

SCHEDULES

SCHEDULE 1

Regulation 2(1)

CAC material

Conditions for CAC material (other than rootstocks not belonging to a variety)

1.—(1) CAC material (other than rootstocks not belonging to a variety) may only be marketed if it complies with the requirements in sub-paragraph (2).

(2) The requirements are that the CAC material—

(a) is propagated from an identified source of material recorded by the supplier;

(b) is true to the description of its variety in accordance with paragraph 3;

[^{F1}(c) complies with health requirements in paragraph 4;

(d) complies with requirements concerning defects in paragraph 5; and

(e) complies with production site requirements in paragraph 6.]

(3) Where CAC material no longer complies with the requirements in sub-paragraph (2), the supplier must—

(a) remove it from the vicinity of other CAC material; or

(b) take appropriate measures to ensure that that material complies with those requirements again.

F1 Sch. 1 para. 1(2)(c)-(e) substituted for Sch. 1 para. 1(2)(c)(d) (31.12.2020) by The Marketing of Seed Potatoes, Plant and Propagating Material Regulations (Northern Ireland) 2020 (S.R. 2020/359), regs. 1, 5(6)(a)

Rootstocks not belonging to a variety

2.—(1) CAC material consisting of rootstocks not belonging to a variety may only be marketed if it complies with the requirements in sub-paragraph (2).

(2) The requirements are that the CAC material—

(a) is true to the description of its species;

[^{F2}(b) complies with health requirements in paragraph 4;

(c) complies with requirements concerning defects in paragraph 5; and

(d) complies with production site requirements in paragraph 6.]

(3) Where CAC material no longer complies with the requirements in sub-paragraph (2), the supplier must—

(a) remove it from the vicinity of other CAC material; or

(b) take appropriate measures to ensure that that material complies with those requirements again.

Changes to legislation: There are currently no known outstanding effects for the *The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017, SCHEDULE 1. (See end of Document for details)*

F2 Sch. 1 para. 2(2)(b)-(d) substituted for Sch. 1 para. 2(2)(b)(c) (31.12.2020) by [The Marketing of Seed Potatoes, Plant and Propagating Material Regulations \(Northern Ireland\) 2020 \(S.R. 2020/359\)](#), regs. 1, **5(6)(b)**

Trueness to the description of the variety

3.—(1) A supplier must establish and regularly verify the trueness of CAC material to the description of its variety in accordance with this paragraph.

(2) This must be done by observing the expression of the characteristics of the variety, that observation being based on one of the following elements—

- (a) its official description;
- (b) the description accompanying an application for registration;
- (c) the description accompanying an application for plant variety rights; or
- (d) where the variety is registered with an officially recognised description, or subject to an application for registration with an officially recognised description, that description.

Health requirements: CAC material

4.—^{F3}(1) CAC material must be found, on visual inspection by the supplier at the stage of production, to be practically free from the RNQPs listed in Annex 1 or 2 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, unless stated otherwise in Annex 4 to that Directive

(2) The supplier must sample and test the identified source of material or CAC 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) CAC material must be found after production, on visual inspection by the supplier, to be free from signs or symptoms of any RNQP listed in Annex 1 or 2 to [Directive 2014/98/EU](#).

(4) Visual inspections and sampling and testing must be conducted in accordance with the requirements specified in Annex 4 to [Directive 2014/98/EU](#), in relation to the genus or species concerned, and category.

(5) But paragraphs (1) to (3) do not apply to CAC material during cryopreservation.]

(6) In this paragraph, “practically free from pests” means that the extent to which pests are present on the propagating material or fruit plants is sufficiently low to ensure acceptable quality and usefulness of the propagating material.

F3 Sch. 1 para. 4(1)-(5) substituted (31.12.2020) by [The Marketing of Seed Potatoes, Plant and Propagating Material Regulations \(Northern Ireland\) 2020 \(S.R. 2020/359\)](#), regs. 1, **5(6)(c)**

Defects: CAC material

5.—(1) CAC material must be practically free from defects.

(2) This must be established on the basis of a visual inspection.

(3) Injuries, discolouration, scar tissues or desiccation are considered as defects, if they affect the quality and usefulness of the CAC material as propagating material.

[^{F4}**Requirements concerning production site**

6. CAC material must be produced in accordance with the requirements for the production site, place of production or area set out in Annex 4 to [Directive 2014/98/EU](#) and specified in relation to the genus or species concerned.]

F4 Sch. 1 para. 6 inserted (31.12.2020) by [The Marketing of Seed Potatoes, Plant and Propagating Material Regulations \(Northern Ireland\) 2020 \(S.R. 2020/359\)](#), regs. 1, **5(6)(d)**

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017, SCHEDULE 1.