

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 4

Certification of certified material

Propagating material (other than mother plants) and fruit plants

20.—(1) Propagating material (other than mother plants) and fruit plants may be certified as certified material if the propagating material or fruit plant meets the requirements in sub-paragraph (2).

- (2) The requirements are that the propagating material or fruit plant—
- (a) is grown from a certified mother plant grown from pre-basic or basic material;
 - (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;
 - [^{F1}(e) complies with the health requirements in paragraph 22;
 - (f) is grown in soil that is found by sampling and testing to comply with paragraph 23; and
 - (g) complies 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 certified mother plants or certified material, as the case may be.

(4) Where a certified mother plant or certified material no longer fulfils the requirements referred to in sub-paragraph (2)(b) to [^{F2}(g)], the supplier—

- (a) must remove the mother plant or material from the vicinity of other certified mother plants and certified 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 CAC material provided the mother plant or material fulfils the requirements set out in Schedule 1 for CAC material.

Textual Amendments

- F1** Sch. 5 para. 20(2)(e)-(g) substituted for Sch. 5 para. 20(2)(e)(f) (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, **6(7)(h)(i)**

Changes to legislation: There are currently no known outstanding effects for the *The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017, PART 4*. (See end of Document for details)

F2 Word in Sch. 5 para. 20(4) substituted (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, **6(7)(h)(ii)**

Commencement Information

I1 Sch. 5 para. 20 in force at 19.6.2017, see [reg. 1\(1\)](#)

Rootstock not belonging to a variety

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

(2) The requirements are that the rootstock—

- (a) is grown from a certified mother plant grown from pre-basic or basic material;
- (b) complies with the time period specified in paragraph 8(3)(b);
- (c) complies with paragraph 12 concerning defects;
- (d) complies with the health requirements in paragraph 22; and
- (e) is grown in soil that is found, by sampling and testing, to comply with paragraph 23.

(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 certified mother plants or certified material, as the case may be.

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

- (a) must remove the rootstock from the vicinity of other certified mother plants and certified 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 CAC material provided the rootstock fulfils the requirements set out in Schedule 1 for CAC material.

Commencement Information

I2 Sch. 5 para. 21 in force at 19.6.2017, see [reg. 1\(1\)](#)

Health requirements: certified mother plants and material

22.—^{F3}(1) A certified mother plant or certified 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 certified mother plant or certified 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 sub-paragraphs (1) and (2) do not apply to certified mother plants or certified material during cryopreservation.

(4) An inspector and, where appropriate, a supplier, establishes compliance with [^{F4}sub-paragraph (1) by visual inspection].

(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

- F3** Sch. 5 para. 22(1)(2) substituted (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, [6\(7\)\(i\)\(i\)](#)
- F4** Words in Sch. 5 para. 22(4) substituted (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, [6\(7\)\(i\)\(ii\)](#)

Commencement Information

- I3** Sch. 5 para. 22 in force at 19.6.2017, see [reg. 1\(1\)](#)

Soil requirements; certified mother plants and material

23.—(1) Certified mother plants and certified material must be grown in soil that is free from any of the pests 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 certified mother plant or the certified material is planted, and must be repeated during growth if the presence of such pests is suspected;
- (b) taking account of climatic conditions, the biology of the pests, and the relevance of the pests for the certified mother plant or the certified material concerned;
- (c) in accordance with the appropriate protocol.

(4) Sampling and testing is not required—

- (a) [^{F5}unless otherwise stated,] in the case of certified fruit plants;
- (b) 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;
- (c) 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.

Textual Amendments

- F5** Words in Sch. 5 para. 23(4)(a) inserted (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, [6\(7\)\(j\)](#)

Commencement Information

- I4** Sch. 5 para. 23 in force at 19.6.2017, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017, PART 4.