
STATUTORY INSTRUMENTS

2004 No. 2603

**PLANT HEALTH, ENGLAND
SEEDS, ENGLAND**

**The Marketing of Fruit Plant Material
(Amendment) (England) Regulations 2004**

Made - - - - *5th October 2004*
Laid before Parliament *7th October 2004*
Coming into force - - *31st October 2004*

The Secretary of State, being designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon her by that section makes the following Regulations:

Title, commencement, extent and application

1.—(1) These Regulations may be cited as The Marketing of Fruit Plant Material (Amendment) (England) Regulations 2004 and shall come into force on 31st October 2004.

(2) These Regulations extend to England and Wales but apply in relation to England only.

Amendment of Regulations

2.—(1) The Marketing of Fruit Plant Material Regulations 1995⁽³⁾ shall be amended, in relation to England, in accordance with paragraph (2).

(2) For Schedule 1 to those Regulations there shall be substituted the following Schedule—

“SCHEDULE 1

Regulation 3(1)

Genera and species to which these Regulations apply

Castanea sativa Mill. (Chestnut)

Prunus cerasus L. (Sour cherry)

(1) [SI 1972/1811](#).
(2) [1972 c. 68](#).
(3) [S.I.1995/2653](#).

<i>Citrus</i> L. (e.g. Grapefruit, Lemon, Lime, Mandarin and Orange)	<i>Prunus domestica</i> L. (Plum)
	<i>Prunus dulcis</i> (Mill.) D A Webb (Almond) (but described as <i>Prunus amygdalus</i> Batsch in Directive 2003/111/EC)(4)
<i>Corylus avellana</i> L. (Hazel)	
<i>Cydonia oblonga</i> Mill. (Quince)	
<i>Ficus carica</i> L. (Common edible fig)	<i>Prunus persica</i> (L.) Batsch (Peach)
<i>Fortunella</i> Swingle (Kumquat)	<i>Prunus salicina</i> Lindley (Japanese Plum)
<i>Fragaria</i> L. (all cultivated strawberry species)	<i>Pyrus</i> L. (all cultivated edible pears, including perry pears)
<i>Juglans regia</i> L. (Walnut)	
<i>Malus</i> Mill. (Apple)	<i>Ribes</i> L. (Blackcurrant, gooseberry, redcurrant and white currant)
<i>Olea europaea</i> L. (Olive)	
<i>Pistacia vera</i> L. (Pistachio)	<i>Rubus</i> L. (Blackberry, raspberry and hybrid berries)
<i>Poncirus</i> Raf. (Trifoliate orange)	
<i>Prunus armeniaca</i> L. (Apricot)	<i>Vaccinium</i> L. (e.g. Blueberry, cranberry and bilberry)
<i>Prunus avium</i> (L.) L. (Sweet cherry)".	

5th October 2004

Ben Bradshaw
Parliamentary Under Secretary of State,
Department for Environment Food and Rural
Affairs

(4) *Prunus dulcis* (Mill.) D A Webb is the accepted scientific name used in the United States Germplasm Resources Information Network ("GRIN") database (available at <http://www.ars-grin.gov/cgi-bin/npgs/html/index.pl>) and by the Royal Horticultural Society.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations, which extend to England and Wales but apply in relation to England only, come into force on 31st October 2004. They give effect to Commission Directive [2003/111/EC](#) (O.J. No. L311, 27.11.2003, p. 12) amending Annex II to Directive [92/34/EEC](#) (O.J. No. L157, 10.6.1992, p. 10) on the marketing of fruit plant propagating material and fruit plants intended for fruit production.

Regulation 2 replaces Schedule 1 to the Marketing of Fruit Plant Material Regulations 1995 with a new Schedule 1 specifying the genera and species to which those Regulations apply.

A Regulatory Impact Assessment has been prepared and placed in the Library of each House of Parliament. Copies can be obtained from Plant Health Division, Defra, Foss House, Kings Pool, Peasholme Green, York YO1 7PX.