

SCHEDULE

PART 2

MODIFICATIONS OF SUBORDINATE LEGISLATION

The Forest Reproductive Material (Great Britain) Regulations 2002

63.—(1) The Forest Reproductive Material (Great Britain) Regulations 2002⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of “authorised officer”—

(i) in sub-paragraph (a) after “Regulations;”, omit “and”,

(ii) after sub-paragraph (a) insert—

“(aa) a person authorised by the Scottish Ministers to exercise their powers and execute their functions under these Regulations, and”,

(b) in the definition of “Master Certificate”—

(i) in sub-paragraph (d), after “regulation 25(5) and (6)”, insert “, a Master Certificate issued by the Scottish Ministers in accordance with regulation 25A(5) and (6),”,

(ii) in sub-paragraph (e) after “regulation 25(5),” insert “a Master Certificate issued by the Scottish Ministers in accordance with regulation 25A(5),”,

(c) in the definition of “region of provenance” after “the Commissioners” insert “, the Scottish Ministers,”,

(d) in the definition of “relevant territory”—

(i) in sub-paragraph (a) omit “and Scotland, and”,

(ii) after sub-paragraph (a) insert—

“(aa) Scotland, and”,

(e) in paragraph (6) after “the Commissioners” insert “, the Scottish Ministers”.

(3) In regulation 5 (demarcation of regions of provenance in respect of certain basic material)—

(a) in paragraph (1) omit “and Scotland” in each case where the words occur,

(b) after paragraph (1A) insert—

“(1AA) The Scottish Ministers shall demarcate regions of provenance in Scotland in respect of each of the species listed in Schedule 1 which exist in Scotland and shall allocate to each region of provenance an identity code.”,

(c) in paragraph (2) after “Commissioners” insert “, the Scottish Ministers”.

(4) In regulation 6 (establishment and maintenance of the National Register)—

(a) after paragraph (1A) insert—

“(1AA) The Scottish Ministers shall maintain that part of the National Register recording basic material approved by them under regulation 7.”,

(b) in paragraph (2) after “Commissioners” insert “, the Scottish Ministers”.

(5) In regulation 7(11) (approval of basic material for use in the production of forest reproductive material) for sub-paragraph (b) substitute—

(1) [S.I. 2002/3026](#). The definition of “authorised officer” in regulation 2 was substituted by [S.I. 2013/755](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- “(b) the Scottish Ministers, in relation to basic material located in Scotland,
- (c) the Commissioners, in relation to basic material located in England.”.
- (6) In regulation 11(4) (collection of forest reproductive material) for sub-paragraph (b) substitute—
 - “(b) the Scottish Ministers, in relation to the collection, production or marketing of forest reproductive material in Scotland,
 - (c) the Commissioners, in relation to the collection, production or marketing of forest reproductive material in England.”.
- (7) In regulation 16 (registration of suppliers of forest reproductive material)—
 - (a) in paragraph (1A)—
 - (i) for “two” substitute “three”,
 - (ii) in sub-paragraph (b) omit “or Scotland”,
 - (iii) at the end insert—
 - “(c) a part maintained by the Scottish Ministers which shall record suppliers whose principal place of business or trade is in Scotland.”,
 - (b) in paragraph (1B)—
 - (i) after sub-paragraph (a) insert—
 - “(aa) the Scottish Ministers, in relation to a supplier whose principal place of business or trade is in Scotland”,
 - (ii) in sub-paragraph (b) omit “or Scotland”,
 - (c) in paragraph (6) after “Commissioners” insert “, the Scottish Ministers”.
- (8) In regulation 17(1)(c) (forest reproductive material which may be marketed)—
 - (a) after “the Commissioners” insert “or the Scottish Ministers”,
 - (b) for “regulation 25(5) and (6);” substitute “regulation 25(5) and (6) or, as the case may be, regulation 25A(5) and (6);”.
- (9) In regulation 18(1) (licences) in sub-paragraphs (a) and (b) omit “or Scotland”.
- (10) After regulation 18 insert—

“Licences: Scotland

- 18A.—**(1) The Scottish Ministers may authorise a registered supplier by licence to—
- (a) market forest reproductive material in Scotland which would otherwise be prohibited under regulation 17(1), or
 - (b) import into Scotland forest reproductive material which would otherwise be prohibited under regulation 25A.
- (2) The licence shall be in writing and may be granted—
- (a) subject to conditions,
 - (b) for a definite or an indefinite period.
- (3) The Scottish Ministers may give an authorisation under paragraph (1)(a) or (b) only—
- (a) if the forest reproductive material is to be marketed for use in tests, for scientific purposes or for genetic conservation purposes,
 - (b) if the forest reproductive material consists of seed units which are clearly shown not to be intended for forestry purposes, or

(c) in exercise of a derogation permitted by the Directive.

(4) The Scottish Ministers may also give an authorisation under paragraph (1)(a) if the forest reproductive material is to be marketed for use in selection work.

(5) If the Scottish Ministers decline to give an authorisation under paragraph (1), they shall give the applicant their reasons for doing so in writing.”.

(11) In regulation 25 (prohibition against imports of forest reproductive material into England or Scotland from third countries) omit “or Scotland” in each place where the words occur in paragraphs (1), (2), (3) and (4).

(12) After regulation 25 insert—

“Prohibition against imports of forest reproductive material into Scotland from third countries

25A.—(1) No person may import forest reproductive material into Scotland from a third country for the purpose of marketing it unless—

(a) it has been produced in an EU-approved third country or a permitted third country,

(b) it is permitted material, and

(c) the requirements set out in Schedule 13 are met on entry.

(2) A person intending to import permitted material into Scotland from an EU-approved third country or a permitted third country shall notify the Scottish Ministers of the arrival of the material at least three days before the intended date of its arrival into Scotland.

(3) The notification to the Scottish Ministers shall be—

(a) in writing, and

(b) contain the following details in relation to the material:—

(i) its anticipated point of entry into Scotland, and

(ii) its anticipated date and time of arrival into Scotland.

(4) After the permitted material has been imported into Scotland, the owner of that material may apply to the Scottish Ministers for a Master Certificate in relation to the material.

(5) If the Scottish Ministers are satisfied that the requirements set out in Schedule 13 have been met in relation to the permitted material, the Scottish Ministers shall issue a Master Certificate for the material to its owner.

(6) In the case of permitted material from an EU-approved third country, a Master Certificate issued under paragraph (5) shall—

(a) be based on the OECD Certificate of Provenance, and

(b) indicate that the material has been imported under an equivalence regime.

(7) In this regulation, “OECD Certificate of Provenance” and “permitted material” have the meanings given in paragraph 2 of Schedule 13.”.

(13) In regulation 26 (keeping and production of documents)—

(a) in paragraphs (2) and (3)(b) in each case after “the Commissioners” insert “, the Scottish Ministers”,

(b) in paragraph (5) after “the Welsh Ministers” insert “or the Scottish Ministers”.

(14) In regulation 27(1) (powers to inspect and take samples) after “the Commissioners” insert “, the Scottish Ministers”.

(15) In regulation 32 (appeals)—

(a) after “the Commissioners” where the words first occur, insert “, the Scottish Ministers”,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) in paragraph (1)(h), for “the Commissioners or” substitute “the Commissioners’, Scottish Ministers’ or”,
- (c) in paragraph (3) after “the Commissioners” insert “, the Scottish Ministers”.