

EXPLANATORY MEMORANDUM TO
THE MARKETING OF VEGETABLE PLANT MATERIAL (ENGLAND)
(AMENDMENT) REGULATIONS 2007

2007 No. 1449

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

- 2. Description**

The Regulations implement Commission Directive 2006/124/EC and amend the Marketing of Vegetable Plant Material Regulations 1995.

- 3. Matters of special interest to the Joint Committee on Statutory Instruments**

The substituted definition of “Directive 92/33/EEC” in regulation 2(2) is made for the purpose of triggering the new rule of statutory interpretation in section 20A of the Interpretation Act 1978, which relates to references to Community instruments in national legislation. The effect of the substituted definition is that, in the Marketing of Vegetable Plant Material Regulations 1995, the reference to the Directive is to be construed as a reference to that Directive as last amended by Commission Directive 2006/124/EC, which is the latest amending instrument at the date these Marketing of Vegetable Plant Material (England) (Amendment) Regulations 2007 are made.

- 4. Legislative Background**

The Marketing of Vegetable Plant Material Regulations 1995 implement Council Directives 92/33/EEC and 93/62/EEC on the marketing of vegetable propagating and planting material, other than seed. Commission Directive 2006/124/EC amends Council Directive 92/33/EEC.

- 5. Extent**

This instrument applies to England only. Matching legislation has also been introduced in Scotland. Colleagues in Wales and Northern Ireland are considering the need for similar legislation.

- 6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 Council Directives 92/33/EEC and 93/62/EEC establish a regime to ensure that purchasers throughout the European Community receive vegetable propagating and planting material which is healthy and of good quality. They set quality standards to be met by certain genera and species of plant material when marketed and prescribe conditions to be satisfied by suppliers of plant material. The Directives are currently implemented in England, Wales and Scotland by the Marketing of Vegetable Plant Material Regulations 1995. Similar but separate legislation operates in Northern Ireland.
- 4.2 The Marketing of Vegetable Plant Material (England) (Amendment) Regulations 2007 implement Commission Directive 2006/124/EC in England by updating the list of genera and species of plant material covered by the 1995 Regulations to include *Zea Mays* (popcorn and sweetcorn).

8. Impact

- . There is very little (if any) marketing of young plants of *Zea Mays* in England. A regulatory impact assessment has not been prepared as no significant impact (and no impact at all on the private and voluntary sectors) is foreseen.

9. Contact

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e-mail: iain.johnstone@defra.gsi.gov.uk can answer any queries regarding the instrument.