

2004 No. 471

PLANT HEALTH

SEEDS

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

<i>Made</i> - - - -	<i>2nd November 2004</i>
<i>Laid before the Scottish Parliament</i>	<i>3rd November 2004</i>
<i>Coming into force</i> - -	<i>25th November 2004</i>

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

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(b) 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.

ROSS FINNIE
A member of the Scottish Executive

St Andrew's House,
Edinburgh
2nd November 2004

(a) 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.

(b) S.I. 1995/2653.

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)

Prunus dulcis (Mill.) D A Webb (but described as *Prunus amygdalus* Batsch in Directive 2003/111/EC(a)) (Almond)(b)

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)”.
”

(a) O.J. No. L 311, 27.11.03, p.12.

(b) *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.

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.

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