
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations, which apply in England, continue to 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). They also implement—

Commission Implementing Directive 2014/96/EU on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive [2008/90/EC](#) (OJ L 298, 16.10.2014, p. 12);

Commission Implementing Directive 2014/97/EU implementing Council Directive [2008/90/EC](#) as regards the registration of suppliers and of varieties and the common list of varieties (OJ L 298, 16.10.2014, p. 16);

Commission Implementing Directive 2014/98/EU implementing Council Directive [2008/90/EC](#) as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections (OJ No L, 298, 16.10.2014, p. 22).

They revoke and replace the Marketing of Fruit Plant Material Regulations (S.I. 2010/2079).

Part 1 of the Regulations is introductory. The fruit plants and propagating material (plant material) to which the Regulations apply is set out in regulation 4 and Schedule 3.

Part 2 contains requirements for marketing plant material (regulation 5). In order to be marketed, plant material must comply with requirements set out for certification (regulation 9 and Schedule 5) and packaging, sealing and labelling (regulation 10 and Schedule 2). Plant material must be, or be in the process of being, registered (Schedule 4) and have been granted, or an application made for, plant variety rights (regulation 7). CAC material must comply with requirements set out in Schedule 1 and be accompanied by a supplier's document (Schedule 2). Regulation 4 sets out exceptions to these general requirements.

Part 3 requires the registration of suppliers (regulation 11) and a register of suppliers (regulation 13). Suppliers are required to monitor the production of plant material (regulation 14) and keep records (regulation 15).

Part 4 deals with the enforcement of these Regulations and 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 suspected of failing to comply with these Regulations. 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 23(1) a person who fails to comply with any such notice or to give assistance to the inspector is guilty of an offence. Under regulation 23(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.

Part 5 sets out administrative provisions including arrangements for official measures (regulation 26), a transitional provision (regulation 27), consequential amendments (regulation 28) and a review clause (regulation 31).

An impact assessment has not been produced for this instrument as no impact, or no significant impact, on the private, voluntary or public sector is foreseen. An Explanatory Memorandum and transposition note will be published alongside this instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017.