

---

STATUTORY INSTRUMENTS

---

**2002 No. 3026**

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

**PART VIII**

*Miscellaneous*

**Transitional arrangements for forest reproductive material existing at 1st January 2003**

**31.**—(1) An owner on 31st December 2002 of forest reproductive material which remains to be marketed after the coming into force of these Regulations (“existing stock”) may not market that existing stock unless he is a registered supplier under regulation 16, and the existing stock meets the relevant requirements of paragraphs (2) to (5).

(2) Existing stock of the species and artificial hybrids controlled under the 1977 Regulations may be marketed under this regulation only if—

- (a) prior to 1st January 2003, it complied with the 1977 Regulations, including compliance by virtue of a licence granted under those Regulations prior to 1st January 2003; and
- (b) after 31st December 2002 it meets the requirements of regulations 13 to 15, 17, 19 and 20 of these Regulations.

(3) Existing stock of the species and artificial hybrids not controlled under the 1977 Regulations may be marketed under this regulation notwithstanding that it is not produced from approved basic material and does not have a Master Certificate provided that after 31st December 2002—

- (a) as to its production, it complies with regulations 14(1)(b) to (e) and (g) to (k) and (3) and
- (b) at the time of marketing, it satisfies the requirements of regulations 17(8) to (12), 19(3) and (5), and is accompanied by a supplier’s label or document which—
  - (i) sets out the information referred to in regulation 19(1)(c), (d), (f) to (h) and (2) as read with (4) and regulation 20;
  - (ii) sets out the identification criteria referred to in regulation 14(1)(b) to (e) and (g) to (k);
  - (iii) otherwise meets the labelling requirements of regulation 19(6) and (7); and
  - (iv) identifies the stock as existing stock by the statement: “From forest reproductive material in existence before 1st January 2003, pursuant to Council Directive [1999/105/EC](#), Article 28(3).”

(4) An owner of existing stock referred to in paragraph (3) in the form of seeds as at 1st January 2003 may market such stock only if, no later than 10th February 2003, he provides the Commissioners with written details of that stock, describing the species, quantity and year of ripening of such stock.

(5) Existing stock marketed under this regulation which is despatched to Northern Ireland or moved to another member State shall meet the relevant requirements of regulations 21 and 22.

## Appeals

**32.**—(1) An appeal shall lie to the Tribunal from any decision of the Commissioners made under the following regulations—

- (a) regulation 7(1) to (3) not to approve basic material;
- (b) regulation 7(1) to approve basic material in the form of clones or clonal mixtures subject to qualifications as to duration of approval or level of production;
- (c) regulation 9 (except for paragraphs (8) and (9)) to withdraw or amend approval of basic material;
- (d) regulation 13(7) not to issue a Master Certificate;
- (e) regulation 16(3) not to enter a person’s name in the Register of Suppliers;
- (f) regulation 16(4) to remove a supplier’s name from the Register of Suppliers or impose conditions upon his continued registration;
- (g) regulation 18 not to grant a licence to market forest reproductive material;
- (h) regulation 20 that testing techniques used to obtain assessments necessary to provide the information required under regulation 19(2) are not, to the Commissioners' satisfaction, internationally accepted techniques; and
- (i) the requirements of:
  - (i) Schedule 4, paragraphs (1)(d) and 2(d) not to approve verification test methodology;
  - (ii) Schedule 5, paragraph (1)(d)(ii) not to approve a statistical design, and
  - (iii) Schedule 5, paragraph (1)(e)(i) not to approve a statistical methodology as being one that is internationally recognised.

(2) References in section 45(1) and Schedule 3 of the Plant Varieties Act 1997 to the statutory jurisdiction of the Tribunal shall be construed for the purposes of an appeal brought under this regulation as if including the Tribunal’s jurisdiction under these Regulations.

(3) Where an appeal is brought under paragraph (1), the operation of a decision described in that paragraph shall be suspended pending the final determination of the appeal, including determination of any subsequent appeals, and the Commissioners shall take such steps as may be necessary to give effect to any decision given on the final determination of an appeal.

## Service of notices

**33.** Notice required to be given in writing in these Regulations shall be deemed to have been given in the case of delivery by hand, on the day of delivery to the intended recipient’s last known address; or in the case of notice sent by post, one day after sending by first class post to the intended recipient’s last known address.

## Exemptions

**34.**—(1) Forest reproductive material intended for purposes other than forestry which is in the form of planting stock or parts of plants shall be exempted from the requirements of these Regulations.

(2) Where a supplier markets forest reproductive material both for forestry and other purposes, material exempted by virtue of paragraph (1) shall be accompanied by a label or document bearing the statement: “Not for forestry purposes”, unless it is plain from a label accompanying it, in compliance (where applicable) with any United Kingdom or European Community legal requirement, that the material is not intended for forestry purposes.

## **Revocation**

**35.** The 1977 Regulations, the Forest Reproductive Material (Amendment) Regulations 1977, and the Forest Reproductive Material (Amendment) Regulations 1992,(1) are revoked.

---

(1) The SI numbers for these two instruments are set out in the footnote to the definition given in regulation 2(2) for the 1977 Regulations.