
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 177

**PLANT HEALTH
SEEDS**

The Marketing of Fruit Plant and Propagating
Material (Scotland) Regulations 2017

<i>Made</i>	- - - -	<i>30th May 2017</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>1st June 2017</i>
<i>Coming into force</i>	- -	<i>1st July 2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 ^{MI} and all other powers enabling them to do so.

Modifications etc. (not altering text)

- C1** Regulations: 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), **22(1)** (with reg. 22(2))

Marginal Citations

- M1** [1972 c.68](#). Section 2(2) was amended by the [Scotland Act 1998 \(c.46\)](#) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by section 27(4) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the [European Union \(Amendment\) Act 2008 \(c.7\)](#), [schedule](#), Part 1. The functions conferred upon the Minister of the Crown under section 2(2), so far as they are exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017 and come into force on 1st July 2017.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“accompanying document” has the meaning given in regulation 9(3);

“basic material” means propagating material which—

- (a) is intended for the production of certified material;
- (b) has been produced in a vegetative way from pre-basic material; and
- (c) has been officially certified as basic material;

“body corporate” includes a limited liability partnership;

“breeder's reference” means the reference allocated to a breeder following an application for plant variety rights;

“CAC material” means *Conformitas Agraria Communitatis* material which—

- (a) in relation to propagating material and fruit plants produced in Scotland, is material and plants that meet the requirements for CAC material in schedule 3; and
- (b) [^{F1}in relation to propagating material and fruit plants produced—
 - (i) in any other part of the United Kingdom, is material and plants that meet the requirements of the relevant fruit marketing regulations;
 - (ii) in a Crown Dependency or a country granted equivalence, is material and plants that meet the requirements in legislation recognised by the Scottish Ministers as having equivalent effect to schedule 3;]

“category”, in relation to plant material, means pre-basic material, basic material, certified material or CAC material;

“certified material” means—

- (a) propagating material which—
 - (i) is intended for the production of fruit plants;
 - (ii) has been produced in a vegetative way from basic material or pre-basic material or, if intended to be used for the production of rootstocks, by certified seeds from basic or certified material of rootstocks; and
 - (iii) has been officially certified; or
- (b) fruit plants which have been—
 - (i) produced directly from pre-basic material, basic material or certified material; and
 - (ii) officially certified;

“Council Directive 2008/90/EC” means Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production [^{F2}, as last amended by Commission Implementing Decision (EU) 2019/120];

“Commission Implementing Directive 2014/96/EU” means Commission Implementing Directive 2014/96/EU on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC^[F3], as last amended by Commission Implementing Directive (EU) 2019/1813];

“Commission Implementing Directive 2014/97/EU” means Commission Implementing Directive 2014/97/EU implementing Council Directive 2008/90/EC as regards the registration of suppliers and of varieties and the common list of varieties^{M2};

“Commission Implementing Directive 2014/98/EU” means Commission Implementing Directive 2014/98/EU implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections^[F4], as last amended by Commission Implementing Directive (EU) 2020/177];

^[F5]“country granted equivalence” means a country that has been assessed by Scottish Ministers as producing plant material under conditions equivalent to those required by these Regulations;]

^[F5]“Crown Dependency” means the Isle of Man or any of the Channel Islands;]

“Directive 2001/18/EC” means Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC^[F6], as last amended by Regulation (EU) 2019/1381];

^[F7]“ the EU Plant Health Regulation ” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC;]

“fruit plants” means plants of the genera and species listed in schedule 1 and their hybrids which are intended to be planted or replanted, after marketing;

^[F8]“ the fruit marketing regulations ” means—

- (a) as regards England, the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017;
- (b) as regards Wales, the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017;
- (c) as regards Northern Ireland, the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017; and “the relevant fruit marketing regulations”, in relation to any constituent part of the United Kingdom, means the fruit marketing regulations applicable in relation to that part;]

“genetically modified organism” has the meaning given in Article 2 of Directive 2001/18/EC;

^[F9]“the GMO regulations” means—

- (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002;
- (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002;
- (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002;
- (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003;]

- “inspector” means a person appointed by the Scottish Ministers under regulation 18;
- “lot” means a number of units of a single commodity, identifiable by its homogeneity of composition and origin;
- “marketing” means the sale, holding with a view to sale, offer for sale or any disposal, supply or transfer aimed at commercial exploitation of propagating material or fruit plants to third parties whether or not for consideration;
- “official description” means the description of a variety provided on—
- (a) registration in respect of a registered variety; or
 - (b) the grant of plant variety rights;
- “official inspection” has the meaning given in paragraph 1 of schedule 2;
- “official label”—
- (a) in the case of pre-basic material, basic material or certified material originating in Scotland, means a label issued or approved by the Scottish Ministers which has not previously been used and which meets the requirements of the relevant paragraphs of Part 1 of schedule 5;
 - (b) [^{F10}in the case of pre-basic material, basic material or certified material originating—
 - (i) in any other part of the United Kingdom, means a label issued or approved by the responsible official body and which meets the applicable requirements in relation to that material contained in the relevant fruit marketing regulations;
 - (ii) in a Crown Dependency or a country granted equivalence, means a label issued or approved by the responsible official body and which meets the applicable requirements in relation to that material contained in legislation recognised by the Scottish Ministers as having equivalent effect to the relevant paragraphs of Part 1 of schedule 5;]
- “officially certified”—
- (a) in the case of plant material originating in Scotland, means certified by the Scottish Ministers in accordance with the relevant provisions of schedule 2;
 - (b) [^{F11}in the case of plant material originating—
 - (i) in any other part of the United Kingdom, means certified in accordance with the relevant fruit marketing regulations;
 - (ii) in a Crown Dependency or a country granted equivalence, means certified in accordance with legislation recognised by the Scottish Ministers as having equivalent effect to the relevant provisions of schedule 2;]
- “officially recognised description” means a description of the key morphological features that enable a variety ^{F12}... to be identified;
- “plant material” means the plants and materials described in regulation 3(1);
- “plant variety rights” means rights granted under Part 1 of the Plant Varieties Act 1997 ^{F13}... [^{F14}or domestic legislation in countries or territories, other than those forming part of the United Kingdom, that affords plant variety protection in accordance with UPOV];
- “pre-basic material” means propagating material which—
- (a) has been produced, according to generally accepted methods, for the maintenance of the identity of the variety including the relevant pomological characteristics and for the prevention of diseases;
 - (b) is intended for the production of basic or certified material; and
 - (c) has been officially certified as pre-basic material;

“propagating material” means seeds, parts of plants and all plant material, including rootstocks, intended for the propagation and production of fruit plants;

“registered variety” means a variety which is—

- (a) registered in Scotland accordance with schedule 4; or
- (b) [^{F15}in the case of varieties registered in any other part of the United Kingdom, means registered in accordance with the relevant fruit marketing regulations;]

“Regulation (EC) No 1829/2003” means Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed [^{F16}, as last amended by Regulation (EU) 2019/1381];

[^{F17}“responsible official body” means—

- (a) in relation to plant material produced in Scotland, the Scottish Ministers;
- (b) in relation to plant material produced in a country or territory outside Scotland, the body responsible for the quality of plant material in that country or territory;]

[^{F18}“RNQP” means a [^{F19}GB] regulated non-quarantine pest within the meaning given in Article 36 (definition of Union regulated non-quarantine pests) of the EU Plant Health Regulation;]

“third country” means a country [^{F20}outside the United Kingdom];

“supplier” means a person who is involved professionally in the reproduction, production, preservation, treatment, importation or marketing of plant material;

“supplier's document” means a document that meets the requirements of Part 2 of schedule 5;

[^{F21}“UPOV” means the International Union for the Protection of New Varieties of Plants, being an intergovernmental organisation established by the International Convention for the Protection of New Varieties of Plants;]

“variety” means a plant grouping within a single botanical taxon of the lowest known rank, which can be—

- (a) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes;
- (b) distinguished from any other plant grouping by the expression of at least one of those characteristics; and
- (c) considered as an entity in view of its ability to be propagated unchanged; and

“working day” means a day which is not a Saturday, Sunday, a bank holiday in Scotland (as specified in section 1 and paragraph 2 of schedule 1 of the Banking and Financial Dealings Act 1971 ^{M3}) or other public holiday.

(2) Except in the context of accompanying documents, official labels and supplier's documents, any reference to writing in these Regulations includes an electronic communication within the meaning of section 15(1) (general interpretation) of the Electronic Communications Act 2000 ^{M4}.

(3) Any other words or expressions used in these Regulations that are also used in Council Directive 2008/90/EC have the meaning they bear in that Directive.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019](#) (S.S.I. 2019/59), [regs. 1\(1\)\(b\)](#), [18\(2\)\(a\)](#) (as amended by [S.S.I. 2020/445](#), [regs. 1\(1\)\(b\)](#), [18\(2\)\(a\)\(ii\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

- F2** Words in reg. 2(1) inserted (31.12.2020) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(a), **8(a)**
- F3** Words in reg. 2(1) inserted (31.12.2020) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(a), **8(b)**
- F4** Words in reg. 2(1) inserted (31.12.2020) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(a), **8(c)**
- F5** Words in reg. 2(1) inserted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(2)(b)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **18(2)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Words in reg. 2(1) inserted (31.12.2020) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(a), **8(d)**
- F7** Words in reg. 2(1) inserted (14.12.2019) by The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019 (S.S.I. 2019/421), reg. 1(1), **sch. 5 para. 11(2)**
- F8** Words in reg. 2(1) inserted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 2(1) inserted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 2(1) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(2)(e)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **18(2)(c)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F11** Words in reg. 2(1) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(2)(f)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **18(2)(d)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F12** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(2)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(2)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in reg. 2(1) inserted (28.3.2019) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(a), **8(2)(a)**
- F15** Words in reg. 2(1) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(2)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in reg. 2(1) inserted (31.12.2020) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(a), **8(e)**
- F17** Words in reg. 2(1) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(2)(j)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in reg. 2 inserted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **9(2)**
- F19** Word in reg. 2(1) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(a), **18(2)(ja)** (as inserted by S.S.I. 2020/445, regs. 1(1)(b), **18(2)(f)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F20** Words in reg. 2(1) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(2)(k)**; 2020 c. 1, Sch. 5 para. 1(1)

F21 Words in reg. 2(1) inserted (28.3.2019) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(a), **8(2)(b)**

Marginal Citations

M2 OJ L 298, 16.10.2014, p.16.

M3 1971 c.80.

M4 2000 c.7, as amended by the Communications Act 2003 (c.21), section 406 and schedule 17, paragraph 158.

Application of these Regulations

3.—(1) Subject to paragraph (2) and regulation 4, these Regulations apply in relation to the marketing in Scotland of—

- (a) fruit plants and propagating material of the genera and species listed in schedule 1 and their hybrids; and
- (b) parts of plants, including rootstocks, of other genera or species or their hybrids, if material from fruit plants listed in schedule 1 (or any hybrid of such fruit plants) is, or is to be, grafted on to them.

(2) These Regulations do not apply in relation to plant material intended for export from Scotland to a third country provided that the plant material is identified as such and kept sufficiently isolated.

Marketing of plant materials for trials etc.

4.—(1) These Regulations do not apply to the marketing of plant material in Scotland which is intended for any of the purposes listed in paragraph (2), provided that the marketing is in accordance with an authorisation granted by an inspector.

(2) The purposes referred to in paragraph (1) are—

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

(3) The authorisation referred to in paragraph (1)—

- (a) must be in writing;
- (b) may be amended, suspended or revoked by an inspector by notice; and
- (c) may be subject to such conditions as the inspector considers necessary.

PART 2

Marketing of plant material

General requirements for marketing of plant material

5.—(1) No person may market plant material in Scotland unless—

- (a) in the case of propagating material, the plant material is—
 - (i) pre-basic material;
 - (ii) basic material;
 - (iii) certified material; or

- (iv) CAC material;
 - (b) in the case of fruit plants, the plant material is—
 - (i) basic material;
 - (ii) certified material; or
 - (iii) CAC material;
 - [^{F22}(c) in the case of plant material which consists of a genetically modified organism, the organism has been authorised for cultivation pursuant to—
 - (i) the GMO regulations,
 - (ii) Regulation (EC) No 1829/2003, or
 - (iii) before the day on which IP completion day falls, Directive 2001/18/EC;]
 - (d) in the case of plant material the products of which are intended to be used as, or in, food within the scope of Article 3 of Regulation (EC) No 1829/2003, or as, or in, feed within the scope of Article 15 of that Regulation, the food or feed concerned has been authorised pursuant to that Regulation;
 - (e) it is—
 - (i) of a variety which may be marketed under regulation 7(1) and is marketed with a reference to that variety in accordance with the relevant requirements of regulation 7(2); or
 - (ii) in the case of rootstocks which do not belong to a variety, marketed with a reference to the species or interspecific hybrid concerned;
 - (f) it is marketed in a sufficiently homogenous lot;
 - (g) subject to regulation 6(1), in the case of pre-basic material, basic material or certified material it is labelled, sealed and packaged in accordance with the relevant provisions of regulation 8 and schedule 5;
 - (h) subject to regulation 6(1), in the case of CAC material, it is accompanied by a supplier's document; and
 - (i) subject to regulation 6(3), the person is a supplier registered by the Scottish Ministers in accordance with regulation 10, or by another responsible official body, in relation to the plant material concerned.
- (2) The Scottish Ministers may^{F23} ... authorise the marketing of plant material from any country outside the [^{F24}United Kingdom] if they are satisfied the plant material has been produced under conditions equivalent to the requirements for plant material in these Regulations.
- [^{F25}(3) No person may market plant material in Scotland produced in a member State.
- (4) Paragraph (3) does not apply to plant material which meets the conditions set out in paragraph (5).
- (5) The conditions are that the plant material—
- (a) is of a variety that may be marketed under regulation 7 or has been registered as a variety by the responsible official body in a member State, in accordance with Article 4 of Commission Implementing Directive 2014/97/EU; and
 - (b) has been produced in compliance with the requirements set out in—
 - (i) Council Directive 2008/90/EC,
 - (ii) Commission Implementing Directive 2014/96/EU;
 - (iii) Commission Implementing Directive 2014/98/EU.]

Textual Amendments

- F22** Reg. 5(1)(c) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(3)(a)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **18(3)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F23** Words in reg. 5(2) omitted (28.9.2022) by virtue of The Vegetable Plant Material and Fruit Plant and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2022 (S.S.I. 2022/203), regs. 1(1), **3**
- F24** Words in reg. 5(2) substituted (31.12.2020) by The Seed, Propagating Material and Common Agricultural Policy (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/289), regs. 1(c), **4**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Reg. 5(3)-(5) inserted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(3)(b)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **18(3)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Exemptions in relation to retail supply

6.—(1) Subject to compliance with paragraph (2), in relation to the retail supply to a non-professional final consumer of—

- (a) pre-basic material, basic material, and certified material, the requirements of regulation 5(1)(g) do not apply; and
- (b) CAC material, the requirements of regulation 5(1)(h) do not apply.

(2) The plant material mentioned in paragraph (1) must be accompanied by a document containing appropriate product information.

(3) In relation to suppliers only involved in the marketing of plant material to non-professional final consumers, the requirements of regulation 5(1)(i) and regulation 15(4) do not apply.

Varieties which may be marketed

7.—(1) For the purpose of regulation 5(1)(e)(i), a variety may be marketed if it—

- (a) is subject to the grant of plant variety rights;
- (b) is a registered variety;
- (c) is the subject of an application—
 - (i) for plant variety rights; or
 - (ii) to be a registered variety;
- (d) has been marketed in the European Union prior to 30th September 2012 and has an officially recognised description; or
- (e) in relation to a variety having no intrinsic value for commercial crop production—
 - (i) has an officially recognised description; and
 - (ii) the plant material concerned is CAC material and this is identified on the accompanying label or document.

(2) For the purpose of regulation 5(1)(e)(i)—

- (a) in the case of a variety which is the subject of an application for plant variety rights, the reference must be to the breeder's reference or to the proposed name of the variety;
- (b) in the case of a registered variety, the reference must be to that registered variety; and

Status: Point in time view as at 28/09/2022.

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

- (c) in the case of a variety which is the subject of an application to be a registered variety, the reference must be to the breeder's reference or to the proposed name of the variety.
- (3) Schedule 4 on the registration of varieties has effect.

Labelling, sealing and packaging

8.—(1) For the purpose of regulation 5(1)(g), pre-basic material, basic material or, as the case may be, certified material must be labelled, sealed and packaged in accordance with this regulation and schedule 5.

(2) Subject to paragraph (3), in relation to pre-basic material, basic material and certified material an official label must be affixed—

- (a) to the plant or part of a plant being marketed; or
- (b) if it is marketed in a package, bundle or container, to that package, bundle or container.

(3) Where a lot of pre-basic material, basic material or certified material is being marketed in the same package, bundle or container, a single official label may be affixed to that package, bundle or container.

(4) An official label must be affixed in such a way that its removal would render it invalid.

^{F26}(5)

(6) A supplier may only market pre-basic material, basic material or certified material consisting of two or more lots of plants or parts of plants if those plants, or parts of plants, are in a package or container or form part of a bundle and—

- (a) in the case of a package or container, it is sealed in a way that prevents the package or container from being opened without damage to the closure; or
- (b) in the case of a bundle, it is tied in a way that prevents the plants or parts of plants from being separated without damage to the tie or ties.

Textual Amendments
F26 Reg. 8(5) omitted (14.12.2019) by virtue of [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), [sch. 5 para. 11\(3\)](#)

Accompanying document

9.—(1) Without prejudice to the requirements of regulation 8, plant material which comprises lots of different varieties or different categories of plant material may be marketed with an accompanying document produced either by the Scottish Ministers or by the supplier of the plant material concerned (under the supervision of the Scottish Ministers).

(2) Where the information stated on the official label and the information stated on the accompanying document conflict, the conflicting information on the accompanying document must be disregarded.

(3) In this regulation an “accompanying document” means a document which complies with paragraph 8 of schedule 5.

PART 3

Suppliers

Registration of suppliers

10.—(1) An application for registration of a supplier must be made to the Scottish Ministers in writing and must contain—

- (a) the information listed in regulation 11(1); and
- (b) such other information as the Scottish Ministers may reasonably require.

(2) The Scottish Ministers must register a person involved professionally in the reproduction, production, preservation, treatment, importation or marketing of plant material if they are satisfied that the person will comply with the provisions of these Regulations and otherwise must refuse to register the person.

(3) The Scottish Ministers must notify the person of any decision to register, or to refuse to register, that person within a period of 15 working days beginning with the date on which the application was received by the Scottish Ministers.

(4) The Scottish Ministers must assign a registration number in relation to each person registered in accordance with this regulation.

(5) A person who, immediately before 30th September 2012, was accredited under regulation 6 of the Marketing of Fruit Plant Material Regulations 2010 ^{M5} is to be treated as registered for the purposes of this regulation.

(6) A person who is registered as a [^{F27}professional operator for the purposes of the EU Plant Health Regulation] is to be treated as registered for the purposes of this regulation.

Textual Amendments

F27 Words in [reg. 10\(6\)](#) substituted (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), [reg. 1\(1\)](#), [sch. 5 para. 11\(4\)](#)

Marginal Citations

M5 [S.I. 2010/2079](#). Regulation 6 ceased to have effect from 30th September 2012 by virtue of regulation 6(4) of [S.I. 2010/2079](#). [S.I. 2010/2079](#) is revoked and replaced by regulation 24 these Regulations.

The register of suppliers

11.—(1) The Scottish Ministers must maintain a register of suppliers, including the following information—

- (a) the name, address and contact details of the supplier;
- (b) a list of all the activities mentioned in regulation 10(2) which are performed by the supplier in relation to plant material;
- (c) the address of the premises involved in those activities; and
- (d) a list of the main genera or species of plant material concerned.

(2) A supplier registered or applying for registration under regulation 10 must notify the Scottish Ministers of any change to the information referred to in paragraph (1).

Revocation of registration etc.

12.—(1) The Scottish Ministers must, by notice, revoke a registration if they are satisfied that the registered supplier no longer performs any of the activities which gave rise to the requirement for registration.

(2) Without prejudice to paragraph (1), the Scottish Ministers may by notice, amend, revoke or suspend a registration, if they are satisfied that—

- (a) any of the information held on the register is inaccurate; or
- (b) the supplier has failed to comply with any provision of these Regulations.

(3) Unless the Scottish Ministers otherwise direct in writing, an amendment, revocation or suspension under this regulation has immediate effect on service of the notice and continues in effect unless the registration is reinstated following an appeal under regulation 13.

Appeals

13.—(1) A person aggrieved by a decision of the Scottish Ministers either to refuse to register them under regulation 10(2) or to amend, revoke or suspend their registration under regulation 12 may appeal against the decision to a person appointed for the purpose of this regulation by the Scottish Ministers.

(2) The person appointed under paragraph (1) must consider the appeal and any representations made by the appellant or the Scottish Ministers and must recommend a course of action, in writing, to the Scottish Ministers.

(3) Following receipt of a recommendation mentioned in paragraph (2), the Scottish Ministers must make a final decision and notify the appellant in writing of that decision and the reasons for it within the period mentioned in paragraph (4).

(4) A decision under paragraph (3) must be notified within a period of 15 working days beginning with the date on which the recommendation mentioned in paragraph (2) was received by the Scottish Ministers.

Supplier's duties – identification and monitoring during production

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

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

Supplier's duties – removal of non-compliant materials and notification of disease

15.—(1) Subject to paragraph (3), a supplier must, during production, remove any mother plant or propagating material (other than rootstocks not belonging to a variety) from the vicinity of any other mother plant or propagating material of the same category if—

- (a) in the case of a pre-basic mother plant or pre-basic material, the plant, or as the case may be, the material, does not meet any of the requirements set out in paragraphs 5(1)(b) and 7 to 12 of schedule 2;

- (b) in the case of a basic mother plant or basic material, the plant, or as the case may be, the material, does not meet any of the requirements mentioned in paragraph 15(1)(c) (as read with paragraph 15(2)), (d), (e) and (f) of schedule 2; or
 - (c) in the case of a certified mother plant or certified material, the plant, or as the case may be, the material, does not meet any of the requirements mentioned in paragraph 21(1)(d) (as read with paragraph 21(2)), (e) and (f) of schedule 2.
- (2) Subject to paragraph (3), a supplier must, during production, remove any mother plant or propagating material which is a rootstock not belonging to a variety from the vicinity of any other mother plant or propagating material of the same category if, in the case of a rootstock—
- (a) within the pre-basic category, the rootstock does not meet the requirements set out in paragraphs 8 to 12 of schedule 2;
 - (b) within the basic category, the rootstock does not meet the requirements mentioned in paragraphs 16(1)(b) (as read with paragraph 16(2)) and 18 to 20 of schedule 2; or
 - (c) within the certified category, the rootstock does not meet the requirements mentioned in paragraph 16(1)(b)(i) to (v) (as read with paragraph 16(2)) of schedule 2.
- (3) A supplier may, instead of removing the plant material mentioned in paragraph (1) or (2)—
- (a) take measures to ensure the requirements of the relevant provisions referred to in paragraph (1) or, as the case may be, (2) are met; or
 - (b) if the plant material complies with the conditions for marketing set out in these Regulations in respect of another category—
 - (i) seek official certification of the plant material within that other category; or
 - (ii) if the plant material complies with the conditions for marketing of CAC material, market it as CAC material.
- (4) A supplier must notify the Scottish Ministers of the appearance on that supplier's premises of any organism listed in [F28] schedule 6 or 6A.]
- (5) In this regulation, the terms “pre-basic mother plant”, “basic mother plant” and “certified mother plant” have the meanings given to them in paragraph 1 of schedule 2.

Textual Amendments

F28 Words in [reg. 15\(4\)](#) substituted (1.7.2020) by [The Seed and Plant Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/165\)](#), regs. 1(1), **9(3)**

Supplier's duties – separation of plant materials

16.—(1) During growing, lifting or removal from parent material, a supplier must keep propagating material and fruit plants in separate lots.

- (2) A supplier must not mix propagating material which—
 - (a) fulfils the criteria for official certification within a certain category, with plant material of any other category; or
 - (b) is of one generation, with another generation of that propagating material.

Supplier's duties - record keeping

- 17.—(1)** A supplier must as soon as reasonably practicable make a record of—
- (a) all sales and purchases of plant material;

Status: Point in time view as at 28/09/2022.

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

- (b) all deliveries of plant material to and from the supplier's premises; and
 - (c) the composition and origin of any plant material of different origins mixed by the supplier during packaging, storage, transportation or delivery.
- (2) A supplier must as soon as reasonably practicable make a record of—
- (a) all plant material being produced on the supplier's premises;
 - (b) any occurrence on the supplier's premises of any organisms or diseases referred to in ^{F29}... [^{F30}schedules 6, 6A or 6B] and of any measures taken in relation to such an occurrence;
 - (c) all monitoring undertaken for the purposes of regulation 14; and
 - (d) all field inspections, sampling and testing conducted while the plant material is under the supplier's control.
- (3) Any record under paragraph (1) or (2) must be kept while the plant material is in production and for a period of at least 3 years beginning from the point at which the plant material in question is removed or marketed.

Textual Amendments

F29 Words in [reg. 17\(2\)\(b\)](#) omitted (1.7.2020) by virtue of [The Seed and Plant Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/165\)](#), regs. 1(1), **9(4)(a)**

F30 Words in [reg. 17\(2\)\(b\)](#) substituted (1.7.2020) by [The Seed and Plant Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/165\)](#), regs. 1(1), **9(4)(b)**

PART 4

Enforcement and administration etc.

Inspectors

18.—(1) The Scottish Ministers must appoint inspectors for the purposes of enforcing these Regulations.

(2) An inspector has the powers set out in schedule 8.

Notices

19.—(1) Any notice served under these Regulations must be in writing and may—

- (a) contain conditions; and
- (b) be amended, suspended or revoked in writing at any time.

(2) A notice may be served on a person by—

- (a) delivering it to that person;
- (b) leaving it at that person's proper address; or
- (c) sending it by post or by electronic means to the person's proper address.

(3) In the case of a body corporate, a notice may be served on or given to an officer of that body.

(4) In the case of a partnership, a notice may be served on or given to a partner or person having control or management of the partnership.

(5) In the case of an unincorporated association, a notice may be served on or given to an officer or a member of the governing body of the association or any other person having management responsibilities in respect of the association.

(6) For the purposes of this regulation and section 7 of the Interpretation Act 1978^{M6} (service of documents by post) in its application to this regulation, “proper address” means—

- (a) in the case of a body corporate or an officer of that body—
 - (i) the registered or principal office of that body; or
 - (ii) the email address of the officer;
- (b) in the case of a partnership or a partner or person having control or management of the partnership business—
 - (i) the principal office of the partnership; or
 - (ii) the email address of the partner or the person having that control or management;
- (c) in the case of an unincorporated association or an officer of the association—
 - (i) the principal office of the association; or
 - (ii) the email address of the officer;
- (d) in any other case, a person's last known address or email address.

(7) For the purposes of paragraph (6), the principal office of a body corporate registered outside [F31Great Britain] or of a partnership established outside [F31Great Britain] is its principal office in the United Kingdom.

(8) If the name or address of any occupier of premises on whom a notice is to be served or given under these Regulations cannot, after reasonable inquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.

(9) A notice may specify that a person in receipt of it must immediately inform an inspector of its safe receipt.

(10) In this regulation—

“director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate;

“officer”, in relation to a body corporate, means any director, manager, secretary or other similar officer of the body corporate; and

“partnership” includes a Scottish partnership, but does not include a limited liability partnership.

Textual Amendments

F31 Words in [reg. 19\(7\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(4A)** (as inserted by [S.S.I. 2020/445](#), regs. 1(1)(b), **18(5)**); 2020 c. 1, [Sch. 5](#) para.

Marginal Citations

M6 1978 c.30.

Offences and penalties

20.—(1) A person commits an offence if that person does not comply with—

- (a) an information notice served under paragraph 2 of schedule 8;

Status: Point in time view as at 28/09/2022.

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

- (b) a movement notice served under paragraph 3 of schedule 8;
- (c) an enforcement notice served under paragraph 4(1)(a) of schedule 8; or
- (d) a prohibition notice served under paragraph 4(1)(b) of schedule 8.

(2) A person who commits an offence under these Regulations is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Offences by bodies corporate, Scottish partnerships and unincorporated associations

21.—(1) Where—

- (a) an offence under these Regulations has been committed by a body corporate or a Scottish partnership or other unincorporated association; and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
 - (i) a relevant individual; or
 - (ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association, commits an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body; or
 - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a Scottish partnership, a partner; and
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

Arrangements for official measures

22.—(1) Subject to paragraph (2), the Scottish Ministers may make such arrangements as they consider necessary or desirable with any person (“A”) for the purpose of enabling A to carry out official measures on the Scottish Ministers' behalf.

(2) The Scottish Ministers must not make any arrangement under paragraph (1) unless satisfied that A will not—

- (a) derive any private gain from any official measures that A is to carry out under the arrangement; or
- (b) carry out any official measures under the arrangement except under the supervision of the Scottish Ministers.

(3) The Scottish Ministers may include in any arrangement under paragraph (1) such conditions as they consider necessary or desirable for the purposes referred to in that paragraph and paragraph (2), including conditions—

- (a) specifying—
 - (i) the official measures that A must carry out;
 - (ii) the species of plant material in respect of which A may carry out the official measures;
 - (iii) the methods to be used in connection with the carrying out of the official measures by A;

- (iv) the fees that A may charge in relation to the carrying out of the official measures by A;
- (v) the records that A must keep in connection with the carrying out of the official measures by A;
- (b) prohibiting A from—
 - (i) charging fees in relation to the official measures that A carries out under the arrangement except to the extent that these do not exceed the costs that A incurs in carrying them out;
 - (ii) carrying out the official measures except under the supervision of the Scottish Ministers;
- (c) prohibiting A from making any further arrangement with any other person (“B”) for any purpose in connection with the carrying out of the official measures that A has arranged with the Scottish Ministers under paragraph (1) to carry out, unless—
 - (i) the Scottish Ministers have approved the proposed conditions of the further arrangement and A has received the prior written approval of the Scottish Ministers to make the further arrangement;
 - (ii) the further arrangement includes a condition prohibiting B from making any subsequent arrangement for any purpose connected with the carrying out of the official measures in respect of which the Scottish Ministers made the arrangement under paragraph (1) with A;
 - (iii) the further arrangement includes an acknowledgment by A that the Scottish Ministers may vary, revoke or suspend the further arrangement if it appears to the Scottish Ministers that B is not complying, or has failed to comply, with any condition of the further arrangement; and
 - (iv) the further arrangement includes the conditions specified in sub-paragraphs (a) and (b) of this paragraph and for these purposes references in those sub-paragraphs to A are to be construed as references to B and references to “the arrangement” are to be construed as references to the further arrangement.
- (4) The Scottish Ministers must not approve the making of any further arrangement under (3)(c)(i) unless satisfied that B will not—
 - (a) derive any private gain from any official measures that B is to be authorised to carry out under the further arrangement; or
 - (b) carry out any official measures under the further arrangement except under the supervision of the Scottish Ministers.
- (5) The Scottish Ministers may, by giving notice to A or B (as the case may be), vary, suspend or revoke an arrangement under paragraph (1) or further arrangement under paragraph (3)(c)(i), or any conditions of an arrangement or further arrangement made under this regulation.
- (6) A notice given under paragraph (5) must specify—
 - (a) in the case of a variation or revocation, the date from which the variation or revocation takes effect;
 - (b) in the case of a suspension, the period during which the suspension has effect.
- (7) When a variation, revocation or suspension has effect, the Scottish Ministers may, for any purposes in relation to these Regulations, continue to have regard to such of the official measures carried out under an arrangement (or further arrangement) which was varied, revoked or suspended as appear to the Scottish Ministers to be official measures carried out in accordance with the provisions of these Regulations.

(8) In this regulation, “official measures” include official inspections.

PART 5

General

Transitional provision

23.—(1) This regulation applies where plant material is produced from a parent plant existing before 1st July 2017.

(2) A supplier may until 31st December 2022 market the plant material mentioned in paragraph (1) provided—

- (a) the parent plant meets any certification or CAC material requirements relevant to it under the Marketing of Fruit Plant Material Regulations 2010 ^{M7}; and
- (b) the supplier's document accompanying it, or the official label affixed to it, includes a reference to Article 32 of Commission Implementing Directive 2014/98/EU.

Marginal Citations

M7 [S.I. 2010/2079](#).

[^{F32}Transitional provision for official labels on IP completion day

23A. A label pre-printed before IP completion day which at the date on which it was printed was an official label for the purposes of these Regulations, is to be treated as an official label for plant material, for the purposes of any use of that label before the end of the period of twelve months beginning with the day after the day on which IP completion day falls.]

Textual Amendments

F32 Reg. 23A inserted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(5)** (as amended by [S.S.I. 2020/445](#), regs. 1(1)(b), **18(6)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

[^{F33}Transitional provisions for supplier's documents affixed to CAC material

23ZA.—(1) This regulation applies where CAC material—

- (a) has affixed to it, in the form of a label, a supplier's document in a colour other than yellow, and
- (b) such supplier's document was in use before 1 April 2020.

(2) Notwithstanding paragraph 6A of Part 2 (supplier's documents for CAC material) of schedule 5 (official labels, supplier's documents and accompanying documents), a supplier may market in Scotland CAC material described in paragraph (1).

(3) A supplier who markets CAC material described in paragraph (1) must ensure that the supplier's document states that it is marketed in accordance with Article 3 of Commission Implementing Directive 2019/1813.

(4) This regulation ceases to have effect on 30 June 2021.]

Textual Amendments

F33 Reg. 23ZA inserted (1.4.2020) by The Marketing of Fruit Plant and Propagating Material (Scotland) Amendment Regulations 2020 (S.S.I. 2020/34), regs. 1(1), **2(2)**

Revocation

24. The Marketing of Fruit Plant Material Regulations 2010 are revoked.

St Andrew's House,
Edinburgh

FERGUS EWING
A member of the Scottish Government

Status: Point in time view as at 28/09/2022.

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

SCHEDULE 1

Regulations 2(1) and 3(1)

Genera and Species to which these Regulations apply

Modifications etc. (not altering text)

- C2** Sch. 1: 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), **19(1)** (with reg. 19(2))

<i>Genera and species</i>	<i>Common name (for guidance only)</i>
<i>Castanea sativa</i> Mill.	Chestnut
<i>Citrus</i> L.	Includes grapefruit, lemon, lime, mandarin and orange
<i>Corylus avellana</i> L.	Hazelnut
<i>Cydonia oblonga</i> Mill.	Quince
<i>Ficus carica</i> L.	Common edible fig
<i>Fortunella</i> Swingle	Kumquat
<i>Fragaria</i> L.	Strawberry
<i>Juglans regia</i> L.	Walnut
<i>Malus</i> Mill.	Apple
<i>Olea europaea</i> L.	Olive
<i>Pistacia vera</i> L.	Pistachio
<i>Poncirus</i> Raf.	Trifoliolate orange
<i>Prunus armeniaca</i> L.	Apricot
<i>Prunus avium</i> (L.) L.	Sweet cherry
<i>Prunus cerasus</i> L.	Sour cherry
<i>Prunus domestica</i> L.	Plum
<i>Prunus dulcis</i> (Mill.) D A Webb (also known as <i>Prunus amygdalus</i> Batsch)	Almond
<i>Prunus persica</i> (L.) Batsch	Peach and nectarine
<i>Prunus salicina</i> Lindley	Japanese plum
<i>Pyrus</i> L.	Pears
<i>Ribes</i> L.	Blackcurrant, gooseberry, red currant and white currant
<i>Rubus</i> L.	Blackberry, raspberry and hybrid berries
<i>Vaccinium</i> L.	Blueberry, cranberry and bilberry.

SCHEDULE 2

Regulation 2(1) and 15(1)

Certification requirements

Modifications etc. (not altering text)

- C3** Sch. 2: 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 1

General

Interpretation

1. In this schedule—

“administrative checks” means administrative checks performed by or on behalf of the Scottish Ministers for the purposes of these Regulations, including but not limited to checking records kept by a supplier pursuant to regulation 17;

“appropriate EPPO protocol” means—

- (a) a protocol published by the European and Mediterranean Plant Protection Organisation in relation to the particular activity (such as, but not limited to, sampling and testing or multiplication, renewal and propagation of mother plants) and the particular genus or species concerned^{M8};
- (b) where no such protocol as mentioned in sub-paragraph (a) exists, a protocol in relation to the same type of activity as so mentioned, which has international recognition; or
- (c) where neither protocol as mentioned in sub-paragraph (a) or (b) exists, a protocol established by the Scottish Ministers in relation to the same type of activity mentioned in sub-paragraph (a).

“basic mother plant” means a mother plant intended for the production of basic material;

“candidate pre-basic mother plant” means a mother plant which the supplier intends to have accepted as a pre-basic mother plant;

“certified mother plant” means a mother plant intended for the production of certified material;

“cryopreservation” means the maintenance of plant material by cooling to ultra-low temperatures, in order to retain the viability of the material;

“directly propagated” means propagated by renewal, multiplication or micropropagation;

“fruiting plant” means a plant propagated from a mother plant and grown for the production of fruit in order to permit the verification of the varietal identity of the mother plant;

“micropropagation” means the multiplication of plant material in order to produce a large number of plants, using *in vitro* culture of differentiated vegetative buds or differentiated vegetative meristems taken from a plant;

“mother plant” means a plant identified for propagation;

“multiplication” means vegetative production of mother plants in order to obtain a sufficient number of mother plants in the same category;

Status: Point in time view as at 28/09/2022.

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

“official inspection” means any visual inspection, and, where appropriate, sampling and testing conducted by or on behalf of the Scottish Ministers for the purposes of these Regulations;

“practically free from defects” means that defects likely to impair the quality and usefulness of the propagating material or fruit plants are present at a level equal to, or lower than, the level expected to result from good cultivating and handling practices, and that level is consistent with good cultivating and handling practices;

“pre-basic mother plant” means a mother plant intended for the production of pre-basic material;

“renewal”, in relation to a mother plant, means replacing a mother plant with a plant vegetatively produced from it; and

“visual inspection” means the examination of plants or parts of plants using the unaided eye, lens, stereoscope or microscope and which, in relation to fruiting plants, is conducted during the most appropriate periods of the year (taking into account climatic and growing conditions of the plants of the genera or species concerned).

Marginal Citations

M8 A list of applicable published protocols is available at <http://archives.eppo.int/index.htm>.

Provisions on official inspections

2.—(1) An official inspection must pay particular attention to—

- (a) the suitability and actual use of methods by the supplier for checking each of the critical points in the production process; and
- (b) the overall competence of the supplier's staff to carry out the activities mentioned in regulations 14, 15 and 16.

(2) The Scottish Ministers must ensure that records of the results and the dates of all field inspections, sampling and testing conducted by, or on behalf of, the Scottish Ministers are produced and kept.

PART 2

Pre-basic material

Pre-basic material (other than mother plants and rootstocks not belonging to a variety)

3. Propagating material, other than mother plants and rootstocks which do not belong to a variety, may be officially certified as pre-basic material if it has been found on official inspection and, where appropriate, through administrative checks, to fulfil the following requirements:—

- (a) it is directly propagated from a pre-basic mother plant in accordance with paragraph 13 or 14;
- (b) the pre-basic mother plant mentioned in sub-paragraph (a)—
 - (i) is accepted in accordance with paragraph 5;
 - (ii) has been obtained by multiplication in accordance with paragraph 13; or
 - (iii) has been obtained by micropropagation in accordance with paragraph 14;
- (c) it is true to the description of its variety and this is verified in accordance with paragraph 7;
- (d) it is maintained in accordance with the requirements of paragraph 8;

- (e) it complies with the requirements concerning health in paragraph 10;
- (f) where it has been grown in the field under non-insect proof conditions,^{F34} ... the soil in which it has been grown complies with paragraph 11; and
- (g) it complies with the requirements concerning defects in paragraph 12.

Textual Amendments

F34 Words in sch. 2 para. 3(f) omitted (31.12.2020) by virtue of [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Rootstocks not belonging to a variety

4. A rootstock which does not belong to a variety may be certified as pre-basic material if it has been found on official inspection and, where appropriate, through administrative checks, to fulfil the following requirements:—

- (a) it is directly propagated by vegetative or sexual propagation from a mother plant;
- (b) the mother plant mentioned in (a)—
 - (i) is accepted in accordance with paragraph 6;
 - (ii) has been obtained by multiplication in accordance with paragraph 13; or
 - (iii) has been obtained by micropropagation in accordance with paragraph 14;
- (c) where it is directly propagated from a mother plant by sexual propagation, the pollinating trees are directly produced by vegetative propagation from a mother plant;
- (d) it is true to the description of its species;
- (e) it is maintained in accordance with the requirements of paragraph 8;
- (f) it complies with the requirements concerning health in paragraph 10;
- (g) where it has been grown in the field under non-insect proof conditions,^{F35} ... the soil in which it has been grown complies with paragraph 11; and
- (h) it complies with the requirements concerning defects in paragraph 12.

Textual Amendments

F35 Words in sch. 2 para. 4(g) omitted (31.12.2020) by virtue of [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Acceptance of plants as pre-basic mother plants

5.—(1) Subject to sub-paragraph (4) the Scottish Ministers may accept a plant as a pre-basic mother plant if it has been found on official inspection and, where appropriate, through administrative checks, that—

- (a) there has been compliance with paragraphs 8 to 12; and
- (b) its trueness to the description of its variety is—
 - (i) established in accordance with sub-paragraphs (2) and (3); and
 - (ii) verified in accordance with paragraph 7.

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

(2) The trueness of the pre-basic mother plant to the description of its variety must be established by observation of the expression of the characteristics of the variety and such observation must be based on one of the following descriptions:—

- (a) the official description of the variety;
- (b) the description accompanying the application to be a registered variety;
- (c) the description accompanying the application for the grant of plant variety rights; or
- (d) the officially recognised description, if the variety in question is a registered variety.

(3) Where the establishment of the trueness to the description of the variety is only possible on the basis of the characteristics of a fruiting plant—

- (a) the observation of the expression of the characteristics of the variety must be carried out on the fruits of a fruiting plant propagated from the pre-basic mother plant; and
- (b) the fruiting plant mentioned in head (a) must be kept separate from the pre-basic mother plant and pre-basic material.

(4) If the observation mentioned in sub-paragraph (2) is based on a description mentioned in either head (b) or (c) of sub-paragraph (2), the pre-basic mother plant may only be accepted—

- [^{F36}(a) following production of a report from the responsible official body which proves that the variety in question is distinct, uniform and stable; and]
- (b) pending registration of the variety, the pre-basic mother plant and any material produced from it may only be used for the production of basic or certified material and may not be marketed as pre-basic, basic or certified material.

Textual Amendments

F36 Sch. 2 para. 5(4)(a) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Acceptance of rootstocks not belonging to a variety as a pre-basic mother plant

6. The Scottish Ministers may accept a rootstock which does not belong to a variety as a pre-basic mother plant if it has been found on official inspection, and, where appropriate, through administrative checks, that—

- (a) it is true to the description of its species; and
- (b) there has been compliance with paragraphs 8 to 12.

Verification of trueness to the description of variety

7.—(1) The trueness of pre-basic mother plants and pre-basic material to the description of their variety must be regularly verified by the Scottish Ministers and, where appropriate, by the supplier, in accordance with the requirements of paragraph 5(2) and (3) and in a manner appropriate to the variety concerned and the propagation method used.

(2) In addition to the regular verification mentioned in sub-paragraph (1), the Scottish Ministers and, where appropriate, the supplier must verify the trueness of pre-basic mother plants resulting from any renewal of the pre-basic mother plants or pre-basic material.

Maintenance of pre-basic mother plants and pre-basic material

8.—(1) Subject to sub-paragraph (6), candidate pre-basic mother plants, pre-basic mother plants and pre-basic material must be maintained by the supplier in facilities designated for the genera

and species concerned and which are insect proof and ensure freedom from infection through aerial vectors and any other possible sources throughout the production process.

(2) Subject to sub-paragraph (6), candidate pre-basic mother plants must be kept physically isolated from pre-basic mother plants until it is established that they are free from the pests described in paragraph 9(1) and (2).

(3) Pre-basic mother plants and pre-basic material must be—

- (a) subject to sub-paragraph (6), grown or produced and isolated from the soil, in pots of soil-free or of sterilised growing media;
- (b) identified by labels to ensure their traceability; and
- (c) subject to sub-paragraph (6), maintained in a manner which ensures that they are individually identified throughout the production process.

(4) Pre-basic mother plants and pre-basic material may be maintained by cryopreservation.

(5) Pre-basic mother plants may only be used for a period as calculated in accordance with the appropriate EPPO protocol on the basis of—

- (a) the stability of the variety;
- (b) the environmental conditions under which they are grown; and
- (c) any other determinants having an impact on the stability of the variety.

(6) ^{F37}... Pre-basic mother plants and pre-basic material may be produced in the field under non-insect proof conditions provided that—

- (a) the pre-basic mother plants or pre-basic material concerned are identified by a label ensuring their traceability; and
- (b) appropriate measures are taken to prevent infection of the plants by any possible sources, including by—
 - (i) aerial vectors;
 - (ii) root contact; and
 - (iii) cross infection by machinery and grafting tools.

Textual Amendments

F37 Words in [sch. 2 para. 8\(6\)](#) omitted (31.12.2020) by virtue of [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(6)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Health requirements for candidate pre-basic mother plants and for pre-basic mother plants produced by renewal

9.—(1) A candidate pre-basic mother plant must be found free, on the basis of visual inspection of the facilities and fields, from the pests listed in ^{F38}... schedule 6, in relation to the particular genus or species concerned and, if there are doubts concerning the presence of such pests, there must be sampling and testing of the candidate pre-basic mother plant concerned.

(2) Subject to sub-paragraph (3), a candidate pre-basic mother plant must be found free, on the basis of visual inspection and by sampling and testing, from the pests listed in [^{F39}schedule 6A], in relation to the particular genus or species concerned.

(3) Where a candidate pre-basic mother plant is a seedling, visual inspection, sampling and testing is only required in relation to viruses, viroids or virus-like diseases transmitted by pollen which are

Status: Point in time view as at 28/09/2022.

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

listed in [^{F40}schedule 6A] in relation to the particular genus or species concerned, provided that an official inspection has confirmed that the seedling—

- (a) was grown from a seed produced by a plant free from symptoms caused by those viruses, viroids or virus-like diseases; and
 - (b) it has been maintained in accordance with paragraph 8(1) and 8(3)(a) and (b).
- (4) A pre-basic mother plant produced by renewal must be found free—
- (a) on the basis of visual inspection of the facilities and fields from the pests listed in ^{F41}... schedule 6 in relation to the particular genus or species concerned and, if there are doubts concerning the presence of such pests, there must be sampling and testing of the relevant pre-basic mother plant; and
 - (b) on the basis of visual inspection of the facilities, fields and lots and by sampling and testing in relation to the viruses and viroids listed in [^{F42}schedule 6A].
- (5) In this paragraph, a reference to “sampling and testing” means sampling and testing carried out by or on behalf of the Scottish Ministers and, where appropriate, by the supplier—
- (a) at the most appropriate time of the year, taking into account the climatic conditions, the growing conditions of the plant and the biology of the pests relevant to that plant;
 - (b) at any time of the year in the event of doubts concerning the presence of a relevant pest in accordance with the appropriate EPPO protocol;
 - (c) through submission of samples to laboratories approved by the Scottish Ministers for the purposes of such sampling and testing; and
 - (d) in the case of candidate pre-basic mother plants which are being tested for viruses, viroids, virus-like diseases and phytoplasmas, using the testing method of biological indexing on indicator plants or such other testing method as the Scottish Ministers may authorise, having regard to peer reviewed scientific evidence showing that the other testing method is as reliable as biological indexing on indicator plants.

Textual Amendments

- F38** Words in sch. 2 para. 9(1) omitted (1.7.2020) by virtue of The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **9(5)(a)(i)(aa)**
- F39** Words in sch. 2 para. 9(2) substituted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **9(5)(a)(i)(bb)**
- F40** Words in sch. 2 para. 9(3) substituted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **9(5)(a)(i)(cc)**
- F41** Words in sch. 2 para. 9(4)(a) omitted (1.7.2020) by virtue of The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **9(5)(a)(i)(dd)**
- F42** Words in sch. 2 para. 9(4)(b) substituted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **9(5)(a)(i)(ee)**

[^{F43}Health requirements for pre-basic mother plants and for pre-basic material

10.—(1) A pre-basic mother plant or pre-basic material must, by visual inspection in the facilities, fields and lots, be found free from the RNQPs listed in schedules 6 and 6A in accordance with the provisions of column 3 of schedule 7, as regards the genus or species concerned.

(2) The visual inspection mentioned in sub-paragraph (1) must be carried out by or on behalf of the Scottish Ministers and, where appropriate, the supplier.

(3) The Scottish Ministers, persons acting on their behalf and, where appropriate, the supplier must carry out sampling and testing of the pre-basic mother plant or pre-basic material for the RNQPs

listed in schedule 6A, in accordance with the provisions of column 4 of schedule 7, with regard to the genus or species concerned and category.

(4) Where there are doubts concerning the presence of the RNQPs listed in schedule 6, the Scottish Ministers, persons acting on their behalf and, where appropriate, the supplier must carry out sampling and testing of the pre-basic mother plant or pre-basic material concerned.

(5) In relation to the sampling and testing referred to in sub-paragraphs (3) and (4)—

(a) Scottish Ministers, persons acting on their behalf and the supplier must—

(i) apply protocols of EPPO, or other internationally recognised protocols, or

(ii) where the protocols referred to in sub-head (i) do not exist—

(aa) apply the relevant protocols established at national level, and

^{F44}(bb)

(b) where appropriate, the supplier must submit the samples to laboratories officially accepted by the Scottish Ministers.

(6) In the event of a positive test result for any of the RNQPs listed in schedules 6 and 6A, as regards the genus or species concerned, the supplier must remove the infested pre-basic mother plant or pre-basic material from the vicinity of other pre-basic mother plants and pre-basic material pursuant to regulation 15, or take appropriate measures pursuant to columns 4 and 5 of schedule 7.

(7) The measures to ensure compliance with the requirements of sub-paragraphs (1) to (4) are set out in schedule 7, with regard to the genus or species concerned and category.

(8) Sub-paragraphs (1) to (4) do not apply to pre-basic mother plants and pre-basic material during cryopreservation.]

Textual Amendments

F43 Sch. 2 para. 10 substituted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **9(5)(a)(ii)**

F44 Sch. 2 para. 10(5)(a)(ii)(bb) omitted (31.12.2020) by virtue of The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(6)(d)**; (as inserted by S.S.I. 2020/445, regs. 1(1)(b), **18(7)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Soil requirements [^{F45}for pre-basic mother plants and pre-basic material]

11.—(1) Subject to sub-paragraphs (2) and (3), pre-basic mother plants and pre-basic material must only be grown in soil which is found, on the basis of sampling and testing carried out prior to the planting of such plants and material, to be free from any pest listed in [^{F46}schedule 6B] for the genus or species concerned and which may host viruses affecting that genus or species.

(2) Sampling and testing is not required under sub-paragraph (1) if—

(a) there have been no plants which are hosts for any of the pests listed in [^{F46}schedule 6B] grown in the relevant soil for a period of at least 5 years prior to the planting of the pre-basic mother plants and pre-basic material mentioned in sub-paragraph (1) and where there is no doubt concerning the absence of the relevant pests in the soil; or

(b) an official inspection is carried out which concludes that the soil is free from any of the pests listed in [^{F46}schedule 6B] for the genus or species concerned and which may host viruses affecting that genus or species.

Status: Point in time view as at 28/09/2022.

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

(3) Sampling and testing of the soil must be carried out during the growing period of the pre-basic mother plant or pre-basic material mentioned in sub-paragraph (1) where there is suspicion concerning the presence of the pests listed in [F46]schedule 6B]

(4) In this paragraph, “sampling and testing” means sampling and testing carried out by or on behalf of the Scottish Ministers and, where appropriate, by the supplier—

- (a) in accordance with the appropriate EPPO protocol; and
- (b) taking into account the climatic conditions and the biology of the pests listed in [F46]schedule 6B] and their relevance to the pre-basic mother plants or pre-basic material concerned.

Textual Amendments

F45 Words in sch. 2 para. 11 heading inserted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), 9(5)(a)(iii)(aa)

F46 Words in sch. 2 para. 11 substituted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), 9(5)(a)(iii)(bb)

Defects

12.—(1) Pre-basic mother plants and pre-basic material must be found, on visual inspection, to be practically free from defects.

(2) Injuries, discoloration, scar tissues or dessication must be considered as defects if they affect the quality and usefulness of a mother plant or plant material as propagating material.

Requirements concerning multiplication, renewal and propagation of pre-basic mother plants

13.—(1) Subject to sub-paragraph (4), a supplier may multiply a pre-basic mother plant which has been accepted under paragraph 5.

- (2) Subject to sub-paragraph (4), the supplier may renew a pre-basic mother plant which—
 - (a) has been accepted under paragraph 5; and
 - (b) during the period described in paragraph 8(5).

(3) Subject to sub-paragraph (4), the supplier may propagate a pre-basic mother plant which has been accepted under paragraph 5 to produce pre-basic material.

(4) The multiplication, renewal and propagation described in sub-paragraphs (1) to (3) must be carried out in accordance with the appropriate EPPO protocol, provided that such protocol has been tested on the relevant genus or species for a period of time considered sufficient to allow phenotype validation of the plants as regards the trueness to the description of the variety based on the observation of the fruit production or of the vegetative development of rootstocks.

Requirements concerning multiplication, renewal and propagation by micropropagation of pre-basic mother plants

14. A supplier may multiply, renew or propagate a pre-basic mother plant which has been accepted under paragraph 5 by micropropagation for the purpose of producing other pre-basic mother plants or pre-basic material, provided that—

- (a) the multiplication, renewal or propagation by micropropagation is carried out in accordance with the appropriate EPPO protocol; and

- (b) the appropriate EPPO protocol has been tested on the relevant genus or species for a period of time considered sufficient to allow phenotype validation of the plants as regards the trueness to the description of the variety based on the observation of the fruit production or of the vegetative development of rootstocks.

PART 3

Basic material

Requirements for the certification of basic material

15.—(1) Propagating material other than basic mother plants or rootstocks which do not belong to a variety may be officially certified as basic material if it has been found on official inspection and, where appropriate, through administrative checks, to fulfil the following requirements:—

- (a) it has been propagated from a basic mother plant;
 - (b) the basic mother plant mentioned in head (a)—
 - (i) has been grown from pre-basic material; or
 - (ii) has been produced by multiplication from a basic mother plant, in accordance with paragraph 20;
 - (c) it complies with the requirements in paragraphs 7, 8(5) and 12;
 - (d) it complies with the requirements in paragraph 8(3)(c);
 - (e) it complies with the requirements in paragraph 17;
 - (f) it complies with the requirements in paragraph 18;
 - (g) it is maintained in accordance with paragraph 19; and
 - (h) there has been compliance with the requirements concerning multiplication and multiplication by micropropagation in paragraph 20.
- (2) For the purposes of sub-paragraph (1)(c) references in paragraphs 7, 8(5) and 12 to—
- (a) pre-basic mother plants may be construed as references to basic mother plants; and
 - (b) pre-basic material may be construed as references to basic material.

Rootstocks not belonging to a variety

16.—(1) A rootstock which does not belong to a variety may be officially certified as basic material if it has been found on official inspection and, where appropriate, through administrative checks, to fulfil the following requirements:—

- (a) it is true to the description of its species;
- (b) it complies with the requirements in—
 - (i) paragraph 8(3)(c);
 - (ii) paragraph 8(5);
 - (iii) paragraph 12;
 - (iv) paragraph 17;
 - (v) paragraph 18;
 - (vi) paragraph 19; and
 - (vii) paragraph 20.

Status: Point in time view as at 28/09/2022.

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

- (2) For the purposes of sub-paragraph (1)(b)(i), (ii) and (iii), references in paragraphs 8(3)(c) and (5) and 12 to—
 - (a) pre-basic mother plants, may be construed as references to basic mother plants; and
 - (b) pre-basic material, may be construed as references to basic material.

[^{F47}Health requirements for basic mother plants and basic material

17.—(1) A basic mother plant or basic material must, by visual inspection in the facilities, fields and lots, be found free from the RNQPs listed in schedules 6 and 6A in accordance with the provisions of column 3 of schedule 7, as regards the genus or species concerned.

(2) The visual inspection referred to in sub-paragraph (1) must be carried out by or on behalf of the Scottish Ministers and, where appropriate, the supplier.

(3) The Scottish Ministers, persons acting on their behalf and, where appropriate, the supplier must carry out sampling and testing of the basic mother plant or basic material for the RNQPs listed in schedule 6A in accordance with the provisions of column 4 of schedule 7, with regard to the genus or species concerned and category.

(4) Where there are doubts concerning the presence of the RNQPs listed in schedule 6, the Scottish Ministers, persons acting on their behalf and, where appropriate, the supplier must carry out sampling and testing of the basic mother plant or basic material concerned.

(5) In relation to the sampling and testing referred to in sub-paragraphs (3) and (4)—

- (a) Scottish Ministers, persons acting on their behalf and the supplier must—
 - (i) apply protocols of EPPO, or other internationally recognised protocols, or
 - (ii) where the protocols referred to in sub-head (i) do not exist—
 - (aa) apply the relevant protocols established at national level, and
 - ^{F48}(bb)

(b) where appropriate, the supplier must submit samples to laboratories officially accepted by the Scottish Ministers.

(6) In the event of a positive test result for any of the RNQPs listed in schedules 6 and 6A, as regards the genus or species concerned, the supplier must remove the infested basic mother plant or basic material from the vicinity of other basic mother plants and basic material pursuant to regulation 15, or take appropriate measures pursuant to columns 4 and 5 of schedule 7.

(7) The measures to ensure compliance with the requirements of sub-paragraphs (1) to (4) are set out in schedule 7, with regard to the genus or species concerned and category.

(8) Sub-paragraphs (1) to (4) do not apply to basic mother plants and basic material during cryopreservation.]

Textual Amendments

- F47** Sch. 2 para. 17 substituted (1.7.2020) by [The Seed and Plant Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/165\)](#), regs. 1(1), **9(5)(b)(i)**
- F48** Sch. 2 para. 17(5)(a)(ii)(bb) omitted (31.12.2020) by virtue of [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(6)(e)** (as inserted by S.S.I. 2020/445, regs. 1(1)(b), **18(7)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Soil requirements ^{F49}for basic mother plants and basic material

18.—(1) Subject to sub-paragraphs (2) and (3), basic mother plants and basic material must only be grown in soil which is found, on the basis of sampling and testing carried out prior to the planting of such plants and material, to be free from any pest listed in ^{F50}schedule 6B] for the genus or species concerned and which may host viruses affecting that genus or species.

(2) Sampling and testing is not required under sub-paragraph (1) if—

- (a) there have been no plants which are hosts for the pests listed in ^{F50}schedule 6B] grown in the relevant soil for a period of at least 5 years prior to the planting of the basic mother plants and basic material mentioned in sub-paragraph (1) and where there is no doubt concerning the absence of the relevant pests in the soil; or
- (b) an official inspection is carried out which concludes that the soil is free from any of the pests listed in ^{F50}schedule 6B] for the genus or species concerned and which is host to viruses affecting that genus or species.

(3) Sampling and testing of the soil must be carried out during the growing period of the basic mother plant or basic material mentioned in sub-paragraph (1) where there is suspicion concerning the presence of the pests mentioned in that sub-paragraph.

(4) In this paragraph, “sampling and testing” means sampling and testing carried out by or on behalf of the Scottish Ministers and, where appropriate, by the supplier—

- (a) in accordance with the appropriate EPPO protocol; and
- (b) taking into account the climatic conditions and the biology of the pests listed in ^{F50}schedule 6B] and their relevance to the basic mother plants or basic material concerned.

Textual Amendments

F49 Words in [sch. 2 para. 18](#) heading inserted (1.7.2020) by [The Seed and Plant Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/165\)](#), regs. 1(1), **9(5)(b)(ii)(aa)**

F50 Words in [sch. 2 para. 18](#) substituted (1.7.2020) by [The Seed and Plant Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/165\)](#), regs. 1(1), **9(5)(b)(ii)(bb)**

Requirements concerning the maintenance of basic mother plants and basic material

19.—(1) Basic mother plants and basic material must be maintained in fields isolated from potential sources of infection by aerial vectors, root contact, cross infection by machinery or grafting tools and from any other possible sources.

(2) An inspector may determine the distance at which the fields mentioned in sub-paragraph (1) must be isolated from potential sources of infection as mentioned in sub-paragraph (1), having regard to regional circumstances, the type of propagating material, the presence of pests in the area concerned and the relevant risks which are involved.

(3) Basic mother plants and basic material must be maintained in a manner that ensures that they are individually identified throughout the production process.

Conditions for multiplication and multiplication by micropropagation of basic mother plants

20.—(1) Subject to sub-paragraphs (2) to (5), a basic mother plant mentioned in paragraph 15(1)(b)(i) may be multiplied or multiplied by micropropagation in order to produce the necessary number of basic mother plants.

(2) The multiplication or multiplication by micropropagation mentioned in sub-paragraph (1) must be carried out in accordance with the appropriate EPPO protocol, provided that such protocol

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

has been tested on the relevant genus or species for a period of time considered sufficient to allow phenotype validation of the plants as regards the trueness to the description of the variety based on the observation of the fruit production or of the vegetative development of rootstocks.

(3) In relation to the multiplication, or multiplication by micropropagation, of a basic mother plant of a particular genus or species listed in column 1 of the Table in sub-paragraph (5), the basic mother plant—

- (a) may be multiplied for the maximum number of generations prescribed for that genus or species in the corresponding entry in column 2 of that Table; and
- (b) may not be maintained as a basic mother plant beyond any period which may be prescribed in the corresponding entry in column 3 of that Table.

(4) Where rootstocks are part of the basic mother plant, the rootstock must be basic material of the first generation.

(5) Where, in respect of a particular genus or species listed in column 1 of the Table in this sub-paragraph, multiple generations of basic mother plants are prescribed in column 2 of that Table, each generation of basic mother plant, other than the first one, may derive from any previous generation.

Table of maximum permitted number of generations in the field under non-insect proof conditions and maximum permitted life span of basic mother plants per genera or species.

<i>Column 1</i> <i>Genera or species</i>	<i>Column 2</i> <i>Maximum number of generations</i>	<i>Column 3</i> <i>of Maximum permitted life span</i>
<i>Castanea sativa</i> Mill.	2 generations; or if the basic mother plant is a rootstock, 3 generations	
<i>Citrus</i> L., <i>Fortunella</i> Swingle and <i>Poncirus</i> Raf.	1 generation; or if the basic mother plant is a rootstock, 3 generations	
<i>Corylus avellana</i> L.	2 generations	
<i>Cydonia oblonga</i> Mill., <i>Malus</i> Mill. and <i>Pyrus</i> L.	2 generations; or if the basic mother plant is a rootstock, 3 generations	
<i>Ficus carica</i> L.	2 generations	
<i>Fragaria</i> L.	5 generations	
<i>Juglans regia</i> L.	2 generations	
<i>Olea europaea</i> L.	1 generation	
<i>Prunus amygdalus</i> , <i>P. armeniaca</i> , <i>P. domestica</i> , <i>P. persica</i> and <i>P. salicina</i>	2 generations; or if the basic mother plant is a rootstock, 3 generations	
<i>Prunus avium</i> and <i>P. cerasus</i>	2 generations; or if the basic mother plant is a rootstock, 3 generations	
<i>Ribes</i> L.	3 generations	6 years

<i>Rubus</i> L.	2 generations	4 years
<i>Vaccinium</i> L.	2 generations	

PART 4

Certified material

Requirements for certification as certified material

21.—(1) Propagating material other than mother plants or a fruit plant may be officially certified as certified material if it has been found on official inspection and, where appropriate, through administrative checks, to fulfil the following requirements:—

- (a) it has been propagated from a certified mother plant;
 - (b) the certified mother plant mentioned in head (a) has been grown from pre-basic material or basic material;
 - (c) the certified mother plant mentioned in head (a) complies with the requirements in paragraph 24;
 - (d) it complies with the requirements in—
 - (i) paragraph 7;
 - (ii) paragraph 8(5); and
 - (iii) paragraph 12;
 - (e) it complies with the requirements in paragraph 23; and
 - (f) it complies with the requirements in paragraph 24.
- (2) For the purposes of sub-paragraph (1)(d), references in paragraphs 7, 8(5) and 12 to—
- (a) pre-basic mother plants, may be construed as references to certified mother plants; and
 - (b) pre-basic material, may be construed as references to certified material.

Rootstocks not belonging to a variety

22.—(1) A rootstock which does not belong to a variety may be officially certified as certified material if it has been found on official inspection and, where appropriate, through administrative checks, to fulfil the following requirements:—

- (a) it is true to the description of its species;
 - (b) it complies with the requirements in—
 - (i) paragraph 8(5); and
 - (ii) paragraph 12; and
 - (c) it complies with the requirements in paragraphs 23 and 24.
- (2) For the purposes of sub-paragraph (1)(b), references in paragraphs 8(5) and 12 to—
- (a) pre-basic mother plants, may be construed as references to certified mother plants; and
 - (b) pre-basic material may, be construed as references to certified material.

Status: Point in time view as at 28/09/2022.

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

[^{F51}Health requirements for certified mother plants and certified material

23.—(1) A certified mother plant or certified material must, by visual inspection in the facilities, fields and lots, be found free from the RNQPs listed in schedules 6 and 6A in accordance with the provisions of column 3 of schedule 7, as regards the genus or species concerned.

(2) The visual inspection referred to in sub-paragraph (1) must be carried out by or on behalf of the Scottish Ministers and, where appropriate, the supplier.

(3) The Scottish Ministers, persons acting on their behalf and, where appropriate, the supplier must carry out sampling and testing of the certified mother plant or certified material for the RNQPs listed in schedule 6A in accordance with the provisions of column 4 of schedule 7, with regard to the genus or species concerned and category.

(4) Where there are doubts concerning the presence of the RNQPs listed in schedule 6, the Scottish Ministers, persons acting on their behalf and, where appropriate, the supplier must carry out sampling and testing of the certified mother plant or certified material concerned.

(5) In relation to the sampling and testing referred to in sub-paragraphs (3) and (4)—

(a) Scottish Ministers, persons acting on their behalf and the supplier must—

(i) apply protocols of EPPO, or other internationally recognised protocols, or

(ii) where the protocols referred to in sub-head (i) do not exist—

(aa) apply the relevant protocols established at national level, and

^{F52}(bb)

(b) where appropriate, the supplier must submit samples to laboratories officially accepted by the Scottish Ministers.

(6) In the event of a positive test result for any of the RNQPs listed in schedules 6 and 6A, as regards the genus or species concerned, the supplier must remove the infested certified mother plant or certified material from the vicinity of other certified mother plants and certified material pursuant to regulation 15, or take appropriate measures pursuant to columns 4 and 5 of schedule 7.

(7) The measures to ensure compliance with the requirements of sub-paragraphs (1) to (4) are set out in schedule 7, with regard to the genus or species concerned and category.

(8) Sub-paragraphs (1) to (4) do not apply to certified mother plants and certified material during cryopreservation.]

Textual Amendments

F51 Sch. 2 para. 23 substituted (1.7.2020) by [The Seed and Plant Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/165\)](#), regs. 1(1), **9(5)(e)(i)**

F52 Sch. 2 para. 23(5)(a)(ii)(bb) omitted (31.12.2020) by virtue of [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(6)(f)** (as inserted by [S.S.I. 2020/445](#), regs. 1(1)(b), **18(7)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Soil requirements [^{F53}for certified mother plants and certified material]

24.—(1) Subject to sub-paragraphs (2) and (3), certified mother plants must only be grown in soil which is found, on the basis of sampling and testing carried out prior to the planting of such mother plants, to be free from any pest listed in [^{F54}schedule 6B] for the genus or species concerned and which may host viruses affecting that genus or species.

(2) Sampling and testing is not required under sub-paragraph (1) if—

- (a) there have been no plants which are hosts for any of the pests listed in [^{F54}schedule 6B] grown in the relevant soil for a period of at least 5 years prior to the planting of the certified mother plants mentioned in sub-paragraph (1) and where there is no doubt concerning the absence of the relevant pests in the soil; or
- (b) an official inspection is carried out which concludes that the soil is free from any of the pests listed in [^{F54}schedule 6B] for the genus or species concerned and which is host to viruses affecting that genus or species.

[^{F55}(2A) Unless otherwise stated, sampling and testing is not required under sub-paragraph (1) in the case of certified fruit plants.]

(3) Sampling and testing of the soil must be carried out during the growing period of the certified mother plant mentioned in sub-paragraph (1) where there is suspicion concerning the presence of the pests mentioned in that sub-paragraph.

(4) In this paragraph, “sampling and testing” means sampling and testing carried out by or on behalf of the Scottish Ministers and, where appropriate, by the supplier—

- (a) in accordance with the appropriate EPPO protocol; and
- (b) taking into account the climatic conditions and the biology of the pests listed in [^{F54}schedule 6B] and their relevance to the certified mother plants concerned.

Textual Amendments

- F53** Words in sch. 2 para. 24 heading inserted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), 9(5)(c)(ii)(aa)
- F54** Words in sch. 2 para. 24 substituted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), 9(5)(c)(ii)(bb)
- F55** Sch. 2 para. 24(2A) inserted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), 9(5)(c)(ii)(cc)

[^{F56}PART 5

Requirements with regard to the production site, place of production or area

Textual Amendments

- F56** Sch. 2 Pt. 5 inserted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), 9(5)(d)

Requirements with regard to the production site, place of production or area

25. In addition to the health and soil requirements of paragraphs 9, 10, 11, 17, 18, 23 and 24, propagating material and fruit plants must be produced in accordance with the requirements for the production site, place of production, or area as laid down in column 5 of schedule 7, in order to limit the presence of the RNQPs listed in that schedule for the genus or species concerned.]

Status: Point in time view as at 28/09/2022.

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

SCHEDULE 3

Regulation 2(1)

CAC material

Modifications etc. (not altering text)

- C4 Sch. 3: 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))

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 fulfils the following conditions—

- (a) it is propagated from an identified source of material recorded by the supplier;
- (b) its trueness to the description of its variety is established and verified in accordance with paragraph 3;
- (c) it is found by the supplier on visual inspection [^{F57}carried out in the facilities, fields and lots at the stage of production, to be substantially free from the RNQPs listed in schedules 6 and 6A, as regards the genus or species concerned, unless stated otherwise in schedule 7;]
- [^{F58}(ca) in relation to the RNQPs listed in schedule 6A, sampling and testing by the supplier is carried out in accordance with column 4 of schedule 7 with regard to the genus or species concerned and category;
- (cb) in the event that there are doubts concerning the presence of the RNQPs listed in schedule 6, it is found as a result of sampling and testing by the supplier to be substantially free from those RNQPs;]
- [^{F59}(d)
- (e) on visual inspection, it is found to be practically free from defects including injuries, discolouration, scar tissue or dessication that affect the quality and usefulness of the plant as propagating material.

[^{F60}(1A) CAC propagating material and CAC fruit plants in lots, after the stage of production, may only be marketed if found free from signs or symptoms of the pests listed in schedules 6 and 6A, upon visual inspection carried out by the supplier.]

(2) The visual inspections [^{F61}and sampling and testing mentioned in sub-paragraphs (1)(c), (ca) and (cb) and (1A)] may not be conducted during cryopreservation.

Textual Amendments

- F57 Words in sch. 3 para. 1(1)(c) substituted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), 9(6)(a)(i)(aa)
- F58 Sch. 3 para. 1(1)(ca)(cb) inserted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), 9(6)(a)(i)(bb)
- F59 Sch. 3 para. 1(1)(d) omitted (1.7.2020) by virtue of The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), 9(6)(a)(i)(cc)
- F60 Sch. 3 para. 1(1A) inserted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), 9(6)(a)(ii)

F61 Words in sch. 3 para. 1(2) substituted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **9(6)(a)(iii)**

CAC material: rootstocks not belonging to a variety

2.—(1) CAC material consisting of rootstocks not belonging to a variety may only be marketed if it fulfils the following conditions—

- (a) it is true to the description of its species;
- (b) it is found by the supplier on visual inspection, or where there is doubt, by sampling and testing, to be substantially free from the pests listed in [^{F62}schedules 6 and 6A]; and
- (c) on visual inspection, it is found to be substantially free from defects including injuries, discolouration, scar tissue or dessication that affect the quality and usefulness of the plant as propagating material.

(2) The visual inspections mentioned in sub-paragraph (1)(b) may not be conducted during cryopreservation.

Textual Amendments

F62 Words in sch. 3 para. 2(1)(b) substituted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **9(6)(b)**

CAC material: 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) The trueness of certified material to the description of its variety must be established and verified by observation of the expression of the characteristics of the variety based on one of the following descriptions—

- (a) its official description;
- (b) the description accompanying the application to be a registered variety;
- (c) the description accompanying the application for a grant of 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.

[^{F63}Requirements with regard to the production site, place of production or area

4. In addition to the health and soil requirements of paragraph 1(1)(c), (ca) and (cb), (1A) and (2), propagating material and fruit plants must be produced in accordance with the requirements for the production site, place of production, or area as laid down in column 5 of schedule 7, in order to limit the presence of the RNQPs listed in that schedule for the genus or species concerned.]

Textual Amendments

F63 Sch. 3 para. 4 inserted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **9(6)(c)**

Status: Point in time view as at 28/09/2022.

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

SCHEDULE 4

Regulations 2(1) and 7(3)

Registration of varieties

Interpretation

1. In this schedule—

F64 ...

F64 ...

“distinctness” (and “distinct”) in relation to a variety, is to be construed in accordance with paragraph 9;

“the register” means the register of varieties maintained by the Scottish Ministers under paragraph 2;

“stability” (and “stable”) in relation to a variety, is to be construed in accordance with paragraph 11;

“technical questionnaire” means the technical questionnaire set out in—

- (a) any [F65UPOV] protocols published in relation to the relevant species; or
- (b) where no such [F65UPOV] protocols have been published as mentioned in sub-paragraph (a), any UPOV guidelines published in relation to the relevant species; or
- (c) where no such protocols as mentioned in sub-paragraph (a) or guidelines as mentioned in sub-paragraph (b) have been published, a protocol or guidelines established by or on behalf of the Scottish Ministers in relation to the same matters;

“uniformity” (and “uniform”) in relation to a variety, is to be construed in accordance with paragraph 10;

F66 ...

“UPOV guidelines” mean test guidelines for the conduct of tests for distinctness, uniformity and stability that have been produced for the relevant species by the UPOV and which are applicable at the beginning of the growing trial ^{M9}.

Textual Amendments

F64 Words in sch. 4 para. 1 omitted (31.12.2020) by virtue of The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(7)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F65 Word in sch. 4 para. 1 substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(7)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F66 Words in sch. 4 para. 1 omitted (28.3.2019) by virtue of The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(a), **8(3)**

Marginal Citations

M9 A list of applicable test guidelines is available at http://www.upov.int/resource/en/dus_guidance.html.

Register of varieties

2.—(1) The Scottish Ministers must maintain a register of varieties.

(2) The register must include—

- (a) the denomination of the variety and any synonyms;
 - (b) the species to which the variety belongs;
 - (c) the date of registration of the variety or, where applicable, the date of renewal of the registration; and
 - (d) the date of the expiry of the validity of the registration.
- (3) The register must state whether a variety has an official description or an officially recognised description.
- (4) In relation to each variety registered, the Scottish Ministers must also keep a file containing a description of the variety and a summary of the facts relevant to its registration.

Registration

3.—(1) The Scottish Ministers must register a variety with an official description if they are satisfied that—

- (a) the variety is distinct, uniform and stable;
- (b) a sample of the variety is available; and
- ^{F67}(c) in relation to genetically modified varieties, the genetically modified organism of which the variety consists is authorised for cultivation pursuant to—
 - (i) the GMO regulations,
 - (ii) Regulation (EC) No 1829/2003, or
 - (iii) before the day on which IP completion day falls, Directive 2001/18/EC.]

(2) Before being satisfied in accordance with sub-paragraph (1)(a) that a variety is distinct, uniform and stable, the Scottish Ministers must take into account the results of growing trials in accordance with paragraph 5, carried out in respect of the variety by or on behalf of—

- (a) the Scottish Ministers; or
- ^{F68}(b) a responsible official body outside Scotland.]

(3) The Scottish Ministers may register a variety that has been marketed within the European Union prior to 30th September 2012 with an officially recognised description.

Textual Amendments

F67 Sch. 4 para. 3(1)(c) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(7)(b)(i)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **18(8)(a)**); 2020 c. 1, Sch. 5 para. 1(1)

F68 Sch. 4 para. 3(2)(b) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(7)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Application for registration with an official description

4.—(1) An application for registration of a variety with an official description must be made in writing to the Scottish Ministers in such form as the Scottish Ministers may require.

- (2) An application must be accompanied by—
 - (a) the information required in a technical questionnaire at the time of the application or, where no technical questionnaire is available in relation to the relevant species, such information as the Scottish Ministers may require;

Status: Point in time view as at 28/09/2022.

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

- (b) information on whether the variety is officially registered in another [^{F69}country], or is the subject of an application for such a registration;
 - (c) a proposed denomination;
 - [^{F70}(d) in the case of a genetically modified variety, evidence that the genetically modified organism contained in that variety has been authorised for cultivation pursuant to—
 - (i) the GMO regulations,
 - (ii) Regulation (EC) No 1829/2003, or
 - (iii) before the day on which IP completion day falls, Directive 2001/18/EC;]
 - (e) such other information as the Scottish Ministers may require.
- (3) Where applicable, an application may be accompanied by details of an official description established by a responsible [^{F71}official body outside Scotland].
- (4) Where applicable, an application may also be accompanied by a statement of any other relevant information.
- (5) Where a growing trial is required, a sample of the material of the variety must be submitted on request.

Textual Amendments

- F69** Word in sch. 4 para. 4(2)(b) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(7)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F70** Sch. 4 para. 4(2)(d) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(7)(c)(ii)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **18(8)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F71** Words in sch. 4 para. 4(3) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(7)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

Growing trials

- 5.—(1) Growing trials must—
- (a) establish whether a variety is distinct, uniform and stable;
 - (b) in relation to trial design, growing conditions and characteristics of the variety to be covered, be conducted in accordance with—
 - (i) [^{F72}UPOV] protocols;
 - (ii) if no [^{F72}UPOV] protocols have been published for the relevant species, any UPOV guidelines; or
 - (iii) if no [^{F72}UPOV] protocols or UPOV guidelines have been published, any applicable protocols produced by, or on behalf of, the Scottish Ministers.
- (2) Growing trials are not required if the Scottish Ministers are satisfied that an official description submitted in accordance with paragraph 4(3), or information submitted along with the official description, demonstrates that the variety is distinct, uniform and stable.

Textual Amendments

- F72** Word in [sch. 4 para. 5\(1\)\(b\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(7)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

Duration and renewal of acceptance

6.—(1) The registration of a variety with an official description or, as the case may be, the renewal of such a registration, is valid—

- (a) for the period up to the end of the 30th calendar year from the date of registration or renewal; or
- (b) in the case of genetically modified varieties, for the shorter of either—
 - (i) the period up to the end of the 30th calendar year from the date of registration or renewal; or
 - [^{F73}(ii) the period during which the genetically modified organism of which the variety consists is authorised for cultivation pursuant to—
 - (aa) the GMO regulations,
 - (bb) Regulation (EC) No 1829/2003, or
 - (cc) before the day on which IP completion day falls, Directive 2001/18/EC.]

(2) The Scottish Ministers may—

- (a) renew registration in accordance with sub-paragraph (3) or (4); or
- (b) revoke registration in accordance with paragraph 7.

(3) The Scottish Ministers may, following an application made in writing to them, renew the registration of a variety with an official description for a period described in sub-paragraph (1), provided that—

- (a) the requirements of distinctness, uniformity and stability are still satisfied in respect of the variety; and
- (b) there is still material of that variety available on the market.

(4) The Scottish Ministers may renew the registration in the absence of a written application where they are satisfied that renewal serves to preserve genetic diversity and sustainable production and the conditions mentioned in sub-paragraph (3) are met.

Textual Amendments

- F73** [Sch. 4 para. 6\(1\)\(b\)\(ii\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(7)(e)** (as amended by [S.S.I. 2020/445](#), regs. 1(1)(b), **18(8)(c)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Removal from register

7.—(1) Subject to sub-paragraph (2), the Scottish Ministers must revoke the registration of a variety if—

- (a) it is no longer distinct, uniform and stable;
- (b) there is no longer available any material of that variety that is sufficiently uniform or which corresponds to the description of the variety at the time of registration;

Status: Point in time view as at 28/09/2022.

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

- (c) false or misleading information material to registration was provided to the Scottish Ministers in connection with the application for registration;
- [^{F74}(d) in the case of any genetically modified variety, the genetically modified organism contained in that variety—
- (i) ceases to be authorised for cultivation pursuant to—
 - (aa) the GMO regulations,
 - (bb) Regulation (EC) No 1829/2003, or
 - (ii) has, before the day on which IP completion day falls been authorised for cultivation pursuant to Directive 2001/18/EC and ceases to be authorised.]

(2) But heads (a) to (c) of sub-paragraph (1) do not apply if the Scottish Ministers are satisfied that the variety should remain on the register in the interests of preserving the genetic diversity of varieties.

Textual Amendments

F74 Sch. 4 para. 7(1)(d) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(7)(f)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **18(8)(d)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Additional requirements for products to be used as genetically modified food or feed

- 8.—(1) This paragraph applies to any variety from which products are derived for use as, or in—
- (a) food within the scope of Article 3 of Regulation (EC) No 1829/2003; or
 - (b) feed within the scope of Article 15 of that Regulation.

(2) Before registering any such variety, the Scottish Ministers must be satisfied that the food or feed has been authorised pursuant to Regulation (EC) No 1829/2003.

Distinctness

9. A variety is distinct if it is clearly distinguishable by one or more characteristics that result from a particular genotype or combination of genotypes, from any other variety whose existence is a matter of common knowledge at the time of the application for registration.

Uniformity

10. A variety is uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in the expression of those characteristics which are included in the examination for distinctness, as well as any other characteristics used for the variety description.

Stability

11. A variety is stable if the expression of those characteristics which are included in the examination for distinctness, as well as any others used for the variety description, remain unchanged after repeated propagation or, in the case of micropropagation, at the end of each such cycle.

SCHEDULE 5

Regulations 2(1), 5(1)(g), 8 and 9

Official labels, supplier's documents and accompanying documents

Modifications etc. (not altering text)

- C5** 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), **21(1)** (with reg. 21(2))

PART 1

Official labels

1. An official label used in relation to pre-basic material must ^{F75}... be white with a diagonal violet stripe.

Textual Amendments

- F75** Words in [sch. 5 para. 1](#) omitted (1.4.2020) by virtue of [The Marketing of Fruit Plant and Propagating Material \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/34\)](#), regs. 1(1), **2(3)(a)**

2. An official label used in relation to basic material must be white.
3. An official label used in relation to certified material must ^{F76}... be blue.

Textual Amendments

- F76** Words in [sch. 5 para. 3](#) omitted (1.4.2020) by virtue of [The Marketing of Fruit Plant and Propagating Material \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/34\)](#), regs. 1(1), **2(3)(a)**

4. An official label must—
- (a) contain the statement “[^{F77}UK] rules and standards”; and
- (b) state the following particulars:—
- (i) the name of the responsible official body and [^{F78}country] or their distinguishing abbreviations;
 - (ii) the name of the supplier or their registration number;
 - (iii) the reference number of the package, container or bundle, the individual serial number, the week number or the batch number;
 - (iv) the botanical name of the plant material;
 - (v) the category of the plant material and, for basic material, the generation number;
 - (vi) the denomination of the variety and, where appropriate, the clone.
 - (vii) in the case of rootstocks not belonging to a variety, the name of the species or the interspecific hybrid concerned;
 - (viii) in the case of grafted fruit plants, the information in heads (vi) (in relation to the top-graft) and (vii) (in relation to the rootstock);

Status: Point in time view as at 28/09/2022.

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

- (ix) for varieties in respect of which an application to be a registered variety or for the grant of a plant variety right is pending, any information given in relation to heads (vi) to (viii) must be pre-fixed with the words “proposed denomination” and “application pending”;
- (x) where appropriate, the words “variety with an officially recognised description”;
- (xi) the quantity of plant material;
- (xii) where different from the [^{F79}country] of labelling, the country of production and its respective code or abbreviation;
- (xiii) the year of issue, or in the case of a replacement label, the year of issue of the original label;
- (xiv) in the case of a genetically modified variety—
 - (aa) a statement that the variety has been genetically modified; and
 - (bb) a list of the genetically modified organisms.

Textual Amendments

- F77** Word in sch. 5 para. 4(a) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(8)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F78** Word in sch. 5 para. 4(b)(i) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(8)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F79** Word in sch. 5 para. 4(b)(xii) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(8)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

5. The information and particulars required on an official label must be indelibly printed in [^{F80}English, but may also be printed in other languages,] and must be easily visible and legible.

Textual Amendments

- F80** Words in sch. 5 para. 5 substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

PART 2

Supplier's documents for CAC material

6. A supplier's document for CAC material must—
- (a) contain the statement “[^{F81}UK] rules and Standards”; and
 - (b) state the following particulars:—
 - (i) the name of the responsible official body and [^{F82}country] where the supplier's document was prepared or their distinguishing abbreviations;
 - (ii) the registration number of the supplier;
 - (iii) the individual serial, week number or batch number;

- (iv) the botanical name of the plant material;
- (v) CAC material;
- (vi) the denomination of the variety or, in the case of rootstock, the denomination of the variety of its designation;

^{F83}(vii)

^{F84}(viii)

- (ix) the date of issue.

Textual Amendments

- F81** Word in sch. 5 para. 6(a) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(8)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F82** Word in sch. 5 para. 6(b)(i) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(8)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F83** Sch. 5 para. 6(b)(vii) omitted (1.4.2020) by virtue of The Marketing of Fruit Plant and Propagating Material (Scotland) Amendment Regulations 2020 (S.S.I. 2020/34), regs. 1(1), **2(3)(b)(i)**
- F84** Sch. 5 para. 6(b)(viii) omitted (1.4.2020) by virtue of The Marketing of Fruit Plant and Propagating Material (Scotland) Amendment Regulations 2020 (S.S.I. 2020/34), regs. 1(1), **2(3)(b)(i)**

[^{F85}6A. Where it is affixed to the CAC material in the form of a label, the supplier's document must be yellow.]

Textual Amendments

- F85** Sch. 5 para. 6A inserted (1.4.2020) by The Marketing of Fruit Plant and Propagating Material (Scotland) Amendment Regulations 2020 (S.S.I. 2020/34), regs. 1(1), **2(3)(b)(ii)**

7. The information and particulars required in a supplier's document must be indelibly printed in [^{F86}English, but may also be printed in other languages,] and must be [^{F87}clearly] visible and legible.

Textual Amendments

- F86** Words in sch. 5 para. 7 substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(8)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F87** Word in sch. 5 para. 7 substituted (1.4.2020) by The Marketing of Fruit Plant and Propagating Material (Scotland) Amendment Regulations 2020 (S.S.I. 2020/34), regs. 1(1), **2(3)(b)(iii)**

PART 3

Accompanying documents

- 8. An accompanying document must—
 - (a) contain the information listed in paragraph 4;
 - (b) be written in [^{F88}English, but may also be written in other languages];

Status: Point in time view as at 28/09/2022.

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

- (c) be delivered at least in duplicate (supplier and recipient);
- (d) accompany the material from the place of the supplier to the place of the recipient;
- (e) include the name and address of the recipient;
- (f) include the date of issue of the document; and
- (g) include, where appropriate, additional information relevant to the lots concerned.

Textual Amendments

F88 Words in sch. 5 para. 8(b) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **18(8)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

[F89] SCHEDULE 6

Regulations 15(4) and 17(2); schedule 2, paragraphs 9(1) and 4(a), 10(1), (4) and (6), 17(1), (4) and (6) and 23(1), (4) and (6); and schedule 3, paragraphs 1(1) and (1A) and 2(1)

RNQPs for the presence of which visual inspection and, where there are doubts, sampling and testing are required

Textual Amendments

F89 Sch. 6 substituted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **9(7)**

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or Species</i>	<i>RNQPs</i>
Castanea sativa Mill.	Fungi and oomycetes <i>Cryphonectria parasitica</i> (Murrill) Barr [ENDOPA] <i>Mycosphaerella punctiformis</i> Verkley & U. Braun [RAMUEN] <i>Phytophthora cambivora</i> (Petri) Buisman [PHYTCM] <i>Phytophthora cinnamomi</i> Rands [PHYTCN] Viruses, viroids, virus-like diseases and phytoplasmas Chestnut mosaic agent [ChMV]
Citrus L., Fortunella Swingle, Poncirus Raf.	Fungi and oomycetes <i>Phytophthora citrophthora</i> (R.E.Smith & E.H.Smith) Leonian [PHYTCO]

Column 1	Column 2
Genus or Species	RNQPs
	<i>Phytophthora nicotianae</i> var. <i>parasitica</i> (Dastur) Waterhouse [PHYTNP]
	Insects and mites
	<i>Aleurothrixus floccosus</i> Maskell [ALTHFL]
	<i>Parabemisia myricae</i> Kuwana [PRABMY]
	Nematodes
	<i>Pratylenchus vulnus</i> Allen & Jensen [PRATVU]
	<i>Tylenchulus semipenetrans</i> Cobb [TYLESE]
<i>Corylus avellana</i> L.	Bacteria
	<i>Pseudomonas avellanae</i> Janse <i>et al.</i> [PSDMAL]
	<i>Xanthomonas arboricola</i> pv. <i>corylina</i> (Miller, Bollen, Simmons, Gross & Barss) Vauterin, Hoste, Kersters & Swings [XANTCY]
	Fungi and oomycetes
	<i>Armillaria mellea</i> (Vahl) Kummer [ARMIME]
	<i>Verticillium albo-atrum</i> Reinke & Berthold [VERTAA]
	<i>Verticillium dahliae</i> Kleb [VERTDA]
	Insects and mites
	<i>Phytoptus avellanae</i> Nalepa [ERPHAV]
<i>Cydonia oblonga</i> Mill. and <i>Pyrus</i> L.	Bacteria
	<i>Agrobacterium tumefaciens</i> (Smith & Townsend) Conn [AGRBTU]
	<i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> [ERWIAM]
	<i>Pseudomonas syringae</i> pv. <i>s. syringae</i> van Hall [PSDMSY]
	Fungi and oomycetes
	<i>Armillaria mellea</i> (Vahl) Kummer [ARMIME]
	<i>Chondrostereum purpureum</i> Pouzar [STERPU]
	<i>Glomerella cingulata</i> (Stoneman) Spaulding & von Schrenk [GLOMCI]
	<i>Neofabraea alba</i> Desmazières [PEZIAL]
	<i>Neofabraea malicorticis</i> Jackson [PEZIMA]
	<i>Neonectria ditissima</i> (Tulasne & C. Tulasne) Samuels & Rossman [NECTGA]

Status: Point in time view as at 28/09/2022.

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

Column 1	Column 2
Genus or Species	RNQPs
	<p><i>Phytophthora cactorum</i> (Lebert & Cohn) J.Schröter [PHYTCC]</p> <p><i>Sclerophora pallida</i> Yao & Spooner [SKLPPA]</p> <p><i>Verticillium albo-atrum</i> Reinke & Berthold [VERTAA]</p> <p><i>Verticillium dahliae</i> Kleb [VERTDA]</p> <p>Insects and mites</p> <p><i>Eriosoma lanigerum</i> Hausmann [ERISLA]</p> <p><i>Psylla</i> spp. Geoffroy [1PSYLG]</p> <p>Nematodes</p> <p><i>Meloidogyne hapla</i> Chitwood [MELGHA]</p> <p><i>Meloidogyne javanica</i> Chitwood [MELGJA]</p> <p><i>Pratylenchus penetrans</i> (Cobb) Filipjev & Schuurmans-Stekhoven [PRATPE]</p> <p><i>Pratylenchus vulnus</i> Allen & Jensen [PRATVU]</p>
<i>Ficus carica</i> L.	<p>Bacteria</p> <p><i>Xanthomonas campestris</i> pv. <i>fici</i> (Cavara) Dye [XANTFI]</p> <p>Fungi and oomycetes</p> <p><i>Armillaria mellea</i> (Vahl) Kummer [ARMIME]</p> <p>Insects and mites</p> <p><i>Ceroplastes rusci</i> Linnaeus [CERPRU]</p> <p>Nematodes</p> <p><i>Heterodera fici</i> Kirjanova [HETDFI]</p> <p><i>Meloidogyne arenaria</i> Chitwood [MELGAR]</p> <p><i>Meloidogyne incognita</i> (Kofold & White) Chitwood [MELGIN]</p> <p><i>Meloidogyne javanica</i> Chitwood [MELGJA]</p> <p><i>Pratylenchus penetrans</i> (Cobb) Filipjev & Schuurmans-Stekhoven [PRATPE]</p> <p><i>Pratylenchus vulnus</i> Allen & Jensen [PRATVU]</p> <p>Viruses, viroids, virus-like diseases and phytoplasmas</p> <p>Fig mosaic agent [FGM000]</p>
<i>Fragaria</i> L.	Bacteria

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or Species</i>	<i>RNQPs</i>
	<i>Candidatus</i> Phlomobacter fragariae Zreik, Bové & Garnier [PHMBFR]
	Fungi and oomycetes
	<i>Podosphaera aphanis</i> (Wallroth) Braun & Takamatsu [PODOAP]
	<i>Rhizoctonia fragariae</i> Hussain & W.E.McKeen [RHIZFR]
	<i>Verticillium albo-atrum</i> Reinke & Berthold [VERTAA]
	<i>Verticillium dahliae</i> Kleb [VERTDA]
	Insects and mites
	<i>Chaetosiphon fragaefolii</i> Cockerell [CHTSFR]
	<i>Phytonemus pallidus</i> Banks [TARSPA]
	Nematodes
	<i>Ditylenchus dipsaci</i> (Kuehn) Filipjev [DITYDI]
	<i>Meloidogyne hapla</i> Chitwood [MELGHA]
	<i>Pratylenchus vulnus</i> Allen & Jensen [PRATVU]
	Viruses, viroids, virus-like diseases and phytoplasmas
	<i>Candidatus</i> Phytoplasma asteris Lee <i>et al.</i> [PHYPAS]
	<i>Candidatus</i> Phytoplasma australiense Davis <i>et al.</i> [PHYPAU]
	<i>Candidatus</i> Phytoplasma fragariae Valiunas, Staniulis & Davis [PHYPPFG]
	<i>Candidatus</i> Phytoplasma pruni [PHYPPN]
	<i>Candidatus</i> Phytoplasma solani Quaglino <i>et al.</i> [PHYPSO]
	Clover phyllody phytoplasma [PHYP03]
	Strawberry multiplier disease phytoplasma [PHYP75]
<i>Juglans regia</i> L.	Bacteria
	<i>Agrobacterium tumefaciens</i> (Smith & Townsend) Conn [AGRBTU]
	<i>Xanthomonas arboricola</i> pv. <i>juglandis</i> (Pierce) Vauterin <i>et al.</i> [XANTJU]
	Fungi and oomycetes

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

Column 1	Column 2
Genus or Species	RNQPs
Malus Mill.	<p><i>Armillaria mellea</i> (Vahl) Kummer [ARMIME]</p> <p><i>Chondrostereum purpureum</i> Pouzar [STERPU]</p> <p><i>Neonectria ditissima</i> (Tulasne & C. Tulasne) Samuels & Rossman [NECTGA]</p> <p><i>Phytophthora cactorum</i> (Lebert & Cohn) J.Schröter [PHYTCC]</p> <p>Insects and mites</p> <p><i>Epidiaspis leperii</i> Signoret [EPIDBE]</p> <p><i>Pseudaulacaspis pentagona</i> Targioni-Tozzetti [PSEAPE]</p> <p><i>Quadraspidotus perniciosus</i> Comstock [QUADPE]</p> <p>Bacteria</p> <p><i>Agrobacterium tumefaciens</i> (Smith & Townsend) Conn [AGRBTU]</p> <p><i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> [ERWIAM]</p> <p><i>Pseudomonas syringae</i> pv. <i>syringae</i> van Hall [PSDMSY]</p> <p>Fungi and oomycetes</p> <p><i>Armillaria mellea</i> (Vahl) Kummer [ARMIME]</p> <p><i>Chondrostereum purpureum</i> Pouzar [STERPU]</p> <p><i>Glomerella cingulata</i> (Stoneman) Spaulding & von Schrenk [GLOMCI]</p> <p><i>Neofabraea alba</i> Desmazières [PEZIAL]</p> <p><i>Neofabraea malicorticis</i> Jackson [PEZIMA]</p> <p><i>Neonectria ditissima</i> (Tulasne & C. Tulasne) Samuels & Rossman [NECTGA]</p> <p><i>Phytophthora cactorum</i> (Lebert & Cohn) J.Schröter [PHYTCC]</p> <p><i>Sclerophora pallida</i> Yao & Spooner [SKLPPA]</p> <p><i>Verticillium albo-atrum</i> Reinke & Berthold [VERTAA]</p> <p><i>Verticillium dahliae</i> Kleb [VERTDA]</p> <p>Insects and mites</p>

Column 1	Column 2
Genus or Species	RNQPs
	<i>Eriosoma lanigerum</i> Hausmann [ERISLA] <i>Psylla</i> spp. Geoffroy [1PSYLG]
	Nematodes
	<i>Meloidogyne hapla</i> Chitwood [MELGHA]
	<i>Meloidogyne javanica</i> Chitwood [MELGJA]
	<i>Pratylenchus penetrans</i> (Cobb) Filipjev & Schuurmans-Stekhoven [PRATPE]
	<i>Pratylenchus vulnus</i> Allen & Jensen [PRATVU]
<i>Olea europaea</i> L.	Bacteria
	<i>Pseudomonas savastanoi</i> pv. <i>savastanoi</i> (Smith) Gardan <i>et al.</i> [PSDMSA]
	Nematodes
	<i>Meloidogyne arenaria</i> Chitwood [MELGAR]
	<i>Meloidogyne incognita</i> (Kofold & White) Chitwood [MELGIN]
	<i>Meloidogyne javanica</i> Chitwood [MELGJA]
	<i>Pratylenchus vulnus</i> Allen & Jensen [PRATVU]
	Viruses, viroids, virus-like diseases and phytoplasmas
	Olive leaf yellowing-associated virus [OLYAV0]
	Olive vein yellowing-associated virus [OVYAV0]
	Olive yellow mottling and decline associated virus [OYMDAV]
<i>Pistacia vera</i> L.	Fungi and oomycetes
	<i>Phytophthora cambivora</i> (Petri) Buisman [PHYTCM]
	<i>Phytophthora cryptogea</i> Pethybridge & Lafferty [PHYTCR]
	<i>Rosellinia necatrix</i> Prillieux [ROSLNE]

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Column 1	Column 2
Genus or Species	RNQP
<i>Prunus domestica</i> L. , and <i>Prunus dulcis</i> (Miller) Webb	<p data-bbox="804 443 1225 477"><i>Verticillium dahliae</i> Kleb [VERTDA]</p> <p data-bbox="804 495 938 521">Nematodes</p> <p data-bbox="804 539 1281 602"><i>Pratylenchus penetrans</i> (Cobb) Filipjev & Schuurmans-Stekhoven [PRATPE]</p> <p data-bbox="804 636 1214 698"><i>Pratylenchus vulnus</i> Allen & Jensen [PRATVU]</p> <p data-bbox="804 716 906 743">Bacteria</p> <p data-bbox="804 761 1225 824"><i>Agrobacterium tumefaciens</i> (Smith & Townsend) Conn [AGRBTU]</p> <p data-bbox="804 857 1324 920"><i>Pseudomonas syringae</i> pv. <i>morsprunorum</i> (Wormald) Young, Dye & Wilkie [PSDMMP]</p> <p data-bbox="804 938 1058 965">Fungi and oomycetes</p> <p data-bbox="804 983 1268 1046"><i>Phytophthora cactorum</i> (Lebert & Cohn) J.Schröter [PHYTCC]</p> <p data-bbox="804 1079 1225 1113"><i>Verticillium dahliae</i> Kleb [VERTDA]</p> <p data-bbox="804 1131 1010 1158">Insects and mites</p> <p data-bbox="804 1176 1345 1238"><i>Pseudaulacaspis pentagona</i> Targioni-Tozzetti [PSEAPE]</p> <p data-bbox="804 1256 1345 1319"><i>Quadraspidotus perniciosus</i> Comstock [QUADPE]</p> <p data-bbox="804 1337 938 1364">Nematodes</p> <p data-bbox="804 1382 1318 1415"><i>Meloidogyne arenaria</i> Chitwood [MELGAR]</p> <p data-bbox="804 1449 1275 1512"><i>Meloidogyne incognita</i> (Kofold & White) Chitwood [MELGIN]</p> <p data-bbox="804 1545 1310 1579"><i>Meloidogyne javanica</i> Chitwood [MELGJA]</p> <p data-bbox="804 1610 1281 1673"><i>Pratylenchus penetrans</i> (Cobb) Filipjev & Schuurmans-Stekhoven [PRATPE]</p> <p data-bbox="804 1706 1214 1769"><i>Pratylenchus vulnus</i> Allen & Jensen [PRATVU]</p>
<i>Prunus armeniaca</i> L.	<p data-bbox="804 1783 906 1809">Bacteria</p> <p data-bbox="804 1827 1225 1890"><i>Agrobacterium tumefaciens</i> (Smith & Townsend) Conn [AGRBTU]</p> <p data-bbox="804 1924 1324 1986"><i>Pseudomonas syringae</i> pv. <i>morsprunorum</i> (Wormald) Young, Dye & Wilkie [PSDMMP]</p>

Column 1	Column 2
Genus or Species	RNQPs
	<i>Pseudomonas syringae</i> pv. <i>syringae</i> van Hall [PSDMSY]
	<i>Pseudomonas viridiflava</i> (Burkholder) Dowson [PSDMVF]
	Fungi and oomycetes
	<i>Phytophthora cactorum</i> (Lebert & Cohn) J.Schröter [PHYTCC]
	<i>Verticillium dahliae</i> Kleb [VERTDA]
	Insects and mites
	<i>Pseudaulacaspis pentagona</i> Targioni-Tozzetti [PSEAPE]
	<i>Quadraspidiotus perniciosus</i> Comstock [QUADPE]
	Nematodes
	<i>Meloidogyne arenaria</i> Chitwood [MELGAR]
	<i>Meloidogyne incognita</i> (Kofold & White) Chitwood [MELGIN]
	<i>Meloidogyne javanica</i> Chitwood [MELGJA]
	<i>Pratylenchus penetrans</i> (Cobb) Filipjev & Schuurmans-Stekhoven [PRATPE]
	<i>Pratylenchus vulnus</i> Allen & Jensen [PRATVU]
<i>Prunus avium</i> L. and <i>Prunus cerasus</i> L.	Bacteria
	<i>Agrobacterium tumefaciens</i> (Smith & Townsend) Conn [AGRBTU]
	<i>Pseudomonas syringae</i> pv. <i>morsprunorum</i> (Wormald) Young, Dye & Wilkie [PSDMMP]
	Fungi and oomycetes
	<i>Phytophthora cactorum</i> (Lebert & Cohn) J.Schröter [PHYTCC]
	Insects and mites
	<i>Quadraspidiotus perniciosus</i> Comstock [QUADPE]
	Nematodes
	<i>Meloidogyne arenaria</i> Chitwood [MELGAR]

Status: Point in time view as at 28/09/2022.

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

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or Species</i>	<i>RNQPs</i>
	<i>Meloidogyne incognita</i> (Kofold & White) Chitwood [MELGIN]
	<i>Meloidogyne javanica</i> Chitwood [MELGJA]
	<i>Pratylenchus penetrans</i> (Cobb) Filipjev & Schuurmans-Stekhoven [PRATPE]
	<i>Pratylenchus vulnus</i> Allen & Jensen [PRATVU]
<i>Prunus persica</i> (L.) Batsch and <i>Prunus salicina</i> Lindley	Bacteria
	<i>Agrobacterium tumefaciens</i> (Smith & Townsend) Conn [AGRBTU]
	<i>Pseudomonas syringae</i> pv. <i>morsprunorum</i> (Wormald) Young, Dye & Wilkie [PSDMMP]
	<i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie [PSDMPE]
	Fungi and oomycetes
	<i>Phytophthora cactorum</i> (Lebert & Cohn) J.Schröter [PHYTCC]
	<i>Verticillium dahliae</i> Kleb [VERTDA]
	Insects and mites
	<i>Pseudaulacaspis pentagona</i> Targioni-Tozzetti [PSEAPE]
	<i>Quadraspidiotus perniciosus</i> Comstock [QUADPE]
	Nematodes
	<i>Meloidogyne arenaria</i> Chitwood [MELGAR]
	<i>Meloidogyne incognita</i> (Kofold & White) Chitwood [MELGIN]
	<i>Meloidogyne javanica</i> Chitwood [MELGJA]
	<i>Pratylenchus penetrans</i> (Cobb) Filipjev & Schuurmans-Stekhoven [PRATPE]
	<i>Pratylenchus vulnus</i> Allen & Jensen [PRATVU]
<i>Ribes</i> L.	Fungi and oomycetes

Column 1	Column 2
Genus or Species	RNQPs
	<i>Diaporthe strumella</i> (Fries) Fuckel [DIAPST]
	<i>Microsphaera grossulariae</i> (Wallroth) Léveillé [MCRSGR]
	<i>Podosphaera mors-uvae</i> (Schweinitz) Braun & Takamatsu [SPHRMU]
	Insects and mites
	<i>Cecidophyopsis ribis</i> Westwood [ERPHRI]
	<i>Dasineura tetensi</i> Rübsaamen [DASYTE]
	<i>Pseudaulacaspis pentagona</i> Targioni-Tozzetti [PSEAPE]
	<i>Quadraspidotus perniciosus</i> Comstock [QUADPE]
	<i>Tetranychus urticae</i> Koch [TETRUR]
	Nematodes
	<i>Aphelenchoides ritzemabosi</i> (Schwartz) Steiner & Buhner [APLORI]
	<i>Ditylenchus dipsaci</i> (Kuehn) Filipjev [DITYDI]
	Viruses, viroids, virus-like diseases and phytoplasmas
	Aucuba mosaic agent and blackcurrant yellows agent combined
Rubus L.	Bacteria
	<i>Agrobacterium</i> spp. Conn [1AGRBG]
	<i>Rhodococcus fascians</i> Tilford [CORBFA]
	Fungi and oomycetes
	<i>Peronospora rubi</i> Rabenhorst [PERORU]
	Insects and mites
	<i>Resseliella theobaldi</i> Barnes [THOMTE]
Vaccinium L.	Bacteria
	<i>Agrobacterium tumefaciens</i> (Smith & Townsend) Conn [AGRBTU]
	Fungi and oomycetes

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

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or Species</i>	<i>RNQPs</i>
	<i>Diaporthe vaccinii</i> Shear [DIAPVA]
	<i>Exobasidium vaccinii</i> (Fuckel) Woronin [EXOBVA]
	<i>Godronia cassandrae</i> (anamorph <i>Topospora myrtilli</i>) Peck [GODRCA]

[^{F90}SCHEDULE 6A

Regulations 15(4) and 17(2); schedule 2, paragraphs 9(2),(3) and (4), 10(1), (3) and (6), 17(1), (3) and (6) and 23(1), (3) and (6); and schedule 3, paragraphs 1(1) and (1A) and 2(1)

RNQPs for the presence of which visual inspection and, where applicable, sampling and testing are required

Textual Amendments

F90 Schs. 6A, 6B inserted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **9(8)**

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or species</i>	<i>RNQPs</i>
<i>Citrus</i> L., <i>Fortunella</i> Swingle and <i>Poncirus</i> Raf.	Bacteria <i>Spiroplasma citri</i> Saglio <i>et al.</i> [SPIRCI]
	Fungi and oomycetes <i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley [DEUTTR]
	Viruses, viroids, virus-like diseases and phytoplasmas <i>Citrus cristacortis</i> agent [CSCC00] <i>Citrus exocortis</i> viroid [CEVD00] <i>Citrus impietratura</i> agent [CSI000] <i>Citrus</i> leaf blotch virus [CLBV00] <i>Citrus psorosis</i> virus [CPSV00] <i>Citrus tristeza</i> virus (EU isolates) [CTV000]

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or species</i>	<i>RNQPs</i>
	<i>Citrus</i> variegation virus [CVV000]
	Hop stunt viroid [HSVD00]
<i>Corylus avellana</i> L.	Viruses, viroids, virus-like diseases and phytoplasmas
	Apple mosaic virus [APMV00]
<i>Cydonia oblonga</i> Mill.	Viruses, viroids, virus-like diseases and phytoplasmas
	Apple chlorotic leaf spot virus [ACLSV0]
	Apple rubbery wood agent [ARW000]
	Apple stem grooving virus [ASGV00]
	Apple stem-pitting virus [ASPV00]
	Pear bark necrosis agent [PRBN00]
	Pear bark split agent [PRBS00]
	Pear blister canker viroid [PBCVD0]
	Pear rough bark agent [PRRB00]
	Quince yellow blotch agent [ARW000]
<i>Fragaria</i> L.	Bacteria
	<i>Xanthomonas fragariae</i> Kennedy & King [XANTFR]
	Fungi and oomycetes
	<i>Colletotrichum acutatum</i> Simmonds [COLLAC]
	<i>Phytophthora cactorum</i> (Lebert & Cohn) J.Schröter [PHYTCC]
	<i>Phytophthora fragariae</i> C.J. Hickman [PHYTFR]
	Nematodes
	<i>Aphelenchoides besseyi</i> Christie [APLOBE]
	<i>Aphelenchoides blastophthorus</i> Franklin [APLOBL]
	<i>Aphelenchoides fragariae</i> (Ritzema Bos) Christie [APLOFR]

Status: Point in time view as at 28/09/2022.**Changes to legislation:** There are currently no known outstanding effects for the The Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017. (See end of Document for details)

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or species</i>	RNQPs
	<i>Aphelenchoides ritzemabosi</i> (Schwartz) Steiner & Buhner [APLORI]
	Viruses, viroids, virus-like diseases and phytoplasmas
	<i>Arabis</i> mosaic virus [ARMV00]
	Raspberry ringspot virus [RPRSV0]
	Strawberry crinkle virus [SCRV00]
	Strawberry latent ringspot virus [SLRSV0]
	Strawberry mild yellow edge virus [SMYEV0]
	Strawberry mottle virus [SMOV00]
	Strawberry vein banding virus [SVBV00]
	Tomato black ring virus [TBRV00]
<i>Juglans regia</i> L	Viruses, viroids, virus-like diseases and phytoplasmas
	Cherry leaf roll virus [CLRV00]
<i>Malus</i> Mill.	Viruses, viroids, virus-like diseases and phytoplasmas
	Apple chlorotic leaf spot virus [ACLSV0]
	Apple dimple fruit viroid [ADFVD0]
	Apple flat limb agent [AFL000]
	Apple mosaic virus [APMV00]
	Apple rubbery wood agent [ARW000]
	Apple scar skin viroid [ASSVD0]
	Apple star crack agent [APHW00]
	Apple stem grooving virus [ASGV00]
	Apple stem-pitting virus [ASPV00]
	<i>Candidatus</i> Phytoplasma mali Seemüller & Schneider [PHYPPMA]
	Fruit disorders: chat fruit [APCF00], green crinkle [APGC00], bumpy fruit of Ben Davis,

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or species</i>	<i>RNQPs</i>
<i>Olea europaea</i> L.	rough skin [APRSK0], star crack, russet ring [APLP00], russet wart Fungi and oomycetes <i>Verticillium dahliae</i> Kleb [VERTDA] Viruses, viroids, virus-like diseases and phytoplasmas <i>Arabis</i> mosaic virus [ARMV00] Cherry leaf roll virus [CLRV00] Strawberry latent ringspot virus [SLRSV0]
<i>Prunus dulcis</i> (Miller) Webb	Bacteria <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> [XANTPR] Viruses, viroids, virus-like diseases and phytoplasmas Apple chlorotic leaf spot virus [ACLSV0] Apple mosaic virus [APMV00] <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider [PHYPPR] Plum pox virus [PPV000] Prune dwarf virus [PDV000] <i>Prunus</i> necrotic ringspot virus [PNRSV0]
<i>Prunus armeniaca</i> L.	Bacteria <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> [XANTPR] Viruses, viroids, virus-like diseases and phytoplasmas Apple chlorotic leaf spot virus [ACLSV0] Apple mosaic virus [APMV00] Apricot latent virus [ALV000] <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider [PHYPPR] Plum pox virus [PPV000]

Status: Point in time view as at 28/09/2022.

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

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or species</i>	<i>RNQPs</i>
	Prune dwarf virus [PDV000]
	<i>Prunus</i> necrotic ringspot virus [PNRSV0]
<i>Prunus avium</i> L. and <i>Prunus cerasus</i> L.	Bacteria
	<i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> [XANTPR]
	Viruses, viroids, virus-like diseases and phytoplasmas
	Apple chlorotic leaf spot virus [ACLSV0]
	Apple mosaic virus [APMV00]
	<i>Arabis</i> mosaic virus [ARMV00]
	<i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider [PHYPPR]
	Cherry green ring mottle virus [CGRMV0]
	Cherry leaf roll virus [CLRV00]
	Cherry mottle leaf virus [CMLV00]
	Cherry necrotic rusty mottle virus [CRNRM0]
	Little cherry virus 1 and 2 [LCHV10], [LCHV20]
	Plum pox virus [PPV000]
	Prune dwarf virus [PDV000]
	<i>Prunus</i> necrotic ringspot virus [PNRSV0]
	Raspberry ringspot virus [RPRSV0]
	Strawberry latent ringspot virus [SLRSV0]
	Tomato black ring virus [TBRV00]
<i>Prunus domestica</i> L., <i>Prunus salicina</i> Lindley, and other species of <i>Prunus</i> L. susceptible to Plum pox virus in the case of <i>Prunus</i> L. hybrids	Bacteria
	<i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> [XANTPR]
	Viruses, viroids, virus-like diseases and phytoplasmas
	Apple chlorotic leaf spot virus [ACLSV0]

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or species</i>	<i>RNQPs</i>
	Apple mosaic virus [APMV00]
	<i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider [PHYPPR]
	Myrobalan latent ringspot virus [MLRSV0]
	Plum pox virus [PPV000]
	Prune dwarf virus [PDV000]
	<i>Prunus</i> necrotic ringspot virus [PNRSV0]
<i>Prunus persica</i> (L.) Batsch	Bacteria
	<i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> [XANTPR]
	Viruses, viroids, virus-like diseases and phytoplasmas
	Apple chlorotic leaf spot virus [ACLSV0]
	Apple mosaic virus [APMV00]
	Apricot latent virus [ALV000]
	<i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider [PHYPPR]
	Peach latent mosaic viroid [PLMVD0]
	Plum pox virus [PPV000]
	Prune dwarf virus [PDV000]
	<i>Prunus</i> necrotic ringspot virus [PNRSV0]
	Strawberry latent ringspot virus [SLRSV0]
<i>Pyrus</i> L.	Viruses, viroids, virus-like diseases and phytoplasmas
	Apple chlorotic leaf spot virus [ACLSV0]
	Apple rubbery wood agent [ARW000]
	Apple stem grooving virus [ASGV00]
	Apple stem-pitting virus [ASPV00]
	<i>Candidatus</i> Phytoplasma pyri Seemüller & Schneider [PHYPPY]

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

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or species</i>	<i>RNQPs</i>
	Pear bark necrosis agent [PRBN00]
	Pear bark split agent [PRBS00]
	Pear blister canker viroid [PBCVD0]
	Pear rough bark agent [PRRB00]
	Quince yellow blotch agent [ARW000]
<i>Ribes L.</i>	Viruses, viroids, virus-like diseases and phytoplasmas
	<i>Arabis</i> mosaic virus [ARMV00]
	Blackcurrant reversion virus [BRAV00]
	Cucumber mosaic virus [CMV000]
	Gooseberry vein banding associated virus [GOVB00]
	Raspberry ringspot virus [RPRSV0]
	Strawberry latent ringspot virus [SLRSV0]
<i>Rubus L.</i>	Fungi and oomycetes
	<i>Phytophthora</i> spp. de Bary [1PHYTG]
	Viruses, viroids, virus-like diseases and phytoplasmas
	Apple mosaic virus [APMV00]
	<i>Arabis</i> mosaic virus [ARMV00]
	Black raspberry necrosis virus [BRNV00]
	<i>Candidatus</i> Phytoplasma rubi Malembic-Maher <i>et al.</i> [PHYPRU]
	Cucumber mosaic virus [CMV000]
	Raspberry bushy dwarf virus [RBDV00]
	Raspberry leaf mottle virus [RLMV00]
	Raspberry ringspot virus [RPRSV0]
	Raspberry vein chlorosis virus [RVCV00]
	Raspberry yellow spot [RYS000]

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or species</i>	<i>RNQPs</i>
<i>Vaccinium L.</i>	<i>Rubus</i> yellow net virus [RYNV00]
	Strawberry latent ringspot virus [SLRSV0]
	Tomato black ring virus [TBRV00]
	Viruses, viroids, virus-like diseases and phytoplasmas
	Blueberry mosaic associated ophiovirus [BLMAV0]
	Blueberry red ringspot virus [BRRV00]
	Blueberry scorch virus [BLSCV0]
	Blueberry shock virus [BLSHV0]
	Blueberry shoestring virus [BSSV00]
	<i>Candidatus</i> Phytoplasma asteris Lee <i>et al.</i> [PHYPAS]
	<i>Candidatus</i> Phytoplasma pruni [PHYPPN]
	<i>Candidatus</i> Phytoplasma solani Quaglino <i>et al.</i> [PHYPSO]
Cranberry false blossom phytoplasma [PHYPPFB]	

SCHEDULE 6B

Regulation 17(2); and schedule 2, paragraphs 11(1),(2), (3) and (4), 18(1), (2) and (4) and 24(1), (2) and (4)

RNQPs the presence of which in soil is regulated

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or species</i>	<i>RNQPs</i>
<i>Fragaria L.</i>	Nematodes
	<i>Longidorus attenuatus</i> Hooper [LONGAT]
	<i>Longidorus elongatus</i> (de Man) Thorne & Swanger [LONGEL]
	<i>Longidorus macrosoma</i> Hooper [LONGMA]

Status: Point in time view as at 28/09/2022.

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

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or species</i>	<i>RNQPs</i>
<i>Juglans regia</i> L.	<i>Xiphinema diversicaudatum</i> (Mikoletzky) Thorne [XIPHDI] Nematodes <i>Xiphinema diversicaudatum</i> (Mikoletzky) Thorne [XIPHDI]
<i>Olea europaea</i> L.	Nematodes <i>Xiphinema diversicaudatum</i> (Mikoletzky) Thorne [XIPHDI]
<i>Pistacia vera</i> L.	Nematodes <i>Xiphinema index</i> Thorne & Allen [XIPHIN]
<i>Prunus avium</i> L. and <i>Prunus cerasus</i> L.	Nematodes <i>Longidorus attenuatus</i> Hooper [LONGAT] <i>Longidorus elongatus</i> (de Man) Thorne & Swanger [LONGEL] <i>Longidorus macrosoma</i> Hooper [LONGMA] <i>Xiphinema diversicaudatum</i> (Mikoletzky) Thorne [XIPHDI]
<i>Prunus domestica</i> L., <i>Prunus persica</i> (L.) Batsch and <i>Prunus salicina</i> Lindley	Nematodes <i>Longidorus attenuatus</i> Hooper [LONGAT] <i>Longidorus elongatus</i> (de Man) Thorne & Swanger [LONGEL] <i>Xiphinema diversicaudatum</i> (Mikoletzky) Thorne [XIPHDI]
<i>Ribes</i> L.	Nematodes <i>Longidorus elongatus</i> (de Man) Thorne & Swanger [LONGEL] <i>Longidorus macrosoma</i> Hooper [LONGMA] <i>Xiphinema diversicaudatum</i> (Mikoletzky) Thorne [XIPHDI]
<i>Rubus</i> L.	Nematodes <i>Longidorus attenuatus</i> Hooper [LONGAT] <i>Longidorus elongatus</i> (de Man) Thorne & Swanger [LONGEL] <i>Longidorus macrosoma</i> Hooper [LONGMA]

<i>Column 1</i>	<i>Column 2</i>
<i>Genus or species</i>	<i>RNQPs</i>
	<i>Xiphinema diversicaudatum</i> (Mikoletzky) Thorne [XIPHDI]]

[^{F91}SCHEDULE 7 Schedule 2, paragraphs 10(1),(3), (6) and (7), 17(1), (3), (6)and (7) and 23(1), (3), (6) and (7);and schedule 3, paragraphs 1(1) and 4

Visual inspections, sampling and testing per genus or species and category

Textual Amendments

F91 Sch. 7 substituted (1.7.2020) by [The Seed and Plant Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/165\)](#), regs. 1(1), **9(9)**

1. In this schedule, “Commission Implementing Decision 2017/925” means Commission Implementing Decision (EU) 2017/925 temporarily authorising certain Member States to certify pre-basic material of certain species of fruit plants, produced in the field under non-insect proof conditions, and repealing Implementing Decision (EU) 2017/167.

2. Propagating material must comply with—

- (a) the requirements concerning [^{F92}GB] quarantine pests and protected zone quarantine pests provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, as well as the measures adopted pursuant to Article 30(1) of that Regulation, and
- (b) the following requirements per genera or species and category concerned—

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Genus or species</i>	<i>Category</i>	<i>Frequency of visual inspections</i>	<i>Requirements relating to sampling and testing</i>	<i>Requirements relating to the production site, place of production or area</i>
<i>Castanea sativa</i> Mill.	Pre-basic category	Visual inspections must be carried out once a year.	Sampling and testing must be carried out where there are doubts concerning the presence of RNQPs listed in schedule 6.	In the case where a derogation is allowed to produce pre-basic material in the field under non-insect proof conditions, pursuant to Commission Implementing Decision 2017/925, the following requirements apply concerning

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p><i>Cryphonectria parasitica</i> (Murrill) Barr:</p> <p>(a) propagating material and fruit plants of the pre-basic category must be produced in areas known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr, or</p> <p>(b) no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr are observed at the site of production on propagating material and fruit plants of the pre-basic category since the beginning of the last complete cycle of vegetation.</p>
	Basic category			<p>Propagating material and fruit plants of the basic category must be produced in areas known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr, or</p> <p>no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr are observed at the site of production</p>

Status: Point in time view as at 28/09/2022.

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
	Certified and CAC categories			<p>on propagating material and fruit plants of the basic category since the beginning of the last complete cycle of vegetation.</p> <p>Propagating material and fruit plants of the certified and CAC categories must be produced in areas known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr,</p> <p>no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr are observed at the site of production on propagating material and fruit plants of the certified and CAC categories since the beginning of the last complete cycle of vegetation, or</p> <p>propagating material and fruit plants of the certified and CAC categories showing symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr have been rogued out, the remaining propagating material and fruit plants must be inspected at weekly intervals and no symptoms are observed at the site of production for at least</p>

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
Citrus L., Fortunella Swingle and Poncirus Raf.	Pre-basic category	Visual inspections must be carried out twice a year.	Each pre-basic mother plant must be sampled and tested every year concerning the presence of <i>Spiroplasma citri</i> Saglio <i>et al.</i> Each pre-basic mother plant must be sampled and tested three years after its acceptance as a pre-basic mother plant and with subsequent intervals of three years concerning the presence of <i>Citrus tristeza</i> virus (EU isolates). Each pre-basic mother plant must be sampled and tested every six years after its acceptance as a pre-basic mother plant and with subsequent intervals of six years concerning the presence of RNQPs, other than <i>Citrus tristeza</i> virus (EU isolates) and <i>Spiroplasma citri</i> Saglio <i>et al.</i> , listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.	N/A. three weeks before dispatch.
	Basic category	Visual inspections must be carried out twice a	In the case of Propagating material basic mother plants and fruit plants which have been of the basic and maintained in insect certified categories	

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
		year with regard to <i>Citrus tristeza</i> virus (EU isolates), <i>Spiroplasma citri</i> Saglio <i>et al.</i> and <i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley. Visual inspections must be carried out once a year for all RNQPs, other than <i>Citrus tristeza</i> virus (EU isolates), <i>Spiroplasma citri</i> Saglio <i>et al.</i> and <i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley, listed in schedules 6 and 6A	proof facilities, each basic mother plant must be sampled and tested every three years concerning the presence of <i>Citrus tristeza</i> virus (EU isolates). A representative portion of basic mother plants must be sampled and tested every three years concerning the presence of <i>Spiroplasma citri</i> Saglio <i>et al.</i> In the case of basic mother plants which have not been maintained in insect proof facilities, a representative portion of basic mother plants must be sampled and tested every year concerning the presence of <i>Citrus tristeza</i> virus (EU isolates) and <i>Spiroplasma citri</i> Saglio <i>et al.</i> in order to have all mother plants tested within an interval of 2 years. In the case of a positive test result for <i>Citrus tristeza</i> virus (EU isolates) all basic mother plants in the production site must be sampled and tested. A representative portion of basic mother plants which have not been	must be produced in areas known to be free from <i>Citrus tristeza</i> virus (EU isolates), <i>Spiroplasma citri</i> Saglio <i>et al.</i> and <i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley, in the case of propagating material and fruit plants of the basic and certified categories which have been grown in insect proof facilities, no symptoms of <i>Spiroplasma citri</i> Saglio <i>et al.</i> or <i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley are observed on that propagating material and those fruit plants over the last complete growing season and the material has been subjected to random sampling and testing before marketing, in the case of propagating material and fruit plants of the certified

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>maintained in insect proof facilities must be sampled and tested every six years on the basis of an assessment of the risk of infection of those plants concerning the presence of RNQPs, other than <i>Citrus tristeza</i> virus (EU isolates) and <i>Spiroplasma citri</i> Saglio <i>et al.</i>, listed in schedules 6 and 6A.</p>	<p>category which have not been grown in insect proof facilities, no symptoms of <i>Spiroplasma citri</i> Saglio <i>et al.</i> or <i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley are observed on that propagating material and those fruit plants over the last complete growing season, and a representative portion of the material has been sampled and tested for <i>Citrus tristeza</i> virus (EU isolates) before marketing, or</p> <p>in the case of propagating material and fruit plants of the certified category which have not been grown in insect proof facilities:</p> <p>(a) symptoms of <i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley or <i>Spiroplasma citri</i> Saglio <i>et al.</i> are observed on no more than 2% of propagating material and fruit plants of the certified category in</p>

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, and
Certified category	Visual inspections must be carried out twice a year with regard to <i>Citrus tristeza</i> virus (EU isolates), <i>Spiroplasma citri</i> Saglio <i>et al.</i> and <i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley. Visual inspections must be carried out once a year for all RNQPs, other than <i>Citrus tristeza</i> virus (EU isolates), <i>Spiroplasma citri</i> Saglio <i>et al.</i> and <i>Plenodomus</i>	In the case of certified mother plants which have been maintained in insect proof facilities, a representative portion of certified mother plants must be sampled and tested every four years concerning the presence of <i>Citrus tristeza</i> virus (EU isolates) in order to have all mother plants tested within an interval of 8 years.	(b) a representative portion of propagating material and fruit plants of the certified category has been sampled and tested for <i>Citrus tristeza</i> virus (EU isolates), before marketing and no more than 2% of propagating material and fruit plants of the certified category in the production site have been found positive over the last complete growing season. That propagating	

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
		<i>tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley, listed in schedules 6 and 6A.	<i>tristeza</i> virus (EU isolates) in order to have all mother plants tested within an interval of 3 years. A representative portion of certified mother plants which have not been maintained in insect proof facilities must be sampled and tested where there are doubts concerning the presence of pests, other than <i>Citrus tristeza</i> virus (EU isolates), listed in schedules 6 and 6A. In the case of a positive test result for <i>Citrus tristeza</i> virus (EU isolates) all certified mother plants in the production site must be sampled and tested.	material and those fruit plants have been rogued out and immediately destroyed. Propagating material and fruit plants in the immediate vicinity have been subjected to random sampling and testing, and any propagating material and fruit plants which have been found positive have been rogued out and immediately destroyed.
	CAC category	Visual inspections must be carried out once a year.	Propagating material and fruit plants of the CAC category must derive from an identified source of material, which has been found free, on the basis of visual inspection, sampling and testing, from the RNQPs as listed in schedule 6A.	Propagating material and fruit plants of the CAC category must be produced in areas known to be free from <i>Citrus tristeza</i> virus (EU isolates), <i>Spiroplasma citri</i> Saglio <i>et al.</i> and <i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley, in the case of propagating material and fruit plants of the CAC category which have been grown in

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>representative portion of that material must be sampled and tested every eight years concerning the presence of <i>Citrus tristeza</i> virus (EU isolates).</p> <p>In the case the identified source of material has not been maintained in insect-proof facilities, a representative portion of that material must be sampled and tested every three years concerning the presence of <i>Citrus tristeza</i> virus (EU isolates).</p>	<p>insect proof facilities, no symptoms of <i>Spiroplasma citri</i> Saglio <i>et al.</i> or <i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley are observed on that propagating material and those fruit plants over the last complete growing season and the material has been subjected to random sampling and testing for <i>Citrus tristeza</i> virus (EU isolates) before marketing,</p> <p>in the case of propagating material and fruit plants of the CAC category which have not been grown in insect proof facilities, no symptoms of <i>Spiroplasma citri</i> Saglio <i>et al.</i> or <i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley are observed on propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately</p>

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>destroyed, and a representative portion of the material has been sampled and tested for <i>Citrus tristeza</i> virus (EU isolates) before marketing, or</p> <p>in the case of propagating material and fruit plants of the CAC category which have not been grown in insect proof facilities:</p> <p>(a) symptoms of <i>Spiroplasma citri</i> Saglio <i>et al.</i> or <i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley are observed on no more than 2% of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and that propagating material and those fruit plants and any symptomatic plants in the immediate vicinity have been</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>rogued out and immediately destroyed, and</p> <p>(b) a representative portion of propagating material and fruit plants of the CAC category has been sampled and tested for <i>Citrus tristeza</i> virus (EU isolates), before marketing and no more than 2% of propagating material and fruit plants of the CAC category in the production site have been found positive over the last complete growing season. That propagating material and those fruit plants have been rogued out and immediately destroyed. Propagating material and fruit plants in the immediate vicinity have been subjected to random sampling and</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				testing, and any propagating material and fruit plants which have been found positive have been rogued out and immediately destroyed.
Corylus avellana L.	All categories	Visual inspections must be carried out once a year.	Sampling and testing must be carried out where there are doubts concerning the presence of the RNQPs listed in schedules 6 and 6A.	N/A.
Cydonia oblonga Mill.	Pre-basic category	Visual inspections must be carried out over the last complete growing season for <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> For all RNQPs, other than <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> , visual inspections must be carried out once a year.	Each pre-basic mother plant must be sampled and tested fifteen years after its acceptance as a pre-basic mother plant and with subsequent intervals of fifteen years concerning the presence of RNQPs other than virus-like diseases and viroids listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.	In the case where a derogation is allowed to produce pre-basic material in the field under non-insect proof conditions, pursuant to Commission Implementing Decision 2017/925, the following requirements apply concerning <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> : (a) propagating material and fruit plants of the pre-basic category must be produced in areas known to be free from <i>Erwinia amylovora</i> (Burrill)

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area

Winslow *et al.*,
or

- (b) propagating material and fruit plants of the pre-basic category in the production site have been inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of *Erwinia amylovora* (Burrill) Winslow *et al.* and any surrounding host plants have been immediately rogued out and destroyed.

Basic category

A representative portion of basic mother plants must be sampled and tested every fifteen years on the basis of an assessment of the risk of infection of those plants concerning the presence of RNQPs other than virus-like diseases and viroids listed in schedule 6A, and where there are doubts concerning the

Propagating material and fruit plants of the basic and certified categories must be produced in areas known to be free from *Erwinia amylovora* (Burrill) Winslow *et al.*, or propagating material and fruit plants of the basic and certified categories in the production

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
	Certified category		<p>presence of RNQPs listed in schedule 6.</p> <p>A representative portion of certified mother plants must be sampled and tested every fifteen years on the basis of an assessment of the risk of infection of those plants concerning the presence of RNQPs other than virus-like diseases and viroids listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.</p> <p>Certified fruit plants must be sampled and tested where there are doubts concerning the presence of RNQPs listed in schedules 6 and 6A.</p>	<p>site have been inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> and any surrounding host plants have been immediately rogued out and destroyed.</p>
	CAC category		<p>Sampling and testing must be carried out where there are doubts concerning the presence of RNQPs listed in schedules 6 and 6A.</p>	<p>Propagating material and fruit plants of the CAC category must be produced in areas known to be free from <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i>, or propagating material and fruit plants of the CAC category in the production site have been inspected over the last complete growing season, and any propagating material and fruit plants</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				showing symptoms of <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> and any surrounding host plants have been immediately rogued out and destroyed.
<i>Ficus carica</i> L.	All categories	Visual inspections must be carried out once a year.	Sampling and testing must be carried out where there are doubts concerning the presence of the RNQPs listed in schedule 6.	N/A.
<i>Fragaria</i> L.	Pre-basic category	Visual inspections must be carried out twice a year during the growing season. The foliage of <i>Fragaria</i> must be visually inspected concerning the presence of <i>Phytophthora fragariae</i> C.J. Hickman.	Each pre-basic mother plant must be sampled and tested one year after its acceptance as a pre-basic mother plant and subsequently once per growing season concerning the presence of RNQPs listed in schedule 6A, and, where there are doubts concerning the presence of RNQPs listed in schedule 6.	N/A.
	Basic category	For propagating material and fruit plants produced by micropropagation and which are maintained for a period shorter than three months, only one visual	A representative sample of roots must be sampled and tested in the case of symptoms of <i>Phytophthora fragariae</i> C.J. Hickman on the foliage. Sampling and testing must be carried out if the symptoms of <i>Arabidopsis</i> mosaic virus,	<i>Phytophthora fragariae</i> C.J. Hickman: (a) propagating material and fruit plants of the basic category must be produced in areas known to be free from <i>Phytophthora</i>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
		inspection during this period necessary.	Raspberry ringspot virus, Strawberry crinkle virus, Strawberry ringspot virus, Strawberry mild yellow edge virus, Strawberry vein banding virus and Tomato black ring virus are unclear upon visual inspection. Sampling and testing must be carried out where there are doubts concerning the presence of RNQPs, other than <i>Arabis</i> mosaic virus, <i>Phytophthora fragariae</i> C.J. Hickman, Raspberry ringspot virus, Strawberry crinkle virus, Strawberry latent ringspot virus, Strawberry mild yellow edge virus, Strawberry vein banding virus, and Tomato black ring virus, listed in schedules 6 and 6A.	<p><i>fragariae</i> C.J. Hickman, or (b) no symptoms of <i>Phytophthora fragariae</i> C.J. Hickman are observed on the foliage of propagating material and fruit plants of the basic category in the production site over the last complete growing season, and any infected propagating material and fruit plants and plants in a surrounding zone of at least 5 m radius have been marked, excluded from lifting and marketing, and destroyed after uninfected propagating material and fruit plants have been lifted.</p> <p><i>Xanthomonas fragariae</i> Kennedy & King:</p> <p>(a) propagating material and fruit plants of the basic category must be produced in</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>areas known to be free from <i>Xanthomonas fragariae</i> Kennedy & King, or</p> <p>(b) no symptoms of <i>Xanthomonas fragariae</i> Kennedy & King are observed on propagating material and fruit plants of the basic category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed.</p> <p><i>Phytophthora fragariae</i> C.J. Hickman:</p> <p>(a) there must be a rest period, during which the propagating material and fruit plants concerned must not be grown, which must be of at least ten years between findings of</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p><i>Phytophthora fragariae</i> C.J. Hickman and the next planting, or</p> <p>(b) the cropping and soil borne disease history of the production site must be recorded.</p> <p>There must be a rest period, during which the propagating material and fruit plants concerned must not be grown, which must be of at least one year between findings of <i>Xanthomonas fragariae</i> Kennedy & King and the next planting.</p> <p>Requirements for RNQPs, other than <i>Xanthomonas fragariae</i> Kennedy & King and <i>Phytophthora fragariae</i> C.J. Hickman and other than viruses:</p> <p>(a) the percentage of propagating material and fruit plants of the basic category in the production site over the last complete growing season, showing</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>symptoms of each of the following RNQPs must not exceed:</p> <p>(i) 0.05% in the case of <i>Aphelenchoides besseyi</i>,</p> <p>(ii) 0.1% in the case of Strawberry multiplier disease phytoplasma,</p> <p>(iii) 0.2% in the case of <i>Candidatus Phytoplasma asteris</i> Lee <i>et al.</i>, <i>Candidatus Phytoplasma pruni</i>, <i>Candidatus Phytoplasma solani</i> Quaglino <i>et al.</i>, <i>Verticillium albo-atrum</i> Reinke & Berthold and <i>Verticillium dahliae</i> Kleb,</p> <p>(iv) 0.5% in the case of <i>Chaetosiphon fragaefolii</i> Cockerell, <i>Ditylenchus dipsaci</i> (Kuehn) Filipjev, <i>Meloidogyne hapla</i> Chitwood, <i>Podosphaera aphanis</i> (Wallroth)</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				Braun & Takamatsu, (v) 1% in the case of <i>Pratylenchus vulnus</i> Allen & Jensen; and that propagating material and those fruit plants and any surrounding host plants have been rogued out and destroyed, and (b) in the case of a positive test result for propagating material and fruit plants of the basic category showing symptoms of <i>Arabis</i> mosaic virus, Raspberry ringspot virus, Strawberry crinkle virus, Strawberry latent ringspot virus, Strawberry mild yellow edge virus, Strawberry vein banding virus, and Tomato black ring virus, the propagating material and fruit plants concerned

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>must be rogued out and immediately destroyed.</p> <p>Symptoms of all viruses listed in schedules 6 and 6A must have been observed on no more than 1% of propagating material and fruit plants of the basic category in the production site over the last complete growing season, and that propagating material and those fruit plants and any symptomatic plants in the immediate vicinity must have been rogued out and immediately destroyed.</p>
	Certified category		<p>A representative sample of roots must be sampled and tested in the case of symptoms of <i>Phytophthora fragariae</i> C.J. Hickman on the foliage. Sampling and testing must be carried out if the symptoms of <i>Arabid</i> mosaic virus, Raspberry ringspot virus, Strawberry crinkle virus, Strawberry latent ringspot virus, Strawberry mild yellow edge virus,</p>	<p><i>Phytophthora fragariae</i> C.J. Hickman:</p> <p>(a) propagating material and fruit plants of the certified category must be produced in areas known to be free from <i>Phytophthora fragariae</i> C.J. Hickman, or</p> <p>(b) no symptoms of <i>Phytophthora fragariae</i> C.J. Hickman are</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>Strawberry vein banding virus, and Tomato black ring virus are unclear upon visual inspection. Sampling and testing must be carried out where there are doubts concerning the presence of RNQPs, other than <i>Arabis</i> mosaic virus, <i>Phytophthora fragariae</i> C.J. Hickman, Raspberry ringspot virus, Strawberry crinkle virus, Strawberry latent ringspot virus, Strawberry mild yellow edge virus, Strawberry vein banding virus, and Tomato black ring virus, listed in schedules 6 and 6A.</p>	<p>observed on the foliage of propagating material and fruit plants of the certified category in the production site over the last complete growing season, and any infected propagating material and fruit plants and plants in a surrounding zone of at least 5m radius have been marked, excluded from lifting and marketing, and destroyed after uninfected plants have been lifted.</p> <p><i>Xanthomonas fragariae</i> Kennedy & King:</p> <p>(a) propagating material and fruit plants of the certified category must be produced in areas known to be free from <i>Xanthomonas fragariae</i> Kennedy & King, or</p> <p>(b) symptoms of <i>Xanthomonas</i></p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p><i>fragariae</i> Kennedy & King have been observed on no more than 2% of propagating material and fruit plants of the certified category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed.</p> <p><i>Phytophthora fragariae</i> C.J. Hickman:</p> <p>(a) there must be a rest period, during which the propagating material and fruit plants concerned must not be grown, which must be of at least ten years between findings of <i>Phytophthora fragariae</i> C.J. Hickman</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	<p>Requirements relating to the production site, place of production or area</p> <p>and the next planting, or</p> <p>(b) the cropping and soil borne disease history of the production site must be recorded.</p> <p>There must be a rest period, during which the propagating material and fruit plants concerned must not be grown, which must be of at least one year between findings of <i>Xanthomonas fragariae</i> Kennedy & King and the next planting.</p> <p>Requirements for RNQPs, other than <i>Xanthomonas fragariae</i> Kennedy & King and <i>Phytophthora fragariae</i> C.J. Hickman and other than viruses:</p> <p>(a) the percentage of propagating material and fruit plants of the certified category in the production site over the last complete growing season, showing symptoms of each of the following</p>

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>RNQPs must not exceed:</p> <p>(i) 0.1% in the case of <i>Phytonemus pallidus</i> Banks,</p> <p>(ii) 0.5% in the case of <i>Aphelenchoides besseyi</i> Christie and Strawberry multiplier disease phytoplasma,</p> <p>(iii) 1% in the case of <i>Aphelenchoides fragariae</i> (Ritzema Bos) Christie, <i>Candidatus Phlomobacter fragariae</i> Zreik, Bové & Garnier, <i>Candidatus Phytoplasma asteris</i> Lee <i>et al.</i>, <i>Candidatus Phytoplasma australiense</i> Davis <i>et al.</i>, <i>Candidatus Phytoplasma fragariae</i> Valiunas, Staniulis & Davis, <i>Candidatus Phytoplasma pruni</i>, <i>Candidatus Phytoplasma solani</i> Quaglino <i>et al.</i>, <i>Chaetosiphon</i></p>

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p><i>fragaefolii</i> Cockerell, Clover phyllody phytoplasma, <i>Ditylenchus dipsaci</i> (Kuehn) Filipje, <i>Meloidogyne hapla</i> Chitwood, <i>Podosphaera aphanis</i> (Wallroth) Braun & Takamatsu, <i>Pratylenchus vulnus</i> Allen & Jensen and <i>Rhizoctonia fragariae</i> Hussain & W.E.McKeen,</p> <p>(iv) 2% in the case of <i>Verticillium albo-atrum</i> Reinke & Berthold and <i>Verticillium dahliae</i> Kleb; and that propagating material and those fruit plants, and any surrounding host plants have been rogued out and destroyed, and</p> <p>(b) in the case of a positive test result for propagating material and fruit plants of</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>the certified category showing symptoms of <i>Arabis</i> mosaic virus, Raspberry ringspot virus, Strawberry crinkle virus, Strawberry latent ringspot virus, Strawberry mild yellow edge virus, Strawberry vein banding virus, and Tomato black ring virus, the propagating material and fruit plants concerned must be rogued out and immediately destroyed.</p> <p>Symptoms of all viruses listed in schedules 6 and 6A have been observed on no more than 2% of propagating material and fruit plants of the certified category in the production site over the last complete growing season, and that propagating material and those fruit plants and any symptomatic plants in the immediate vicinity</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
	CAC category		<p>A representative sample of roots must be sampled and tested in the case of symptoms of <i>Phytophthora fragariae</i> C.J. Hickman on the foliage. Sampling and testing must be carried out if the symptoms of <i>Arabidopsis</i> mosaic virus, Raspberry ringspot virus, Strawberry crinkle virus, Strawberry latent ringspot virus, Strawberry mild yellow edge virus, Strawberry vein banding virus, and Tomato black ring virus are unclear upon visual inspection. Sampling and testing must be carried out where there are doubts concerning the presence of RNQPs, other than <i>Arabidopsis</i> mosaic virus, <i>Phytophthora fragariae</i> C.J. Hickman, Raspberry ringspot virus, Strawberry crinkle virus, Strawberry latent ringspot virus, Strawberry mild yellow edge virus, Strawberry vein banding virus, and</p>	<p>have been rogued out and immediately destroyed.</p> <p><i>Phytophthora fragariae</i> C.J. Hickman:</p> <p>(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from <i>Phytophthora fragariae</i> C.J. Hickman, or</p> <p>(b) no symptoms of <i>Phytophthora fragariae</i> C.J. Hickman are observed on the foliage of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and any infected propagating material and fruit plants and plants in a surrounding zone of at least 5m radius have been marked, excluded from lifting and marketing,</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			Tomato black ring virus, listed in schedules 6 and 6A.	<p>and destroyed after uninfected propagating material and fruit plants have been lifted.</p> <p><i>Xanthomonas fragariae</i> Kennedy & King:</p> <p>(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from <i>Xanthomonas fragariae</i> Kennedy & King,</p> <p>(b) no symptoms of <i>Xanthomonas fragariae</i> Kennedy & King are observed on propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out, or</p> <p>(c) symptoms of <i>Xanthomonas</i></p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area

fragariae
Kennedy & King have been observed on no more than 5% of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed.

In the case of a positive test result for propagating material and fruit plants of the CAC category showing symptoms of *Arabis* mosaic virus, Raspberry ringspot virus, Strawberry crinkle virus, Strawberry latent ringspot virus, Strawberry mild yellow edge virus, Strawberry vein banding virus, and Tomato black ring virus, the propagating

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
Juglans regia L.	Pre-basic category	Visual inspections must be carried out once a year.	Each flowering pre-basic mother plant must be sampled and tested one year after its acceptance as a pre-basic mother plant and with subsequent intervals of one year concerning the presence of RNQPs listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.	material and fruit plants concerned must be rogued out and immediately destroyed.
	Basic category		A representative portion of basic mother plants must be sampled and tested every year on the basis of an assessment of the risk of infection of those plants concerning the presence of the RNQPs listed in schedules 6 and 6A.	N/A.
	Certified category		A representative portion of certified mother plants must be sampled and tested every three years on the basis of an assessment of the risk of infection of those plants concerning the presence of the RNQPs listed in schedules 6 and 6A.	

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>Certified fruit plants must be sampled and tested where there are doubts concerning the presence of the RNQPs listed in schedules 6 and 6A.</p> <p>Sampling and testing must be carried out where there are doubts concerning the presence of the RNQPs listed in schedules 6 and 6A.</p>	
	CAC category			
Malus Mill.	Pre-basic category	Visual inspections must be carried out once a year.	Each pre-basic mother plant must be sampled and tested fifteen years after its acceptance as a pre-basic mother plant and with subsequent intervals of fifteen years concerning the presence of RNQPs other than virus-like diseases and viroids listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.	<p>In the case where a derogation is allowed to produce pre-basic material in the field under non-insect proof conditions, pursuant to Commission Implementing Decision 2017/925, the following requirements apply concerning <i>Candidatus</i> <i>Phytoplasma mali</i> Seemüller & Schneider and <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i>:</p> <p>(a) <i>Candidatus</i> <i>Phytoplasma mali</i> Seemüller & Schneider:</p> <p>(i) propagating material and fruit plants of the pre-basic</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>category must be produced in areas known to be free from <i>Candidatus Phytoplasma mali</i> Seemüller & Schneider, or</p> <p>(ii) no symptoms of <i>Candidatus Phytoplasma mali</i> Seemüller & Schneider are observed on propagating material and fruit plants of the pre-basic category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed,</p> <p>(b) <i>Erwinia amylovora</i> (Burrill) Winslow et al.:</p> <p>(i) propagating material and fruit plants of the pre-basic category must be produced in areas known</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				to be free from <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> , or (ii) propagating material and fruit plants of the pre-basic category in the production site have been inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> and any surrounding host plants have been immediately rogued out and destroyed.
	Basic category		In the case of <i>Candidatus</i> basic mother plants, <i>Phytoplasma mali</i> which have been maintained in insect proof facilities, a representative portion of basic mother plants must be sampled and tested every fifteen years concerning the presence of Seemüller & Schneider: (a) propagating material and fruit plants of the basic and certified categories must be produced in	

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p><i>Candidatus</i> Phytoplasma mali Seemüller & Schneider.</p> <p>In the case of (b) basic mother plants, which have not been maintained in insect proof facilities, a representative portion of basic mother plants must be sampled and tested every three years concerning the presence of <i>Candidatus</i> Phytoplasma mali Seemüller & Schneider; a representative portion of basic mother plants must be sampled and tested every fifteen years on the basis of an assessment of the risk of infection of those plants concerning the presence of RNQPs, other than <i>Candidatus</i> Phytoplasma mali Seemüller & Schneider and other than the virus-like diseases and viroids, listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.</p> <p>In the case of certified mother</p>	<p>areas known to be free from <i>Candidatus</i> Phytoplasma mali Seemüller & Schneider,</p> <p>no symptoms of <i>Candidatus</i> Phytoplasma mali Seemüller & Schneider are observed on propagating material and fruit plants of the basic and certified categories in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, or</p> <p>(c) symptoms of <i>Candidatus</i> Phytoplasma mali Seemüller & Schneider have been observed on no more than 2% of propagating material and fruit plants of</p>
	Certified category			

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>plants, which have been maintained in insect proof facilities, a representative portion of certified mother plants must be sampled and tested every fifteen years concerning the presence of <i>Candidatus</i> <i>Phytoplasma mali</i> Seemüller & Schneider.</p> <p>In the case of certified mother plants, which have not been maintained in insect proof facilities, a representative portion of certified mother plants must be sampled and tested every five years concerning the presence of <i>Candidatus</i> <i>Phytoplasma mali</i> Seemüller & Schneider; a representative portion of certified mother plants must be sampled and tested every fifteen years on the basis of an assessment of the risk of infection of those plants concerning the presence of RNQPs, other than <i>Candidatus</i> <i>Phytoplasma mali</i> Seemüller & Schneider and other than virus-like</p>	<p>the certified category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, and a representative sample of the remaining asymptomatic propagating material and fruit plants in the lots in which symptomatic propagating material and fruit plants were found has been tested and found free from <i>Candidatus</i> <i>Phytoplasma mali</i> Seemüller & Schneider.</p> <p><i>Erwinia amylovora</i> (Burrill) Winslow et al.:</p> <p>(a) propagating material and</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			diseases and viroids, listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.	fruit plants of the basic and certified categories must be produced in areas known to be free from <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> , or
			Certified fruit plants must be sampled and tested where there are doubts concerning the presence of RNQPs listed in schedules 6 and 6A.	(b) propagating material and fruit plants of the basic and certified categories in the production site have been inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> and any surrounding host plants have been immediately rogued out and destroyed.
	CAC category		Sampling and testing must be carried out where there are doubts concerning the	<i>Candidatus</i> Phytoplasma mali

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			presence of RNQPs listed in schedules 6 and 6A.	<p><i>Seemüller & Schneider:</i></p> <p>(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from <i>Candidatus Phytoplasma mali</i> Seemüller & Schneider,</p> <p>(b) no symptoms of <i>Candidatus Phytoplasma mali</i> Seemüller & Schneider are observed on propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, or</p> <p>(c) symptoms of <i>Candidatus Phytoplasma mali</i></p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				Seemüller & Schneider have been observed on no more than 2% of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, and a representative sample of the remaining asymptomatic propagating material and fruit plants in the lots in which symptomatic propagating material and fruit plants were found has been tested and found free from <i>Candidatus Phytoplasma mali</i> Seemüller & Schneider.

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p><i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i>:</p> <p>(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i>, or</p> <p>(b) propagating material and fruit plants of the CAC category in the production site have been inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> and any surrounding host plants have been immediately rogued out and destroyed.</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
<i>Olea europaea</i> L.	Pre-basic category	Visual inspections must be carried out once a year.	Each pre-basic mother plant must be sampled and tested ten years after its acceptance as a pre-basic mother plant and with subsequent intervals of ten years concerning the presence of RNQPs listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.	N/A.
	Basic category		A representative portion of basic mother plants must be sampled in order to have all plants tested within an interval of thirty years on the basis of an assessment of the risk of infection of those plants concerning the presence of the RNQPs listed in schedules 6 and 6A.	
	Certified category		In the case of mother plants used for the production of seeds (“seed mother plants”), a representative portion of those seed mother plants must be sampled in order to have all plants tested within an interval of forty years on the basis of an assessment of the risk of infection of those	

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			plants concerning the presence of the RNQPs listed in schedules 6 and 6A. In the case of mother plants other than seed mother plants, a representative portion of those plants must be sampled in order to have all plants tested within an interval of thirty years on the basis of an assessment of the risk of infection of those plants concerning the presence of the RNQPs listed in schedules 6 and 6A.	
	CAC category		Sampling and testing must be carried out where there are doubts concerning the presence of the RNQPs listed in schedules 6 and 6A.	
<i>Pistacia vera</i> L.	All categories	Visual inspections must be carried out once a year.	Sampling and testing must be carried out where there are doubts concerning the presence of the RNQPs listed in schedule 6.	N/A.
<i>Prunus armeniaca</i> L., <i>Prunus avium</i> L., <i>Prunus cerasifera</i> Ehrh., <i>Prunus cerasus</i>	Pre-basic category	Visual inspections must be carried out twice a year with regard to <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider,	Propagating material and fruit plants of the pre-basic category of <i>Prunus armeniaca</i> L., <i>Prunus avium</i> L., <i>Prunus cerasus</i> L., <i>Prunus domestica</i> L. and <i>Prunus dulcis</i> (Miller) Webb, must derive from mother	In the case where a derogation is allowed to produce pre-basic material in the field under non-insect proof conditions, pursuant to Commission Implementing Decision 2017/925,

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
L., <i>Prunus domestica</i> L., <i>Prunus dulcis</i> (Miller) Webb, <i>Prunus persica</i> (L.) Batsch and <i>Prunus salicina</i> Lindley		Plum pox virus, <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> and <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie (<i>Prunus persica</i> (L.) Batsch and <i>Prunus salicina</i> Lindley). Visual inspections must be carried out once a year for all RNQPs, other than <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider, Plum pox virus, <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> and <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie, listed	plants, which have been tested within the previous growing season and found free from Plum pox virus. Pre-basic rootstocks of <i>Prunus cerasifera</i> Ehrh. and <i>Prunus domestica</i> L. must derive from mother plants, which have been tested within the previous growing season and found free from Plum pox virus. Pre-basic rootstocks of <i>Prunus cerasifera</i> Ehrh. and <i>Prunus domestica</i> L. must derive from mother plants, which have been tested within the previous five growing seasons and found free from <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider. Each flowering pre-basic mother plant must be sampled and tested for Prune dwarf virus and <i>Prunus</i> necrotic ringspot virus one year after its acceptance as a pre-basic mother plant and with subsequent	the following requirements apply concerning <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider, Plum pox virus, <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> and <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie: (a) <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider: (i) propagating material and fruit plants of the pre-basic category must be produced in areas known to be free from <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider, (ii) no symptoms of <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider are observed on propagating material and fruit plants of

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
		in schedules 6 and 6A.	<p>intervals of one year. In the case of <i>Prunus persica</i>, each flowering pre-basic mother plant must be sampled one year after its acceptance as a pre-basic mother plant and tested for Peach latent mosaic viroid. Each tree planted intentionally for pollination and, where appropriate, the major pollinating trees in the environment (iii) must be sampled and tested for Prune dwarf virus and <i>Prunus</i> necrotic ringspot virus.</p> <p>Each pre-basic mother plant must be sampled five years after its acceptance as a pre-basic mother plant, and with subsequent intervals of five years, and tested for <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider and Plum pox virus. Each pre-basic mother plant must be sampled ten years after its acceptance as a pre-basic mother plant, and with subsequent intervals of ten years, and tested for RNQPs, other than Prune dwarf virus, Plum</p>	<p>the pre-basic category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, or propagating material and fruit plants of the pre-basic category in the production site must be isolated from other host plants. The isolation distance of the production site must depend on regional circumstances, the type of propagating material, the presence of <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider in the area concerned and the relevant risks involved as set out by the competent authorities</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			pox virus and <i>Prunus</i> necrotic ringspot virus, relevant for the species, as listed in schedule 6A, and tested where there are doubts concerning the presence of RNQPs listed in schedule 6. A representative portion of pre-basic mother plants must be sampled and tested where there are doubts concerning the presence of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i>	based on inspection, (b) Plum pox virus: (i) propagating material and fruit plants of the pre-basic category must be produced in areas known to be free from Plum pox virus, (ii) no symptoms of Plum pox virus are observed on propagating material and fruit plants of the pre-basic category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, or (iii) propagating material and fruit plants of the pre-basic category in the production site must be isolated from other host plants. The isolation distance of the production site

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>must depend on regional circumstances, the type of propagating material, the presence of Plum pox virus in the area concerned and the relevant risks involved as set out by the competent authorities based on inspection,</p> <p>(c) <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie:</p> <p>(i) propagating material and fruit plants of the pre-basic category must be produced in areas known to be free from <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie, or</p> <p>(ii) no symptoms of <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier,</p>

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>Luisetti & Gardan) Young, Dye & Wilkie are observed on propagating material and fruit plants of the pre-basic category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed,</p> <p>(d) <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i>:</p> <p>(i) propagating material and fruit plants of the pre-basic category must be produced in areas known to be free from <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i>, or</p> <p>(ii) no symptoms of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i></p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				are observed on propagating material and fruit plants of the pre-basic category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed.
	Basic category	Visual inspections must be carried out once a year.	A representative portion of basic mother plants that have been maintained in insect-proof facilities must be sampled every three years and tested concerning the presence of Prune dwarf virus, <i>Prunus</i> necrotic ringspot virus and Plum pox virus. A representative portion of basic mother plants must be sampled every ten years and tested concerning the presence of <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider. Mother plants which have not been	<i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider: (a) propagating material and fruit plants of the basic and certified categories must be produced in areas known to be free from <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider, (b) no symptoms of <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider are observed on

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			maintained in insect proof facilities:	propagating material and fruit plants of the basic and certified categories in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, or
			(a) a representative portion of basic mother plants, other than those intended for the production of rootstocks, must be sampled every year and tested for Plum pox virus in order to have all plants tested within an interval of ten years,	(c) symptoms of <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider have been observed on no more than 1% of propagating material and fruit plants of the certified category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity
			(b) a representative portion of basic mother plants, intended for the production of rootstocks must be sampled every year and tested concerning the presence of Plum pox virus and found free from that RNQP. A representative portion of basic mother plants of <i>Prunus domestica</i> L. intended for the production of rootstocks must be sampled and tested in the previous five growing	

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>seasons concerning the presence of <i>Candidatus</i> <i>Phytoplasma prunorum</i> Seemüller & Schneider and found free from that RNQP, and</p> <p>(c) a representative portion of basic mother plants must be sampled and tested where there are doubts concerning the presence of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> A representative portion of basic mother plants must be sampled and tested every ten years on the basis of an assessment of the risk of infection of those plants concerning the presence of RNQPs, other than <i>Candidatus</i> <i>Phytoplasma prunorum</i> Seemüller & Schneider, Prune dwarf virus, <i>Prunus</i></p>	<p>have been rogued out and immediately destroyed, and a representative sample of the remaining asymptomatic propagating material and fruit plants in the lots in which symptomatic plants were found has been tested and found free from <i>Candidatus</i> <i>Phytoplasma prunorum</i> Seemüller & Schneider.</p>

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			necrotic ringspot virus and Plum pox virus, listed in schedule 6A, and tested where there are doubts concerning the presence of RNQPs listed in schedule 6.	
			Flowering mother plants:	Plum pox virus:
			(a) a representative portion of flowering basic mother plants must be sampled every year and tested for <i>Candidatus</i> <i>Phytoplasma prunorum</i> Seemüller & Schneider, Prune dwarf virus and <i>Prunus</i> necrotic ringspot virus on the basis of an assessment of the risk of infection of those plants, and	(a) propagating material and fruit plants of the basic and certified categories must be produced in areas known to be free from Plum pox virus, or
			(b) in the case of <i>Prunus persica</i> (L.) Batsch, a representative portion of flowering basic mother plants must be	(b) no symptoms of Plum pox virus are observed on propagating material and fruit plants of the basic and certified categories in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>sampled once a year and tested for Peach latent mosaic viroid on the basis of an assessment of the risk of infection of those plants. A representative portion of trees planted intentionally for pollination and, where appropriate, the major pollinating trees in the environment must be sampled and tested Prune dwarf virus and <i>Prunus</i> necrotic ringspot virus on the basis of an assessment of the risk of infection of those plants.</p> <p>A representative portion of non-flowering basic mother plants which have been not maintained in insect proof facilities must be sampled and tested every three years concerning the presence of Prune dwarf virus, <i>Prunus</i> necrotic ringspot virus and <i>Candidatus</i></p>	<p>(c) immediately destroyed, or symptoms of Plum pox virus have been observed on no more than 1% of propagating material and fruit plants of the certified category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, and a representative sample of the remaining asymptomatic propagating material and fruit plants in the lots in which symptomatic plants were found has been tested and found free from Plum pox virus.</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
	Certified category		<p>Phytoplasma prunorum Seemüller & Schneider on the basis of an assessment of the risk of infection of those plants.</p> <p>A representative portion of certified mother plants that have been maintained in insect proof facilities must be sampled every five years and tested concerning the presence of Prune dwarf virus, <i>Prunus</i> necrotic ringspot virus and Plum pox virus in order to have all plants tested within an interval of fifteen years.</p> <p>A representative portion of certified mother plants must be sampled every fifteen years and tested concerning the presence of <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider.</p>	<p><i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie:</p> <p>(a) propagating material and fruit plants of the basic and certified categories must be produced in areas known to be free from <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie,</p> <p>(b) no symptoms of <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie are observed on propagating material and fruit plants of the basic and certified categories in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>have been rogued out and immediately destroyed, or</p> <p>(c) symptoms of <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie have been observed on no more than 2% of propagating material and fruit plants of the certified category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed.</p> <p>Mother plants that <i>Xanthomonas</i> have not been <i>arboricola</i> pv. <i>pruni</i> maintained in insect (Smith) Vauterin et al. proof facilities:</p> <p>(a) a representative portion of certified mother plants that</p> <p>(a) propagating material and fruit plants of the basic</p>

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>have not been maintained in insect proof facilities must be sampled every three years and tested for Plum pox virus in order to have all plants tested within an interval of fifteen years,</p> <p>(b) a representative portion of certified mother plants intended for the production of rootstocks must be sampled every year and tested concerning the presence of Plum pox virus and found free from that RNQP. A representative portion of certified mother plants of <i>Prunus cerasifera</i> Ehrh. and <i>Prunus domestica</i> L. intended for the production of rootstocks have been sampled in the previous five growing seasons and tested</p>	<p>and certified categories must be produced in areas known to be free from <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i>,</p> <p>(b) no symptoms of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> are observed on propagating material and fruit plants of the basic and certified categories in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed; or</p> <p>(c) symptoms of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> have been observed on no more than 2% of propagating material and fruit plants of the certified</p>

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>concerning the presence of <i>Candidatus Phytoplasma prunorum</i> Seemüller & Schneider and found free from that RNQP, and</p> <p>(c) a representative portion of certified mother plants must be sampled and tested where there are doubts concerning the presence of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> A representative portion of certified mother plants must be sampled every fifteen years and tested on the basis of an assessment of the risk of infection of those plants concerning the presence of RNQPs, other than <i>Candidatus Phytoplasma prunorum</i> Seemüller & Schneider, Prune dwarf virus, <i>Prunus</i> necrotic</p>	<p>category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed.</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area

ringspot virus and Plum pox virus, listed in schedule 6A, and tested where there are doubts concerning the presence of RNQPs listed in schedule 6.

A representative portion of flowering certified mother plants must be sampled every year and tested for *Candidatus Phytoplasma prunorum* Seemüller & Schneider, Prune dwarf virus and *Prunus* necrotic ringspot virus on the basis of an assessment of the risk of infection of those plants. In the case of *Prunus persica* (L.) Batsch, a representative portion of flowering certified mother plants must be sampled once a year and tested for Peach latent mosaic viroid on the basis of an assessment of the risk of infection of those plants. A representative portion of trees planted intentionally for pollination and, where appropriate, the major pollinating trees

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>in the environment must be sampled and tested for Prune dwarf virus and <i>Prunus</i> necrotic ringspot virus on the basis of an assessment of the risk of infection of those plants.</p> <p>A representative portion of non-flowering certified mother plants, which have not been maintained in insect proof facilities, must be sampled every three years and tested concerning the presence of <i>Candidatus</i> Phytoplasma prunorum, Prune dwarf virus and <i>Prunus</i> necrotic ringspot virus on the basis of an assessment of the risk of infection of those plants.</p>	
	CAC category		<p>Propagating material and fruit plants of the CAC category must derive from an identified source of material, of which a representative portion has been sampled and tested within the previous three growing seasons and found free from Plum pox virus.</p> <p>CAC rootstocks of <i>Prunus cerasifera</i></p>	<p><i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider:</p> <p>(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from <i>Candidatus</i> Phytoplasma</p>

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>Ehrh. and <i>Prunus domestica</i> L. must derive from an identified source of material of which a representative portion has been sampled and tested within the previous 5 years and found free from <i>Candidatus Phytoplasma prunorum</i> Seemüller & Schneider and Plum pox virus.</p> <p>A representative portion of propagating material and fruit plants of the CAC category must be sampled and tested where there are doubts concerning the presence of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i></p> <p>A representative portion of CAC fruit plants not showing any symptoms of Plum pox virus upon visual inspection must be sampled and tested on the basis of an assessment of the risk of infection of those fruit plants concerning the presence of that RNQP and in the case of symptomatic plants in the immediate vicinity.</p>	<p><i>prunorum</i> Seemüller & Schneider, no symptoms of <i>Candidatus Phytoplasma prunorum</i> Seemüller & Schneider are observed on propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, symptoms of <i>Candidatus Phytoplasma prunorum</i> Seemüller & Schneider have been observed on no more than 1% of propagating material and fruit plants of the CAC category in the production site over the last complete growing</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>Upon the detection of propagating material and fruit plants of the CAC category showing symptoms of <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider in the production site by visual inspection, a representative portion of the remaining asymptomatic CAC propagating material and fruit plants of the CAC category in the lots where symptomatic propagating material and fruit plants have been found must be sampled and tested concerning the presence of <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider.</p> <p>Sampling and testing must be carried out where there are doubts concerning the presence of RNQPs, other than <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider and Plum pox virus, listed in schedules 6 and 6A.</p>	<p>season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, and a representative sample of the remaining asymptomatic propagating material and fruit plants in the lots in which symptomatic propagating material and fruit plants were found has been tested and found free from <i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider; or symptoms of <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie and <i>Xanthomonas arboricola</i> pv.</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p><i>pruni</i> (Smith) Vauterin <i>et al.</i> have been observed on no more than 2% of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed.</p> <p>Plum pox virus:</p> <p>(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from Plum pox virus,</p> <p>(b) no symptoms of Plum pox virus are observed on propagating material and fruit plants of the CAC category in</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, or</p> <p>(c) symptoms of Plum pox virus have been observed on no more than 1% of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, and a representative sample of the remaining asymptomatic propagating</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>material and fruit plants in the lots in which symptomatic propagating material and fruit plants were found has been tested and found free from Plum pox virus.</p> <p><i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie:</p> <p>(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie,</p> <p>(b) no symptoms of <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie are observed on propagating material and fruit plants of the CAC</p>

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area

category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, or symptoms of *Pseudomonas syringae* pv. *persicae* (Prunier, Luisetti & Gardan) Young, Dye & Wilkie have been observed on no more than 2% of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				immediately destroyed.
				<i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> :
				(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> ,
				(b) no symptoms of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> are observed on propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, or
				(c) symptoms of <i>Xanthomonas</i>

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p><i>arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> have been observed on no more than 2% of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed.</p>
<i>Pyrus</i> L.	Pre-basic category	Visual inspections must be carried out once a year.	Each pre-basic mother plant must be sampled and tested fifteen years after its acceptance as a pre-basic mother plant and with subsequent intervals of fifteen years concerning the presence of RNQPs other than virus-like diseases and viroids listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.	In the case where a derogation is allowed to produce pre-basic material in the field under non-insect proof conditions, pursuant to Commission Decision 2017/925, the following requirements apply concerning <i>Candidatus</i> <i>Phytoplasma pyri</i> Seemüller & Schneider and

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p><i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i>:</p> <p>(a) <i>Candidatus Phytoplasma pyri</i> Seemüller & Schneider:</p> <p>(i) propagating material and fruit plants of the pre-basic category must be produced in areas known to be free from <i>Candidatus Phytoplasma pyri</i> Seemüller & Schneider, or</p> <p>(ii) no symptoms of <i>Candidatus Phytoplasma pyri</i> Seemüller & Schneider are observed at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed,</p> <p>(b) <i>Erwinia amylovora</i></p>

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>(Burrill) Winslow et al.:</p> <p>(i) propagating material and fruit plants of the pre-basic category must be produced in areas known to be free from <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i>, or</p> <p>(ii) propagating material and fruit plants of the pre-basic category in the production site have been inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> and any surrounding host plants have been immediately rogued out and destroyed.</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
	Basic category		<p>In the case of basic mother plants which have been maintained in insect proof facilities, a representative portion of basic mother plants must be sampled and tested every fifteen years concerning the presence of <i>Candidatus Phytoplasma pyri</i> Seemüller & Schneider.</p> <p>In the case of basic mother plants which have been not maintained in insect proof facilities, a representative portion of basic mother plants must be sampled and tested every three years concerning the presence of <i>Candidatus Phytoplasma pyri</i> Seemüller & Schneider; a representative portion of basic mother plants must be sampled and tested every fifteen years on the basis of an assessment of the risk of infection of those plants concerning the presence of RNQPs, other than <i>Candidatus Phytoplasma pyri</i> Seemüller & Schneider and other than the virus-like</p>	<p><i>Candidatus Phytoplasma pyri</i> Seemüller & Schneider:</p> <p>(a) propagating material and fruit plants of the basic and certified categories must be produced in areas known to be free from <i>Candidatus Phytoplasma pyri</i> Seemüller & Schneider,</p> <p>(b) no symptoms of <i>Candidatus Phytoplasma pyri</i> Seemüller & Schneider are observed at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, or</p> <p>(c) symptoms of <i>Candidatus Phytoplasma pyri</i> Seemüller & Schneider have been observed</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
	Certified category		<p>diseases and viroids, listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.</p> <p>In the case of certified mother plants, which have been maintained in insect proof facilities, a representative portion of certified mother plants must be sampled and tested every fifteen years concerning the presence of <i>Candidatus</i> <i>Phytoplasma pyri</i> Seemüller & Schneider.</p> <p>In the case of certified mother plants, which have been not maintained in insect proof facilities, a representative portion of certified mother plants must be sampled and tested every five years concerning the presence of <i>Candidatus</i> <i>Phytoplasma pyri</i> Seemüller & Schneider; a representative portion of certified mother plants must be sampled and tested every fifteen years on the basis of an assessment of the risk</p>	<p>on no more than 2% of propagating material and fruit plants of the certified category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, and a representative sample of the remaining asymptomatic propagating material and fruit plants in the lots in which symptomatic propagating material and fruit plants were found has been tested and found free from <i>Candidatus</i> <i>Phytoplasma pyri</i> Seemüller & Schneider.</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			<p>of infection of those plants concerning the presence of RNQPs, other than <i>Candidatus Phytoplasma pyri</i> Seemüller & Schneider and other than virus-like diseases and viroids, listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.</p> <p>Certified fruit plants must be sampled and tested where there are doubts concerning the presence of RNQPs listed in schedules 6 and 6A.</p>	<p><i>Erwinia amylovora</i> (Burrill) Winslow et al.:</p> <p>(a) propagating material and fruit plants of the basic and certified categories must be produced in areas known to be free from <i>Erwinia amylovora</i> (Burrill) Winslow et al., or</p> <p>(b) propagating material and fruit plants of the basic and certified categories in the production site have been inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of <i>Erwinia amylovora</i> (Burrill) Winslow et al. and any surrounding host plants have been immediately</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
	CAC category		Sampling and testing must be carried out where there are doubts concerning the presence of RNQPs listed in schedules 6 and 6A.	<p>rogued out and destroyed.</p> <p><i>Candidatus</i> Phytoplasma pyri Seemüller & Schneider:</p> <p>(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from <i>Candidatus</i> Phytoplasma pyri Seemüller & Schneider,</p> <p>(b) no symptoms of <i>Candidatus</i> Phytoplasma pyri Seemüller & Schneider are observed at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, or</p> <p>(c) symptoms of <i>Candidatus</i> Phytoplasma pyri Seemüller & Schneider have</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p>been observed on no more than 2% of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, and a representative sample of the remaining asymptomatic propagating material and fruit plants in the lots in which symptomatic propagating material and fruit plants were found has been tested and found free from <i>Candidatus Phytoplasma pyri</i></p>

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				Seemüller & Schneider. <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> :
				(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> , or
				(b) propagating material and fruit plants of the CAC category in the production site have been inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of <i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> and any surrounding host plants have been immediately

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
Ribes L.	Pre-basic category	Visual inspections must be carried out twice a year.	Each pre-basic mother plant must be sampled and tested four years after its acceptance as a pre-basic mother plant and with subsequent intervals of four years concerning the presence of RNQPs listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.	N/A rogued out and destroyed.
	Basic category	Visual inspections must be carried out once a year.	Sampling and testing must be carried out where there are doubts concerning the presence of the RNQPs listed in schedules 6 and 6A.	The percentage of propagating material and fruit plants of the basic category in the production site over the last complete growing season showing symptoms of <i>Aphelenchoides ritzemabosi</i> (Schwartz) Steiner & Buhner must not exceed 0.05% and that propagating material and those fruit plants, and any surrounding host plants have been rogued out and destroyed.
	Certified category			The percentage of propagating material and fruit plants of the certified category in the production site over the last complete growing

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Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				season showing symptoms of <i>Aphelenchoides ritzemabosi</i> (Schwartz) Steiner & Buhner must not exceed 0.5% and that propagating material and those fruit plants, and any surrounding host plants have been rogued out and destroyed.
	CAC category			N/A
Rubus L.	Pre-basic category	Visual inspections must be carried out twice a year.	Each pre-basic mother plant must be sampled and tested two years after its acceptance as a pre-basic mother plant and with subsequent intervals of two years concerning the presence of RNQPs listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.	N/A.
	Basic category	Where propagating material and fruit plants are grown in the field or in pots, visual inspections must be carried out twice a year. For propagating material and	Sampling and testing must be carried out if the symptoms of <i>Arabis</i> mosaic virus, Raspberry ringspot virus, Strawberry latent ringspot virus and Tomato black ring virus are unclear upon a visual inspection. Sampling and testing must be carried out where there are doubts concerning	In the case of a positive test result for propagating material the basic category showing symptoms of <i>Arabis</i> mosaic virus, Raspberry ringspot virus, Strawberry latent ringspot virus or Tomato black ring virus, the propagating material and fruit plants concerned

Status: Point in time view as at 28/09/2022.

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
		fruit plants produced by micropropagation and which are maintained for a period shorter than three months, only one visual inspection during this period is necessary.	the presence of RNQPs, other than <i>Arabidopsis</i> mosaic virus, Raspberry ringspot virus, Strawberry latent ringspot virus and Tomato black ring virus, listed in schedules 6 and 6A	<p>must be rogued out and immediately destroyed.</p> <p>In relation to RNQPs other than <i>Arabidopsis</i> mosaic virus, Raspberry ringspot virus, Strawberry latent ringspot virus and Tomato black ring virus, the percentage of propagating material and fruit plants of the basic category in the production site over the last complete growing season, showing symptoms of each of the following RNQPs must not exceed 0.1% in the case of:</p> <ul style="list-style-type: none"> (a) <i>Agrobacterium</i> spp. Conn.; and (b) <i>Rhodococcus fascians</i> Tilford; and that propagating material and those fruit plants, and any surrounding host plants have been rogued out and destroyed. <p>Symptoms of all viruses listed in schedules 6 and 6A have been observed on no more than 0.25% of propagating material and fruit plants of</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				the basic category in the production site over the last complete growing season, and that propagating material and those fruit plants and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed.
Certified category	Visual inspections must be carried out once a year.	Visual inspections must be carried out once a year.	Sampling and testing must be carried out if the symptoms of <i>Arabid</i> mosaic virus, Raspberry ringspot virus, Strawberry latent ringspot virus and Tomato black ring virus are unclear upon visual inspection. Sampling and testing must be carried out where there are doubts concerning the presence of RNQPs, other than <i>Arabid</i> mosaic virus, Raspberry ringspot virus, Strawberry latent ringspot virus and Tomato black ring virus, listed in schedules 6 and 6A.	In the case of a positive test result for propagating material and fruit plants of the certified category showing symptoms of <i>Arabid</i> mosaic virus, Raspberry ringspot virus, Strawberry latent ringspot virus or Tomato black ring virus, the propagating material and fruit plants concerned must be rogued out and immediately destroyed. In relation to RNQPs other than <i>Arabid</i> mosaic virus, Raspberry ringspot virus, Strawberry latent ringspot virus and Tomato black ring virus, the percentage of propagating material and fruit plants of the certified category in the production site over the last complete growing season,

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	<p>Requirements relating to the production site, place of production or area</p> <p>showing symptoms of each of the following RNQPs must not exceed:</p> <ul style="list-style-type: none"> (a) 0.5% in the case of <i>Resseliella theobaldi</i> Barnes, and (b) 1% in the case of: <ul style="list-style-type: none"> (i) <i>Agrobacterium</i> spp. Conn., and (ii) <i>Rhodococcus fascians</i> Tilford, <p>and that propagating material and those fruit plants, and any surrounding host plants have been rogued out and destroyed.</p> <p>Symptoms of all viruses listed in schedules 6 and 6A have been observed on no more than 0.5% of propagating material and fruit plants of the certified category in the production site over the last complete growing season, and that propagating material and those fruit plants and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed.</p>

Status: Point in time view as at 28/09/2022.

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
	CAC category	Visual inspections must be carried out once a year.	Sampling and testing must be carried out if the symptoms of <i>Arabis</i> mosaic virus, Raspberry ringspot virus, Strawberry latent ringspot virus and Tomato black ring virus are unclear upon visual inspection. Sampling and testing must be carried out where there are doubts concerning the presence of RNQPs, other than <i>Arabis</i> mosaic virus, Raspberry ringspot virus, Strawberry latent ringspot virus and Tomato black ring virus, listed in schedules 6 and 6A.	In the case of a positive test result for propagating material and fruit plants of the CAC category showing symptoms of <i>Arabis</i> mosaic virus, Raspberry ringspot virus, Strawberry latent ringspot virus or Tomato black ring virus, the propagating material and fruit plants concerned must be rogued out and immediately destroyed.
Vaccinium L.	Pre-basic category	Visual inspections must be carried out twice a year.	Each pre-basic mother plant must be sampled and tested five years after its acceptance as a pre-basic mother plant and with subsequent intervals of five years concerning the presence of RNQPs listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.	N/A.
	Basic category	Visual inspections must be carried out twice a year.	Sampling and testing must be carried out where there are doubts concerning the presence of RNQPs	No symptoms of <i>Agrobacterium tumefaciens</i> (Smith & Townsend) Conn are observed at the production site over

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
			listed in schedules 6 and 6A.	<p>the last complete growing season.</p> <p><i>Diaporthe vaccinii</i> Shear:</p> <p>(a) propagating material and fruit plants of the basic category must be produced in areas known to be free from <i>Diaporthe vaccinii</i> Shear, or</p> <p>(b) no symptoms of <i>Diaporthe vaccinii</i> Shear are observed at the production site over the last complete growing season.</p> <p>In relation to <i>Exobasidium vaccinii</i> (Fuckel) Woronin and <i>Godronia cassandrae</i> (anamorph <i>Topospora myrtilli</i>) Peck, the percentage of propagating material and fruit plants of the basic category in the production site over the last complete growing season, showing symptoms of each of the following RNQPs must not exceed:</p> <p>(a) 0.1% in the case of <i>Godronia cassandrae</i> (anamorph</p>

Status: Point in time view as at 28/09/2022.

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p><i>Topospora myrtilli</i>) Peck, and</p> <p>(b) 0.5% in the case of <i>Exobasidium vaccinii</i> (Fuckel) Woronin,</p> <p>and that propagating material and those fruit plants, and any surrounding host plants have been rogued out and destroyed.</p>
	Certified category	Visual inspections must be carried out once a year.	Sampling and testing must be carried out where there are doubts concerning the presence of RNQPs listed in schedules 6 and 6A.	<p><i>Diaporthe vaccinii</i> Shear:</p> <p>(a) propagating material and fruit plants of the certified category must be produced in areas known to be free from <i>Diaporthe vaccinii</i> Shear, or</p> <p>(b) no symptoms of <i>Diaporthe vaccinii</i> Shear are observed at the production site over the last complete growing season.</p> <p>In relation to <i>Agrobacterium tumefaciens</i> (Smith & Townsend) Conn, <i>Exobasidium vaccinii</i> (Fuckel) Woronin and <i>Godronia cassandrae</i> (anamorph <i>Topospora</i></p>

Status: Point in time view as at 28/09/2022.

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

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or species	Category	Frequency of visual inspections	Requirements relating to sampling and testing	Requirements relating to the production site, place of production or area
				<p><i>myrtilli</i>) Peck, the percentage of propagating material and fruit plants of the certified category in the production site over the last complete growing season, showing symptoms of each of the following RNQPs must not exceed:</p> <p>(a) 0.5% in the case of:</p> <p>(i) <i>Agrobacterium tumefaciens</i> (Smith & Townsend) Conn, and</p> <p>(ii) <i>Godronia cassandrae</i> (anamorph <i>Topospora myrtilli</i>) Peck, and</p> <p>(b) 1% in the case of <i>Exobasidium vaccinii</i> (Fuckel) Woronin;</p> <p>and that propagating material and those fruit plants, and any surrounding host plants have been rogued out and destroyed.</p>
	CAC category			N/A.]

Status: Point in time view as at 28/09/2022.

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

Textual Amendments

F92 Word in sch. 7 para. 2(a) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(8A)** (as inserted by [S.S.I. 2020/445](#), regs. 1(1)(b), **18(10)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

SCHEDULE 8

Regulation 18(2)

Powers of inspectors

Powers of entry etc.

1.—(1) An inspector may, on producing a duly authenticated authorisation if so required, enter any premises in Scotland of a supplier, at any reasonable time, if the inspector reasonably suspects that any activity to which these Regulations apply is being carried out on those premises, for the purposes of ascertaining whether there is, or has been, any contravention of these Regulations.

(2) An inspector entering premises under sub-paragraph (1) may—

- [^{F93}(a) be accompanied by such other persons as the inspector considers appropriate;]
- (b) take onto those premises any equipment or materials that the inspector considers necessary for the enforcement of these Regulations;
- (c) open any container;
- (d) carry out any searches, inspections, measurements and tests;
- (e) take samples;
- (f) have access to, and inspect, any books, documents or records (in whatever form they are held) relating to these Regulations and remove them to enable them to be copied;
- (g) photograph or copy anything, the production of which the inspector has the power to require under head (f);
- (h) photograph anything which the inspector has reasonable cause to believe may be relevant in connection with the enforcement of these Regulations; and
- (i) seize any computers and associated equipment for the purpose of copying documents, provided that they are returned as soon as practicable.

(3) Any person who accompanies an inspector in accordance with this paragraph may perform any of the inspector's functions but only under the supervision of that inspector.

Textual Amendments

F93 [Sch. 8 para. 1\(2\)\(a\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **18(9)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Information notice

2. An inspector may, by notice served on any person, require that person to provide such information as is specified in the notice in such form and within such period following service of the notice or at such time as is so specified (in this schedule, “an information notice”).

Prohibition on movement

3. An inspector may, by notice served on any person, prohibit that person from moving plant material from any premises if the inspector has reasonable grounds to suspect that the plant material fails to comply with a requirement to which it is subject by virtue of schedule 2, 3 or 5 (in this schedule, “a movement notice”).

Enforcement and prohibition notices

4.—(1) An inspector may serve a notice on any person who contravenes, or who the inspector has reasonable grounds to suspect may contravene, these Regulations—

- (a) requiring that person to act in accordance with the Regulations (in this schedule, an “enforcement notice”); or
- (b) prohibiting that person from acting in breach of the Regulations (in this schedule, a “prohibition notice”).

(2) The notice must give reasons for serving it and, if appropriate, specify what action must be taken and specify the time limit for taking any such action.

Appeals against enforcement and prohibition notices

5.—(1) Any person who is aggrieved by a decision of an inspector to serve a notice under this schedule may appeal by application to the sheriff.

(2) The period within which an appeal must be brought is 28 days from the service of the notice or, in the case of an enforcement notice, the period specified in the notice, whichever ends earlier.

(3) A notice served under this schedule must state—

- (a) the right of appeal to the sheriff by the person on whom the notice is served; and
- (b) the period in which such an appeal may be brought.

(4) On an appeal under this paragraph, the sheriff may either cancel or affirm the notice and, if the sheriff affirms the notice, the sheriff may do so either in its original form or with such modifications as the sheriff thinks fit.

Compliance with notices

6.—(1) A notice served under this schedule must be complied with at the expense of the person on whom it is served and, if it is not complied with, an inspector may make arrangements to secure compliance with the notice.

(2) Where an inspector makes arrangements pursuant to sub-paragraph (1), the Scottish Ministers may recover all reasonable expenses in connection with the arrangements as a debt from the person on whom the notice was served.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Status: Point in time view as at 28/09/2022.

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

These Regulations, which apply in Scotland, continue to implement Council Directive [2008/90/EC](#) on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ No L 267, 8.10.2008, p.8). They also implement—

Commission Implementing Directive 2014/96/EU on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive [2008/90/EC](#) (OJ L 298, 16.10.2014, p.12);

Commission Implementing Directive 2014/97/EU implementing Council Directive [2008/90/EC](#) as regards the registration of suppliers and of varieties and the common list of varieties (OJ L 298, 16.10.2014, p.16);

Commission Implementing Directive 2014/98/EU implementing Council Directive [2008/90/EC](#) as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections (OJ No L, 298, 16.10.2014, p.22).

They revoke and replace the Marketing of Fruit Plant Material Regulations (S.I. 2010/2079) as regards Scotland (see regulation 24).

Part 1 of the Regulations is introductory. The fruit plants and propagating material (plant material) to which the Regulations apply is set out in regulation 3 and schedule 1.

Part 2 contains requirements for marketing plant material (regulation 5). In order to be marketed, plant material must comply with requirements set out for certification (regulation 5(1) and schedule 2) and packaging, sealing and labelling (regulation 8 and schedule 5). Plant material must be, or be in the process of being, registered (schedule 4) and have been granted, or an application made for, plant variety rights (regulation 7). CAC material must comply with requirements set out in schedule 3 and be accompanied by a supplier's document (schedule 5, part 2). Regulation 6 sets out exceptions to these general requirements.

Part 3 requires the registration of suppliers (regulation 10) and a register of suppliers (regulation 11). Suppliers are required to monitor the production of plant material (regulation 14), remove non-compliant materials (regulation 15), separate plant materials (regulation 16) and keep records (regulation 17).

Part 4 deals with the enforcement and administration of these Regulations and sets out inspectors' (appointed by the Scottish Ministers) powers, including a power to serve a notice on any person to require that person to provide information and a power to prohibit the movement of plant material suspected of failing to comply with these Regulations (schedule 8). An inspector also has a power to serve a notice on any person acting in contravention of these Regulations to require that person to comply with the Regulations or to prohibit that person from acting in breach of them. Under regulation 20(1) a person who fails to comply with any such notice or to give assistance to the inspector commits an offence. Under regulation 20(2) a person who commits an offence under the Regulations is liable on summary conviction to a fine not exceeding level 3 on the standard scale. Regulation 22 makes provision for arrangements for official measures.

Part 5 sets out a transitional provision (regulation 23) and a revocation provision (regulation 24). No business and regulatory impact assessment has been prepared for these Regulations as no impact or no significant impact upon business, charities or voluntary bodies is foreseen.

Status:

Point in time view as at 28/09/2022.

Changes to legislation:

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