

SCHEDULE 1

Regulation 3(1)

Genera and species to which these Regulations apply

<i>Genera and species</i>	<i>Common name (for guidance only)</i>
<i>Castanea sativa</i> Mill.	Chestnut
<i>Citrus</i> L.	includes Grapefruit, Lemon, Lime, Mandarin and Orange
<i>Corylus avellana</i> L.	Hazel
<i>Cydonia oblonga</i> Mill.	Quince
<i>Ficus carica</i> L.	Common edible fig
<i>Fortunella</i> Swingle	Kumquat
<i>Fragaria</i> L.	all cultivated strawberry species
<i>Juglans regia</i> L.	Walnut
<i>Malus</i> Mill.	Apple
<i>Olea europaea</i> L.	Olive
<i>Pistacia vera</i> L.	Pistachio
<i>Poncirus</i> Raf.	Trifoliolate orange
<i>Prunus armeniaca</i> L.	Apricot
<i>Prunus avium</i> (L.) L.	Sweet cherry
<i>Prunus cerasus</i> L.	Sour cherry
<i>Prunus domestica</i> L.	Plum
<i>Prunus dulcis</i> (Mill) D A Webb (otherwise known as <i>Prunus amygdalus</i> Batsch)	Almond
<i>Prunus persica</i> (L.) Batsch	Peach
<i>Prunus salicina</i> Lindley	Japanese plum
<i>Pyrus</i> L.	All cultivated edible pears, including perry pears
<i>Ribes</i> L.	Blackcurrant, gooseberry, redcurrant and white currant
<i>Rubus</i> L.	Blackberry, raspberry and hybrid berries
<i>Vaccinium</i> L.	includes Blueberry, cranberry and bilberry

SCHEDULE 2

Regulation 10

Registration of varieties of fruit plant

Registration

- 1.—(1) The appropriate authority may register a variety of fruit plant if satisfied that—
- (a) it is distinct, uniform and stable (within the meaning of paragraphs 5 to 7); and
 - (b) it has a description conforming to international standards for that variety.
- (2) The appropriate authority may register any other variety if it is included in a supplier's list and marketed in the United Kingdom before 30th September 2012.

Additional requirements for genetically modified varieties

2. Before registering a genetically modified variety of fruit plant, the appropriate authority must be satisfied that the genetically modified organism contained in that variety has been authorised pursuant to Directive 2001/18/EC or Regulation (EC) No 1829/2003.

Additional requirements for products to be used as genetically modified food or feed

- 3.—(1) This regulation applies to any variety of fruit plant from which products are derived for use as, or in—
- (a) food within the scope of Article 3 of Regulation (EC) No 1829/2003; or
 - (b) feed within the scope of Article 15 of that Regulation.
- (2) Before registering any such variety, the appropriate authority must be satisfied that the food or feed has been authorised pursuant to that Regulation.

Removal from the register

- 4.—(1) The appropriate authority must revoke the registration of a variety if—
- (a) the person who applied for registration so requests;
 - (b) it is no longer distinct, uniform or stable;
 - (c) there is no longer available any material of that variety that is sufficiently uniform or which corresponds to the description of the variety accepted by the appropriate authority at the time of registration;
 - (d) false or misleading information material to the acceptance of the variety on to the register was provided to the appropriate authority in connection with the application for registration; or
 - (e) in the case of any genetically modified variety, the genetically modified organism contained in that variety ceases to be authorised pursuant to Directive 2001/18/EC or Regulation (EC) No 1829/2003.
- (2) But paragraphs (a) and (c) of sub-paragraph (1) do not apply if the appropriate authority is satisfied that the variety should remain on the register in the interests of preserving the genetic diversity of varieties.

Distinctness

5. The variety is distinct if it is clearly distinguishable by one or more characteristics which are capable of a precise description from any other variety whose existence is a matter of common knowledge at the time of the application for registration.

Uniformity

6. The variety is uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in those characteristics which are included in the examination for distinctness.

Stability

7. The variety is stable if those characteristics which are included in the examination for distinctness, as well as any others used for the variety description, remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle.

Interpretation

8. In this Schedule—

“Directive 2001/18/EC” means Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC(1); and

“Regulation (EC) No 1829/2003” means Regulation (EC) No 1829/2003 on genetically modified food and feed(2).

SCHEDULE 3

Regulation 14

Accompanying information

PART 1

Plant material not accompanied by a plant passport

1. The date of issue of the document.
2. The words “EU quality”.
3. The EU member State code.
4. The name of the responsible official body or its distinguishing code.
5. The registration or accreditation number of the supplier.
6. The name of the supplier.
7. The individual serial, week or batch number.
8. The botanical name of the plant material.
9. The denomination of the variety or, in the case of rootstock, denomination of the variety of its designation.
10. The quantity of the plant material.
11. The category of the plant material.
12. In the case of a genetically modified variety—

(1) OJ No L 106, 17.4.2001, p1 as last amended by Directive 2008/27/EC (OJ No L 81, 20.3.2008, p.45).

(2) OJ No L 268, 18.10.2003, p1 as last amended by Regulation (EC) No 298/2008 (OJ No L 97, 9.4.2008, p.64).

Status: This is the original version (as it was originally made).

- (a) a statement that the variety has been genetically modified; and
- (b) a list of the genetically modified organisms.

PART 2

Plant material accompanied by a plant passport

1. The words “EU quality”.
2. The name of the responsible official body or its distinguishing code.
3. The denomination of the variety or, in the case of rootstock, denomination of the variety of its designation.
4. The category of the plant material.
5. In the case of a genetically modified variety—
 - (a) a statement that the variety has been genetically modified; and
 - (b) a list of the genetically modified organisms.

SCHEDULE 4

Regulation 19(2)

Powers of inspectors

Powers of entry etc.

1.—(1) An inspector, on producing a duly authenticated authorisation if required, may at any reasonable time enter any premises of a supplier where the inspector reasonably suspects that any activity that is governed by these Regulations is being carried on for the purposes of ascertaining whether there is or has been any contravention of these Regulations.

(2) An inspector entering premises under sub-paragraph (1) may—

- (a) be accompanied by—
 - (i) such other persons as the inspector considers necessary; and
 - (ii) any representative of the European Commission acting for the purpose of the enforcement of a European Union obligation;
- (b) take on to those premises any equipment or materials that the inspector considers necessary for the enforcement of these Regulations;
- (c) open any container;
- (d) carry out any searches, inspections, measurements and tests;
- (e) take samples;
- (f) have access to, and inspect, any books, documents or records (in whatever form they are held) relating to these Regulations and remove them to enable them to be copied;
- (g) photograph or copy anything whose production the inspector has power to require under paragraph (f);
- (h) photograph anything which the inspector has reasonable cause to believe may be relevant in connection with the enforcement of these Regulations; and

- (i) seize any computers and associated equipment for the purpose of copying documents provided that they are returned as soon as practicable.
- (3) Any person who accompanies an inspector in accordance with this paragraph may perform any of the inspector's functions but only under the supervision of that inspector.

Information notice

2. An inspector may, by notice served on any person, require that person to provide such information as is specified in the notice in such form and within such period following service of the notice or at such time as is so specified.

Prohibition on movement

3. An inspector may, by notice served on any person, prohibit that person from moving plant material from any premises if the inspector has reasonable grounds to suspect that the plant material fails to comply with the requirements of regulation 12(a).

Enforcement and prohibition notices

4.—(1) An inspector may serve a notice on any person who contravenes, or who the inspector has reasonable grounds to suspect may contravene, these Regulations—

- (a) requiring that person to act in accordance with the Regulations (an “enforcement notice”); or
- (b) prohibiting that person from acting in breach of them (a “prohibition notice”).

(2) The notice must give reasons for serving it and, if appropriate, specify what action must be taken and give time limits.

Appeals against enforcement and prohibition notices

5.—(1) Any person who is aggrieved by a decision of an inspector to serve a notice under this Schedule may appeal to a magistrate's court or, in Scotland, to the sheriff.

(2) The procedure on appeal to a magistrate's court is by way of complaint and the Magistrates' Court Act 1980(3) or, in the case of Northern Ireland, the Magistrates' Courts (Northern Ireland) Order 1981(4), applies to the proceedings.

(3) An appeal to the sheriff is by summary application.

(4) The period within which an appeal must be brought is 28 days from the service of the notice or, in the case of an enforcement notice, the period specified in the notice, whichever ends earlier.

(5) A notice served under this Schedule must state—

- (a) the right of appeal to a magistrates' court or the sheriff; and
- (b) the period in which such an appeal may be brought.

(6) On an appeal under this paragraph, the court may either cancel or affirm the notice and, if it affirms the notice, it may do so either in its original form or with such modifications as it thinks fit; and a reference in this sub-paragraph to a court includes, in relation to Scotland, a reference to the sheriff.

(3) 1980 c.43; sections 51 and 52 have been substituted by section 47 of the Courts Act 2003 (c. 39).

(4) S.I. 1981/1675 (N.I. 26).

Status: This is the original version (as it was originally made).

Compliance with notices

6. A notice served under this Schedule must be complied with at the expense of the person on whom it is served and, if it is not complied with, an inspector may arrange for it to be complied with at the expense of that person.