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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 119**

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

**PART 2**

**Marketing of Plant Material**

**Marketing of plant material**

5.—(1) Plant material may only be marketed if—

- (a) the plant material meets the requirements in paragraph (2); and
- (b) it is marketed by a supplier registered in accordance with regulation 11.

(2) The requirements are—

- (a) the plant material must be certified plant material or CAC material;
- (b) except in the case of rootstocks not belonging to a variety, the plant material must be of a variety that may be marketed in accordance with regulation 7 and be marketed with a reference to the variety to which the plant material belongs in accordance with regulation 8;
- (c) in the case of rootstocks not belonging to a variety, the plant material must be marketed by reference to the species or interspecific hybrid concerned;
- (d) in the case of certified plant material, the plant material must be labelled, sealed and packaged in accordance with regulation 10; and
- (e) in the case of CAC material, the plant material must be accompanied by a supplier's document.

(3) The Department may authorise the marketing of plant material from any country outside the European Union if satisfied the plant material has been produced under conditions equivalent to the requirements for plant material in these Regulations.

(4) Paragraph (3) ceases to have effect on 31st December 2018.

**Exemption in respect of the marketing of plant material intended for trials etc.**

6. Regulation 5(1)(a) does not apply to plant material marketed in accordance with an authorisation granted by the Department, and which is intended for—

- (a) trials or scientific purposes;
- (b) selection work; or
- (c) measures aimed at the conservation of genetic diversity.

**Varieties that may be marketed**

7.—(1) For the purposes of regulation 5(2)(b), plant material is of a variety that may be marketed if the variety fulfils one or more of the requirements in paragraph (2).

(2) The variety must—

- (a) be the subject to a grant of 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) the plant material concerned is CAC material.

**References to variety of plant material**

8.—(1) For the purposes of regulation 5(2)(b), plant material is marketed with a reference to its variety if—

- (a) in the case of a variety of plant material that is the subject of an application for a grant of plant variety rights, the reference is to the breeder's reference or the proposed name of the variety;
- (b) in the case of a variety that is registered as a variety, the reference is to its registered name; and
- (c) in the case of a variety that is the subject of an application for such registration, the reference is to the breeder's reference or the proposed name of the variety.

(2) In this paragraph "breeder's reference" means the provisional identification given by a breeder to a developing variety before it acquires a name for national listing.

**Certification of plant material**

9.—(1) If the requirements of paragraph (2) are satisfied, the Department must—

- (a) certify plant material produced in Northern Ireland as being—
  - (i) pre-basic material;
  - (ii) basic material; or
  - (iii) certified material;
- (b) issue a certificate confirming certification (a crop inspection certificate).

(2) The requirements are that on official examination, the plant material has been found to comply with the requirements for certification set out in the relevant provisions of Schedule 5. and

(3) An application for certification of plant material produced in Northern Ireland must be made in writing to the Department and must be accompanied by such information as the Department may require.

(4) An official label issued in accordance with these Regulations in relation to certified plant material is sufficient evidence that the plant material to which the official label relates has been

certified by the Department as pre-basic material, basic material or, as the case may be, certified material.

### **Labels, sealing and packaging certified plant material**

**10.**—(1) Certified plant material must be labelled, sealed and packaged in accordance with this regulation and Part 1 of Schedule 2.

(2) Subject to paragraph (9), the Department must issue or approve a label (an “official label”) if that label meets the requirements in Part 1 of Schedule 2.

(3) But this regulation does not apply to the retail supply of certified plant material to a non-professional final consumer if that material is accompanied by appropriate product information.

(4) Subject to paragraphs (5) and (9), an official label must be affixed by the Department to—

- (a) the certified plant material to which it relates; or
- (b) where the certified material is marketed in a package, bundle or container, that package, bundle or container.

(5) Where certified plant material forms part of the same lot and is being marketed in the same package, bundle or container, a single official label may be affixed to that package, bundle or container.

(6) Where certified plant material is accompanied by a plant passport issued in accordance with [Directive 2000/29/EC](#), that plant passport may constitute the official label if it contains the information in paragraph 4 of Schedule 2.

(7) A supplier must not market certified plant material in lots of two or more plants or parts of plants unless those lots are sufficiently homogeneous and are properly packaged.

(8) For the purposes of paragraph (7), “properly packaged” means—

- (a) the plants or parts of plants are in a package or container, or form part of a bundle;
- (b) in the case of a package or container, it is sealed in a way that prevents the package or container from being opened without damaging the closure;
- (c) in the case of a bundle, it is tied in such a way that the plants or parts of plants forming part of the bundle cannot be separated without damaging the tie or ties; and
- (d) the package, container or bundle is labelled in such a way that a removal of the official label renders the label invalid.

(9) An official label may be issued and affixed by the supplier under the supervision of the Department.