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STATUTORY INSTRUMENTS

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**2020 No. 1463**

**The Aquatic Animal Health and Alien Species in Aquaculture,  
Animals, and Marketing of Seed, Plant and Propagating  
Material (Legislative Functions and Miscellaneous  
Provisions) (Amendment) (EU Exit) Regulations 2020**

**PART 4**

Functions relating to the marketing of seed, plant and plant propagating material

**CHAPTER 4**

Retention of functions in [Directive 2008/90/EC](#)

**Power to modify the regulated species of fruit plant material**

- 19.**—(1) The appropriate authority may, by regulations, amend—
- (a) in relation to England and Wales, Schedule 3 to the Fruit Plant Marketing Regulations;
  - (b) in relation to Scotland, Schedule 1 to the Fruit Plant Marketing Regulations.
- (2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it is necessary or appropriate—
- (a) in the light of developments in scientific or technical knowledge, production techniques or agronomic practices;
  - (b) to address concerns relating to the quality of fruit plant material; or
  - (c) due to the economic importance of the fruit plant material.

**Power to set conditions with which fruit plant material must comply**

- 20.**—(1) The appropriate authority may, by regulations, amend—
- (a) in relation to England and Wales, Schedules 1 and 5 to the Fruit Plant Marketing Regulations;
  - (b) in relation to Scotland, Schedules 2 and 3 to the Fruit Plant Marketing Regulations.
- (2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it is necessary or appropriate—
- (a) in the light of developments in scientific or technical knowledge, production techniques or agronomic practices;
  - (b) to address concerns relating to the quality of fruit plant material;
  - (c) due to the economic importance of the fruit plant material; or
  - (d) for consistency with international standards for pests and diseases affecting the quality of fruit plant material.

**Power to set labelling and document requirements for fruit plant material**

- 21.**—(1) The appropriate authority may, by regulations, amend—
- (a) in relation to England and Wales, Schedule 2 to the Fruit Plant Marketing Regulations;
  - (b) in relation to Scotland, Schedule 5 to the Fruit Plant Marketing Regulations.
- (2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it—
- (a) necessary or appropriate to do so in the light of market conditions; or
  - (b) necessary to do so to ensure traceability of fruit plant material.

**Power to derogate in the event of temporary supply difficulties**

- 22.**—(1) The appropriate authority may, by regulations, amend, supplement, revoke or derogate from the provisions of the Fruit Plant Marketing Regulations in the event of a temporary difficulty in the supply of fruit plant material.
- (2) But regulations may only be made under paragraph (1) where—
- (a) the appropriate authority has carried out an assessment that has taken account of available information regarding the temporary difficulty in the supply of fruit plant material and the reasons for that difficulty;
  - (b) the assessment has confirmed that—
    - (i) there is a temporary difficulty in the supply of fruit plant material in the United Kingdom; and
    - (ii) the derogations provide safeguards to address the risk to plant health arising from fruit plant material to which regulations under paragraph (1) will apply; and
  - (c) the assessment has been approved by the Secretary of State, the Welsh Ministers and the Scottish Ministers.