
STATUTORY INSTRUMENTS

1995 No. 2651

The Marketing of Ornamental Plant Material Regulations 1995

Description of plant material

8.—(1) No supplier shall market plant material except with reference to either the group of plants or the variety to which it belongs.

(2) Where a supplier markets plant material with reference to the group of plants to which it belongs, the reference shall be made in such a way as to avoid confusion with any of the references to variety described in paragraph (3) below.

(3) Where a supplier markets plant material with reference to the variety to which it belongs, the reference shall be—

- (a) in the case of a commonly known variety which is the subject of a grant of plant breeders' rights, to the official denomination of the variety;
- (b) in the case of a variety which is the subject of an application for plant breeders' rights, to the breeders' reference or proposed name of the variety;
- (c) subject to paragraph (4) below, in the case of any other variety, based on the description of the variety on a written list kept by a supplier which includes—
 - (i) the name of the variety and, where appropriate, its commonly known synonyms;
 - (ii) a description of the variety, having regard to the Annex to Commission Directive [93/78/EEC](#)(¹);
 - (iii) indications as to the maintenance of the variety and the propagation system applied; and
 - (iv) any indications as to how the variety differs from the other varieties most closely resembling it.

(4) Sub-paragraphs (3)(c)(iii) and (iv) above shall not apply to a supplier engaged only in the marketing of plant material.

(1) Commission Directive [93/78/EEC](#) setting out additional implementing provisions for lists of varieties of ornamental plant propagating material and ornamental plants, as kept by suppliers under Council Directive [91/682/EEC](#) (OJNo. L256, 14.10.93, p.19).