
STATUTORY INSTRUMENTS

2017 No. 595

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

PART 2

Marketing of Plant Material

Varieties that may be marketed

7.—(1) Plant material is of a variety that may be marketed if the variety fulfils one or more of the requirements of paragraph (2).

(2) The variety must—

- (a) have been granted plant variety rights;
- (b) be registered as a variety;
- (c) be the subject of an application for—
 - (i) plant variety rights; or
 - (ii) registration as a variety;
- (d) have been marketed prior to 30th September 2012 within the European Union and have an officially recognised description; or
- (e) in relation to varieties with no intrinsic value for commercial crop production being marketed within the United Kingdom—
 - (i) have an officially recognised description; and
 - (ii) is CAC material.

(3) A supplier who markets plant material of a variety described in paragraph (2)(e) must ensure the plant material is accompanied by a supplier's document stating that it is marketed in accordance with [^{F1}that paragraph].

(4) In this regulation, “registered as a variety” (and “registration” is to be construed accordingly) means—

- (a) registration in England as a variety in accordance with Schedule 4; or
- [^{F2}(b) registration as a variety by the responsible authority in any part of the United Kingdom outside England in accordance with—
 - (i) in relation to Wales, Schedule 4 to the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017;
 - (ii) in relation to Scotland, Schedule 4 to the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017;
 - (iii) in relation to Northern Ireland, Schedule 3 to the Marketing of Fruit Plant and Propagating Material (Northern Ireland) Regulations 2017.]

Textual Amendments

- F1** Words in [reg. 7\(3\)](#) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **8(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** [Reg. 7\(4\)\(b\)](#) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **8(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017, Section 7.