
STATUTORY INSTRUMENTS

2002 No. 3026

**The Forest Reproductive Material
(Great Britain) Regulations 2002**

PART II

*Forest Reproductive Material and Approval of
Basic Material for Entry in the National Register*

Categories of Forest Reproductive Material

4.—(1) Forest reproductive material shall be categorised as follows—

- (a) “source-identified” material shall be so categorised if the basic material from which it is derived meets the requirements of Schedule 2;
- (b) “selected” material shall be so categorised if the basic material from which it is derived meets the requirements of Schedule 3;
- (c) “qualified” material shall be so categorised if the basic material from which it is derived meets the requirements of Schedule 4; and
- (d) “tested” material shall be so categorised if the basic material from which it is derived meets the requirements of Schedule 5.

(2) In these Regulations “the relevant Schedule” refers, in respect of each category of forest reproductive material described in sub-paragraphs (1)(a) to (d), to the Schedule referred to in the sub-paragraph in which the category is described.

Demarcation of regions of provenance in respect of certain basic material

5.—(1) The Commissioners shall demarcate regions of provenance in respect of each of the species listed in Schedule 1 which exist in Great Britain and shall allocate to each region of provenance an identity code.

(2) The Commissioners shall draw up maps showing the demarcated regions of provenance referred to in paragraph (1), distinguishing areas by different altitudes where relevant, and shall make such maps available to the public, whether by electronic means or in paper form, upon payment of the prescribed fee, if any.

Establishment and maintenance of the National Register

6.—(1) The Commissioners shall establish and maintain a register of approved basic material which shall be known as the National Register of Approved Basic Material for Great Britain (“the National Register”).

(2) The Commissioners shall make the National Register available to the public, whether by electronic means or in paper form, upon payment of the prescribed fee, if any.

Approval of basic material for use in the production of forest reproductive material

7.—(1) The Commissioners may approve basic material where, subject to paragraphs (2) to (4), they are satisfied that it meets the requirements set out in at least one of Schedules 2 to 5 and in the case of basic material in the form of clones and clonal mixtures, they may give approval which lasts for a specified number of years or to a specified maximum level of production.

(2) The Commissioners may give approval (“conditional approval”) lasting for a period of up to ten years in respect of basic material under paragraph (1) for the production of forest reproductive material categorised pursuant to regulation 4(1)(d) as “tested” notwithstanding the absence of concluded genetic evaluation or comparative tests, where the Commissioners are satisfied that the provisional results of genetic evaluation or comparative tests referred to in Schedule 5 demonstrate that the basic material is likely to meet the requirements for approval under these Regulations once the genetic evaluation or comparative tests are concluded.

(3) The Commissioners may, up to and including 31st December 2012, approve basic material under paragraph (1) for the production of forest reproductive material categorised pursuant to regulation 4(1)(d) as “tested”:

- (a) in the case of forest reproductive material of the species and artificial hybrids not previously controlled by the 1977 or 1973 Regulations, where concluded comparative test results are obtained using a testing method which does not satisfy the requirements set out in Schedule 5, if such comparative tests begun before 1st January 2003 have shown to the satisfaction of the Commissioners that the reproductive material derived from the basic material is superior to the relevant standard as provided for in Schedule 5; and
- (b) where genetic evaluation test results are obtained using a testing method which does not satisfy the requirements set out in Schedule 5, if such genetic evaluation tests begun before 1st January 2003 have shown to the satisfaction of the Commissioners that the reproductive material derived from the basic material is superior to the relevant reference population as provided for in Schedule 5.

(4) Basic material consisting of a genetically modified organism shall not be approved under this regulation unless—

- (a) the Commissioners are satisfied that it is safe for human health and the environment; and
- (b) the basic material has been authorised in accordance with Council Directive [2001/18/EC](#) of 12th March 2001, or in the case of material authorised prior to 17th October 2002, in accordance with Council Directive [90/220/EEC](#).

(5) Basic material which is approved in accordance with this regulation shall be entered by the Commissioners in the National Register by reference to a unit of approval to which they shall allocate a unique register reference, and—

- (a) in the case of material whose approval under paragraphs (1) or (2) is limited in time or otherwise qualified, the date on which the approval shall end, or other qualification as is appropriate, shall be entered in the National Register in respect of that unit of approval; and
- (b) in the case of approval being given of basic material intended for the production of forest reproductive material of the category “selected”, where approval has been granted for a specified purpose within the meaning of Schedule 3, the specified purpose shall be entered in the National Register by the Commissioners.

(6) Subject to any exceptions permitted under paragraph (9), the following categories of person may seek approval of basic material under this regulation—

- (a) the owner of the basic material for which approval is sought, or
- (b) a person authorised in writing by the owner of the basic material for which approval is sought;

and for the purposes of this paragraph, “owner” shall mean, in the case of basic material which is owned by more than one person, all the owners of the material acting together.

(7) Subject to any exceptions permitted under paragraph (9), persons seeking approval of basic material under this regulation shall apply in writing to the Commissioners, providing the following particulars and documentation—

- (a) the applicant’s name, address and contact details;
 - (b) if the applicant is not the owner of the basic material, the name and address of the owner, and the written authority referred to in paragraph (6)(b);
 - (c) the Ordnance Survey grid reference for the location of the basic material, together with a copy of a map drawn on a scale of 1:10,000 showing clearly its location;
 - (d) the category of forest reproductive material which it is proposed be derived from the basic material for which approval is sought; and
 - (e) the documentation referred to and the information required of the applicant in the relevant Schedule for the category of forest reproductive material referred to in sub-paragraph (d).
- (8) An applicant under paragraph (6) shall—
- (a) pay to the Commissioners the prescribed fee, if any, which shall accompany his application;
 - (b) furnish the Commissioners with such further documentation which demonstrates or pertains to the eligibility of the basic material for approval as they may request; and
 - (c) provide for access by the Commissioners, should they so require, to inspect the basic material the subject of the application when considering whether to approve the basic material.

(9) Nothing in this regulation shall prevent the Commissioners, where they judge it appropriate in all the circumstances, from accepting an application for approval which does not fully comply with paragraphs (6) and (7), and in the case of such an application in which not all owners have joined, from treating those applicants together as the “owner” for the purposes of regulations 9(1), (7), (10) and (11).

(10) Basic material approved and registered under the 1973 and 1977 Regulations in the National Register of Basic Material for the Production of Forest Reproductive Material established under regulation 5(1) of the 1973 Regulations—

- (a) shall be approved basic material within the meaning of these Regulations;
- (b) shall be deemed to have been entered in the National Register created by these Regulations; and
- (c) shall be allocated a unique register reference by the Commissioners.

Specific requirements for certain basic material after its approval

8.—(1) A seed orchard which has been approved as basic material intended for the production of forest reproductive material of the category “qualified” shall be managed and its seed harvested in such a way that the objective of the orchard referred to in paragraph (a) of Schedule 4 is attained.

(2) An applicant who obtains approval under regulation 7 of basic material other than in the form of a seed source approved for the production of forest reproductive material of the category “source-identified” or a seed orchard or parent of family approved for the production of forest reproductive material of the category “qualified” shall notify the Commissioners in writing of the following alterations in respect of that basic material no later than 28 days before the date on which a collection notifiable to the Commissioners pursuant to regulation 11 is to take place—

- (a) a reduction in area; or

- (b) a material change in the composition or stocking of the basic material.

Withdrawal and amendment of approval of basic material

9.—(1) The Commissioners shall periodically re-inspect approved basic material from which forest reproductive material of the categories “selected”, “qualified” and “tested” may be derived, and the owner of such material shall provide for arrangements for such re-inspections to be made upon the Commissioners giving the owner at least 14 days' written notice.

(2) An applicant under regulation 7(7) who has obtained conditional approval of basic material under regulation 7(2) shall notify the Commissioners in writing of results of genetic evaluation or concluded comparative testing in respect of that basic material no later than 28 days after obtaining such results.

(3) An applicant under regulation 7(7) who has obtained approval of basic material for production of forest reproductive material of the category “qualified” shall—

- (a) in respect of seed orchards, write to the Commissioners seeking their approval in writing for changes in the type, objective, crossing design and field layout, components, isolation or location no later than 28 days after such changes take effect;
- (b) in respect of seed orchards, notify the Commissioners in writing of thinning of the seed orchard, and the selection criteria used for such thinning, no later than 28 days after the thinning is carried out; and
- (c) in respect of parents of family, write to the Commissioners seeking their approval in writing for significant changes in the objective, crossing design and pollination system, components, isolation or location no later than 28 days after such changes take effect.

(4) Where the Commissioners decline to approve changes referred to in paragraph (3)(a) and (c), they may, after giving 14 days' notice in writing, withdraw approval of the basic material the subject of the changes, and remove the relevant unit of approval from the National Register.

(5) The Commissioners may, after giving 14 days' notice in writing specifying their reasons for doing so, withdraw approval granted under this Part in respect of any basic material and remove the relevant unit of approval from the National Register if they are satisfied that any of the requirements of regulations 7(1) to (4) or 8 are not met in respect of that basic material.

(6) The Commissioners may, after giving 14 days' notice in writing specifying their reasons for doing so, withdraw approval granted under the 1977 and 1973 Regulations and remove the relevant unit of approval from the National Register if they are satisfied that the basic material the subject of the approval does not meet the requirements of the relevant Schedule for the category of forest reproductive material in respect of which the basic material has been entered in the National Register.

(7) Notice required under paragraphs (4) to (6) shall be given to the owner of the basic material in respect of which the notice is required, and, in the case of basic material which was first approved upon the application of another person authorised by the owner, notice shall also be given to that other person.

(8) Where approval of basic material is given for a specific period under regulation 7(1) or (2), and has not been withdrawn for any other reason under this regulation, approval shall automatically be withdrawn at the end of that specific period, and the Commissioners shall remove the unit of approval from the National Register.

(9) Where approval of basic material in the form of clones or clonal mixtures is limited to a specific level of production under regulation 7(1)—

- (a) the applicant under regulation 7(7) who has obtained such approval shall inform the Commissioners in writing no later than 28 days after the level of production reaches that specific level of production; and

(b) the Commissioners shall, on receipt of such information, withdraw approval, remove the unit of approval from the National Register, and write to the applicant confirming the action they have taken.

(10) Upon withdrawing approval of any basic material and removing the relevant unit of approval from the National Register under paragraphs (4) to (6), the Commissioners may, without further application by the owner or other person authorised by the owner of that basic material, approve that material for the production of forest reproductive material of another of the categories referred to in regulation 4(1) and re-enter that basic material in the National Register (“amend approval”) if they are satisfied that the requirements of the relevant Schedule for that other category are met.

(11) Where the Commissioners amend approval of basic material pursuant to paragraph (10), they shall write to the owner and, in the case of basic material which was first approved upon the application of another person authorised by the owner, to that other person, informing him, or them as appropriate, of the fact.