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STATUTORY INSTRUMENTS

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**2019 No. 131**

**The Marketing of Seeds and Plant Propagating Material  
(Amendment) (England and Wales) (EU Exit) Regulations 2019**

**PART 3**

**Amendment of secondary legislation relating  
to the withdrawal from the European Union**

**The Marketing of Ornamental Plant Propagating Material Regulations 1999**

5.—(1) The Marketing of Ornamental Plant Propagating Material Regulations 1999(1) are amended as follows.

(2) In regulation 2(1)—

- (a) omit the definitions of “[Directive 2000/29/EC](#)”, “Regulation 2100/94” and “third country”;
- (b) in the definition of “supplier”, for “from third countries” substitute “into the United Kingdom”, and, after that definition, omit “and”.

(3) In regulation 3(2)(a), for “to third countries” substitute “from the United Kingdom”.

(4) In regulation 6A(4), for the definition of “responsible official body” substitute—

““responsible official body” has the meaning given, in relation to England, in the Plant Health (England) Order 2015, and, in relation to Wales, in the Plant Health (Wales) Order 2018.”.

(5) In regulation 9(2), for “[Directive 2002/29/EC](#)” substitute “, in England, the Plant Health (England) Order 2015, or, in Wales, the Plant Health (Wales) Order 2018”.

(6) In regulation 11(1)—

- (a) in sub-paragraph (a), omit “Community plant variety rights pursuant to Regulation 2100/94 or ”;
- (b) in sub-paragraph (c)(iii), for the words from “Community plant” to the end substitute “plant breeders’ right in respect of the variety under the Plant Varieties Act 1997(2)”.

(7) In regulation 12—

- (a) in the heading, for “in third countries” substitute “outside the United Kingdom”;
- (b) in paragraph (1)—
  - (i) for “from a third country” substitute “into the United Kingdom”;
  - (ii) for “[Directive 98/56/EC](#)” substitute “these Regulations”;
- (c) in paragraphs (2) and (4)—
  - (i) at the beginning, insert “Subject to paragraph (5), ”;

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(1) [S.I. 1999/1801](#), amended by [S.I. 2018/575](#), [974](#), [2018/1216 \(W. 249\)](#).

(2) [1997 c. 66](#).

- (ii) omit “from a third country”;
- (d) after paragraph (4) insert—
  - “(5) Paragraphs (2) and (4) do not apply to suppliers importing propagating material produced—
    - (a) in the European Union before the end of the period of two years beginning with the day after the day on which exit day falls; or
    - (b) in the Channel Islands or the Isle of Man.”.
- (8) In the Schedule—
  - (a) in paragraph 1, for “EC” substitute “UK”;
  - (b) omit paragraph 2;
  - (c) in paragraph 3, at the end insert “and its abbreviated country code”;
  - (d) in paragraph 10, for “from a third country” substitute “into the United Kingdom”.