
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 34

**PLANT HEALTH
SEEDS**

**The Marketing of Fruit Plant and Propagating
Material (Scotland) Amendment Regulations 2020**

Made - - - - *19th February 2020*
*Laid before the Scottish
Parliament* - - - - *21st February 2020*
Coming into force - - *1st April 2020*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Marketing of Fruit Plant and Propagating Material (Scotland) Amendment Regulations 2020 and come into force on 1 April 2020.

(2) These Regulations extend to Scotland only.

Amendment of the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017

2.—(1) The Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017⁽²⁾ is amended as follows.

(2) After regulation 23 (transitional provisions), insert—

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- (1) [1972 c.68](#) (“the 1972 Act”). The 1972 Act was repealed by section 1 of the European Union (Withdrawal) Act [2018 \(c.16\)](#) (“the 2018 Act”) with effect from exit day (see section 20 of the 2018 Act), but saved, subject to modifications, until IP completion day by section 1A of that Act. Section 1A of the 2018 Act was inserted by the European Union (Withdrawal Agreement) Act [2020 \(c.1\)](#) (“the 2020 Act”), and defines “IP completion day” by reference to section 39(1) to (5) of the 2020 Act. Section 2(2) was amended by the Scotland Act [1998 \(c.46\)](#) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act [2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act [2008 \(c.7\)](#) (“the 2008 Act”), section 3(3) and schedule 1, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (2) [S.S.I. 2017/177](#), to which there are amendments not relevant to these Regulations. [S.S.I. 2017/177](#) is also prospectively amended by [S.S.I. 2019/59](#).

“23ZA Transitional provisions for supplier’s documents affixed to CAC material

- (1) This regulation applies where CAC material—
 - (a) has affixed to it, in the form of a label, a supplier’s document in a colour other than yellow, and
 - (b) such supplier’s document was in use before 1 April 2020.
- (2) Notwithstanding paragraph 6A of Part 2 (supplier’s documents for CAC material) of schedule 5 (official labels, supplier’s documents and accompanying documents), a supplier may market in Scotland CAC material described in paragraph (1).
- (3) A supplier who markets CAC material described in paragraph (1) must ensure that the supplier’s document states that it is marketed in accordance with Article 3 of Commission Implementing Directive 2019/1813(3).
- (4) This regulation ceases to have effect on 30 June 2021.”.
- (3) In schedule 5 (official labels, supplier’s documents and accompanying documents)—
 - (a) in Part 1 (official labels), in paragraphs 1 and 3, omit “, if a coloured label is used,”,
 - (b) in Part 2 (supplier’s documents for CAC material)—
 - (i) in paragraph 6(b), omit heads (vii) and (viii),
 - (ii) after paragraph 6, insert—

“6A. Where it is affixed to the CAC material in the form of a label, the supplier’s document must be yellow.”,
 - (iii) in paragraph (7), for “easily” substitute “clearly”.

St Andrew’s House,
Edinburgh
19th February 2020

MAIRI GOUGEON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Commission Implementing Directive 2019/1813 of 29 October 2019 amending Implementing [Directive 2014/96/EU](#) on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council [Directive 2008/90/EC](#) as regards the colour of the label for certified categories of propagating material and fruit plants and the content of the supplier's document (OJ L 278, 30.10.2019, p.7).

They amend the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017 ("the principal Regulations").

Regulation 2 amends schedule 5 of the principal Regulations to make provision for a supplier's document affixed in the form of a label to *Conformitas Agraria Communitatis* ("CAC") material to be yellow, and reduces the information required to be included in a supplier's document.

Regulation 2 also amends Part 5 of the principal Regulations to make transitional provisions that enable CAC material affixed with a supplier's document in the form of a label that is in a colour other than yellow and was in use before 1 April 2020 to be marketed in Scotland until 30 June 2021.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.