

SCHEDULE 5

Certification of plant material

Modifications etc. (not altering text)

- C1** Sch. 5: power to amend conferred (31.12.2020) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(b), **20(1)** (with reg. 20(2))

PART 3

Certification of basic material

Propagating material (other than basic mother plants and other than rootstocks not belonging to a variety)

14.—(1) Propagating material (other than basic mother plants and rootstocks not belonging to a variety) may be certified as basic material if that material meets the requirements in sub-paragraph (2).

(2) The requirements are that the propagating material—

(a) is propagated from a basic mother plant—

(i) grown from pre-basic material;

(ii) produced by multiplication from a basic mother plant in accordance with paragraph 19;

(b) is verified by an inspector as being true to the description of its variety in accordance with paragraph 7;

(c) complies with the time period specified in paragraph 8(3)(b);

(d) complies with paragraph 12 concerning defects;

(e) complies with the health requirements in paragraph 16;

(f) is grown in soil that is found, by sampling and testing, to comply with paragraph 17;

[^{F1}(g) has been maintained in accordance with paragraph 18;

(h) where appropriate, has been multiplied in accordance with paragraph 19; and

(i) has been produced in accordance with the production site requirements in paragraph 12A.]

(3) For the purpose of this paragraph, any reference to pre-basic mother plants or to pre-basic material in the paragraphs mentioned in sub-paragraph (2)(b) to [^{F2}(i)] is to be construed as reference to basic mother plants or basic material, as the case may be.

(4) Where the mother plant or material no longer fulfils the requirements referred to in sub-paragraphs (2), the supplier—

(a) must remove the mother plant or material from the vicinity of other basic mother plants and basic material;

(b) may take appropriate measures in order to ensure that the mother plant or the material complies with those requirements again.

(5) A supplier may use any mother plant or material removed in accordance with sub-paragraph (4)(a) as certified or CAC material provided the mother plant or material fulfils the requirements set out in these Regulations for the respective categories.

Textual Amendments

- F1** Sch. 5 para. 14(2)(g)-(i) substituted for Sch. 5 para. 14(2)(g)(h) (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **6(7)(e)**
- F2** Word in Sch. 5 para. 14(3) substituted (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **6(7)(f)**

Rootstock not belonging to a variety

15.—(1) A rootstock not belonging to a variety may be certified as basic material if it meets the requirements in sub-paragraph (2).

(2) The requirements are that the rootstock—

- (a) is true to the description of its species;
- (b) is individually identified throughout the production;
- (c) complies with the time period specified in paragraph 8(3)(b);
- (d) complies with paragraph 12 concerning defects;
- (e) complies with the health requirements in paragraph 16;
- (f) is grown in soil that is found, by sampling and testing, to comply with paragraph 17;
- [^{F3}(g) has been maintained in accordance with paragraph 18;
- (h) where appropriate, has been multiplied in accordance with paragraph 19; and
- (i) has been produced in accordance with the production site requirements in paragraph 12A.]

(3) For the purpose of this paragraph, any reference to pre-basic mother plants or pre-basic material in the paragraphs mentioned in sub-paragraph (2) is to be construed as reference to basic mother plants or basic material, as the case may be.

(4) Where a rootstock not belonging to a variety is a basic mother plant or basic material that no longer fulfils the requirements of sub-paragraph (2) the supplier—

- (a) must remove the rootstock from the vicinity of other basic mother plants and basic material;
- (b) may take appropriate measures in order to ensure the rootstock complies with those requirements again.

(5) A supplier may use any rootstock removed in accordance with sub-paragraph (4)(a) as certified or CAC material provided the rootstock fulfils the requirements set out in these Regulations for the respective categories.

Textual Amendments

- F3** Sch. 5 para. 15(2)(g)-(i) substituted for Sch. 5 para. 15(2)(g)(h) (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **6(7)(e)**

Health requirements: basic mother plant or basic material

16.—^[F4](1) A basic mother plant or basic material must be found to be free from any RNQP listed in Annex 1 or 2 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.

(2) An inspector and, where appropriate the supplier, must sample and test the basic mother plant or basic material—

- (a) in cases of doubt as to the presence of any RNQP listed in Annex 1 to [Directive 2014/98/EU](#), for such pests;
- (b) for the RNQPs listed in Annex 2 to [Directive 2014/98/EU](#), subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.]

(3) But paragraphs (1) and (2) do not apply to basic mother plants or basic material during cryopreservation.

^[F5](4) Compliance with sub-paragraph (1) is established by visual inspection by an inspector and, where appropriate, the supplier.]

(5) Visual inspections and sampling and testing must be conducted in accordance with Annex IV to [Directive 2014/98/EU](#), as regards the genus or species concerned and, in the case of sampling and testing, also in accordance with the appropriate protocol.

Textual Amendments

- F4** Sch. 5 para. 16(1)(2) substituted (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **6(7)(g)(i)**
- F5** Sch. 5 para. 16(4) substituted (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **6(7)(g)(ii)**

Soil requirements; basic material

17.—(1) Basic mother plants and basic material may only be grown in soil that is free from any pests which are listed in Annex III of [Directive 2014/98/EU](#) relevant to the genus or species concerned and which host viruses affecting that genus or species.

(2) Freedom from such pests must be established by sampling and testing by an inspector and, where appropriate, a supplier.

(3) Sampling and testing must be carried out—

- (a) before the basic mother plants or the basic material is planted, and must be repeated during growth where there is suspicion concerning the presence of the pests referred to in sub-paragraph (1):
- (b) taking into account the climatic conditions and the biology of the pests listed in Annex III to [Directive 2014/98/EU](#), and where those pests are relevant for the basic mother plants or the basic material concerned;
- (c) in accordance with the appropriate protocol.

(4) Sampling and testing need not be carried out—

- (a) where plants, which are hosts for the pests listed in Annex III to [Directive 2014/98/EU](#) for the genus or species concerned, have not been grown in the soil of production for a period of at least five years and where there is no doubt concerning the absence of the relevant pests in that soil;

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017, PART 3. (See end of Document for details)

- (b) where an inspector concludes on the basis of an official inspection that the soil is free from any pests which are listed in Annex III to Directive 2014/98/EU, for the genus or species concerned, and which host viruses affecting that genus or species.

Maintenance requirements: basic mother plants and basic material

18. Basic mother plants and basic material must be maintained in fields isolated by distance from potential sources of infection including aerial vectors, root contact, cross infection by machinery, grafting tools and any other possible sources.

Conditions for multiplication: basic mother plants

19.—(1) Basic mother plants grown from pre-basic material may be multiplied in a number of generations to obtain the necessary number of basic mother plants in accordance with this paragraph.

(2) Any multiplication of a basic mother plant under paragraph (1) must be done in accordance with paragraph 13 and, for the purposes of this sub-paragraph, a reference to a pre-basic mother plant in paragraph 13 is to be construed as reference to a basic mother.

(3) The maximum permitted number of generations, and the maximum permitted life span of a basic mother plant must not exceed the limits set out in Annex V to Directive 2014/98/EU for the relevant genera or species.

(4) Where multiple generations of basic mother plants are permitted, each generation, other than the first one, may derive from any previous generation.

(5) Propagating material of different generations must be kept separate.

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017, PART 3.