

STATUTORY INSTRUMENTS

1999 No. 1801

PLANT HEALTH SEEDS

**The Marketing of Ornamental Plant
Propagating Material Regulations 1999**

<i>Made</i>	- - - -	<i>23rd June 1999</i>
<i>Laid before Parliament</i>		<i>25th June 1999</i>
<i>Coming into force</i>		
<i>(a) in the case of all provisions other than regulation 7 and regulation 9</i>		<i>1st July 1999</i>
<i>(b) in the case of regulation 7</i>		<i>1st August 1999</i>
<i>(c) in the case of regulation 9</i>		<i>31st December 1999</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, being Ministers designated for the purposes of section 2(2) of the European Communities Act 1972^{F1} in relation to the common agricultural policy of the European Community^{F2}, in exercise of the powers conferred on them by the said section 2(2) hereby make the following Regulations:

F1 1972 c. 68.

F2 S.I. 1972/1811.

Modifications etc. (not altering text)

C1 Regulations: transfer of functions (16.2.2000) by The National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253), arts. 1(1), 2, **Sch. 1**

Title, commencement and extent

1.—(1) These Regulations may be cited as the Marketing of Ornamental Plant Propagating Material Regulations 1999 and shall come into force on—

- (a) in the case of all provisions other than regulation 7 and regulation 9, 1st July 1999;
- (b) in the case of regulation 7, 1st August 1999;
- (c) in the case of regulation 9, 31st December 1999.

(2) These Regulations extend to Great Britain.

Interpretation **E+W**

2.—(1) In these Regulations, unless the context otherwise requires—

^{F3}
...

[^{F4}“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 pursuant to Council Directive 91/682/EEC;]

“Directive 98/56/EC” means Council Directive 98/56/EC on the marketing of propagating material of ornamental plants ^{F5}[^{F6}, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council];

[^{F7}“the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;]

^{F8}
...

“inspector” means any person authorised by the Minister to be an inspector for the purposes of these Regulations;

“lot” means a number of units of a single commodity, identifiable by its homogeneity of composition and origin;

“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;

“the Minister” means, as respects England, the Minister of Agriculture, Fisheries and Food and, as respects Scotland or Wales, the Secretary of State;

“propagating material” means plant material intended for—

- (a) the propagation of ornamental plants; or
- (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;

“propagation” means reproduction by vegetative or other means;

^{F9}
...

“supplier” means any person professionally engaged in the marketing or in the importation [^{F10}into the United Kingdom] of propagating material; ^{F11}...

^{F9}
...

(2) Any reference in these Regulations to a numbered regulation is a reference to the regulation so numbered in these Regulations.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only
- F3** Words in reg. 2(1) omitted (E.) (1.6.2018) by virtue of [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), regs. 1(2), **26(2)(a)** and (W.) (17.12.2018) by virtue of [The Environment, Planning and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/1216\)](#), regs. 1(3), **22(2)(a)**

- F4** Words in reg. 2(1) inserted (E.) (24.7.2020) by The Marketing of Seed, Plant and Propagating Material (England) Regulations 2020 (S.I. 2020/682), regs. 1(1), **3(2)** and (W.) (29.8.2020) by The Marketing of Seed, Plant and Propagating Material (Wales) Regulations 2020 (S.I. 2020/833), regs. 1, **3(2)**
- F5** O.J. No. L226, 13.8.98, p. 16.
- F6** Words in reg. 2(1) inserted (E.) (1.6.2018) by The Environment, Food and Rural Affairs (Miscellaneous Amendments) (England) Regulations 2018 (S.I. 2018/575), regs. 1(2), **26(2)(b)** and (W.) (17.12.2018) by The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/1216), regs. 1(3), **22(2)(b)**
- F7** Words in reg. 2(1) inserted (E.) (14.1.2020) by The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019 (S.I. 2019/1517), reg. 1, **Sch. 5 para. 2(2)(a)** and (W.) (27.3.2020) by The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206), reg. 1, **Sch. 5 para. 2(2)(a)**
- F8** Words in reg. 2(1) omitted (E.) (14.1.2020) by virtue of The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019 (S.I. 2019/1517), reg. 1, **Sch. 5 para. 2(2)(b)** and (W.) (27.3.2020) by virtue of The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206), reg. 1, **Sch. 5 para. 2(2)(b)**
- F9** Words in reg. 2(1) omitted (E.W.) (31.12.2020) by virtue of The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1, **5(2)(a)** (as amended by S.I. 2020/1388, regs. 1(2)(a), **29(3)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F10** Words in reg. 2(1) substituted (E.W.) (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1, **5(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Word in reg. 2(1) omitted (E.W.) (31.12.2020) by virtue of The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1, **5(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Interpretation **S**

2.—(1) In these Regulations, unless the context otherwise requires—

F47
...

F48
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[^{F50}“the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC;]

“inspector” means any person authorised by the Minister to be an inspector for the purposes of these Regulations;

“lot” means a number of units of a single commodity, identifiable by its homogeneity of composition and origin;

“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;

“the Minister” means, as respects England, the Minister of Agriculture, Fisheries and Food and, as respects Scotland or Wales, the Secretary of State;

[^{F51}“the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019;]

“propagating material” means plant material intended for—

- (a) the propagation of ornamental plants; or
- (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;

“propagation” means reproduction by vegetative or other means;

[^{F52}“responsible official body” means—

- (a) in relation to propagating material produced in Scotland, the Scottish Ministers,
- (b) in relation to propagating material produced in a country or territory outside Scotland, the body responsible for the quality of that material in that country or territory;]

^{F48} ...

“supplier” means any person professionally engaged in the marketing or in the importation [^{F53}into the United Kingdom] of propagating material; ^{F54} ...

^{F48} ...

(2) Any reference in these Regulations to a numbered regulation is a reference to the regulation so numbered in these Regulations.

Extent Information

- E9** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only
- F47** Words in reg. 2(1) omitted (S.) (17.11.2018) by virtue of [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018 \(S.S.I. 2018/284\)](#), regs. 1, **3(2)(a)**
- F48** Words in reg. 2(1) omitted (S.) (31.12.2020) by virtue of [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(2)(a)** (as amended by [S.S.I. 2020/445](#), regs. 1(1)(b), **12(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F49** Words in reg. 2(1) omitted (S.) (14.12.2019) by virtue of [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(2)(a)**
- F50** Words in reg. 2(1) inserted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(2)(b)**
- F51** Words in reg. 2(1) inserted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(2)(c)**
- F52** Words in reg. 2(1) inserted (S.) (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(2)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F53** Words in reg. 2(1) substituted (S.) (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(2)(c)(i)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F54** Word in reg. 2(1) omitted (S.) (31.12.2020) by virtue of [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(2)(c)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Marketing requirements and exceptions

3.—(1) Subject to paragraph (2) below, no supplier shall market any propagating material unless it complies with the requirements of these Regulations.

(2) These Regulations shall not apply to propagating material intended for—

- (a) export [^{F12}from [^{F13}Great Britain]], if identified as such and kept sufficiently isolated from plant material not intended for such export;
- (b) trials or scientific purposes;
- (c) selection work;
- (d) use in the conservation of genetic diversity.

- F12** Words in reg. 3(2)(a) substituted (E.W.) (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1, **5(3)**; 2020 c. 1, Sch. 5 para. 1(1) and (S.) (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **11(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in reg. 3(2)(a) substituted (S.) (1.4.2021) by The Plant Health and Plant Propagating Material (Miscellaneous Amendments) (Scotland) Regulations 2021 (S.S.I. 2021/87), regs. 1(1), **3** and (E.W.) (15.4.2021) by The Vegetable and Ornamental Plant Propagating Material and Fodder Plant Seed (Amendment) Regulations 2021 (S.I. 2021/393), regs. 1(1), **3(2)**

Quality requirements for propagating material **E+W**

- 4.—^{F14}(1) Propagating material shall, when marketed—
- (a) be substantially free from any defects likely to impair its quality as propagating material and in particular, at least on visual inspection, be substantially free from any harmful organisms impairing quality, or any signs or symptoms of such organisms, which reduce its usefulness;
 - ^{F15}(ab) have been found at the place of production to be practically free, at least on visual inspection, from all pests listed in the Annex to [Directive 93/49/EEC](#) in relation to that propagating material;
 - (ac) be free, at least on visual inspection, from any RNQP in a quantity exceeding the thresholds set out in the Annex to [Directive 93/49/EEC](#) for the presence of that RNQP;
 - (ad) be, at least on visual inspection, practically free from, and from any signs or symptoms of, any pests which reduce its usefulness or quality as propagating material, other than the pests listed in the Annex to [Directive 93/49/EEC](#) with regard to the respective propagating material;
 - (ae) comply with the requirements concerning [^{F16}GB] quarantine pests, [^{F17}PFA] quarantine pests and RNQPs set out in the implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation;
 - (b) have satisfactory vigour and dimensions in respect of its usefulness as propagating material;
 - (c) in the case of seeds, have a satisfactory germination capacity;
 - (d) have satisfactory identity and purity relative to the genus or species or group of plants to which it belongs; and
 - (e) if marketed with reference to a variety pursuant to regulation 11, have satisfactory varietal identity and purity.
- ^{F18}(2) In this regulation—
- “^{F19}PFA quarantine pest” means a pest within the meaning given by Article 32(1) of the EU Plant Health Regulation;

“RNQP” means a ^[F20]GB regulated non-quarantine pest within the meaning given by Article 36 of the EU Plant Health Regulation;

“^[F20]GB quarantine pest” means a pest within the meaning given by Article 4 of the EU Plant Health Regulation.]

Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only
- F14** Reg. 4 renumbered as reg. 4(1) (E.) (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **3(3)(a)** and (W.) (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, **3(3)(a)**
- F15** Reg. 4(1)(ab)-(ae) inserted (E.) (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **3(3)(b)** and (W.) (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, **3(3)(b)**
- F16** Word in reg. 4(1)(ae) substituted (E.W.) (31.12.2020) by S.I. 2019/131, **reg. 5(3A)(a)(i)** (as inserted 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(3)(b)**)
- F17** Word in reg. 4(1)(ae) substituted (E.W.) (31.12.2020) by S.I. 2019/131, **reg. 5(3A)(a)(ii)** (as inserted 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(3)(b)**)
- F18** Reg. 4(2) inserted (E.) (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **3(3)(c)** and (W.) (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, **3(3)(c)**
- F19** Word in reg. 4(2) substituted (E.W.) (31.12.2020) by S.I. 2019/131, **reg. 5(3A)(b)(i)** (as inserted 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(3)(b)**)
- F20** Word in reg. 4(2) substituted (E.W.) (31.12.2020) by S.I. 2019/131, **reg. 5(3A)(b)(ii)** (as inserted 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(3)(b)**)

^[F55] Quality requirements for propagating material **S**

- 4.—(1) Propagating material must, when marketed—
- (a) in respect of the genera and species listed in column 2 of the table in schedule 2 (organisms and diseases), have been found, at least on visual inspection, at the place of production to be practically free from all pests listed in column 1 of that table;
 - (b) not exceed, at least on visual inspection, the respective thresholds for the presence of RNQPs listed in column 3 of the table in schedule 2;
 - (c) be, at least on visual inspection, practically free from any pests, other than the pests listed in column 1 of the table in schedule 2 in respect of the genera and species listed in the corresponding row of column 2 of that table, which reduce the usefulness and quality of that material, or from any signs or symptoms thereof;
 - (d) comply with the requirements concerning ^[F56]GB quarantine pests, ^[F57]PFA quarantine pests and RNQPs provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, as well as with the measures adopted pursuant to Article 30(1) of that Regulation;

- (e) have satisfactory vigour and dimensions in respect of its usefulness as propagating material;
 - (f) in the case of seeds, have a satisfactory germination capacity;
 - (g) have satisfactory identity and purity relative to the genus or species or group of plants to which it belongs; and
 - (h) if marketed with reference to a variety pursuant to regulation 11, have satisfactory varietal identity and purity.
- (2) In this regulation—

“the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC,

[^{F58}“GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation,]

[^{F59}“PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation,]

“RNQP” means a [^{F60}GB] regulated non-quarantine pest within the meaning given in Article 36 (definition of [^{F60}GB] regulated non-quarantine pests) of the EU Plant Health Regulation, and ^{F61} ...]

Extent Information

- E10** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only
- F55** Reg. 4 substituted (S.) (1.7.2020) by [The Seed and Plant Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/165\)](#), regs. 1(1), **4(2)**
- F56** Word in reg. 4(1)(d) substituted (S.) (31.12.2020) by S.S.I. 2019/59, **reg. 11(3A)(a)(i)** (as inserted by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(3)**)
- F57** Word in reg. 4(1)(d) substituted (S.) (31.12.2020) by S.S.I. 2019/59, **reg. 11(3A)(a)(ii)** (as inserted by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(3)**)
- F58** Words in reg. 4(2) inserted (S.) (31.12.2020) by S.S.I. 2019/59, **reg. 11(3A)(b)(i)** (as inserted by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(3)**)
- F59** Words in reg. 4(2) substituted (S.) (31.12.2020) by S.S.I. 2019/59, **reg. 11(3A)(b)(ii)** (as inserted by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(3)**)
- F60** Word in reg. 4(2) substituted (S.) (31.12.2020) by S.S.I. 2019/59, **reg. 11(3A)(b)(iii)** (as inserted by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(3)**)
- F61** Words in reg. 4(2) omitted (S.) (31.12.2020) by S.S.I. 2019/59, **reg. 11(3A)(b)(iv)** (as inserted by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(3)**)

Further provisions relating to citrus propagating material

- 5. In addition to meeting the requirements of regulation 4, citrus propagating material shall—
 - (a) have been derived from initial source material which has been checked and found to show no symptoms of any viruses, virus-like organisms or diseases;
 - (b) have been checked and found to be substantially free of viruses, virus-like organisms and diseases since the beginning of the last cycle of vegetative growth; and
 - (c) where grafting has taken place, have been grafted on to rootstocks of a kind which are not susceptible to viroids.

Further provision relating to flower bulbs

6. In addition to meeting the requirements of regulation 4, flower bulbs shall have been derived directly from material which, at the time the crop of bulbs concerned was growing, was checked and found to be substantially free from any harmful organisms and diseases or any signs or symptoms of such organisms and diseases.

Further provision relating to *Palmae*: England and Wales E+W

^{F21}6A.

Extent Information

E3 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

F21 Reg. 6A omitted (E.) (24.7.2020) by virtue of [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **3(4)** and (W.) (29.8.2020) by virtue of [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, **3(4)**

Further provisions relating to propagating material of *Palmae* S

^{F62}6A.

Extent Information

E11 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

F62 Reg. 6A omitted (S.) (1.7.2020) by virtue of [The Seed and Plant Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/165\)](#), regs. 1(1), **4(3)**

Registration E+W

7.—(1) Subject to paragraph (2) below, no person shall carry on business as a supplier unless he is registered as such by the Minister.

(2) Paragraph (1) above shall not apply to a supplier marketing only to persons who are not professionally engaged in the production or sale of ornamental plants or propagating material.

(3) An application for registration as a supplier shall be made in writing and shall be accompanied by the following information—

- (a) the name of the applicant;

- (b) the address of the main premises at which the applicant carries on or intends to carry on business as a supplier;
- (c) the activities which the applicant carries on or intends to carry on which are or will be covered by these Regulations.

[^{F22}(4) Registration of a supplier on the register of professional operators for the purposes of the EU Plant Health Regulation is deemed to constitute registration for the purposes of paragraph (1) above.]

(5) A supplier registered in accordance with this regulation shall keep records of his sales and purchases of propagating material and shall retain them for a period of not less than 12 months.

Extent Information

- E4** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only
- F22** Reg. 7(4) substituted (E.) (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 2(4)** and (W.) (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), reg. 1, **Sch. 5 para. 2(4)**

Registration **S**

7.—(1) Subject to paragraph (2) below, no person shall carry on business as a supplier unless he is registered as such by the Minister.

(2) Paragraph (1) above shall not apply to a supplier marketing only to persons who are not professionally engaged in the production or sale of ornamental plants or propagating material.

(3) An application for registration as a supplier shall be made in writing and shall be accompanied by the following information—

- (a) the name of the applicant;
- (b) the address of the main premises at which the applicant carries on or intends to carry on business as a supplier;
- (c) the activities which the applicant carries on or intends to carry on which are or will be covered by these Regulations.

[^{F63}(4) Registration of a supplier on the register of professional operators for the purposes of the EU Plant Health Regulation is deemed to constitute registration for the purposes of paragraph (1).]

(5) A supplier registered in accordance with this regulation shall keep records of his sales and purchases of propagating material and shall retain them for a period of not less than 12 months.

Extent Information

- E12** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only
- F63** Reg. 7(4) substituted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(4)**

Measures to be taken by suppliers **E+W**

8.—(1) Suppliers engaged in the production of propagating material shall—

- (a) identify and monitor critical points in their production process which influence the quality of the material;
 - (b) keep records on the monitoring required in sub-paragraph (a) above;
 - (c) take samples where necessary and send them to be analysed in a laboratory with suitable facilities and expertise;
 - (d) ensure that during production lots of propagating material remain separately identifiable.
- (2) Without prejudice to paragraph (3) below, a supplier shall treat or, where appropriate, remove any propagating material which, on the basis of visible signs or symptoms, is not substantially free of harmful organisms impairing quality.
- (3) If a supplier engaged in the production of propagating material finds on his premises a [^{F23}plant pest of a description specified in Annex 2, 3 or 4 to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants,] he shall, if he would not otherwise be required to notify it under [^{F24}the EU Plant Health Regulation], report it to the Minister and shall carry out any measures laid down by him.

Extent Information

- E5** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only
- F23** Words in reg. 8(3) substituted (E.) (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 2(5)(a)** and (W.) (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), reg. 1, **Sch. 5 para. 2(5)(a)**
- F24** Words in reg. 8(3) substituted (E.) (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 2(5)(b)** and (W.) (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), reg. 1, **Sch. 5 para. 2(5)(b)**

Measures to be taken by suppliers **S**

- 8.—(1) Suppliers engaged in the production of propagating material shall—
- (a) identify and monitor critical points in their production process which influence the quality of the material;
 - (b) keep records on the monitoring required in sub-paragraph (a) above;
 - (c) take samples where necessary and send them to be analysed in a laboratory with suitable facilities and expertise;
 - (d) ensure that during production lots of propagating material remain separately identifiable.
- (2) Without prejudice to paragraph (3) below, a supplier shall treat or, where appropriate, remove any propagating material which, on the basis of visible signs or symptoms, is not substantially free of harmful organisms impairing quality.
- (3) If a supplier engaged in the production of propagating material finds on his premises a [^{F64}controlled plant pest as defined in regulation 2(1) of the Plant Health Official Controls Regulations] he shall, if he would not otherwise be required to notify it under [^{F65}the EU Plant Health Regulation], report it to the Minister and shall carry out any measures laid down by him.

Extent Information

- E13** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only
- F64** Words in reg. 8(3) substituted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(5)(a)**
- F65** Words in reg. 8(3) substituted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(5)(b)**

Information on propagating material **E+W**

9.—(1) Subject to paragraphs (2) and (3) below, no supplier shall market any propagating material unless it is accompanied by a label or other document made out by him on which appears the appropriate information prescribed in the Schedule to these Regulations.

(2) Where propagating material is accompanied by a plant passport issued in accordance with [^{F25}the EU Plant Health Regulation], the plant passport may constitute the label or other document for the purposes of paragraph (1) above if it contains the appropriate information prescribed in the Schedule to these Regulations.

(3) Paragraph (1) above shall not apply to propagating material which is marketed to persons who are not professionally engaged in the production or sale of ornamental plants or propagating material.

Extent Information

- E6** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only
- F25** Words in reg. 9(2) substituted (E.) (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 2(6)** and (W.) (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), reg. 1, **Sch. 5 para. 2(6)**

Information on propagating material **S**

9.—(1) Subject to paragraphs (2) and (3) below, no supplier shall market any propagating material unless it is accompanied by a label or other document made out by him on which appears the appropriate information prescribed in [^{F66}schedule 1 of] these Regulations.

(2) Where propagating material is accompanied by a plant passport issued in accordance with [^{F67}the EU Plant Health Regulation], the plant passport may constitute the label or other document for the purposes of paragraph (1) above if it contains the appropriate information prescribed in [^{F68}schedule 1 of] these Regulations.

(3) Paragraph (1) above shall not apply to propagating material which is marketed to persons who are not professionally engaged in the production or sale of ornamental plants or propagating material.

Extent Information

- E14** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

- F66** Words in reg. 9(1) substituted (S.) (17.11.2018) by [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018 \(S.S.I. 2018/284\)](#), regs. 1, **3(7)(a)**
- F67** Words in reg. 9(2) substituted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(6)**
- F68** Words in reg. 9(2) substituted (S.) (17.11.2018) by [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018 \(S.S.I. 2018/284\)](#), regs. 1, **3(7)(b)(ii)**

Marketing in lots

10.—(1) Subject to paragraph (2) below, no supplier shall market any propagating material unless it is in lots.

(2) Paragraph (1) above shall not apply to—

- (a) the sale of different lots in a single consignment provided the supplier keeps records of the composition and origin of the different lots;
- (b) propagating material which is marketed to persons who are not professionally engaged in the production or sale of ornamental plants or propagating material.

Description of propagating material **E+W**

11.—(1) Without prejudice to paragraph (2), no supplier shall market propagating material with reference to a variety unless—

- (a) it is the subject of ^{F26}... plant variety rights under any jurisdiction; or
- (b) the existence of that variety is a matter of common knowledge as defined in section 38 of the Plant Varieties Act 1997 ^{F27}; or
- (c) that variety is entered on a list kept by a supplier which includes:
 - (i) the name of the variety together with its commonly known synonyms, where appropriate;
 - (ii) information as to how the varietal identity and purity of the variety is being maintained and as to the propagation system used;
 - (iii) a description of the variety which shall include, where appropriate, the characteristics of the variety which would be relevant for the purpose of an application for a [^{F28}plant breeders' right in respect of the variety under the Plant Varieties Act 1997];
 - (iv) an explanation of how the variety differs from other varieties most closely resembling it.

(2) Sub-paragraphs (c)(ii) and (c)(iv) of paragraph (1) above shall not apply to a supplier engaged only in the marketing of propagating material.

(3) The list referred to at paragraph (1)(c) above shall be made available to the Minister on request.

(4) Where a supplier markets propagating material with reference to the group of plants to which it belongs, the supplier shall indicate the group of plants in such a way as to avoid confusion with any varietal denomination.

Extent Information

- E7** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only
- F26** Words in [reg. 11\(1\)\(a\)](#) omitted (E.W.) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(6)(a)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), **29(3)(d)**); 2020 c. 1, **Sch. 5 para. 1(1)**

F27 1997 c. 66.

F28 Words in reg. 11(1)(c)(iii) substituted (E.W.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Description of propagating material **S**

11.—(1) Without prejudice to paragraph (2), no supplier shall market propagating material with reference to a variety unless—

- (a) it is the subject of [^{F69}UK] plant variety rights under any jurisdiction; or
- (b) the existence of that variety is a matter of common knowledge as defined in section 38 of the Plant Varieties Act 1997 ^{F70}; or
- (c) that variety is entered on a list kept by a supplier which includes:
 - (i) the name of the variety together with its commonly known synonyms, where appropriate;
 - (ii) information as to how the varietal identity and purity of the variety is being maintained and as to the propagation system used;
 - (iii) a description of the variety which shall include, where appropriate, the characteristics of the variety which would be relevant for the purpose of an application for a [^{F71}plant breeders' right in respect of the variety under the Plant Varieties Act 1997];
 - (iv) an explanation of how the variety differs from other varieties most closely resembling it.

(2) Sub-paragraphs (c)(ii) and (c)(iv) of paragraph (1) above shall not apply to a supplier engaged only in the marketing of propagating material.

(3) The list referred to at paragraph (1)(c) above shall be made available to the Minister on request.

(4) Where a supplier markets propagating material with reference to the group of plants to which it belongs, the supplier shall indicate the group of plants in such a way as to avoid confusion with any varietal denomination.

Extent Information

E15 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

F69 Word in reg. 11(1)(a) substituted (S.) (31.12.2020) by [S.S.I. 2019/59, reg. 11\(6\)\(a\)](#) (as substituted by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(5)**)

F70 1997 c. 66.

F71 Words in reg. 11(1)(c)(iii) substituted (S.) (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Propagating material produced [^{F29}outside the United Kingdom] **E+W**

12.—(1) No supplier shall import propagating material [^{F30}produced in a country outside of the United Kingdom] unless he has ensured prior to import that the material to be imported is of an equivalent standard to propagating material produced in accordance with [^{F31}these Regulations].

(2) ^{F32}Subject to paragraph (5),] a supplier shall notify the Minister in writing of the importation of a consignment of propagating material ^{F33}... within one month of its importation.

(3) A supplier shall be deemed to have complied with paragraph (2) above [^{F34}, in relation to England, if the supplier delivers a phytosanitary certificate for export or a phytosanitary certificate for re-export to the Secretary of State][^{F35}, in relation to Wales, if the supplier delivers a phytosanitary certificate for export or a phytosanitary certificate for re-export to the Welsh Ministers].

(4) ^{F36}Subject to paragraph (5),] a supplier shall retain documentary evidence of every contract relating to the import of propagating material ^{F37}... during the subsistence of the contract and for at least twelve months after its termination.

[^{F38}(5) Paragraphs (2) and (4) do not apply to suppliers importing propagating material produced in the Channel Islands or the Isle of Man.]

Extent Information

- E8** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only
- F29** Words in reg. 12 heading substituted (E.W.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in reg. 12(1) substituted (E.W.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(7)(b)(i)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), **29(3)(e)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F31** Words in reg. 12(1) substituted (E.W.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(7)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in reg. 12(2) inserted (E.W.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(7)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in reg. 12(2) omitted (E.W.) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(7)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in reg. 12(3) substituted (E.) (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 2(7)**
- F35** Words in reg. 12(3) substituted (W.) (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), reg. 1, **Sch. 5 para. 2(7)**
- F36** Words in reg. 12(4) inserted (E.W.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(7)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in reg. 12(4) omitted (E.W.) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(7)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Reg. 12(5) inserted (E.W.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(7)(d)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), **29(3)(e)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Propagating material produced [^{F72}outside the United Kingdom] **S**

12.—(1) No supplier shall import propagating material [^{F73}produced in a country outside of the United Kingdom] unless he has ensured prior to import that the material to be imported is of an equivalent standard to propagating material produced in accordance with [^{F74}these Regulations] .

(2) [^{F75}Subject to paragraph (5),] a supplier shall notify the Minister in writing of the importation of a consignment of propagating material ^{F76}... within one month of its importation.

(3) A supplier shall be deemed to have complied with paragraph (2) above if he delivers a phytosanitary certificate or [^{F77}phytosanitary certificate for re-export in respect of the consignment in accordance with [^{F78}the EU Plant Health Regulation]].

(4) [^{F79}Subject to paragraph (5),] a supplier shall retain documentary evidence of every contract relating to the import of propagating material ^{F80}... during the subsistence of the contract and for at least twelve months after its termination.

[^{F81}(5) Paragraphs (2) and (4) do not apply to suppliers importing propagating material produced—

(b) in the Channel Islands or the Isle of Man.]

Extent Information

- E16** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only
- F72** Words in reg. 12 heading substituted (S.) (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F73** Words in reg. 12(1) substituted (S.) (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(7)(b)(i)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **12(6)(a)**); 2020 c. 1, Sch. 5 para. 1(1)
- F74** Words in reg. 12(1) substituted (S.) (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(7)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F75** Words in reg. 12(2) inserted (S.) (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(7)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F76** Words in reg. 12(2) omitted (S.) (31.12.2020) by virtue of [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(7)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F77** Words in reg. 12(3) substituted (S.) (17.11.2018) by [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018 \(S.S.I. 2018/284\)](#), regs. 1, **3(8)**
- F78** Words in reg. 12(3) substituted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(7)**
- F79** Words in reg. 12(4) inserted (S.) (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(7)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F80** Words in reg. 12(4) omitted (S.) (31.12.2020) by virtue of [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(7)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F81** Reg. 12(5) inserted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(7)(d)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **12(6)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

Powers of inspectors

13.—(1) An inspector, upon producing, if required to do so, some duly authenticated document showing his authority, may at any reasonable time enter any premises of a supplier where he

reasonably suspects that any activity which is covered by these Regulations is being carried on for the purposes of ascertaining whether there is or has been any contravention of these Regulations.

(2) An inspector on entering any premises under paragraph (1) above may take with him such other persons as he reasonably considers to be necessary.

(3) An inspector may carry out all reasonable checks and examinations necessary to ensure compliance with these Regulations, and in particular may—

- (a) take any propagating material or sample from any propagating material and send it for analysis;
- (b) require the production of any relevant records, lists and other documents;
- (c) inspect any relevant records, lists and other documents;
- (d) take any relevant records, lists and other documents for copying.

(4) An inspector may by notice in writing served on a supplier in respect of any propagating material on the supplier's premises that the inspector has reasonable grounds for suspecting fails to comply with the requirements of these Regulations require the supplier not to market or to move from his premises or to permit or cause to be marketed or moved from his premises the propagating material until the supplier has carried out such reasonable measures as the notice may specify.

Service of notices

14.—(1) A notice under these Regulations shall be deemed to have been served on a supplier if it is delivered to him personally or left for him at his last known place of abode or business or sent through the post addressed to him at his last known place of abode or business.

(2) A notice under these Regulations may—

- (a) in the case of a body corporate, be served on the secretary or clerk of that body at the address of the registered or principal office of that body;
- (b) in the case of a partnership, be served on a partner or on a person having the control or management of the partnership business or, in Scotland, the firm at the principal office of the partnership.

Offences

15.—(1) A person who contravenes or fails to comply with any provision of these Regulations without reasonable excuse shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revocations and transitional provisions

16.—(1) Subject to paragraphs (2) and (3) below, the Marketing of Ornamental Plant Material Regulations 1995^{F39} are revoked.

(2) Regulation 9 of those Regulations, and regulations 2, 3, 4, 12(1) to 12(3) and 14 of those Regulations to the extent that they apply for the purposes of regulation 9 of those Regulations, shall continue to have effect until 31st December 1999.

(3) Regulation 11 of those Regulations, and regulations 2, 3, 4, 12(1) to 12(3), 13 and 14 of those Regulations to the extent that they apply for the purposes of regulation 11 of those Regulations, shall continue to have effect until 1st August 1999.

(4) For the purposes of paragraph 4 of Schedule 2 to those Regulations (registration or accreditation number) an accreditation number in existence on 31st July 1999 shall be deemed to continue to exist until 31st December 1999, notwithstanding paragraph (3) above.

Changes to legislation: *There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)*

F39 S.I. 1995/2651.

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

Sewel
Parliamentary Under Secretary of State, Scottish
Office

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

[^{F40}SCHEDULE][^{F40}SCHEDULE
1]

Regulation 9

INFORMATION TO APPEAR ON A SUPPLIER’S LABEL OR OTHER DOCUMENT

F40 Sch. renumbered as sch. 1 (S.) (17.11.2018) by [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018 \(S.S.I. 2018/284\)](#), regs. 1, **3(9)**

- (1) Indication that the material is of “[^{F41}UK][^{F42}GB] quality”.
- ^{F43}(2)
- (3) Indication of responsible official body or its distinguishing code [^{F44}and its abbreviated country code] .
- (4) Supplier’s registration number.
- (5) Individual serial, week or batch number.
- (6) Botanical name.
- (7) Where appropriate, denomination of the variety or, in the case of rootstock, denomination of the variety or its designation.
- (8) Where appropriate, denomination of the group of plants.
- (9) Quantity.
- (10) In the case of propagating material imported [^{F45}into the United Kingdom] the name of the country of production.

F41 Word in Sch. 1 para. 1 substituted (S.) (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(8)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**

F42 Word in Sch. para. 1. substituted (E.W.) (15.4.2021) by [The Vegetable and Ornamental Plant Propagating Material and Fodder Plant Seed \(Amendment\) Regulations 2021 \(S.I. 2021/393\)](#), regs. 1(1), **3(3)**

F43 Sch. para. 2. omitted (E.W.) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1) and Sch. 1 para. 2 omitted (S.) (31.12.2020) by virtue of [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F44 Words in Sch. para. 3. inserted (E.W.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(8)(c)**; 2020 c. 1, Sch. 5 para. 1(1) and words in Sch. 1 para. 3 inserted (S.) (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(8)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

F45 Words in Sch. para. 10. substituted (E.W.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **5(8)(d)**; 2020 c. 1, Sch. 5 para. 1(1) and words in Sch. 1 para. 10 substituted (S.) (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(8)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

F41 Word in Sch. 1 para. 1 substituted (S.) (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **11(8)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

- F42** Word in Sch. para. 1. substituted (E.W.) (15.4.2021) by The Vegetable and Ornamental Plant Propagating Material and Fodder Plant Seed (Amendment) Regulations 2021 (S.I. 2021/393), regs. 1(1), **3(3)**
- F43** Sch. para. 2. omitted (E.W.) (31.12.2020) by virtue of The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1, **5(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1) and Sch. 1 para. 2 omitted (S.) (31.12.2020) by virtue of The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **11(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F44** Words in Sch. para. 3. inserted (E.W.) (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1, **5(8)(c)**; 2020 c. 1, Sch. 5 para. 1(1) and words in Sch. 1 para. 3 inserted (S.) (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **11(8)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F45** Words in Sch. para. 10. substituted (E.W.) (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1, **5(8)(d)**; 2020 c. 1, Sch. 5 para. 1(1) and words in Sch. 1 para. 10 substituted (S.) (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **11(8)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F46}SCHEDULE 2

Regulations 4 and 6A

Organisms and diseases

- F46** Sch. 2 substituted (S.) (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **4(4)**

Bacteria		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of the ornamental plant
<i>Erwinia amylovora</i> (Burrill) Winslow <i>et al.</i> [ERWIAM]	Propagating material of ornamental plants other than seeds <i>Amelanchier</i> Medik., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Medik., <i>Crataegus</i> Tourn. ex L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> Bosc ex Spach, <i>Photinia davidiana</i> Decne., <i>Pyracantha</i> M. Roem., <i>Pyrus</i> L., <i>Sorbus</i> L.	0%
<i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti &	Propagating material of ornamental plants other than seeds	0%

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Bacteria		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of the ornamental plant
Gardan) Young, Dye & Wilkie [PSDMPE]	<i>Prunus persica</i> (L.) Batsch, <i>Prunus salicina</i> Lindl.	
<i>Spiroplasma citri</i> Saglio <i>et al.</i> [SPIRCI]	Propagating material of ornamental plants other than seeds <i>Citrus</i> L., <i>Citrus</i> L. hybrids, <i>Fortunella</i> Swingle., <i>Fortunella</i> Swingle. hybrids, <i>Poncirus</i> Raf., <i>Poncirus</i> Raf. hybrids	0%
<i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> [XANTPR]	Propagating material of ornamental plants other than seeds <i>Prunus</i> L.	0%
<i>Xanthomonas euvesicatoria</i> Jones <i>et al.</i> [XANTEU]	<i>Capsicum annuum</i> L.	0%
<i>Xanthomonas gardneri</i> (ex <i>Šutič</i>) Jones <i>et al.</i> [XANTGA]	<i>Capsicum annuum</i> L.	0%
<i>Xanthomonas perforans</i> Jones <i>et al.</i> [XANTPF]	<i>Capsicum annuum</i> L.	0%
<i>Xanthomonas vesicatoria</i> (ex Doidge) Vauterin <i>et al.</i> [XANTVE]	<i>Capsicum annuum</i> L.	0%

Fungi and oomycetes

<i>Column 1</i>	<i>Column 1</i>	<i>Column 1</i>
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of ornamental plants
<i>Cryphonectria parasitica</i> (Murrill) Barr [ENDOPA]	Propagating material of ornamental plants other than seeds <i>Castanea</i> L.	0%
<i>Dothistroma pini</i> Hulbary [DOTSPI]	Propagating material of ornamental plants other than seeds	0%

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Bacteria		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of the ornamental plant
	<i>Pinus</i> L.	
<i>Dothistroma septosporum</i> (Dorogin) Morelet [SCIRPI]	Propagating material of ornamental plants other than seeds	0%
	<i>Pinus</i> L.	
<i>Lecanosticta acicola</i> (von Thümen) Sydow [SCIRAC]	Propagating material of ornamental plants other than seeds	0%
	<i>Pinus</i> L.	
<i>Plasmopara halstedii</i> (Farlow) Berlese & de Toni [PLASHA]	Seeds	0%
	<i>Helianthus annuus</i> L.	
<i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley [DEUTTR]	Propagating material of ornamental plants other than seeds	0%
	<i>Citrus</i> L. <i>Citrus</i> L. hybrids, <i>Fortunella</i> Swingle, <i>Fortunella</i> Swingle hybrids, <i>Poncirus</i> Raf., <i>Poncirus</i> Raf. hybrids	
<i>Puccinia horiana</i> P. Hennings [PUCCHN]	Propagating material of ornamental plants other than seeds	0%
	<i>Chrysanthemum</i> L.	
Insects and mites		
<i>Column 1</i>	<i>Column 1</i>	<i>Column 1</i>
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of ornamental plants
<i>Aculops fuchsiae</i> [ACUPFU]	Keifer Propagating material of ornamental plants other than seeds	0%
	<i>Fuchsia</i> L.	

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Bacteria		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of the ornamental plant
<i>Opogona sacchari</i> [OPOGSC]	Bojer Propagating material of ornamental plants other than seeds <i>Beaucarnea</i> Lem., <i>Bougainvillea</i> Comm. ex Juss., <i>Crassula</i> L., <i>Crinum</i> L., <i>Dracaena</i> Vand. ex L., <i>Ficus</i> L., <i>Musa</i> L., <i>Pachira</i> Aubl., <i>Palmae</i> , <i>Sansevieria</i> Thunb., <i>Yucca</i> L.	0%
<i>Rhynchophorus ferrugineus</i> (Olivier) [RHYCFE]	Propagating material of ornamental plants other than seeds <i>Palmae</i> , as regards the following genera and species <i>Areca catechu</i> L., <i>Arenga pinnata</i> (Wurmb) Merr., <i>Bismarckia</i> Hildebr. & H. Wendl., <i>Borassus flabellifer</i> L., <i>Brahea armata</i> S. Watson, <i>Brahea edulis</i> H. Wendl., <i>Butia capitata</i> (Mart.) Becc., <i>Calamus merrillii</i> Becc., <i>Caryota maxima</i> Blume, <i>Caryota cumingii</i> Lodd. ex Mart., <i>Chamaerops humilis</i> L., <i>Cocos nucifera</i> L., <i>Corypha utan</i> Lam., <i>Copernicia</i> Mart., <i>Elaeis guineensis</i> Jacq., <i>Howea forsteriana</i> Becc., <i>Jubaea chilensis</i> (Molina) Baill., <i>Livistona australis</i> C. Martius, <i>Livistona decora</i> (W. Bull) Dowe, <i>Livistona rotundifolia</i> (Lam.) Mart., <i>Metroxylon sagu</i> Rottb., <i>Phoenix canariensis</i> Chabaud, <i>Phoenix dactylifera</i> L., <i>Phoenix reclinata</i> Jacq., <i>Phoenix roebelenii</i> O'Brien, <i>Phoenix sylvestris</i> (L.) Roxb., <i>Phoenix theophrasti</i> Greuter, <i>Pritchardia</i> Seem. & H. Wendl., <i>Ravenea rivularis</i> Jum. & H. Perrier, <i>Roystonea</i>	0%

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Bacteria		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of the ornamental plant

regia (Kunth) O.F. Cook, *Sabal palmetto* (Walter) Lodd. ex Schult. & Schult.f., *Syagrus romanzoffiana* (Cham.) Glassman, *Trachycarpus fortunei* (Hook.) H. Wendl., *Washingtonia* H. Wendl.

Nematodes		
<i>Column 1</i>	<i>Column 1</i>	<i>Column 1</i>
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of ornamental plants

Ditylenchus dipsaci (Kuehn) Filipjev [DITYDI] *Allium* L. 0%

Ditylenchus dipsaci (Kuehn) Filipjev [DITYDI] Propagating material of ornamental plants other than seeds 0%

Camassia Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston, *Galanthus* L., *Hyacinthus* Tourn. ex L, *Hymenocallis* Salisb., *Muscari* Mill., *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Sternbergia* Waldst. & Kit., *Tulipa* L.

Viruses, viroids, virus-like diseases and phytoplasmas

<i>Column 1</i>	<i>Column 1</i>	<i>Column 1</i>
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of ornamental plants

Candidatus *Phytoplasma mali* Seemüller & Schneider [PHYPMA] Propagating material of ornamental plants other than seeds 0%

Malus Mill.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Bacteria		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of the ornamental plant
<i>Candidatus</i> Phytoplasma prunorum Seemüller & Schneider [PHYPPR]	Propagating material of ornamental plants other than seeds <i>Prunus</i> L.	0%
<i>Candidatus</i> Phytoplasma pyri Seemüller & Schneider [PHYPPY]	Propagating material of ornamental plants other than seeds <i>Pyrus</i> L.	0%
<i>Candidatus</i> Phytoplasma solani Quaglinoet al. [PHYPSO]	Propagating material of ornamental plants other than seeds <i>Lavandula</i> L.	0%
Chrysanthemum stunt viroid [CSVD00]	Propagating material of ornamental plants other than seeds <i>Argyranthemum</i> Webb ex Sch.Bip., <i>Chrysanthemum</i> L.	0%
<i>Citrus</i> exocortis viroid [CEVD00]	Propagating material of ornamental plants other than seeds <i>Citrus</i> L.	0%
<i>Citrus tristeza</i> virus [CTV000] (EU isolates)	Propagating material of ornamental plants other than seeds <i>Citrus</i> L., <i>Citrus</i> L. hybrids, <i>Fortunella</i> Swingle, <i>Fortunella</i> Swingle hybrids, <i>Poncirus</i> Raf., <i>Poncirus</i> Raf. Hybrids	0%
<i>Impatiens</i> necrotic tospovirus [INSV00]	Propagating material of ornamental plants other than seeds <i>Begonia x hiemalis</i> Fotsch, <i>Impatiens</i> L. New Guinea Hybrids	0%

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Bacteria		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of the ornamental plant
Potato spindle tuber viroid [PSTVD0]	<i>Capsicum annuum</i> L.,	0%
Plum pox virus [PPV000]	Propagating material of ornamental plants other than seeds <i>Prunus armeniaca</i> L., <i>Prunus blireana</i> Andre, <i>Prunus brigantina</i> Vill., <i>Prunus cerasifera</i> Ehrh., <i>Prunus cistena</i> Hansen, <i>Prunus curdica</i> Fenzl and Fritsch., <i>Prunus domestica</i> L., <i>Prunus domestica</i> ssp. <i>insititia</i> (L.) C.K. Schneid, <i>Prunus domestica</i> ssp. <i>italica</i> (Borkh.) Hegi., <i>Prunus dulcis</i> (Miller) Webb, <i>Prunus glandulosa</i> Thunb., <i>Prunus holosericea</i> Batal., <i>Prunus hortulana</i> Bailey, <i>Prunus japonica</i> Thunb., <i>Prunus mandshurica</i> (Maxim.) Koehne, <i>Prunus maritima</i> Marsh., <i>Prunus mume</i> Sieb. and Zucc., <i>Prunus nigra</i> Ait., <i>Prunus persica</i> (L.) Batsch, <i>Prunus salicina</i> L., <i>Prunus sibirica</i> L., <i>Prunus simonii</i> Carr., <i>Prunus spinosa</i> L., <i>Prunus tomentosa</i> Thunb., <i>Prunus triloba</i> Lindl. Other species of <i>Prunus</i> L. susceptible to Plum pox virus	0%
Tomato spotted wilt tospovirus [TSWV00]	Propagating material of ornamental plants other than seeds <i>Begonia x hiemalis</i> Fotsch, <i>Capsicum annuum</i> L., <i>Chrysanthemum</i> L., <i>Gerbera</i> L., <i>Impatiens</i> L. New Guinea Hybrids, <i>Pelargonium</i> L.	0%]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Marketing of Ornamental Plant Material Regulations 1995. The Regulations implement:

- 1) Council Directive [98/56/EC](#) on the marketing of propagating material of ornamental plants (O.J. No. L226, 13.8.98, p. 16);
- 2) a Commission Directive setting out additional provisions for lists of varieties of ornamental plants as kept by suppliers under Directive 98/56;
- 3) a Commission Directive setting out requirements as to the label or other document made out by the supplier pursuant to Council Directive 98/56; and
- 4) a Commission Directive amending Commission Directive [93/49/EEC](#) setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive [91/682/EEC](#); those provisions of Directive 93/49 which remain in force are re-enacted in the Regulations.

The bulk of the Regulations come into force on 1st July 1999; regulation 7 will come into force on 1st August 1999 and regulation 9 will come into force on 31st December 1999. The Regulations set quality standards to be met by ornamental plant propagating material when marketed and prescribe conditions to be satisfied by suppliers. They introduce the following principal changes—

- 1) The Regulations apply to the propagating material of all ornamental plants (regulations 2 and 3).
- 2) Propagating material intended for use in the conservation of genetic diversity is exempted from the Regulations (regulation 3).
- 3) The quality requirements for propagating material, including citrus material and flower bulbs, are modified (regulations 4, 5 and 6).
- 4) The system of accreditation for those who market plant material is ended with effect from 1st August and a system of registration is introduced with effect from that date, although accreditation numbers can continue in use until 31st December (regulations 1, 7 and 16).
- 5) Suppliers must notify the Minister of the appearance on their premises of any plant pest which is listed in the Plant Health (Great Britain) Order 1993 (regulation 8).
- 6) The information to appear in suppliers' documentation is modified with effect from 31st December 1999, when the form of documentation prescribed under the 1995 Regulations ceases to have effect (regulations 1, 9, 16 and the Schedule).
- 7) Importers of propagating material from third countries are required to ensure that it is equivalent to material produced in accordance with Directive 98/56 and to notify the responsible official body (regulation 12).

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Plant Health Division of the Ministry of Agriculture, Fisheries and Food, Foss House, Kings Pool, 1–2 Peasholme Green, York YO1 7PX.

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999.