
STATUTORY INSTRUMENTS

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 5

Functions relating to third country equivalence and the marketing of seed,
plant and plant propagating material in Directives [66/401/EEC](#), [66/402/EEC](#), [1999/105/EC](#), [2002/54/EC](#), [2002/55/EC](#), [2002/56/EC](#) and [2002/57/EC](#)

Power to recognise the equivalence of plant material measures adopted by countries outside the British Islands

26.—(1) The appropriate authority may authorise the marketing of plant material from any country outside the British Islands if satisfied—

- (a) that the plant material produced in that country has been produced under conditions equivalent to the requirements in the relevant legislation relating to the plant material concerned; and
 - (b) in relation to plant material other than forest reproductive material, that the official checks on practices for the maintenance of varieties for the plant material concerned carried out in that country afford the same guarantees as those carried out under the Seeds (National Lists of Varieties) Regulations 2001⁽¹⁾.
- (2) The appropriate authority may only give an authorisation under paragraph (1) where—
- (a) the appropriate authority has made an assessment of the legislation of the country concerned;
 - (b) the appropriate authority has made an assessment of the practices of the competent authority of the country concerned, including as regards the certification, inspection and examination of the plant material;
 - (c) in relation to agricultural seed, the country concerned is a member of the relevant OECD Seed Scheme;
 - (d) in relation to forest reproductive material, unless such material is not available from any country that is a member of the OECD Forest Scheme, the country concerned is a member of that Scheme.
- (3) An authorisation given under paragraph (1)—

⁽¹⁾ [S.I. 2001/3510](#), amended by [S.S.I. 2004/317](#), [S.I. 2004/2949](#), [S.S.I. 2005/328](#), 329, [S.I. 2007/1871](#), [2009/1273](#), [2010/1195](#), [2011/464](#), [2012/2897](#), [2013/2042](#), [2014/487](#), [S.S.I. 2015/395](#), [S.I. 2016/106](#) (W. 52), [2018/942](#), [2020/579](#). It is prospectively amended by [S.I. 2019/162](#).

- (a) must be based on assessments that have been approved by the Secretary of State, the Welsh Ministers and the Scottish Ministers;
- (b) must be in writing;
- (c) may be subject to conditions; and
- (d) may be amended, suspended or revoked by notice.