
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*

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.