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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 133**

**PLANT HEALTH**

**The Marketing of Vegetable Plant Material  
Amendment (Scotland) Regulations 2007**

*Made* - - - - 28th February 2007  
*Laid before the Scottish  
Parliament* - - - - 1st March 2007  
*Coming into force* - - 1st July 2007

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, and being satisfied that it is expedient for certain references to provisions in Community instruments to be construed as references to those provisions as amended from time to time, hereby make the following Regulations:

**Citation, commencement and extent**

1. (1) These Regulations may be cited as the Marketing of Vegetable Plant Material Amendment (Scotland) Regulations 2007 and shall come into force on 1st July 2007.

(2) These Regulations extend to Scotland only.

**Amendments to the Marketing of Vegetable Plant Material Regulations 1995**

2. The Marketing of Vegetable Plant Material Regulations 1995<sup>(2)</sup> are amended in accordance with regulations 3 to 6.

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(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972 was transferred, insofar as within devolved competence, to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(2) S.I.1995/2652.

### **Amendment to regulation 3**

3. In regulation 3 (plant material to which the Marketing of Vegetable Plant Material Regulations 1995 apply), paragraph (1), for “Schedule 1” (each time it occurs) substitute “Annex II, as amended from time to time, to Directive [92/33/EEC](#)(3)”.

### **Amendment to regulations 5 and 6**

4. In regulations 5(a) (quality requirements for plant material) and 6(b) (measures to be taken by producers) after “Annex” insert “, as amended from time to time,”.

### **Amendment to regulation 8**

5. In regulation 8(4) (information to accompany plant material), for “Schedule 1” substitute “Schedule 2”.

### **Amendment to Schedule 1**

6. Omit Schedule 1 (genera and species to which Regulations apply).

St Andrew’s House, Edinburgh  
28th February 2007

*ROSS FINNIE*  
A member of the Scottish Executive

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(3) O.J. No. L 157, 10.6.1992, p.1, as last amended by Commission Directive [2006/124/EC](#) amending Council Directive [92/33/EEC](#) on the marketing of vegetable propagating and planting material other than seed and Council Directive [2002/55/EC](#) on the marketing of vegetable seed (O.J. No. L 339, 6.12.2006, p.12).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which extend to Scotland only, come into force on 1st July 2007. They amend the Marketing of Vegetable Plant Material Regulations 1995 (“the principal Regulations”) in order to update the list of genera and species of plants to which those Regulations apply (regulations 3 and 6). This implements Article 1 of Commission Directive [2006/124/EC](#), which amended the list of genera and species to which Council Directive [92/33/EEC](#) on the marketing of vegetable propagating and planting material, other than seed, applies. Council Directive [92/33/EEC](#) has been extended to apply to Zea Mays L. (popcorn and sweetcorn) and, additionally, certain botanical names used in that Directive have been amended.

The principal Regulations will now apply to the list of genera and species in Annex II to Council Directive [92/33/EEC](#), as it is amended from time to time.

These Regulations also amend the cross-references in the principal Regulations to the Annex to Commission Directive [93/61/EEC](#) (O.J. No. L 250, 7.10.1993, p.19.) (regulation 4). That Annex lists certain organisms and diseases from which vegetable plant material that is to be marketed must be substantially free and in relation to which certain measures must be taken if they are found. The cross-references to the list of organisms and diseases are now to the list as it is amended from time to time.

These Regulations also correct an erroneous cross-reference in regulation 8(4) of the principal Regulations (regulation 5).

No Regulatory Impact Assessment has been prepared in respect of these Regulations as it has no impact on costs to business.