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STATUTORY INSTRUMENTS

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**2020 No. 248**

**PLANT HEALTH, ENGLAND  
SEEDS, ENGLAND**

**The Marketing of Fruit Plant and Propagating  
Material (England) (Amendment) Regulations 2020**

<i>Made</i>	- - - -	<i>9th March 2020</i>
<i>Laid before Parliament</i>		<i>10th March 2020</i>
<i>Coming into force</i>	- -	<i>1st April 2020</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to the common agricultural policy<sup>(2)</sup>.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

**Citation and commencement**

1. These Regulations may be cited as the Marketing of Fruit Plant and Propagating Material (England) (Amendment) Regulations 2020 and come into force on 1st April 2020.

**Amendment of the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017**

2.—(1) The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017<sup>(3)</sup> are amended as follows.

(2) In regulation 28, in the heading, at the end insert—

“for plant material from parent plant existing pre-commencement”.

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- (1) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
- (2) S.I. 1972/1811, to which there are amendments not relevant to these Regulations. The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by S.I. 2002/794, article 2.
- (3) S.I. 2017/595, amended prospectively on IP completion day by S.I. 2019/131; there are other amending instruments but none is relevant.

(3) After regulation 28 insert—

**“Transitional provision for supplier’s documents affixed to CAC material**

**28ZA.**—(1) A supplier may market CAC material to which a supplier’s document which does not comply with paragraph 8A of Schedule 2 is affixed in the form of a label if that document—

- (a) is of a colour of supplier’s document that was in use before 1st April 2020; and
- (b) states that it is marketed in accordance with Article 3 of Commission Implementing Directive (EU) 2019/1813(4).

(2) This regulation ceases to have effect on 1st July 2021.”.

(4) In Schedule 2—

- (a) in paragraph 8(b), omit paragraphs (ix) and (x);
- (b) after paragraph 8 insert—

“**8A.** A supplier’s document affixed to CAC material in the form of a label must be yellow.”.

*Gardiner of Kimble*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

9th March 2020

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017 (S.I. 2017/595), which implement Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ No. L 267, 8.10.2008, p.8), and Commission Implementing Directive 2014/96/EU on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC (OJ No. L 298, 16.10.2014, p.12). These Regulations implement Commission Implementing Directive (EU) 2019/1813 (OJ No. L 278, 30.10.2019, p.7), which amends Directive 2014/96/EU as regards the colour and content of a supplier's document.

Regulation 2 makes provision requiring a supplier's document affixed to CAC material in the form of a label to be yellow and reduces the information required in a supplier's document. It also contains transitional provision.

The explanatory memorandum and transposition note in respect of these Regulations are available in hard copy from the Plant Varieties and Seeds Team, Department for Environment, Food and Rural Affairs, 1st floor, Eastbrook, Shaftesbury Road, Cambridge CB2 8DR and published alongside these Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk). A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.