

---

STATUTORY INSTRUMENTS

---

**2019 No. 131**

**The Marketing of Seeds and Plant Propagating Material  
(Amendment) (England and Wales) (EU Exit) Regulations 2019**

**PART 3**

Amendment of secondary legislation relating  
to the withdrawal from the European Union

**The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017**

8.—(1) The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017<sup>M1</sup> are amended as follows.

(2) In regulation 2—

(a) in the definition of “basic material”, in paragraph (b), for “ Article 15 of Directive 2014/98/EU;” substitute—

“—

(i) in the case of material produced in the United Kingdom, the relevant fruit marketing regulations;

(ii) in the case of material produced in a Crown Dependency [<sup>F1</sup>or a country granted equivalence], legislation recognised by the Secretary of State as having equivalent effect to regulation 9(1) and (2);

<sup>F2</sup>(iii) . . . . .”;

(b) in the definition of “CAC material”, in paragraph (b), for “ Article 23 of Directive 2014/98/EU;” substitute—

“—

(i) in the case of material and plants produced in the United Kingdom, the relevant fruit marketing regulations;

(ii) in the case of material and plants produced in a Crown Dependency [<sup>F3</sup>or a country granted equivalence], legislation recognised by the Secretary of State as having equivalent effect to Schedule 1;

<sup>F4</sup>(iii) . . . . .”;

(c) in the definition of “certified material”, in paragraph (b), for “ Article 20 of Directive 2014/98/EU;” substitute—

“—

(i) in the case of material and plants produced in the United Kingdom, the relevant fruit marketing regulations;

- (ii) in the case of material and plants produced in a Crown Dependency [<sup>F5</sup>or a country granted equivalence], legislation recognised by the Secretary of State as having equivalent effect to regulation 9(1) and (2);
- <sup>F6</sup>(iii) . . . . .”;
- (d) after the definition of “certified plant material” insert—
  - [<sup>F7</sup>“country granted equivalence” means a country that has been assessed under regulation 5(3) and the Secretary of State is satisfied that the plant material from the country is produced under conditions equivalent to the requirements in these Regulations for plant material;
  - “Crown Dependency” means the Isle of Man or any of the Channel Islands;”];
- (e) after the definition of “defects” insert—
  - “the fruit marketing regulations” means—
    - (a) as regards Wales, the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017 <sup>M2</sup>;
    - (b) as regards Scotland, the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017 <sup>M3</sup>;
    - (c) as regards Northern Ireland, the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 <sup>M4</sup>;
  - [<sup>F8</sup>and “the relevant fruit marketing regulations”, in relation to any constituent part of the United Kingdom, means the fruit marketing regulations applicable in relation to that part;”];
- (f) in the definition of “official label”, in paragraph (b), for the words “ Article 2 of Directive 2014/96/EU;” substitute—
  - “—
    - (i) in the case of material produced in the United Kingdom, the relevant fruit marketing regulations;
    - (ii) in the case of plant material produced in a Crown Dependency [<sup>F9</sup>or a country granted equivalence], legislation recognised by the Secretary of State as having equivalent effect to Part 1 of Schedule 2;
    - <sup>F10</sup>(iii) . . . . .”;
- (g) in the definition of “outside England”, for the words from “ or any member” to the end, substitute “ [<sup>F11</sup>, any Crown Dependency or country granted equivalence] ”;
- (h) in the definition of “plant variety rights”—
  - (i) in paragraph (a), at the end insert “ or ”;
  - (ii) omit paragraph (b);
- (i) in the definition of “pre-basic material”, in paragraph (b), for “ Articles 3 or 4 of Directive 2014/98/EU;” substitute—
  - “—
    - (i) in the case of material produced in the United Kingdom, the relevant fruit marketing regulations;

- (ii) in the case of material produced in a Crown Dependency [<sup>F12</sup>or a country granted equivalence], legislation recognised by the Secretary of State as having equivalent effect to regulation 9(1) and (2);
- <sup>F13</sup>(iii) .....
- (3) In regulation 4(3), for “European Union” substitute “ [<sup>F14</sup>Great Britain] ”.
- [<sup>F15</sup>(4) In regulation 5, in paragraph (3), for “European Union” substitute “United Kingdom”.]
- (5) In regulation 7—
  - (a) in paragraph (3), for the words from “the second” to the end substitute “ that paragraph ”;
  - (b) in paragraph (4), for sub-paragraph (b) substitute—
    - “(b) registration as a variety by the responsible authority in any part of the United Kingdom outside England in accordance with—
      - (i) in relation to Wales, Schedule 4 to the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017;
      - (ii) in relation to Scotland, Schedule 4 to the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017;
      - (iii) in relation to Northern Ireland, Schedule 3 to the Marketing of Fruit Plant and Propagating Material (Northern Ireland) Regulations 2017.”.
- <sup>F16</sup>(6) .....
- <sup>F17</sup>(7) .....
- <sup>F18</sup>(8) .....
- (9) In regulation 31—
  - (a) omit paragraph (4);
  - (b) in paragraph (6), omit the definition of “the Directives”.
- (10) In Schedule 2—
  - (a) in paragraph 4(b), for “EU” substitute “ [<sup>F19</sup>GB] ”;
  - (b) in paragraph 5, for “indelibly printed” to the end substitute—
    - “—
    - (a) easily visible and legible, and
    - (b) indelibly printed in English (but may also be printed in other languages)”;
  - (c) in paragraph 8—
    - (i) in sub-paragraph (a), for “EU” substitute “ [<sup>F20</sup>GB] ”;
    - (ii) in [<sup>F21</sup>sub-paragraph (b)(i)], for “member State” substitute “ country ”;
  - (d) in paragraph 9, for “indelibly printed” to the end substitute—
    - “—
    - (a) easily visible and legible, and
    - (b) indelibly printed in English (but may also be printed in other languages)”.
- (11) Schedule 4 is amended in accordance with paragraphs 12 to 17.
- (12) In paragraph 1—
  - (a) in the definition of “appropriate protocol”—

- (i) omit paragraph (a);
- (ii) in paragraph (b)—
  - (aa) omit the words from “where” to “species, ”;
  - (bb) after the word “stability” insert “ for the particular genus or species concerned;
- (iii) in paragraph (c)—
  - (aa) omit “protocols mentioned at (a) or ”;
  - (bb) after the word “established” insert “ or recognised ”;
- (b) after the definition of “distinct”, insert—
  - ““the GMO regulations” means—
    - (a) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002 <sup>M5</sup>;
    - (b) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002 <sup>M6</sup>;
    - (c) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 <sup>M7</sup>;
    - (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 <sup>M8</sup>.”.
- (13) In paragraph 2—
  - (i) in sub-paragraph (2)(b), omit “or in another member State, ”;
  - (ii) in sub-paragraph (3), for “member state” substitute “ country which is a member of UPOV ”.
- (14) In paragraph 3—
  - (a) in sub-paragraph (1)(c), for the words from “ is authorised” to the end substitute—
    - “—
      - (i) is authorised for cultivation pursuant to Regulation [\(EC\) No 1829/2003](#) or the GMO regulations, or
      - (ii) before the day on which [<sup>F22</sup>IP completion day] falls has been authorised for cultivation pursuant to Directive [2001/18/EC](#).”;
    - (b) in sub-paragraph (3), for “outside England” substitute “ elsewhere in the United Kingdom or in another country which is a member of UPOV ”.
- (15) In paragraph 6(1)—
  - (a) in paragraph (c), for “ or in another member State” substitute “ ; or ”;
  - (b) after paragraph (c) insert—
    - “(d) by a competent authority outside the United Kingdom if the Secretary of State is satisfied that those growing trials are of equivalent standards to those carried out by or on behalf of the Secretary of State.”.
- (16) In paragraph 7—
  - (a) in sub-paragraph (1)(a), for the words “consists is” to the end substitute—
    - “consists—
      - (i) is authorised for cultivation pursuant to Regulation 1829/2003 <sup>M9</sup> or the GMO regulations, or

- (ii) has, before the day on which [<sup>F23</sup>IP completion day] falls, been authorised for cultivation pursuant to Directive 2001/18/EC; or”;
- (b) in sub-paragraph (4)(a), omit “Directive 2001/18/EC or ”.
- (17) In paragraph 8(1)(d), for the words from “ ceases” to the end substitute—
- “—
- (i) ceases to be authorised pursuant to Regulation 1829/2003 or the GMO regulations; or
- (ii) has, before the day on which [<sup>F24</sup>IP completion day] falls, been authorised for cultivation pursuant to Directive 2001/18/EC and ceases to be authorised”.
- (18) In Schedule 5—
- (a) in paragraph 5—
- (i) in sub-paragraph (4)(a), for “outside England” substitute “ in any part of the United Kingdom other than England or in another country which is a member of UPOV ”;
- (ii) in sub-paragraph (7), for the definition of “register of varieties” substitute—
- ““register of varieties” means, in relation to the registration of varieties, the register maintained—
- (a) in England, under paragraph 4(1) of Schedule 4;
- (b) in Wales, under paragraph 4(1) of Schedule 4 to the Marketing of Fruit Plant and Propagating Material (Wales) 2017 <sup>M10</sup>;
- (c) in Scotland, under paragraph 2(1) of Schedule 4 to the Marketing of Fruit Plant and Propagating Material (Scotland) 2017 <sup>M11</sup>;
- (d) in Northern Ireland, for the purposes of paragraph 1 of Schedule 3 to the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 <sup>M12</sup>;”;
- (b) omit paragraph 8(2)(a).

### Textual Amendments

- F1** Words in reg. 8(2)(a) inserted (31.12.2020 immediately before IP completion day) 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(6)(a)(i)(aa)**
- F2** Words in reg. 8(2)(a) omitted (31.12.2020 immediately before IP completion day) by virtue of [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(6)(a)(i)(bb)**
- F3** Words in reg. 8(2)(b) inserted (31.12.2020 immediately before IP completion day) 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(6)(a)(i)(aa)**
- F4** Words in reg. 8(2)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [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(6)(a)(i)(bb)**
- F5** Words in reg. 8(2)(c) inserted (31.12.2020 immediately before IP completion day) 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(6)(a)(i)(aa)**
- F6** Words in reg. 8(2)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [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(6)(a)(i)(bb)**

- F7** Words in reg. 8(2)(d) substituted (31.12.2020 immediately before IP completion day) 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(6)(a)(ii)**
- F8** Words in reg. 8(2)(e) inserted (31.12.2020 immediately before IP completion day) by The Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/809), regs. 1(a), **8(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 8(2)(f) inserted (31.12.2020 immediately before IP completion day) 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(6)(a)(i)(aa)**
- F10** Words in reg. 8(2)(f) omitted (31.12.2020 immediately before IP completion day) by virtue of 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(6)(a)(i)(bb)**
- F11** Words in reg. 8(2)(g) substituted (31.12.2020 immediately before IP completion day) 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(6)(a)(iii)**
- F12** Words in reg. 8(2)(i) inserted (31.12.2020 immediately before IP completion day) 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(6)(a)(i)(aa)**
- F13** Words in reg. 8(2)(i) omitted (31.12.2020 immediately before IP completion day) by virtue of 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(6)(a)(i)(bb)**
- F14** Words in reg. 8(3) substituted (31.12.2020 immediately before IP completion day) 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(6)(b)**
- F15** Reg. 8(4) substituted (31.12.2020 immediately before IP completion day) 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(6)(c)**
- F16** Reg. 8(6) omitted (31.12.2020 immediately before IP completion day) by virtue of 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(6)(d)**
- F17** Reg. 8(7) omitted (31.12.2020 immediately before IP completion day) by virtue of 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(6)(d)**
- F18** Reg. 8(8) omitted (31.12.2020 immediately before IP completion day) by virtue of 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(6)(d)**
- F19** Word in reg. 8(10)(a) substituted (31.12.2020 immediately before IP completion day) 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(6)(e)(i)**
- F20** Word in reg. 8(10)(c)(i) substituted (31.12.2020 immediately before IP completion day) 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(6)(e)(i)**
- F21** Words in reg. 8(10)(c)(ii) substituted (31.12.2020 immediately before IP completion day) 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(6)(e)(ii)**
- F22** Words in reg. 8(14)(a) substituted (31.12.2020 immediately before IP completion day) 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(6)(f)**
- F23** Words in reg. 8(16)(a) substituted (31.12.2020 immediately before IP completion day) 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(6)(f)**

**F24** Words in reg. 8(17) substituted (31.12.2020 immediately before IP completion day) 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(6)(f)**

---

**Commencement Information**

**I1** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(b)

---

**Marginal Citations**

- M1** [S.I. 2017/595](#).  
**M2** [S.I. 2017/691](#) (W. 163).  
**M3** [S.S.I. 2017/177](#).  
**M4** [S.R. 2017 No. 119](#).  
**M5** [S.I. 2002/2443](#), as amended by [S.I. 2004/2411](#), [2005/2759](#), [2009/1892](#), [2018/575](#).  
**M6** [S.I. 2002/3188](#) (W. 304), amended by [S.I. 2005/2759](#), [2013/755](#) (W. 90).  
**M7** [S.S.I. 2002/541](#), amended by [S.I. 2004/439](#), [2015/100](#).  
**M8** [S.R. 2003 No. 167](#).  
**M9** Defined in paragraph 1 of Schedule 4 to [S.I. 2017/595](#).  
**M10** [S.I.2017/691](#) (W. 163).  
**M11** [S.S.I. 2017/177](#).  
**M12** [S.R. 2017 No. 119](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019, Section 8.