

POLICY NOTE

THE MARKETING OF VEGETABLE PLANT MATERIAL AMENDMENT (SCOTLAND) REGULATIONS 2014

SSI 2014/111

Introduction

1. The above instrument was made in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972. The instrument is subject to negative resolution procedure.

Policy Objective

2. The purpose of this instrument is to amend the Marketing of Vegetable Plant Material Regulations 1995 (“the 1995 Regulations”) to change the botanical name for tomato to reflect revisions to the International Code of Botanical Nomenclature, implementing Article 2 of Commission Implementing Directive 2013/45/EU, which amends Council Directive 2008/72/EC.

3. The Regulations update references in the 1995 Regulations to provisions in the previous Directive on the marketing of vegetable propagating and planting material other than seed (Council Directive 92/33/EEC) to correspond to provisions in the codified version of that Directive (Council Directive 2008/72/EC).

4. These Regulations make use of the provisions of paragraph 1A of Schedule 2 to the European Communities Act 1972, inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by the European Union (Amendment) Act 2008, Schedule, Part 1. Those provisions allow the use of ambulatory references to EU instruments when making regulations for a purpose mentioned in section 2(2) of the European Communities Act 1972. It is considered expedient for the references in the 1995 Regulations to apply to the list of genera and species in Annex II of Council Directive 2008/72/EC, as it is amended from time to time. This will reduce the need for future domestic instruments to keep in step with amendments to that Annex. It is intended that any updates will be publicised by entries on the Scottish Government web-site.

5. They also amend the persons to whom the offence provisions under the 1995 Regulations apply, to make provision regarding the commission of offences by bodies corporate, Scottish partnerships and unincorporated associations.

Consultation

6. A statement about the change in the botanical name for tomato together with the intention to make a Statutory Instrument was placed on the Scottish Government web-site.

Timing

6. Member States shall bring rules implementing the provisions of Commission Implementing Directive 2013/45/EU by 31 March 2014. The change in Scotland is expected to be in force in mid-May. Regulations to implement these changes have also been made elsewhere in the UK.

Financial effects

7. These Regulations have no additional financial effects on business so a Business Regulatory Impact Assessment is not required.

Transposition

8. Commission Implementing Directive 2013/45/EU amending Council Directives 2002/55/EC and 2008/72/EC and Commission Directive 2009/145/EC as regards the botanical name for tomato have been implemented by the Marketing of Vegetable Plant Material Amendment (Scotland) Regulations 2014 in Scotland in relation to material other than seed. In relation to seed, implementation in Scotland has been made by the Seed (Scotland) (Miscellaneous Amendments) Regulations 2013.

Article	Objective of Article	Transposition in Scotland
2	Amends the list of genera and species in Annex II to Council Directive 2008/72/EC.	Regulation 4