
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 177

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

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;
 - (c) in the case of plant material which consists of a genetically modified organism, the organism has been authorised pursuant to [Directive 2001/18/EC](#) or Regulation (EC) No [1829/2003](#);
 - (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, until 31st December 2018, authorise the marketing of plant material from any country outside the European Union if they are satisfied the plant material has been produced under conditions equivalent to the requirements for plant material in these Regulations.