
WELSH STATUTORY INSTRUMENTS

2017 No. 691

**The Marketing of Fruit Plant and Propagating
Material (Wales) Regulations 2017**

PART 5

Administration and revocations

Notices and authorisations

- 26.** A notice or authorisation given under these Regulations—
- (a) must be in writing;
 - (b) may be made subject to conditions;
 - (c) may be amended, suspended or revoked by notice.

Commencement Information

- II** Reg. 26 in force at 19.6.2017, see [reg. 1\(1\)](#)

Arrangements for official measures

27.—(1) The Welsh Ministers may make such arrangements with any person (“A”) as the Welsh Ministers consider necessary or desirable for the purpose of enabling A to carry out official measures under these Regulations on the Welsh Ministers’ behalf.

(2) But the Welsh Ministers must not make any arrangement under this regulation unless satisfied that the arrangement makes provision for the purpose of preventing any person from—

- (a) deriving any private gain from any official measures carried out under the arrangement; and
- (b) carrying out any official measures under the arrangement except under official supervision.

(3) The Welsh Ministers may include in any arrangement such conditions as the Welsh Ministers consider necessary or desirable for the purposes referred to in paragraphs (1) and (2), including conditions—

- (a) specifying—
 - (i) the official measures that A must carry out;
 - (ii) the methods to be used in connection with the official measures that A carries out;
 - (iii) the fees that A may charge in relation to the official measures that A carries out;
 - (iv) the records that A must keep in connection with the official measures that A carries out;
- (b) prohibiting A from—

- (i) charging fees in relation to the official measures that A carries out under the arrangement except to the extent that these do not exceed the costs that A incurs in carrying them out;
- (ii) carrying out the official measures except under official supervision;
- (c) prohibiting A from making any further arrangement with any other person (“B”) for any purpose in connection with the carrying out of the official measures that A has arranged with the Welsh Ministers to carry out, unless—
 - (i) the Welsh Ministers have approved all the conditions of the further arrangement and A has received the prior written approval of the Welsh Ministers to make the further arrangement;
 - (ii) the further arrangement includes a condition prohibiting B from making any subsequent arrangements for any purpose connected with the carrying out of the official measures in respect of which the Welsh Ministers made the arrangement with A;
 - (iii) the further arrangement includes an acknowledgment by A that the Welsh Ministers may vary, revoke or suspend the further arrangement if it appears to the Welsh Ministers that B is not complying, or has failed to comply, with any condition of the further arrangement; and
 - (iv) the further arrangement includes the conditions specified in sub-paragraphs (a) and (b) of this paragraph and for these purposes references in those sub-paragraphs to A are to be construed as references to B and references to “the arrangement” are to be construed as references to the further arrangement.
- (4) The Welsh Ministers must not approve the making of any further arrangement under this regulation unless satisfied that B will not—
 - (a) derive any private gain from any official measures that B is to be authorised to carry out under the further arrangement;
 - (b) carry out any official measures under the further arrangement except under official supervision.
- (5) The Welsh Ministers may, by notice to A or B (as the case may be), vary, suspend or revoke an arrangement or further arrangement, or any conditions of an arrangement or further arrangement made under this regulation.
- (6) A notice given under paragraph (5) must specify—
 - (a) in respect of a variation or revocation, the date from which the variation or revocation takes effect;
 - (b) in respect of a suspension, the period during which the suspension has effect.
- (7) When a variation, revocation or suspension has effect, the Welsh Ministers may, for any purposes in relation to these Regulations, continue to have regard to such of the official measures carried out under an arrangement (or further arrangement) which was varied, revoked or suspended as appear to the Welsh Ministers to be official measures carried out in accordance with the provisions of these Regulations.
- (8) In this regulation, “official measures” include official examinations, growing trials, tests and assessments.

Commencement Information

I2 Reg. 27 in force at 19.6.2017, see [reg. 1\(1\)](#)

Transitional provision ^[F1] for plant material from parent plant existing pre-commencement

28.—(1) This regulation applies where plant material is produced from a parent plant existing before 19 June 2017.

(2) A supplier may market such plant material if—

- (a) the parent plant meets any certification or CAC requirements relevant to it under the Marketing of Fruit Plant Material Regulations 2010; and
- (b) the supplier’s document accompanying it, or the official label affixed to it, includes a reference to Article 32 of [Directive 2014/98/EU](#).

(3) In this regulation, “parent plant” means a pre-basic, basic or certified mother plant or CAC material.

(4) This regulation ceases to have effect on 31 December 2022.

F1 Words in [reg. 28](#) heading inserted (10.4.2020) by [The Marketing of Fruit Plant and Propagating Material \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/311\)](#), regs. 1, **2(2)**

Commencement Information

I3 Reg. 28 in force at 19.6.2017, see [reg. 1\(1\)](#)

^[F2]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 10 April 2020; and
- (b) states that it is marketed in accordance with Article 3 of Commission Implementing Directive (EU) 2019/1813.

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

F2 [Reg. 28ZA](#) inserted (10.4.2020) by [The Marketing of Fruit Plant and Propagating Material \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/311\)](#), regs. 1, **2(3)**

Revocation

29. The Marketing of Fruit Plant Material Regulations 2010(1) are revoked in relation to Wales.

Commencement Information

I4 Reg. 29 in force at 19.6.2017, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017, PART 5.