
STATUTORY INSTRUMENTS

2019 No. 131

**The Marketing of Seeds and Plant Propagating Material
(Amendment) (England and Wales) (EU Exit) Regulations 2019**

PART 3

Amendment of secondary legislation relating
to the withdrawal from the European Union

The Forest Reproductive Material (Great Britain) Regulations 2002

6.—(1) The Forest Reproductive Material (Great Britain) Regulations 2002 ^{M1} are amended as follows.

(2) Regulation 2 is amended in accordance with paragraphs (3) and (4).

(3) In paragraph (2)—

^{F1}(a)

(b) omit the definition of “Council Decision [2008/971/EC](#)”;

^{F2}(ba) before the definition of “crossing design” insert—

“a “country granted equivalence” means a third country that has been assessed by the Secretary of State that the forest reproductive material from that third country is produced under conditions equivalent to the requirements of these Regulations for that category of forest reproductive material to which these Regulations apply;”]

(c) after the definition of “crossing design” insert—

^{F3}““Crown Dependency” means the Isle of Man or any of the Channel Islands;

“the Department” has the meaning given in the NI Regulations;”]

(d) omit the definition of “EC classification”;

(e) omit the definition of “EU-approved third countries”;

(f) in the definition of “genetically modified organism”, for the words from “Article 2(1)” to the end substitute “ section 106 of the Environmental Protection Act 1990 ^{M2} ”;

^{F4}(g) in the definition of “Master Certificate”—

(i) in paragraph (b), for “official body for Northern Ireland” to the end substitute “Department in accordance with regulation 13 of the NI Regulations”;

(ii) omit paragraph (c);

(iii) in paragraph (d)—

(aa) for “EU-approved third country” substitute “OECD country granted equivalence”;

(bb) for the words from “a relevant” to the end substitute “the Department in accordance with the NI Regulations”;

- (iv) in paragraph (e)—
 - (aa) for “permitted third country” substitute “non-OECD country granted equivalence”;
 - (bb) for “an official body of a member State” substitute “the Department”;
- (v) after paragraph (e) insert—
 - “(f) in the case of forest reproductive material produced in a Crown Dependency, an official certificate issued in relation to the material by an official body of that Crown Dependency under legislation recognised by the Secretary of State to have equivalent effect to these Regulations.”;]
- (h) omit the definition of “the Mediterranean climatic region”;
- (i) after the definition of “National Register” insert—
 - ““the NI Regulations” means the Forest Reproductive Material Regulations (Northern Ireland) 2002 ^{M3}.”;
- [^{F5}(ia) after the definition of “the 1973 Regulations” insert—
 - “a “non-OECD country granted equivalence” means a country granted equivalence and which is not a member of the OECD Scheme;
 - an “OECD country granted equivalence” means a country granted equivalence and which is a member the OECD Scheme;
 - the “OECD Scheme” means the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade adopted by Decision C(2007)69 of the Council of the Organisation for Economic Co-operation and development, as last amended by Decision CA(2018)14 of the Committee for Agriculture;;”;
- [^{F6}(j) in the definition of “official body”—
 - (i) omit paragraphs (a) and (b);
 - (ii) in paragraph (c), for “a permitted third country” substitute “a country granted equivalence or a Crown Dependency”;
- [^{F7}(k) omit the definition of “permitted third countries”;
- (l) in the definition of “region of provenance”, for “in accordance with Article 9 of the Directive by another official body” substitute “ pursuant to regulation 5 of the NI Regulations by the Department ”;
- (m) for the definition of “third countries” substitute—
 - ““third country” means a country or territory outside the [^{F8}British Islands];”.
- [^{F9}(n) after the definition of “the Tribunal” insert—
 - ““UK plant passport” has the meaning given in the EU Plant Health Regulation;”.]
- (4) Omit paragraphs (4A) to (6).
- [^{F10}(4A) In regulation 3, for “to third countries” substitute “outside of Great Britain”.]
- (5) In regulation 4—
 - (a) in paragraph (1)(c), omit “subject to paragraph (1A)”;
 - (b) omit paragraph (1A).
- (6) In regulation 7(4)—
 - (a) omit sub-paragraph (b);
 - (b) at the end insert—

- “(c) as regards England, consent to the marketing of the basic material has been given by the Secretary of State in accordance with the Genetically Modified Organisms (Deliberate Release) Regulations 2002 ”.^{M4}
- (7) In regulation 14(4)—
- (a) in sub-paragraph (a)—
- (i) in paragraph (ii)—
- (aa) for “any other official body of a member State” substitute “ the Department ”;
- (bb) for “the official body in accordance with Article 10 of the Directive” substitute “ the Department in accordance with regulation 7 of the NI Regulations ”;
- [^{F11}(ii) in paragraph (iii), for “an EU-approved third country or a permitted third country” substitute “a country granted equivalence”];
- (b) in sub-paragraph (b), after paragraph (i) insert—
- “(ia) in the case of forest reproductive material derived from basic material approved by the Department, has the meaning given in regulation 7(5) of the NI Regulations;”.
- (8) In regulation 17—
- [^{F12}(a) in paragraph (1)—
- (i) in sub-paragraph (b)—
- (aa) omit “or another member State”;
- (bb) for “Article 14 of the Directive” substitute “regulation 19 of the NI Regulations”;
- (ii) in sub-paragraph (c), for “EU-approved third country and imported from a third country” substitute “OECD country granted equivalence and imported”;
- (iii) omit sub-paragraph (d);
- (iv) in sub-paragraph (e) for “permitted third country and imported from a third country” substitute “non-OECD country granted equivalence and imported”;
- (v) after sub-paragraph (e) insert—
- “(ea) in the case of forest reproductive material imported into Northern Ireland, it met the requirements set out in the NI Regulations as to entry into Northern Ireland and was accompanied on its entry into England by the supplier’s label or document required by regulation 19 of the NI Regulations;
- (eb) in the case of forest reproductive material produced in a Crown Dependency and imported into England, it has met the requirements set out in legislation of that Crown Dependency which is recognised by the Secretary of State to have equivalent effect to these Regulations and was accompanied on its entry into England by a supplier’s label or document as required by regulation 23A.”;
- (vi) omit sub-paragraph (f);]
- (b) omit paragraph (12).
- (9) In regulation 18(3), in sub-paragraph (c), for “the Directive” substitute “ any provision made under retained EU law relating to forest reproductive material or under the Plant Varieties and Seeds Act 1964 ”.^{M5}
- (10) In regulation 19—

- (a) in paragraph (1)—
 - [^{F13}(i) in sub-paragraph (e), for “another member State or a third country” substitute “a Crown Dependency or a country granted equivalence”];
 - (ii) omit sub-paragraph (h) and the preceding “and”;
 - (iii) omit sub-paragraph (i);
- [^{F14}(b) in paragraph (3), for “an EU-approved third country” substitute “a country granted equivalence”];
- (11) In the heading to Part 6, for “Between Great Britain and elsewhere in the European Union” substitute “ within the [^{F15}British Islands] ”.
- [^{F16}(12) Omit regulation 21.]
- (13) Omit regulation 22.
- (14) In regulation 23—
 - (a) in the heading, at the end, insert “ or within Great Britain ”;
 - (b) for “Northern Ireland” substitute “ another part of the United Kingdom ”;
 - (c) for “required by Article 14 of the Directive” substitute “ setting out the particulars required under regulation 19 of these Regulations or regulation 19 of the NI Regulations ”.
- [^{F17}(14A) After regulation 23 insert—

“Imports into Great Britain from a Crown Dependency

23A. No person acting in the course of a business or trade whether or not for profit shall import from a Crown Dependency forest reproductive material into a relevant territory intending to market that material unless it is accompanied by a supplier’s label or document setting out the particulars required under legislation of that Crown Dependency which is recognised by the Secretary of State as having equivalent effect to regulation 19 of these Regulations.”]

- (15) Omit regulation 24.
- [^{F18}(16) In regulation 25—
 - (a) in the heading, for “third countries” substitute “countries granted equivalence”;
 - (b) in paragraphs (1) and (2), for “an EU-approved third country or a permitted third country” substitute “a country granted equivalence”;
 - (c) in paragraph (6), for “EU-approved third country” substitute “OECD country granted equivalence”.]
- (17) In regulation 26(3)(a)(vii), at the beginning insert “ UK ”.
- (18) In regulation 27—
 - (a) in paragraph (2)—
 - (i) omit “, including representatives of the Commission of the European Union”;
 - (ii) omit “, or for facilitating the checks required under Article 16(6) of the Directive”;
 - (b) in paragraph (3), omit “the Commission of the European Union or”.
- (19) In regulation 34(2), omit “or European Community”.
- (20) In the model certificate in Schedule 6—
 - (a) for “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC” substitute— “ ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME AND

THE FOREST REPRODUCTIVE MATERIAL (GREAT BRITAIN) REGULATIONS 2002”;

- (b) for “**MEMBER STATE:**” substitute “ **UNITED KINGDOM** ”;
 - (c) for “**No EC:/(MEMBER STATE CODE)/ (No.)**” substitute “ **UK (No.)** ”;
 - (d) for “EC Directive” substitute “ OECD Forest Seed and Plant Scheme moving in International Trade and the Forest Reproductive Material (Great Britain) Regulations 2002 ”;
 - (e) for “**EC Certificate**” substitute “ **UK or OECD Certificate** ”.
- (21) In the model certificate in Schedule 7—
- (a) for “*ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC*” substitute— “ *ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME AND THE FOREST REPRODUCTIVE MATERIAL (GREAT BRITAIN) REGULATIONS 2002* ”;
 - (b) for “**MEMBER STATE:**” substitute “ **UNITED KINGDOM** ”;
 - (c) for “**No EC:/(MEMBER STATE CODE)/ (No.)**” substitute “ **UK (No.)** ”;
 - (d) for “EC Directive” substitute “ OECD Forest Seed and Plant Scheme and the Forest Reproductive Material (Great Britain) Regulations 2002 ”;
 - (e) for “**EC Certificate**” substitute “ **UK or OECD Certificate** ”.
- (22) In the model certificate in Schedule 8—
- (a) for “*ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC*” substitute— “ *ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME AND THE FOREST REPRODUCTIVE MATERIAL (GREAT BRITAIN) REGULATIONS 2002* ”;
 - (b) for “**MEMBER STATE:**” substitute “ **UNITED KINGDOM** ”;
 - (c) for “**No EC:/(MEMBER STATE CODE)/ (No.)**” substitute “ **UK (No.)** ”;
 - (d) for “EC Directive” substitute “ OECD Forest Seed and Plant Scheme and the Forest Reproductive Material (Great Britain) Regulations 2002 ”;
 - (e) for “**EC Certificate**” substitute “ **UK or OECD Certificate** ”.
- (23) In Schedule 9—
- (a) in paragraph 1(b), omit “EC”, in both places where it occurs;
 - (b) in the table in paragraph 2(b), omit the first row and the last three rows.
- (24) Omit Schedule 10.
- (25) In Schedule 13—
- [^{F19}(a) in paragraph 1, for “an EU-approved third country or a permitted third country” substitute “a country granted equivalence”];
 - (b) in paragraph 2—
 - (i) before the definition of “OECD Certificate of Provenance” insert—

““OECD Certificate of Identity” means a certificate of identity issued in accordance with the rules of the OECD Scheme;”;
 - [^{F20}(ia) omit the definition of “the OECD Scheme”];
 - [^{F21}(ii) in the definition of “permitted material”—
 - (aa) in sub-paragraph (a), for “an EU-approved third country” substitute “an OECD country granted equivalence”;

- (bb) in sub-paragraph (a)(iii), after “ “selected”” insert “ , “tested””;
- (cc) in sub-paragraph (b), for “permitted third country” substitute “non-OECD country granted equivalence”;
- (dd) in sub-paragraph (b)(i), for the words from “second” to the end substitute “authorisation for that country published by the Secretary of State;
- (ee) omit the table below sub-paragraph (b);]
- [^{F22}(c) in paragraph 3, for “EU-approved third country” substitute “OECD country granted equivalence”;
- (d) in paragraph 6 and in the heading, after “the “qualified category” ” insert “or the “tested category””;
- (e) in paragraph 7, for “permitted third country” substitute “non-OECD country granted equivalence”.]

Textual Amendments

- F1** Reg. 6(3)(a) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(a)(i)**
- F2** Reg. 6(3)(ba) inserted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(a)(ii)**
- F3** Words in reg. 6(3)(c) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(a)(iii)**
- F4** Reg. 6(3)(g) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(a)(iv)**
- F5** Reg. 6(3)(ia) inserted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(a)(v)**
- F6** Reg. 6(3)(j) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(a)(vi)**
- F7** Reg. 6(3)(k) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(a)(vii)**
- F8** Words in reg. 6(3)(m) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(a)(viii)**
- F9** Reg. 6(3)(n) inserted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(a)(ix)**
- F10** Reg. 6(4A) inserted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(b)**
- F11** Reg. 6(7)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(c)**

- F12** Reg. 6(8)(a) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(d)**
- F13** Reg. 6(10)(a)(i) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(e)(i)**
- F14** Reg. 6(10)(b) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(e)(ii)**
- F15** Words in reg. 6(11) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(f)**
- F16** Reg. 6(12) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(g)**
- F17** Reg. 6(14A) inserted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(h)**
- F18** Reg. 6(16) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(i)**
- F19** Reg. 6(25)(a) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(j)(i)**
- F20** Reg. 6(25)(b)(ia) inserted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(j)(ii)(aa)**
- F21** Reg. 6(25)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(j)(ii)(bb)**
- F22** Reg. 6(25)(c)-(e) substituted for reg. 6(25)(c) (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(4)(j)(iii)**

Commencement Information

- I1** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(b)

Marginal Citations

- M1** S.I. 2002/3026, amended by S.I. 2006/2530, 2011/1043, 2013/755 (W.90), 2014/1833.
- M2** 1990 c. 43; section 106 was amended in relation to England by the [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **section 60** and by S.I. 2002/2443, 2009/2232.
- M3** S.R. 2002 No. 404.
- M4** S.I. 2002/2443, amended by S.I. 2004/2411; there are other amending instruments but none is relevant.
- M5** 1964 c. 14.

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019, Section 6.