
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations continue to implement Council Directive [92/34/EEC](#) on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ No L 157, 10.6.1992, p. 10). They also implement Council Directive [2008/90/EC](#) on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ No L 267, 8.10.2008, p 8).

Part 2 provides for the accreditation of producers and registration of suppliers and varieties of fruit plant. Regulation [6](#) prohibits a producer from marketing fruit plants and propagating material without being accredited by the appropriate authority. Regulation [7](#) provides for the registration of all persons involved professionally in the marketing, production, reproduction or importation of fruit plant material and prohibits, from 30 September 2012, the marketing of such material without being registered. Schedule 2 makes provision for the registration of varieties of fruit plant that are distinct, uniform and stable and which conform to international standards for the variety. Schedule 2 also makes provision for the registration of other varieties that are marketed in the United Kingdom before 30th September 2012 and provides additional criteria for the registration of genetically modified varieties.

Part 3 sets out the requirements for marketing fruit plants and propagating material. Regulation [11](#), which applies from 30th September 2012, specifies the varieties that may be marketed from that date. Regulation [12](#) sets out the quality requirements for fruit plant material, including that it must be substantially free on visual inspection from the specified organisms and diseases and defects likely to impair its usefulness and it must have adequate identity and purity relative to its genus, species or variety. Regulation [14](#) sets out the information that must accompany fruit plants and propagating material when it is marketed. Regulation [15](#) sets out additional quality requirements for the marketing of *Citrus*.

Part 4 imposes additional requirements on suppliers including requirements on producers to treat fruit plant material showing signs of any of the specified organism or diseases (regulation [16](#)) and to monitor the production process in accordance with regulation [17](#). Regulation [18](#) requires suppliers to keep records.

Part 5 deals with the enforcement of these Regulations. Regulation [19](#) provides for the appointment of inspectors. Schedule 4 sets out inspectors' powers, including a power to serve a notice on any person to require that person to provide information and a power to prohibit the movement of plant material that is not substantially free from the diseases and organisms referred to in regulation [12\(a\)](#). An inspector also has a power to serve a notice on any person acting in contravention of these Regulations to require that person to comply with the Regulations or to prohibit that person from acting in breach of them. Under regulation [20\(1\)](#) a person who fails to comply with any such notice is guilty of an offence. Under regulation [20\(2\)](#) a person guilty of an offence under the Regulations is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A transposition note and an impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Food and Environment Research Agency, Whitehouse Lane, Huntingdon Road, Cambridge, CB3 0LF and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Fruit Plant Material Regulations 2010 (revoked). (See end of Document for details)

Textual Amendments

- F1** Regulations revoked (S.) (1.7.2017) by [The Marketing of Fruit Plant and Propagating Material \(Scotland\) Regulations 2017 \(S.S.I. 2017/177\)](#), **regs. 1(1)**, 24 (with regs. 3, 4)
- Regulations revoked (N.I.) (29.6.2017) by [The Marketing of Fruit Plant and Propagating Material Regulations \(Northern Ireland\) 2017 \(S.R. 2017/119\)](#), **regs. 1**, 28
- Regulations revoked (W.) (19.6.2017) by [The Marketing of Fruit Plant and Propagating Material \(Wales\) Regulations 2017 \(S.I. 2017/691\)](#), **regs. 1(1)**, 29
- Regulations revoked (E.) (1.6.2017) by [The Marketing of Fruit Plant and Propagating Material \(England\) Regulations 2017 \(S.I. 2017/595\)](#), **regs. 1(1)**, 30

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