

## SCHEDULE 2

Regulation 2(1) and 15(1)

### Certification requirements

## 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<sup>(1)</sup>;
- (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;

“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;

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

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“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).

### **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, in accordance with a derogation granted by the European Commission under Article 8(4) of Commission Implementing [Directive 2014/98/EU](#), the soil in which it has been grown complies with paragraph 11; and
- (g) it complies with the requirements concerning defects in paragraph 12.

### **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, in accordance with a derogation granted by the European Commission under Article 8(4) of Commission Implementing [Directive 2014/98/EU](#), the soil in which it has been grown complies with paragraph 11; and
- (h) it complies with the requirements concerning defects in paragraph 12.

### **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.

(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—

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- (a) following production of a report from the responsible official body in the European Union or by an equivalent official body in a third country 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.

#### **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) Where a derogation has been granted by the European Commission under Article 8(4) of Commission Implementing [Directive 2014/98/EU](#) in relation to the particular genus or species

concerned, 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.

### **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 Tables IA and IB of 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 Table II in schedule 6, 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 listed in Table II of schedule 6 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 Tables IA and IB in 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 Table II of schedule 6.

(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.

**Health requirements for pre-basic mother plants and for pre-basic material**

10.—(1) Subject to sub-paragraph (2), a pre-basic mother plant or pre-basic material must be found free, on the basis of visual inspection of the facilities, fields and lots, of the pests listed in Table IA and Table II of schedule 6 in relation to the particular genus or species concerned and, if there are doubts concerning the presence of those pests, there must be sampling and testing of the relevant pre-basic mother plant or pre-basic material.

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

(3) The percentage of pre-basic mother plants or pre-basic material which is found, on visual inspection of the facilities, fields and lots, to be infested by the pests listed in column 1 of Table IB of schedule 6, must not exceed the tolerance level set out in respect of those pests in column 2(a) of that Table (pre-basic category) and, if there are doubts concerning the presence of those pests, there must be sampling and testing of the relevant pre-basic mother plant or pre-basic material.

(4) In relation to the genera and species listed in column 1 of the Table of schedule 7, the visual inspection and sampling and testing of pre-basic mother plants and pre-basic material within those genera and species must be carried out in accordance with the requirements set out for the pre-basic category in columns 3 (frequency of visual inspections) and 4 (sampling and testing) of that Table.

(5) Without prejudice to sub-paragraph (3), 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) in accordance with the appropriate EPPO protocol; and
- (b) through submission of samples to laboratories approved by the Scottish Ministers for the purposes of such sampling and testing.

**Soil requirements**

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 Table III of schedule 6 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 Table III of schedule 6 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 Table III of schedule 6 for the genus or species concerned and which may host viruses affecting that genus or species.

(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 Table III of schedule 6.

(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 Table III of schedule 6 and their relevance to the pre-basic mother plants or pre-basic material concerned.

## **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

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- (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.
- (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.

#### **Health requirements for basic mother plants and basic material**

**17.**—(1) Subject to sub-paragraph (2), a basic mother plant or basic material must be found free, on the basis of visual inspections of the facilities, fields and lots, of the pests listed in Table IA and Table II in schedule 6 in relation to the particular genus or species concerned and, if there are doubts concerning the presence of those pests, there must be sampling and testing of the basic mother plant or basic material.

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

(3) The percentage of basic mother plants or basic material which is found, on visual inspection of the facilities, fields and lots, to be infested by the pests listed in column 1 of Table IB in schedule 6, must not exceed the tolerance level set out in respect of those pests in column 2(b) of that Table (basic



category) and, if there are doubts concerning the presence of those pests, there must be sampling and testing of the relevant basic mother plant or basic material.

(4) In relation to the genera and species listed in column 1 of the Table in schedule 7 the visual inspection and sampling and testing of basic mother plants and basic material within those genera and species must be carried out in accordance with the requirements set out for the basic category in columns 3 (visual inspections) and 4 (sampling and testing) of that Table.

(5) Without prejudice to sub-paragraph (3), 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) in accordance with the appropriate EPPO protocol; and
- (b) through submission of samples to laboratories officially accepted by the Scottish Ministers for the purposes of such sampling and testing.

### **Soil requirements**

**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 Table III in schedule 6 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 Table III in schedule 6 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 Table III in schedule 6 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 Table III in schedule 6 and their relevance to the basic mother plants or basic material concerned.

### **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.

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### 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 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>Column 2</i>	<i>Column 3</i>
<i>Genera or species</i>	<i>Maximum number of generations</i>	<i>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> ,	2 generations; or	
<i>P. armeniaca</i> ,	if the basic mother plant is a rootstock, 3 generations	
<i>P. domestica</i> ,		
<i>P. persica</i> and		
<i>P. salicina</i>		
<i>Prunus avium</i> and	2 generations; or	
<i>P. cerasus</i>	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.

**Health requirements for certified mother plants and certified material**

**23.**—(1) Subject to sub-paragraph (2), a certified mother plant or certified material must be found free, on the basis of visual inspections of the facilities, fields and lots, of the pests listed in Table IA and Table II in schedule 6 in relation to the particular genus or species concerned and, if there are doubts concerning the presence of those pests, there must be sampling and testing of the certified mother plant or certified material.

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

(3) The percentage of certified mother plants or certified material which is found, on visual inspection of the facilities, fields and lots, to be infested by the pests listed in column 1 of Table IB in schedule 6, must not exceed the tolerance level set out in respect of those pests in column 2(c) of that Table (certified category) and, if there are doubts concerning the presence of those pests, there must be sampling and testing of the relevant certified mother plant or certified material.

(4) In relation to the genera and species listed in column 1 of the Table in schedule 7, the visual inspection and sampling and testing of certified mother plants and certified material within those genera and species must be carried out in accordance with the requirements set out for the certified category in columns 3 (visual inspections) and 4 (sampling and testing) of that Table.

(5) Without prejudice to sub-paragraph (3), 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) in accordance with the appropriate EPPO protocol; and
- (b) through submission of samples to laboratories officially accepted by the Scottish Ministers for the purposes of such sampling and testing.

**Soil requirements**

**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 Table III in schedule 6 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 Table III in schedule 6 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 Table III in schedule 6 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 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 Table III in schedule 6 and their relevance to the certified mother plants concerned.