
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 119

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

PART 3

Suppliers

Registration of suppliers

11.—(1) A supplier must be registered by the Department.

(2) But this regulation does not apply to suppliers who are only marketing plant material to non-professional final consumers.

(3) An application for registration must be made in writing to the Department and must be accompanied by the information referred to in regulation 13(1)(a) to (d) and such other information as the Department may require.

(4) The Department must register a supplier if satisfied that the person will comply with the provisions of these Regulations.

(5) The Department must inform the supplier—

- (a) of the Department's decision under paragraph (4) within 28 days of making it;
- (b) where the decision is to register the supplier, of their registration number;
- (c) where the decision is to refuse to register the supplier, of the reasons for the refusal.

(6) A person who, immediately before the coming into operation of these Regulations, was registered for the purposes of regulation 7 of the Marketing of Fruit Plant Material Regulations 2010⁽¹⁾ is registered for the purposes of this regulation.

(7) A person who is registered as a plant trader for the purposes of Part 4 of the Plant Health Order (Northern Ireland) 2006⁽²⁾ is registered for the purposes of this regulation.

(8) The Department may, by notice, modify a supplier's registration or revoke or suspend a registration number if satisfied that the registered person—

- (a) has failed to comply with any provisions of these Regulations; or
- (b) is no longer acting as a supplier.

(9) Unless the Department otherwise directs in writing, a revocation or suspension under this regulation has immediate effect on service of the notice and continues in effect unless the registration is reinstated.

(1) S.I. 2010/2079

(2) S.R. 2006 No. 82

Review

12.—(1) A supplier aggrieved by a decision of the Department not to register them under regulation 11(4) or to modify, revoke or suspend their registration under regulation 11(8) may, within 21 days of being notified of the decision, apply in writing to the Department for a review of the decision by a person appointed for the purpose by the Department.

(2) The appointed person must consider the application and any representations made by the Department, and within 21 days beginning with the day on which they receive the application, or representations (whichever is the later), report in writing with a recommended course of action to the Department.

(3) The Department must then make a final decision within 28 days of receipt of the report and notify the applicant, together with the reasons for the decision.

Register of suppliers

13.—(1) The Department must maintain a register of suppliers containing the following information—

- (a) the name, address and contact details of the supplier;
- (b) which of the following activity or activities relating to plant material the supplier is professionally involved in—
 - (i) reproduction;
 - (ii) production;
 - (iii) preserving;
 - (iv) treating;
 - (v) importing;
 - (vi) marketing;
- (c) the main genera or species the supplier is involved in;
- (d) the address of the premises where the activity or activities, as the case may be, is carried out;
- (e) the supplier's registration number.

(2) A supplier must notify the Department of any change to the information referred to at paragraph (1)(a) to (d).

(3) The Department must make the register of suppliers available for inspection on request.

Supplier's duties: identification and monitoring during production process

14.—(1) During the production of plant material, a supplier must identify and monitor and have in place a plan to identify and monitor critical points in that process.

- (2) The plan must include details on—
- (a) the location and number of plants;
 - (b) the timing of cultivation;
 - (c) propagating operations;
 - (d) packaging, storage and transportation operations.

Supplier's duties: record keeping

15.—(1) A supplier must keep records of—

- (a) any sales or purchases of plant material;
 - (b) all deliveries of plant material to and from the supplier's premises;
 - (c) any monitoring of critical points in the production of plant material;
 - (d) the composition and origin of any plant material of different origins mixed by the supplier during packaging, storage or transport or at delivery;
 - (e) all plant material under production on their premises;
 - (f) field inspections and sampling and testing undertaken in relation to plant material under their control;
 - (g) any occurrence on their premises of—
 - (i) any of the organisms or diseases referred to in Part A of Annex I and in Annex II to [Directive 2014/98/EU](#);
 - (ii) plant material that exceeds the tolerance levels in the relevant column of the table in Part B of Annex I to [Directive 2014/98/EU](#);
 - (iii) a harmful organism listed in the Annexes to [Directive 2000/29/EC](#);
 - (h) any measures taken in relation to such occurrences; and
 - (i) all monitoring undertaken for the purposes of regulation 14.
- (2) The records referred to in this regulation must be kept for at least 3 years.