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STATUTORY INSTRUMENTS

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**2017 No. 595**

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

**PART 3**

**Suppliers**

**Registration of suppliers**

**11.**—(1) A supplier must not market plant material unless registered as a supplier by the Secretary of State in accordance with this regulation.

(2) But paragraph (1) does not apply to suppliers who are only marketing plant material to non-professional final consumers.

(3) An application for registration must be made in writing to the Secretary of State and must be accompanied by such information as the Secretary of State may require.

(4) The Secretary of State must register a supplier if satisfied that person will comply with these Regulations.

(5) The Secretary of State must inform the supplier—

- (a) of the Secretary of State's decision under paragraph (4) within 28 days of making it; and
- (b) where the decision is to register the supplier, of their registration number.

(6) A person who, immediately before the coming into force of these Regulations, was registered as a supplier in accordance with regulation 7 of the Marketing of Fruit Plant Material Regulations 2010<sup>(1)</sup> is registered for the purposes of this regulation.

(7) A person who is registered as a plant trader in accordance with Part 4 of the Plant Health (England) Order 2015<sup>(2)</sup> is registered for the purposes of this regulation.

(8) The Secretary of State may, by notice—

- (a) modify a supplier's registration; or
- (b) revoke or suspend a supplier's registration if satisfied the supplier—
  - (i) has failed to comply with any provision of these Regulations; or
  - (ii) is no longer acting as a supplier.

(9) Unless the Secretary of State otherwise directs, a revocation or suspension under paragraph (8) (b) has immediate effect and continues in effect unless the registration is reinstated.

**Appeals**

**12.**—(1) A supplier aggrieved by a decision of the Secretary of State not to register them under regulation 11(4) or to modify, revoke or suspend their registration under regulation 11(8) may, within

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(1) [S.I. 2010/2079](#).

(2) [S.I. 2015/610](#), amended by [S.I. 2015/1827](#); there are other amending instruments but none is relevant.

21 days of being notified of the decision, appeal against it to a person appointed for the purpose by the Secretary of State.

(2) The appointed person must consider the appeal and any representations made by the Secretary of State, and, within a period of 21 days beginning with the day on which they receive the appeal or representations (whichever is the later), report in writing with a recommended course of action to the Secretary of State.

(3) The Secretary of State must then make a final decision and notify the appellant, together with the reasons for that decision.

### **Register of suppliers**

**13.**—(1) The Secretary of State must maintain a register of registered suppliers.

(2) The register must contain the following information—

- (a) the name, address and contact details of the supplier;
- (b) which of the activities listed in paragraph (3) the supplier is involved in;
- (c) the genera or species concerned;
- (d) the address of the premises where the activity is carried out;
- (e) the supplier's registration number.

(3) For the purposes of paragraph (2)(b), the activities are the reproduction, production, preserving, treating, importing or marketing of plant material.

(4) A supplier must notify the Secretary of State as soon as practicable of any change to the information required under paragraph (2)(a) to (d).

(5) The Secretary of State may publish the register, or any part of it, at the Secretary of State's discretion.

### **Suppliers: plan to identify and monitor production process**

**14.**—(1) A supplier involved in the production of plant material must have in place a plan to identify and monitor critical points in the production of that plant material.

(2) The plan must include details on—

- (a) the location and number of plants;
- (b) the timing of cultivation;
- (c) propagating operations;
- (d) packaging, storage and transportation operations.

### **Suppliers: record keeping**

**15.**—(1) A supplier must keep records of—

- (a) any sales or purchases of plant material;
- (b) all deliveries of plant material to and from the supplier's premises;
- (c) any monitoring of critical points in the production of that plant material;
- (d) the composition and origin of any plant material of different origins mixed by the supplier during packaging, storage or transport or at delivery;
- (e) all plant material under production on their premises;
- (f) field inspections and sampling and testing undertaken in relation to plant material under their control; and

- (g) any occurrence on their premises of—
  - (i) any of the organisms or diseases listed in Part I of Annex I, and in Annex II, to [Directive 2014/98/EU](#);
  - (ii) plant material that exceeds the tolerance levels in the relevant column of the table in Part B of Annex I to [Directive 2014/98/EU](#); and
  - (iii) a harmful organism listed in the Annexes to [Directive 2000/29/EC](#).
- (2) The records referred to in this regulation must be kept for a minimum of 3 years.