
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Aquatic Animal Health and Alien Species in Aquaculture,
Animals, and Marketing of Seed, Plant and Propagating
Material (Legislative Functions and Miscellaneous
Provisions) (Amendment) (EU Exit) Regulations 2020

PART 4

Functions relating to the marketing of seed, plant and plant propagating material

CHAPTER 1

Introductory

Meaning of “the appropriate authority”

11.—(1) For the purposes of any power to make regulations under this Part, “the appropriate authority” means—

- (a) in the case of regulations applying in relation to England, the Secretary of State;
 - (b) in the case of regulations applying in relation to Wales, the Welsh Ministers;
 - (c) in the case of regulations applying in relation to Scotland, the Scottish Ministers.
- (2) But “the appropriate authority” is the Secretary of State if consent is given—
- (a) in the case of regulations applying in relation to Wales, by the Welsh Ministers, provided the regulations do not amend, repeal or revoke enactments made by the Welsh Ministers or passed by the Welsh Parliament or require references to such enactments to be read subject to modifications;
 - (b) in the case of regulations applying in relation to Scotland, by the Scottish Ministers, provided the regulations do not amend, repeal or revoke enactments made by the Scottish Ministers or passed by the Scottish Parliament or require references to such enactments to be read subject to modifications.

General interpretation

12. In this Part, unless otherwise stated—

“[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⁽¹⁾;

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

“[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(2);

“[Directive 98/56/EC](#)” means Council [Directive 98/56/EC](#) on the marketing of propagating material of ornamental plants(3);

“[Directive 2008/72/EC](#)” means Council [Directive 2008/72/EC](#) on the marketing of vegetable propagating and planting material, other than seed(4);

“[Directive 2008/90/EC](#)” means Council [Directive 2008/90/EC](#) on the marketing of fruit plant propagating material and fruit plants intended for fruit production(5);

“Fruit Plant Marketing Regulations” means—

- (a) in relation to England, the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017(6);
- (b) in relation to Wales, the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017(7);
- (c) in relation to Scotland, the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017(8);

“fruit plant material” means plants and materials to which, or (as regards Scotland) to the marketing of which, the Fruit Plant Marketing Regulations apply;

“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 the propagation of ornamental plants or intended for their production, provided that, in the case of production from complete plants, the resulting ornamental plant is intended for further marketing;

“vegetable plant material” means plant material to which the Marketing of Vegetable Plant Material Regulations 1995(9) apply.

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- (2) OJ No. L 250, 07.10.1993, p.19, as last amended by Commission Implementing Directive (EU) 2020/177 (OJ No. L 41, 13.02.2020, p.1).
 - (3) OJ No. L 226, 13.08.1998, p.16, as last amended by Regulation (EU) 652/2014 (OJ No. L 189, 27.06.2014, p.1).
 - (4) OJ No. L 205, 1.08.2008, p.28, as last amended by Commission Implementing Directive (EU) 2019/990 (OJ No. L 160, 18.06.2019, p.14).
 - (5) OJ No. L 267, 8.10.2008, p.8, as last amended by Commission Implementing Decision (EU) 2019/120 (OJ No. L 24, 28.01.2019, p.27).
 - (6) S.I. 2017/595, amended by S.I. 2019/1220, 1517, 2020/248, 682. It is prospectively amended from IP completion day by S.I. 2019/131.
 - (7) S.I. 2017/691 (W. 163), amended by S.I. 2019/1382 (W. 245), 2020/206 (W. 48), 311 (W. 70) and 833 (W. 182). It is prospectively amended from IP completion day by S.I. 2019/368 (W. 90).
 - (8) S.S.I. 2017/177, amended by S.S.I. 2019/59, 190, 421, 2020/34, 165. It is prospectively amended from IP completion day by S.S.I. 2019/289.
 - (9) S.I. 1995/2652, amended by S.I. 2011/1043 (in relation to the UK), 2014/487 (in relation to England), 2014/519 (W. 61) (in relation to Wales) and S.S.I. 2014/111 (in relation to Scotland), and prospectively from IP completion day by S.I. 2019/131 (in relation to England and Wales) and S.S.I. 2019/59 (in relation to Scotland); there are other amendments not relevant to these Regulations.