
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 177

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

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(1) is to be treated as registered for the purposes of this regulation.

(6) A person who is registered as a plant trader for the purposes of the Plant Health (Scotland) Order 2005(2) is to be treated as registered for the purposes of this regulation.

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.

(1) [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.

(2) [S.S.I. 2005/613](#), as last amended by [S.S.I. 2016/83](#).

(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 Table IA or II in schedule 6 or of the appearance of any organism at a level greater than the tolerance specified for such organism in Table IB in schedule 6.
- (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.

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;
 - (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 Table IA, IB, II or III of schedule 6 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.