td></td>
<td>£1.00</td>
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<td>£1.00</td>
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<tr>
<td>Bags*</td>
<td></td>
<td>£8.00</td>
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</tr>
<tr>
<td>Total Cost Of Certification Per Tonne</td>
<td></td>
<td>£19.98</td>
<td></td>
<td>£20.25</td>
</tr>
</tbody>
</table>

*Labels, seals and bags are not part of the consultation process and are only present to demonstrate overall cost
Annex E: Grasses costing example of 3.0% seed certification and 8% seed testing fee increase (only Scots Timothy grown and Certified in Scotland 10 tonne seed lot)

**GRASSES COSTING EXAMPLE: FINAL GENERATION (ONLY SCOTS TIMOTHY GROWN AND CERTIFIED IN SCOTLAND (ONLINE APPLICATION))**

<table>
<thead>
<tr>
<th>Statutory Service/Function</th>
<th>Fee- 2017 Fees</th>
<th>Fee (per tonne, assuming 10 tonne lot)</th>
<th>Fee- 2018 Fees</th>
<th>Cost per tonne of Seed (Assuming 10 tonne lot)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Fees</td>
<td>£4.25</td>
<td>£3.19</td>
<td>£4.04</td>
<td>£3.03</td>
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<tr>
<td>Crop Inspection Fee</td>
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<td>£1.91</td>
<td>£19.71</td>
<td>£1.97</td>
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<tr>
<td>Seed Lot Fee</td>
<td>£33.00</td>
<td>£3.30</td>
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<td>Sampling Fee</td>
<td>£51.02</td>
<td>£5.10</td>
<td>£52.55</td>
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<tr>
<td>Seed Testing</td>
<td>£76.96</td>
<td>£7.70</td>
<td>£83.12</td>
<td>£8.30</td>
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<td>HVS verification</td>
<td>£7.13</td>
<td>Not applicable</td>
<td>£7.34</td>
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</tbody>
</table>

**Fee Cost per tonne**

- **£21.20**

**Labels***

- £3.20

**Seals***

- £0.00

**Bags***

- £12.00

**Fee cost per tonne**

- **£36.40**

*Labels, seals and bags are not part of the consultation process and are only present to demonstrate overall cost*
The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A), (3)(i), (5)(a) and 36 of the Plant Varieties and Seeds Act 1964(a) and all other powers enabling them to do so.

In accordance with section 16(1) of that Act, they have consulted with representatives of such interests as appear to them to be concerned.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seed (Fees) (Scotland) Regulations 2018 and come into force on 1st July 2018.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the 2016 Regulations” means the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016(b);

“the relevant person” means—

(a) a licensed crop inspector, where the fee is for an official examination carried out by a licensed crop inspector;

(b) a licensed seed sampler, where the fee is for the sampling of a seed lot for the purposes of an official examination carried out by a licensed seed sampler; or

(c) in any other case, the Scottish Ministers; and

“the Seed Marketing Regulations” means—

(a) in relation to vegetable seed, the Vegetable Seeds Regulations 1993(c);

(a) 1964 c.14.  Section 16(1) was amended by the European Communities Act 1972 (c.68) (“the 1972 Act”), section 4(1) and schedule 4, paragraph 5(1) and (2).  Section 16(1A) was inserted by the 1972 Act, section 4(1) and schedule 4, paragraph 5(1) and (2).  See section 38(1) for the definition of “the Minister”.  The functions of the Secretary of State, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).


(b) in relation to oil and fibre plant seed, the Oil and Fibre Plant Seed (Scotland) Regulations 2004(a);
(c) in relation to cereal seed, the Cereal Seed (Scotland) Regulations 2005(b);
(d) in relation to fodder plant seed, the Fodder Plant Seed (Scotland) Regulations 2005(c); and
(e) in relation to beet seed, the Beet Seed (Scotland) (No. 2) Regulations 2010(d).

(2) Other words and expressions used in these Regulations have the same meaning as they do in the Seed Marketing Regulations or, as the case may be, the 2016 Regulations.

Fees for matters set out in schedule 1

3.—(1) Paragraph (2) applies to matters set out in schedule 1 relating to the Seed Marketing Regulations.

(2) Where this paragraph applies—

(a) the relevant person must charge the appropriate fee for the matter set out in schedule 1; and
(b) the fee must be paid to the relevant person within one month of demand.

(3) Where paragraph A(ii) of schedule 1 applies, any initial fee which has been paid under paragraph A(i) must be repaid to the extent that it exceeds the fee payable under paragraph A(ii).

Fees for matters set out in schedule 2

4.—(1) Paragraph (2) applies to matters set out in schedule 2 relating to the 2016 Regulations.

(2) Where this paragraph applies—

(a) the Scottish Ministers must charge the appropriate fee for the matter set out in schedule 2; and
(b) the fee must be paid to the Scottish Ministers within the relevant timescale set out in schedule 2.

Exemptions

5. The Scottish Ministers may exempt any person or class of persons, or persons generally, from compliance with any of the provisions of these Regulations, subject to any conditions the Scottish Ministers think appropriate.

Revocations and savings

6.—(1) The following provisions of the Seed (Fees etc.) (Scotland) Regulations 2017(e) are revoked—

(a) regulation 3(1) (except for the definition of “the 2016 Regulations”) and (2);
(b) regulations 4 to 7; and
(c) schedules 1 and 2.

(2) Regulation 3 of the Seed (Miscellaneous Amendments) (Scotland) Regulations 2017(a) is revoked.

FERGUS EWING
A member of the Scottish Government

St Andrew’s House,
Edinburgh
10th May 2018

(a) S.S.I 2017/384.
**SCHEDULE 1**

**FEES FOR MATTERS RELATING TO THE SEED MARKETING REGULATIONS**

<table>
<thead>
<tr>
<th>Matter</th>
<th>Fee (£)</th>
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<tbody>
<tr>
<td><strong>A. Initial Fees</strong></td>
<td></td>
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<tr>
<td>(i) Initial fee per hectare or part thereof, except where sub-paragraph (ii) applies, for applications in respect of crops intended to produce:—</td>
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</tr>
<tr>
<td>(a) Pre-basic Seed or Basic Seed</td>
<td>28.12 (online applications) 31.03 (other applications)</td>
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<tr>
<td>(b) Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Certified Seed of the Third Generation</td>
<td>4.05 (online applications) 4.46 (other applications)</td>
</tr>
<tr>
<td>(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.</td>
<td>2.88</td>
</tr>
<tr>
<td>(iii) Late application fee per crop payable in addition to initial fee under sub-paragraph (i)(a) or (b) where the 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.</td>
<td>30.41</td>
</tr>
<tr>
<td><strong>B. Crop inspection fees</strong></td>
<td></td>
</tr>
<tr>
<td>(i) Fee for the official examination of crops other than a hybrid of swede rape 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.</td>
<td>19.71</td>
</tr>
<tr>
<td>(ii) Fee for the official field inspection of a hybrid of swede rape, per hectare or part thereof examined.</td>
<td>59.14</td>
</tr>
<tr>
<td>(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:—</td>
<td>19.71</td>
</tr>
<tr>
<td>(a) further official examination of crops for wild oats, per hectare or part thereof examined</td>
<td>9.07</td>
</tr>
<tr>
<td>(b) further official examination of crops in respect of isolation distance, per hectare or part thereof examined</td>
<td>3.56</td>
</tr>
<tr>
<td>(c) further official examination of crops which have been lodged, per hectare or part thereof examined</td>
<td>8.02</td>
</tr>
<tr>
<td>(iv) Fee for the authentication of seed lot sown (where this has not been carried out at crop inspection), per crop.</td>
<td>8.02</td>
</tr>
<tr>
<td>(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.</td>
<td>19.71</td>
</tr>
<tr>
<td>(vi) Fee payable in addition to fee under sub-paragraph (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.</td>
<td>30.41</td>
</tr>
</tbody>
</table>

### C. Seed lot fees

Fee for 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 to be:

|          | 80.75 (online applications) | 89.13 (other applications) |
| (i) of a multiplication category | |
| (ii) of a final generation category | 31.35 (online applications) | 34.60 (other applications) |

### D. Seed lot re-entry fee

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:

|          | 36.70 |
| (i) Pre-basic Seed, Basic Seed, Certified Seed or Certified Seed of the First Generation | |
| (ii) Certified Seed of the Second Generation or Certified Seed of the Third Generation | 18.29 |

### E. Sampling fees

Fee per seed lot for the 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.

|          | 52.55 |

### F. Official label fees

Fee per seed lot for the issue and printing of:

|          | 42.47 |
| (i) tear resistant label for Pre-basic Seed, seeds for export or seeds following the issue of a breeder’s confirmation | |
| (ii) self adhesive label for Pre-basic Seed, seeds for export or seeds following the issue of a breeder’s confirmation | 29.36 |

### G. OECD Certificate

Fee per certificate for issuing an Organisation for Economic Co-operation and Development (OECD) Certificate.

|          | 26.21 |

### H. Higher Voluntary Standards (HVS)

Fee per seed lot for verification that a seed lot meets the applicable Higher Voluntary Standards (HVS).

|          | 7.34 |
# SCHEDULE 2

**FEES FOR MATTERS RELATING TO THE 2016 REGULATIONS**

<table>
<thead>
<tr>
<th>Matter</th>
<th>When payable</th>
<th>Fee £</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>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</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Fee for making written representations to the Scottish Ministers</td>
<td>On making representations</td>
<td>34.97</td>
</tr>
<tr>
<td>(ii) Fee for being heard by a person appointed by the Scottish Ministers</td>
<td>On applying to be heard</td>
<td>69.99</td>
</tr>
<tr>
<td><strong>B. Licensed seed testing stations</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Annual fee payable during the currency of the licence (or a proportion thereof in respect of a part of a year)</td>
<td>Within one month of demand by or on behalf of the Scottish Ministers, annually in advance</td>
<td>1699.50</td>
</tr>
<tr>
<td>(ii) Fee payable by a licensed seed testing station in respect of an official examination of seed</td>
<td>Within one month of demand by or on behalf of the Scottish Ministers, annually in arrears</td>
<td>7.63</td>
</tr>
<tr>
<td><strong>C. Cereal crop inspection courses and examination</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee for:—</td>
<td>Within one month of demand by or on behalf of the Scottish Ministers</td>
<td></td>
</tr>
<tr>
<td>(i) Cereal crop inspection course</td>
<td></td>
<td>647.99</td>
</tr>
<tr>
<td>(ii) Initial examination and compulsory retest—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) all 3 species groups</td>
<td></td>
<td>101.39</td>
</tr>
<tr>
<td>(b) 2 species</td>
<td></td>
<td>74.65</td>
</tr>
<tr>
<td>(c) 1 species only</td>
<td></td>
<td>37.33</td>
</tr>
<tr>
<td><strong>D. Seed sampling courses and examination</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee for:—</td>
<td>Within one month of demand by or on behalf of the Scottish Ministers</td>
<td></td>
</tr>
<tr>
<td>(i) Tuition and examination for seed samplers licence (administrative and sampling elements)</td>
<td></td>
<td>435.14</td>
</tr>
<tr>
<td>(ii) Tuition and examination for seed samplers licence (administrative element only)</td>
<td></td>
<td>130.54</td>
</tr>
<tr>
<td>(iii) Re-examination fee for seed samplers licence with sampling function enabled</td>
<td></td>
<td>38.06</td>
</tr>
<tr>
<td>(iv) Re-examination fee for seed samplers licence with sampling function not enabled</td>
<td></td>
<td>10.91</td>
</tr>
<tr>
<td><strong>E. Seed analyst courses and examination</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee for:-</td>
<td>Within one month of demand by or on behalf of the Scottish Ministers</td>
<td></td>
</tr>
<tr>
<td>(i) Laboratory management course registration</td>
<td></td>
<td>1146.05</td>
</tr>
<tr>
<td>(ii) Laboratory management course</td>
<td></td>
<td>432.00</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Fee</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>(iii)</td>
<td>Analyst course registration</td>
<td>1896.81</td>
</tr>
<tr>
<td>(iv)</td>
<td>Analyst course registration – additional and retake divisions (per division)</td>
<td>184.55</td>
</tr>
<tr>
<td>(v)</td>
<td>Analyst course attendance (per day or part thereof. Number of days depends on division)</td>
<td>432.00</td>
</tr>
<tr>
<td>(vi)</td>
<td>Analyst course examination (per day or part thereof)</td>
<td>432.00</td>
</tr>
<tr>
<td>(vii)</td>
<td>Tetrazolium testing course attendance (per day or part thereof)</td>
<td>446.68</td>
</tr>
<tr>
<td>(viii)</td>
<td>Tetrazolium testing course examination (per day or part thereof)</td>
<td>446.68</td>
</tr>
</tbody>
</table>
EXPLANATORY NOTE
(This note is not part of the Regulations)

These Regulations prescribe fees for matters relating to—

- the Vegetable Seeds Regulations 1993, the Oil and Fibre Plant Seed (Scotland) Regulations 2004, the Cereal Seed (Scotland) Regulations 2005, the Fodder Plant Seed (Scotland) Regulations 2005 and the Beet Seed (Scotland) (No. 2) Regulations 2010 (regulation 3 and schedule 1); and
- the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 (regulation 4 and schedule 2).

Regulation 5 makes provision for the Scottish Ministers to exempt any person from compliance with any provision in these Regulations relating to payment of fees.

Regulation 6(1) revokes regulations 3 to 7 and schedules 1 and 2 of the Seed (Fees etc.) (Scotland) Regulations 2017 (“the 2017 Regulations”) subject to savings.

Regulation 6(2) revokes regulation 3 of the Seed (Miscellaneous Amendments) (Scotland) Regulations 2017.

The changes to the fees in schedules 1 and 2 from those in the 2017 Regulations are as follows:

<table>
<thead>
<tr>
<th>Schedule 1</th>
<th>Current fee (£)</th>
<th>New fee (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Initial Fees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Initial fee per hectare or part thereof for crops intended to produce:—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Pre-Basic Seed or Basic Seed</td>
<td>29.60 (online applications)</td>
<td>28.12 (online applications)</td>
</tr>
<tr>
<td></td>
<td>30.13 (other applications)</td>
<td>31.03 (other applications)</td>
</tr>
<tr>
<td>(b) Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Certified Seed of the Third Generation</td>
<td>4.25 (online applications)</td>
<td>4.05 (online applications)</td>
</tr>
<tr>
<td></td>
<td>4.33 (other applications)</td>
<td>4.46 (other applications)</td>
</tr>
<tr>
<td>(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 purpose of an official examination.</td>
<td>2.80</td>
<td>2.88</td>
</tr>
<tr>
<td>(iii) Late application fee per crop payable in addition to initial fee under sub-paragraph (i)(a) or (b).</td>
<td>29.52</td>
<td>30.41</td>
</tr>
<tr>
<td><strong>B. Crop inspection fees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Official examination of crops other than hybrids of swede rape (per hectare or part thereof).</td>
<td>19.14</td>
<td>19.71</td>
</tr>
<tr>
<td>(ii) Official field inspection of hybrids of swede rape (per hectare or part thereof).</td>
<td>57.42</td>
<td>59.14</td>
</tr>
<tr>
<td>(iii) Further official examination of crops (per hectare or part thereof) except:—</td>
<td>19.14</td>
<td>19.71</td>
</tr>
<tr>
<td>(a)</td>
<td>further official examination of crops for wild oats</td>
<td>8.81</td>
</tr>
<tr>
<td>(b)</td>
<td>further official examination of crops in respect of isolation distance</td>
<td>3.46</td>
</tr>
<tr>
<td>(c)</td>
<td>further official examination of crops which have been lodged</td>
<td>7.79</td>
</tr>
<tr>
<td>(iv)</td>
<td>Authentication of seed lot sown (per crop)</td>
<td>7.79</td>
</tr>
<tr>
<td>(v)</td>
<td>Official examination of crops following an unsatisfactory official post control (per hectare or part thereof)</td>
<td>19.14</td>
</tr>
<tr>
<td>(vi)</td>
<td>Additional fee payable for official examinations to be carried out by the Scottish Ministers instead of licensed crop inspectors</td>
<td>29.52</td>
</tr>
</tbody>
</table>

### C. Seed lot fee
Issuing an official certificate or a breeder’s confirmation (except where paragraph D applies) in respect of a seed lot certifying the seed to be:—

| (i) | of a multiplication category | 85.00 | 80.75 |
|     | (online applications) | 86.53 | 89.13 |
|     | (other applications) | 33.00 | 31.35 |
|     | (other applications) | 33.59 | 34.60 |
| (ii) | of a final generation category | 33.00 | 31.35 |
|     | (online applications) | 33.59 | 34.60 |

### D. Seed lot re-entry fee
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 or Certified Seed of the First Generation | 35.63 | 36.70 |
| (ii) | Certified Seed of the Second Generation or Certified Seed of the Third Generation | 17.76 | 18.29 |

### E. Sampling Fees
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.

| | 51.02 | 52.55 |

### F. Official label fees
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 | 41.23 | 42.47 |
| (ii) | self-adhesive label for breeder’s confirmation seed, Pre-basic Seed or seed for export | 28.50 | 29.36 |

### G. OECD Certificate
Issuing an Organisation for Economic Co-operation and
H. Higher Voluntary Standard

Verifying that a seed lot meets applicable higher voluntary standards (per seed lot).

|                  | 7.13 | 7.34 |

SCHEDULE 2

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

|                  | 33.95 | 34.97 |

(i) Fee for making written representations to the Scottish Ministers

(ii) Fee for being heard by a person appointed by the Scottish Ministers

B. Licensed seed testing stations

|                  | 1650.00 | 1699.50 |

(i) Annual fee payable during the currency of the licence (or a proportion thereof in respect of a part of a year)

(ii) Fee payable by a licensed seed testing station in respect of an official examination of seed

C. Cereal crop inspection courses and examination

|                  | 629.12 | 647.99 |

(i) Cereal crop inspection course

(ii) Initial Examination and compulsory re-test:

   (a) all 3 species groups
       98.44  101.39

   (b) 2 species
       72.48  74.65

   (c) 1 species only
       36.24  37.33

D. Seed sampling courses and examination

|                  | 422.47 | 435.14 |

(i) Tuition and examination for seed samplers licence (administrative and sampling elements)

(ii) Tuition and examination for seed samplers licence (administrative element only)

(iii) Re-examination fee for seed samplers licence (with sampling function enabled)

(iv) Re-examination fee for seed samplers licence (with sampling function not enabled)

E. Seed analyst courses and examination

|                  | 1,112.67 | 1,146.05 |

(i) Laboratory management course registration

(ii) Laboratory management course attendance and examination (per day or part thereof)

(iii) Analyst course registration

(iv) Analyst course registration – additional and retake divisions (per division)

(v) Analyst course attendance (per day or part thereof)

(vi) Analyst course examination (per day or part thereof)

(vii) Tetrazolium testing course attendance (per day or part thereof)

(viii) Tetrazolium testing course examination (per day or part thereof)

A business and regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies of it may be obtained from the Scottish Government Agriculture and Rural Economy Directorate, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD and online at www.legislation.gov.uk.
Annex B – [link to SSI 2018/161: The Traffic Signs Amendment (Scotland) Regulations and General Directions 2018]

**Type of Instrument:** Negative

**Laid Date:** 18 May 2018

**Coming into force:** 28 June 2018

**Minister to attend the meeting:** No

**Procedure**

10. Under the negative procedure, an instrument comes into force on the date specified on it (the “coming into force date”) unless a motion to annul is agreed to by the Parliament within the 40-day period. Lead committees are not obliged to report to the Parliament on negative instruments, except where a motion recommending annulment has been lodged.

**Consideration by the Delegated Powers and Law Reform Committee**

11. At its meeting on 29 May 2018, the Delegated Powers and Law Reform (DPLR) Committee considered the instrument and determined that it did not need to draw the attention of the Parliament to the instruments on any grounds within its remit.

**Policy Objectives**

12. This Instrument amends the Traffic Signs Regulations 2016 and the Traffic Signs Directions 2016, to correct errors and improve clarity.

13. Traffic signs were devolved under the Scotland Act 2016. This instrument is required in order to mirror the same corrections made for England and Wales contained within SI 2017/1086.

**Consultation**

14. The UK Government Department for Transport was consulted, as required by legislation. No changes to the SSI were proposed.

15. The policy note and instrument are attached and also available online at the below link:


**Recommendation**

16. The Committee is invited to consider any issues that it wishes to raise in relation to this instrument.

Rural Economy and Connectivity Committee Clerks
May 2018
POLICY NOTE
THE TRAFFIC SIGNS AMENDMENT (SCOTLAND) REGULATIONS AND
GENERAL DIRECTIONS 2018
SSI 2018/161

The above instrument was made in exercise of the powers conferred by section 64(1) to (3)
and (5) of the Road Traffic Regulation Act 1984, and section 36(5) of the Road Traffic Act
1988. The instrument is subject to negative procedure.

Policy Objectives

The Traffic Signs Regulations and General Directions 2016 (TSRGD) came into force on 22
April 2016, and revoked and re-enacted with modifications all existing subordinate
legislation on traffic signs. However, the Department for Transport identified a number of
corrections that were needed, the most urgent being to re-establish the link between ‘No
Entry’ sign and Section 36 of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic
Offenders Act 1988. In drafting the TSRGD 2016, specific enforcement and endorsement
powers linked to contravening the sign had not been carried over.

The TSRGD 2016 was notified to the European Commission in November 2014, to which no
response was received. As the amendment regulations concern only corrections, with no
changes to policy or technical requirements, following legal advice, we considered no further
notification would be necessary.

SI 2017/1086, the Traffic Signs (Amendment) (England and Wales) Regulations and General
Directions 2017 came into force on 13 December 2017.

As powers over traffic signs were devolved to Scottish Ministers under The Scotland Act
2016, there is a requirement to develop a Scottish Statutory Instrument, to mirror the
corrections detailed in SI 2017/1086, the Traffic Signs (Amendment) (England and Wales)
Regulations and General Directions 2017.

Consultation

To comply with the requirements of section 134(7) of the Road Traffic Regulation Act 1984
and section 36(7) of the Road Traffic Act 1988 the UK Government Department for
Transport has been consulted.

As a result of that consultation no changes to the SSI were proposed.

Impact Assessments

No impact assessments have been prepared as the statutory instrument concerns only
corrections with no changes to policy or technical requirements.
Financial Effects

No financial effects are anticipated from this instrument.

Transport Scotland
14 May 2018
This Scottish Statutory Instrument has been made in consequence of defects in S.I. 2016/362 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2018 No. 161

ROAD TRAFFIC

The Traffic Signs Amendment (Scotland) Regulations and General Directions 2018

Made - - - - 16th May 2018

Laid before the Scottish Parliament 18th May 2018

Coming into force - - 28th June 2018

The Scottish Ministers, being the relevant authority and the national authority, make the Regulations in Part 1 of this Instrument in exercise of the powers conferred by section 64(1) to (3) and (5) of the Road Traffic Regulation Act 1984(a) ("the 1984 Act") and section 36(5) of the Road Traffic Act 1988(b) ("the 1988 Act").

The Scottish Ministers, being the relevant authority and the national authority, give the General Directions in Part 2 of this Instrument in exercise of the powers conferred by sections 65(1)(c) and 85(2)(d) of the 1984 Act.

The Scottish Ministers in respect of the Regulations in Part 1 have, in accordance with section 134(8)(e) of the 1984 Act and section 195(2A)(f) of the 1988 Act, consulted with such representative organisations as they thought fit and, in accordance with section 134(7)(g) of the 1984 Act and section 36(7)(h) of the 1988 Act, have consulted with the Secretary of State.

(a) 1984 c.27. Section 64(1) and (2) was amended by the Wales Act 2017 ("the 2017 Act") (c.4), section 26(4). Section 64(5) was amended by the Road Traffic (Consequential Provisions) Act 1988 (c.54), schedule 3, paragraph 25(3). Section 64(1) and (2) refers to "relevant authority". For the definition of "relevant authority" see section 64(6A) (that definition having been inserted by the 2017 Act, section 26(4)).

(b) 1988 c.52. Section 36(5) was amended by S.I. 1997/2971 and by the Scotland Act 2016 (c.11) ("the 2016 Act"), section 41(22). For the definition of "national authority" see section 36(8) of the Road Traffic Act 1988 (as inserted by the 2016 Act, section 41(23)). The amendments made to section 36(8) by the 2017 Act, schedule 6, paragraph 46(d) are not relevant.

(c) Section 65(1) was substituted by the New Roads and Street Works Act 1991 (c.22), schedule 8, Part 2, paragraph 48(2). It was amended by the Road Traffic Act 1991 (c.40), schedule 4, paragraph 29, by the 2016 Act, section 41(5) and by the 2017 Act, schedule 6, Part 3, paragraph 37(2). For the definition of "relevant authority" see section 65(5) (that definition having been inserted by the 2017 Act, schedule 6, paragraph 37(6)).

(d) Section 85(2) was amended by the New Roads and Street Works Act 1991, schedule 8, Part 2, paragraph 62(3), the Road Traffic Act 1991, schedule 4, paragraph 30 and schedule 8, the Infrastructure Act 2015 (c.7), schedule 1, Part 2, paragraph 89(2), and the 2016 Act, section 42(11). For the definition of "national authority" see section 142(1) of the Road Traffic Regulation Act 1984 (c.27) (that definition having been inserted by the 2016 Act, section 41(18) and amended by the 2017 Act for purposes not relevant to this instrument).

(e) Section 134(8) was inserted by the 2016 Act, schedule 2, Part 1, paragraph 12(5).

(f) Section 195(2A) was inserted by the Scotland Act 2012 (c.11), section 20(9).

(g) Section 134(7) was inserted by the 2016 Act, schedule 2, Part 1, paragraph 12(5).

(h) Section 36(7) was inserted by the 2016 Act, section 41(23) and amended by the 2017 Act, schedule 6, Part 3, paragraph 46.
The Scottish Ministers in respect of the General Directions in Part 2 have, in accordance with sections 65(3ZC)(a) and 85(10)(b) of the 1984 Act, consulted with the Secretary of State.

PART 1

The Traffic Signs Amendment (Scotland) Regulations 2018

Citation, commencement and extent

1.—(1) This Part of this Instrument may be cited—
(a) as the Traffic Signs Amendment (Scotland) Regulations 2018; and
(b) together with Part 2, as the Traffic Signs Amendment (Scotland) Regulations and General Directions 2018.
(2) These Regulations come into force on 28th June 2018.
(3) These Regulations extend to Scotland only.

Amendment of the Traffic Signs Regulations 2016

2. The Traffic Signs Regulations 2016(e) are amended in accordance with regulations 3 to 16.

Amendment of regulation 2

3. For regulation 2(1) (interpretation), substitute—
“(1) In these Regulations “the 1984 Act” means the Road Traffic Regulation Act 1984.”.

Amendment of schedule 1

4.—(1) Schedule 1 (definitions) is amended as follows.
(2) In the definition of “bus lane” in column (2) of the table, for “indicted”, substitute “indicated”.
(3) After the row in the table containing the definition of “refuge for pedestrians” insert a new row as follows—

| “refuge for pedestrians and cyclists” | a part of a road to which vehicles (other than pedal cycles) do not have access and on which pedestrians and cyclists may wait after crossing one part of the carriageway and before crossing the other. |

Amendment of schedule 2

5.—(1) Schedule 2 (signs that warn of hazards and signs for bridges and other structures) is amended as follows.

(a) Section 65(3ZC) was inserted by the 2016 Act, section 41(8) and amended by the 2017 Act, schedule 6, Part 3, paragraph 37(5).
(b) Section 85(10) was inserted by the 2016 Act, section 42(16) and amended by the 2017 Act, schedule 6, Part 3, paragraph 41(4).
(2) In the table in Part 4, at item 5 (diagram 629.2A), for the description in column 2 substitute—

“Diagram 629.2A
Vehicles exceeding height indicated in metric and imperial units prohibited from passing under, into or through a bridge, tunnel or other structure”.

(3) In Part 7 (provisions applicable to signs), in paragraphs 1 and 2, for “the 1988 Act”, in each case substitute “the Road Traffic Act 1988”.

Amendment of schedule 3

6.—(1) Schedule 3 (upright signs that indicate regulatory requirements for moving traffic) is amended as follows.

(2) In the table in Part 2 (circular signs etc.)—

(a) in the table heading for column 5, for “(by reference to an item number in the Part 3 sign table)” substitute “(by reference to a paragraph number in Part 3)”;
(b) at item 10 (diagram 616), for the entry in column 6, substitute “1,2,4,9”; and
(c) at item 27 (diagram 629.2A), for the description in column 2, substitute—

“Diagram 629.2A
Vehicles exceeding height indicated in metric and imperial units prohibited in circumstances not covered by the description in column 2 of item 5 of the sign table in Part 4 of schedule 2 (which relates to bridges, tunnels and other structures)”.

(3) In Part 4 (provision applicable to signs in Part 2)—

(a) in paragraph 1, for “the 1988 Act”, substitute “the Road Traffic Act 1988”; and
(b) after paragraph 8 insert—

“9. The sign is specified for the purposes of column 5 of the entry in schedule 2 of the Road Traffic Offenders Act 1988(a) relating to offences under section 36 of the Road Traffic Act 1988(b).”.

Amendment of schedule 5

7. In schedule 5 (signs to indicate parking places and areas subject to parking controls), at item 5 (entrance to a permit parking area) of the table in Part 3, in column 4 omit “One of–” and the semi colon.

Amendment of schedule 7

8.—(1) Schedule 7 (road markings and miscellaneous upright signs that indicate stopping, waiting, loading and parking controls) is amended as follows.

(2) In Part 3 (provisions applying to road markings in Part 4), in paragraph 3, for “the 1988 Act” substitute “the Road Traffic Act 1988”.

(3) In Part 6 (the significance of particular road markings)—

(a) in paragraph 2, for “the symbol at item 12”, substitute “the symbol at item 10”;
Amendment of schedule 9

9.—(1) Schedule 9 (regulatory signs at junctions and miscellaneous regulatory signs) is amended as follows.

(2) In the table in Part 6 (regulatory road markings), at item 8 (diagram 1049.1), in column 3, for each reference to “150” substitute “50”.

(3) In Part 7 (the significance of particular signs in Schedule 9), in paragraph 9(5)(e), for “item 9 or 10”, substitute “item 10 or 11”.

(4) In Part 8 (provisions applicable to signs in Parts 2, 4 and 6), in paragraphs 1(1) and 2, for “the 1988 Act”, in each case substitute “the Road Traffic Act 1988”.

Amendment of schedule 10

10.—(1) Schedule 10 (signs for speed limits) is amended as follows.

(2) In paragraph 1(4) of Part 4 (the Schedule 10 General Directions), for “paragraph (2)(a) to (e)” substitute “sub-paragraph (3)(a) to (e)”.

Amendment of schedule 11

11.—(1) Schedule 11 (signs that give information, are advisory or guide traffic) is amended as follows.

(2) In the heading of Part 2, for “Advisory signs” substitute “Upright signs”.

(3) In the heading of Part 4, for “Advisory road markings” substitute “Road markings”.

(4) In Part 5 (permitted variants of the signs in Parts 2 and 4), in paragraph 49, for sub-paragraph (2), substitute—

“(2) The marking, instead of being placed adjacent to the edge of the carriageway, may be placed adjacent to the marking provided for at item 7 of the sign table in Part 6 of schedule 9 when that latter marking is indicating the boundary of a cycle lane.”.

(5) In Part 6 (requirements applying to signs in Parts 2 and 4), in the table in paragraph 14, in the entry for D77, for “313.90” substitute “313.30”.

Amendment of schedule 12

12.—(1) Schedule 12 (directional signs) is amended as follows.

(2) In Part 1 (general provisions applying to Parts 2 to 20), in paragraph 8(b)(i), omit the “or” immediately following “is illuminated”.

(3) In Part 19 (provisions applying to Part 20), in paragraph 10, for “item 20, 22, 23, 24 or 39 to 46”, substitute “item 19, 21, 22, 23 or 36 to 43”.

(4) In the table in Part 20 (warning and regulatory symbols etc.), at item 45 (optional “Except buses” symbol)—

(a) in column (2), for “(except items 23, 37 and 38)”, substitute “(except items 22, 25, 27 and 35)”; and

(b) in column (4)—

(i) at paragraph 2, for “item 22” substitute “item 21”;

(ii) at paragraph 3, for “item 27” substitute “item 26”; and

(iii) at paragraph 4, for “items 39 to 46” substitute “items 36 to 43”.

(b) in paragraph 3—

(i) for “the symbol at item 12”, substitute “the symbol at item 10 of the sign table in Part 3 of schedule 4”; and

(ii) omit “, subject to the exceptions in paragraph 5.”.
Amendment of schedule 13

13.—(1) Schedule 13 (signs only for use in temporary situations) is amended as follows.

(2) In the table in Part 2 (signs for use in temporary situations), at item 3, in column 4, for “2.”, where it first occurs, substitute “1.”.

(3) In the table in Part 6 (additional temporary signs)—

(a) at item 4 (diagram 7101.1), in column 4, for “paragraph 2” substitute “paragraph 1”;
(b) at item 5 (diagram 7102), in column 4—
   (i) at the beginning, insert “1.”;
   (ii) for “paragraph 4” substitute “paragraph 3”; and
   (iii) at the end, insert—
   “2. If the optional white reflective strip is not included, the minimum height is 450.”;
(c) at item 15 (diagram 7244), in column 4, for paragraph 3 substitute—
   “3. In the bottom panel the distance may be—
   (a) varied,
   (b) preceded by “For”,”; and
(d) at item 37 (diagram 7014), in column 4, at paragraph 1(i), for “TIMING”, substitute “TIMINGS”.

(4) In Part 7 (provisions applying to signs in Part 6), in paragraph 1, for “the 1988 Act” substitute “the Road Traffic Act 1988”.

(5) In Part 8 (requirements applying to cones etc.), in paragraph 3(a), for “4” substitute “5”.

Amendment of schedule 14

14.—(1) Schedule 14 (signs for traffic control by light signals, signs for crossings, and signs for lane control) is amended as follows.

(2) In Part 1 (provisions applying to signs in Parts 2 and 3), in paragraph 8(3)(a), for “3 seconds” substitute “not less than 3, and not more than 5, seconds”.

(3) In the table in Part 2 (light signals etc.)—

(a) at item 44 (diagram 616), for the entry in column 5, substitute “1, 2, 10”;
(b) at items 51 (diagram 1001.3) and 52 (diagram 1001.4), in column 4 of each item—
   (i) in paragraph 5, for “central refuge or reservation” substitute “refuge for pedestrians or a central reservation”; and
   (ii) for paragraph 6 substitute—
   “6. Where a refuge for pedestrians or a central reservation is provided, the following markings may be placed between the zig-zag lines on the approaches to the refuge or reservation—
   (a) on a one-way road, the markings provided for at item 27 of the sign table in Part 4 of schedule 11 (and shown in the second diagram of that item); or
   (b) otherwise, the markings provided for at item 23 of that sign table (and shown in the second diagram of that item)”;
(c) at item 53 (diagram 1001.5)—
   (i) in column (2), for “1001.5” substitute “Diagram 1003.5”;

(certified copy from legislation.gov.uk Publishing)
(ii) in column (4), in paragraph 5, for “central refuge or reservation” substitute “refuge for pedestrians and cyclists or a central reservation”; and

(iii) in column (4), for paragraph 6 substitute—

“6. Where a refuge for pedestrians and cyclists or a central reservation is provided, the following markings may be placed between the zig-zag lines on the approaches to the refuge or reservation—

(a) on a one-way road, the markings provided for at item 27 of the sign table in Part 4 of schedule 11 (and shown in the second diagram of that item); or

(b) otherwise, the markings provided for at item 23 of that sign table (and shown in the second diagram of that item)”; and

(d) at items 58 (diagram 7011), 59 (diagram 7011.1), 60 (diagram 7011.2) and 62 (diagram 7021), in column (5) in each case omit “8”.

(4) In Part 4 (requirements applying to signs in Parts 2 and 3), in paragraphs 1 and 2, for “the 1988 Act”, in each case substitute “the Road Traffic Act 1988”.

Amendment of schedule 15

15. In schedule 15 (matrix signs and light signals etc.), in Part 4 (provisions applying to signs in Part 2), in paragraph 7(2), for “the 1988 Act” substitute “the Road Traffic Act 1988”.

Amendment of schedule 17

16. In the heading of schedule 17 (letters, numerals and other characters), for “numeral”, substitute “numerals”.

H YOUSAF

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
16th May 2018
PART 2
The Traffic Signs Amendment (Scotland) General Directions 2018

Citation, commencement and extent
1.—(1) This Part of this Instrument may be cited—
   (a) as the Traffic Signs Amendment (Scotland) General Directions 2018; and
   (b) together with Part 1, as the Traffic Signs Amendment (Scotland) Regulations and General Directions 2018.

(2) These General Directions come into force on 28th June 2018.

(3) These General Directions extend to Scotland only.

Amendment of the Traffic Signs Directions 2016
2.—(1) The Traffic Signs Directions 2016(a) are amended as follows.

(2) In Part 9 of schedule 9 (regulatory signs at junctions and miscellaneous regulatory signs), in paragraph 7, for “schedule 2” substitute “schedule 3”.

(3) In Part 4 of schedule 10 (signs for speed limits), in paragraph 1(4), for “paragraph (2)(a) to (e)” substitute “sub-paragraph (3)(a) to (e)”.

(4) In Part 12 of schedule 13 (signs only for use in temporary situations)—
   (a) in paragraph 9(1)(a), for “the 1988 Act” substitute “the Road Traffic Act 1988”;
   (b) in paragraph 10, for the words in brackets substitute “(except that in the case of a sign provided for at item 19 or 21 in the Part 6 sign table, the sign may also be placed by the traffic authority)”.

HYOUSAF
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
16th May 2018

(a) Part 2 of S.I. 2016/362.
EXPLANATORY NOTE
(This note is not part of the Instrument)

This Instrument amends the Traffic Signs Regulations 2016 and the Traffic Signs Directions 2016, together cited as the Traffic Signs Regulations and General Directions 2016 (“TSRGD 2016”), to correct errors and improve clarity. A reference in this note to a schedule is to a schedule of TSRGD 2016 and, unless otherwise indicated, references to regulations or directions are to regulations or directions contained in this Instrument.

Regulation 2(1)(b) of the TSRGD 2016 defines “the 1988 Act” as meaning “the Road Traffic Act 1988”. Regulation 3 omits that definition. Regulations 5(3), 6(3)(a), 8(2), 9(4), 13(4), 14(4) and 15 and general direction 2(4)(a) substitute “the Road Traffic Act 1988” for “the 1988 Act” in places where that latter term was previously used in TSRGD 2016.

Regulation 4 amends schedule 1. Regulation 4(2) corrects a spelling error in the definition of “bus lane”. Regulation 4(3) inserts a definition of “refuge for pedestrians and cyclists” (for use in relation to parallel crossings).

Regulations 5(2) and 6(2)(c) correct the descriptions for the signs provided for at item 5 in the table in Part 4 of schedule 2 and item 27 of the table in Part 2 of schedule 3 (height restrictions).

Regulation 6(2)(a) corrects an error in the heading to the table in Part 2 of schedule 3.

Regulation 6(2)(b) and (3)(b) makes amendments to item 10 of the table in Part 2 of schedule 3 and Part 4 of that schedule in respect of the sign provided for at item 10. Regulation 14(3)(a) makes an amendment to item 44 of the table in Part 2 of schedule 14. These amendments correct errors in how TSRGD 2016 provides for the enforcement of no entry signs.

Regulation 7 amends item 5 of the table in Part 3 of schedule 5 to remove material that ought not to have been included.

Regulation 8(3) amends paragraphs 2 and 3 of Part 6 of schedule 7, which apply to signs used at the entrances to schools etc, to correct incorrect references to item 12 of the table in Part 3 of schedule 4 (the references should be to item 10 of that table) and to omit text wrongly included in paragraph 3.

Regulation 9(2) amends the measurements in a diagram to correct an error in relation to the sign provided for at item 8 of the table in Part 6 of schedule 9. Regulation 9(3) amends paragraph 9(5)(c) of Part 7 of schedule 9 to refer to items 10 and 11 of the table in Part 6 of schedule 13 rather than items 9 and 10.

Regulation 10 amends Part 4 of schedule 10 to correct an erroneous cross-reference.

Regulation 11(2) and (3) amends the headings of Parts 2 and 4 of schedule 11.

Regulation 11(4) substitutes a new sub-paragraph (2) in paragraph 49 of Part 5 of schedule 11. Paragraph 49 applies to the markings provided for at item 25 of Part 4 of that schedule. As amended, sub-paragraph (2) is about using that marking next to a cycle lane.

Regulation 11(5) corrects an entry in the table relating to bar markings in paragraph 14 of Part 6 of schedule 11.

Regulation 12(2) omits a wrongly inserted “or” in paragraph 8(b)(i) of Part 1 of schedule 12 and regulation 12(3) and (4) corrects referencing errors in Parts 19 and 20 of that schedule.

Regulation 13 amends schedule 13. Regulation 13(2) corrects a paragraph numbering error. Regulation 13(3)(a), (b)(ii) and (5) corrects cross-referencing errors. Regulation 13(3)(b)(i) and (iii) provides for the insertion of a new paragraph in column 4 of item 5 in the table in Part 6 (flat traffic delineators) to correct an error in relation to the minimum permitted height of the sign. Regulation 13(3)(c) corrects an omission in relation to the bottom panel in the sign provided for at item 15 of the table in Part 6 (temporary road layout). Regulation 13(3)(d) corrects an error in a variant of the sign provided for at item 37 of the Part 6 table (permanent change in road layout).
Regulation 14(2) amends schedule 14 in respect of the amber lights that form part of the sign provided for at item 6 of the table in Part 2 (known as the “wigwag sign”) when the sign is used at a level crossing. Regulation 14(3)(b) and (c)(ii) and (iii) amends paragraphs 5 and 6 of the variants in column (4) of items 51, 52 and 53 in the table in Part 2 of schedule 14 to refer to a “refuge for pedestrians or a central reservation” (in the case of item 53, “refuge for pedestrians and cyclists or a central reservation”) rather than a “central refuge or reservation”, and to add reference to the possibility, on a one-way road, of the use of the markings shown in the second diagram at item 27 of the sign table in Part 4 of schedule 11. Regulation 14(3)(c)(i) also substitutes the correct diagram number for an incorrect number in item 53. By virtue of regulation 14(3)(d), the illumination requirements in paragraph 8 of Part 4 of schedule 14 do not apply to the signs provided for at items 58, 59, 60 and 62 of the table in Part 2 of that schedule (instead the illumination provisions in regulation 8(2) of the amended Regulations apply to those signs).

Regulation 16 corrects an error in the heading of schedule 17.

Direction 2(2) and (3) corrects cross-referencing errors in paragraph 7 of Part 9 of schedule 9 and paragraph 1 of Part 4 of schedule 10.

Direction 2(4)(b) corrects an error in paragraph 10 of Part 12 of schedule 13 applicable to items 19 and 21 of the table in Part 6 of that schedule (additional temporary signs).

A business and regulatory impact assessment has not been provided for this instrument as no significant impact on the private or voluntary sectors is foreseen.