

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2017 No. 177**

**The Marketing of Fruit Plant and Propagating  
Material (Scotland) Regulations 2017**

**PART 2**

**Marketing of plant material**

**Varieties which may be marketed**

- 7.—(1) For the purpose of regulation 5(1)(e)(i), a variety may be marketed if it—
- (a) is subject to the grant of plant variety rights;
  - (b) is a registered variety;
  - (c) is the subject of an application—
    - (i) for plant variety rights; or
    - (ii) to be a registered variety;
  - (d) has been marketed in the European Union prior to 30th September 2012 and has an officially recognised description; or
  - (e) in relation to a variety having no intrinsic value for commercial crop production—
    - (i) has an officially recognised description; and
    - (ii) the plant material concerned is CAC material and this is identified on the accompanying label or document.
- (2) For the purpose of regulation 5(1)(e)(i)—
- (a) in the case of a variety which is the subject of an application for plant variety rights, the reference must be to the breeder's reference or to the proposed name of the variety;
  - (b) in the case of a registered variety, the reference must be to that registered variety; and
  - (c) in the case of a variety which is the subject of an application to be a registered variety, the reference must be to the breeder's reference or to the proposed name of the variety.
- (3) Schedule 4 on the registration of varieties has effect.