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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2020 No.**

**The Marketing of Plant and Propagating Material  
(Legislative Functions) (Amendment) (EU  
Exit) Regulations (Northern Ireland) 2020**

**PART 1**

**Introductory**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 and come into operation on IP completion day.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(1)</sup> applies to these Regulations as it applies to an Act of the Assembly.

(3) In these Regulations—

“the Department” means the Department of Agriculture, Environment and Rural Affairs.

“[Directive 93/49/EEC](#)” means Commission [Directive 93/49/EEC](#) setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants<sup>(2)</sup>;

“[Directive 93/61/EEC](#)” means Commission [Directive 93/61/EEC](#) setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed<sup>(3)</sup>;

“[Directive 98/56/EC](#)” means Council [Directive 98/56/EC](#) on the marketing of propagating material of ornamental plants<sup>(4)</sup>;

“[Directive 2008/72/EC](#)” means Council [Directive 2008/72/EC](#) on the marketing of vegetable propagating and planting material, other than seed<sup>(5)</sup>;

“marketing” means holding available or in stock, display with a view to sale, offering for sale, sale or delivery by a supplier to another person;

“ornamental plant material” means plant material intended for—

(a) the propagation of ornamental plants; or

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(1) 1954 c. 33 (N.I.).

(2) O.J. No. L 250, 07.10.1993, p. 9, as last amended by Commission Implementing Directive (EU) 2020/177 (O.J. No. L 41, 13.02.2020, p. 1).

(3) O.J. No. L 250, 07.10.1993, p. 19, as last amended by Commission Implementing Directive (EU) 2020/177 (O.J. No. L 41, 13.02.2020, p. 1).

(4) O.J. No. L 226, 13.08.1998, p. 16, as last amended by Regulation (EU) 652/2014 (O.J. No. L 189, 27.06.2014, p. 1).

(5) O.J. No. L 205, 1.08.2008, p. 28, as last amended by Commission Implementing Directive (EU) 2019/990 (O.J. No. L 160, 18.06.2019, p. 14).

- (b) the production of ornamental plants; however, in the case of production from complete plants, the material used shall only be considered to be propagating material if the resulting ornamental plant is intended for further marketing;
- “vegetable plant material” means the plant material described in regulation 3 of the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995<sup>(6)</sup>.

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<sup>(6)</sup> S.R. 1995 No. 415.