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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 471**

**PLANT HEALTH**

**SEEDS**

**The Marketing of Fruit Plant Material  
Amendment (Scotland) Regulations 2004**

*Made - - - - 2nd November 2004*  
*Laid before the Scottish*  
*Parliament - - - - 3rd November 2004*  
*Coming into force - - 25th November 2004*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 <sup>M1</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Marginal Citations**

**M1** 1972 c. 68; section 2(2) was amended by the [Scotland Act 1998 \(c. 46\)](#), [section 125\(1\)](#) and Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within developed competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Marketing of Fruit Plant Material Amendment (Scotland) Regulations 2004 and shall come into force on 25th November 2004.

(2) These Regulations extend to Scotland only.

**Amendment to the Marketing of Fruit Plant Material Regulations 1995**

2.—(1) The Marketing of Fruit Plant Material Regulations 1995 <sup>M2</sup> are amended in accordance with this regulation.

(2) For Schedule 1 to the Marketing of Fruit Plant Material Regulations 1995 (genera and species to which regulations apply) substitute the Schedule set out in the Schedule to these Regulations.

**Status:** Point in time view as at 25/11/2004.

**Changes to legislation:** There are currently no known outstanding effects for the *The Marketing of Fruit Plant Material Amendment (Scotland) Regulations 2004 (revoked)*. (See end of Document for details)

**Marginal Citations**

**M2** [S.I. 1995/2653](#).

St Andrew's House, Edinburgh  
2nd November 2004

*ROSS FINNIE*  
A member of the Scottish Executive

SCHEDULE

Regulation 2(2)

“SCHEDULE 1

Regulation 3(1)

GENERA AND SPECIES TO WHICH REGULATIONS APPLY

*Castanea sativa* Mill. (Chestnut)

*Citrus* L. (e.g. Grapefruit, Lemon, Lime, Mandarin and Orange)

*Corylus avellana* L. (Hazel)

*Cydonia oblonga* Mill. (Quince)

*Ficus carica* L. (Common edible fig)

*Fortunella* Swingle (Kumquat)

*Fragaria* L. (all cultivated strawberry species)

*Juglans regia* L. (Walnut)

*Malus* Mill. (Apple)

*Olea europaea* L. (Olive)

*Pistacia vera* L. (Pistachio)

*Poncirus* Raf. (Trifoliate orange)

*Prunus armeniaca* L. (Apricot)

*Prunus avium* (L.) L. (Sweet cherry)

*Prunus cerasus* L. (Sour cherry)

*Prunus domestica* L. (Plum)

**Status:** Point in time view as at 25/11/2004.

**Changes to legislation:** There are currently no known outstanding effects for the The Marketing of Fruit Plant Material Amendment (Scotland) Regulations 2004 (revoked). (See end of Document for details)

*Prunus dulcis* (Mill.) D A Webb (but described as *Prunus amygdalus* Batsch in Directive [2003/111/EC](#)<sup>M3</sup>) (Almond)<sup>M4</sup>

*Prunus persica* (L.) Batsch (Peach)

*Prunus salicina* Lindley (Japanese Plum)

*Pyrus* L. (all cultivated edible pears, including perry pears)

*Ribes* L. (Blackcurrant, gooseberry, redcurrant and white currant)

*Rubus* L. (Blackberry, raspberry and hybrid berries)

*Vaccinium* L. (e.g. Blueberry, cranberry and bilberry)?

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**Marginal Citations**

**M3** O.J. No. L 311, 27.11.03, p.12.

**M4** *Prunus dulcis* (Mill.) D A Webb is the accepted scientific name used in the United States Germplasm Resources Information Network (“GRIN”) database (available at <http://www.ars-grin.gov/cgi-bin/npgs/html/index.pl>) and by the Royal Horticultural Society.

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which extend to Scotland only, amend the Marketing of Fruit Plant Material Regulations 1995, which implement Council Directive [92/34/EEC](#) and Commission Directives [93/48/EEC](#), [93/64/EEC](#) and [93/79/EEC](#) on the marketing of fruit plant propagating material and fruit plants intended for fruit production within the European Community.

These Regulations give effect to Commission Directive [2003/111/EC](#) (O.J. No. L 311, 27.11.03, p.12) amending Annex II to Directive [92/34/EC](#) (O.J. No. L157, 10.6.92, p.10). Annex II to

Directive [92/34/EEC](#) lists the genera and species covered by the provisions laid down in the Directive.

Regulation 2 replaces Schedule 1 to the Marketing of Fruit Plant Material Regulations 1995 with a new Schedule 1 specifying the genera and species to which those Regulations apply.

The following have now been added to the Annex: *Castanea sativa* Mill., *Ficus carica* L., *Fortunella Swingle.*, *Poncirus Raf.* and *Vaccinium L.* In addition, *Citrus L.*, *Fragaria L.*, *Pyrus L.*, *Ribes L.*, *Rubus L.* have replaced the previous entries for these species.

**Status:**

Point in time view as at 25/11/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the The Marketing of Fruit Plant Material Amendment (Scotland) Regulations 2004 (revoked).