

2014 No. 487

AGRICULTURE

PLANT HEALTH, ENGLAND

SEEDS

**The Seeds and Vegetable Plant Material (Nomenclature
Changes) Regulations 2014**

Made - - - - *4th March 2014*

Laid before Parliament *6th March 2014*

Coming into force - - *31st March 2014*

The Secretary of State is designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy.

The Secretary of State has carried out consultation in accordance with section 16(1) of the Plant Varieties and Seeds Act 1964^(c).

The Secretary of State makes the following Regulations in exercise of the powers in section 16(1) and (1A) of the Plant Varieties and Seeds Act 1964 and section 2(2) of the European Communities Act 1972.

Title, commencement and application

1.—(1) These Regulations may be cited as the Seeds and Vegetable Plant Material (Nomenclature Changes) Regulations 2014 and come into force on 31st March 2014.

(2) Regulation 2 applies to England only.

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- (a) S.I. 1972/1811. The power of the Secretary of State, as designated Minister, to make Regulations that (i) extend to Scotland remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (c.46); (ii) extend to Northern Ireland remains exercisable by virtue of article 3(2) of the European Communities (Designation) (No. 3) Order 2000 (S.I. 2000/2812); and (iii) apply in Wales remains exercisable by virtue of article 6(1) of the European Communities (Designation) (No. 5) Order 2010 (S.I. 2010/2690).
- (b) 1972 c. 68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a), and the European Union (Amendment) Act 2008 (c.7), Part 1 of the Schedule.
- (c) 1964 c. 14. Section 16(1) and (1A) has been amended by the European Communities Act 1972 (c. 68), section 4 and Schedule 4, paragraph 5. See section 38(1) for the definition of “the Minister”. Under S.I. 2002/794, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 which remained vested in that Minister were transferred to the Secretary of State.

Amendment of the Marketing of Vegetable Plant Material Regulations 1995

2.—(1) The Marketing of Vegetable Plant Material Regulations 1995(a) are amended as follows.

(2) In regulation 2(1)—

(a) omit the definition of “Directive 92/33/EEC”;

(b) insert the following definition in the appropriate place—

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

(3) In regulation 3(1), for sub-paragraphs (a) and (b), substitute—

“(a) plant material of the genera and species set out in Annex II to Directive 2008/72/EC and their hybrids; and

(b) rootstocks and other parts of plants of other genera and species and their hybrids if plant material of a genus or species set out in Annex II to Directive 2008/72/EC or of a hybrid of such genus or species is or is to be grafted on to them”.

(4) In regulation 5(d)(ii), for “92/33/EEC”, substitute “2008/72/EC”.

Amendment of the Seeds (National Lists of Varieties) Regulations 2001

3.—(1) The Seeds (National Lists of Varieties) Regulations 2001(c) are amended as follows.

(2) In the table in paragraph 2 of Part 1 of Schedule 1, for “*Lycopersicon esculentum* Mill”, substitute “*Solanum lycopersicum* L”.

Amendment of the Seed Marketing Regulations 2011

4.—(1) The Seed Marketing Regulations 2011(d) are amended as follows.

(2) In the table in Schedule 1, for “*Lycopersicon esculentum* Mill”, substitute “*Solanum lycopersicum* L”.

4th March 2014

de Mauley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marketing of Vegetable Plant Material Regulations 1995 (S.I. 1995/2652) (in relation to England only) (“the 1995 Regulations”), the Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510) and the Seed Marketing Regulations 2011 (S.I. 2011/463) to implement Commission Implementing Directive 2013/45/EU amending Council Directives 2002/55/EC and 2008/72/EC and Commission Directive 2009/145/EC (OJ L 213, 8.8.2013, p. 20) as regards the botanical name of tomato to reflect revisions to the International Code of Botanical Nomenclature.

(a) S.I.1995/2652. The definition of “Directive 92/33/EEC” in regulation 2(1) and the words “Annex II to Directive 92/33/EEC” in regulation 3(1) were substituted in relation to England by S.I. 2007/1449, regulation 2(2).

(b) OJ L 205, 1.8.2008, p. 28.

(c) S.I. 2001/3510. The table in paragraph 2 of Part 1 of Schedule 1 was substituted by S.I. 2010/1195, regulation 2(3) and Schedule 2. There are other amending instruments but none is relevant.

(d) S.I. 2011/463 to which there are amendments not relevant to these Regulations.

They also update references in the 1995 Regulations (in relation to England only) to the previous Directive on the marketing of vegetable propagating and planting material other than seed (Council Directive 92/33/EEC) to correspond to provisions in the codified version of that Directive (2008/72/EC).

A transposition note is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk or from the Department for Environment, Food and Rural Affairs, Eastbrook, Shaftesbury Road, Cambridge, CB2 8DR.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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