

2014 No. 519 (W. 61)

SEEDS, WALES

**The Seeds and Vegetable Plant
Material (Nomenclature Changes)
(Wales) Regulations 2014**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seed Marketing (Wales) Regulations 2012 (S.I. 2012/245 (W.39)) and the Marketing of Vegetable Plant Material Regulations 1995 (S.I. 1995/2652) (“the Vegetable Plant Regulations”) in relation to Wales.

These Regulations implement Commission Implementing Directive 2013/45/EU (OJ No L 213, 8.8.2013 p.20) which amends Directive 2002/55/EC (OJ No L 193, 20.7.2002, p.33), Directive 2008/72/EC (OJ No L 205, 1.8.2008, p.28) and Directive 2009/145/EC (OJ No L 312, 27.11.2009, p.44) as regards the botanical name of tomato to reflect revisions to the International Code of Botanical Nomenclature.

Directive 92/33/EEC (OJ No L 157, 10.6.1992, p.1) has been repealed by Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed. The Vegetable Plant Regulations are amended to reflect this repeal and now apply to plant material of the genera and species listed in Annex II as amended from time to time to Directive 2008/72/EC.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2014 No. 519 (W. 61)

SEEDS, WALES

The Seeds and Vegetable Plant
Material (Nomenclature Changes)
(Wales) Regulations 2014

Made 5 March 2014

Laid before the National Assembly for Wales
7 March 2014

Coming into force 31 March 2014

The Welsh Ministers are 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 Union.

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by sections 16(1), (1A), (2), (3), (4), (5) and (5A) and 36 of the Plant Varieties and Seeds Act 1964⁽³⁾, after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to be concerned.

-
- (1) S.I. 2010/2690.
- (2) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51), and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
- (3) 1964 c.14. Section 16 has been amended by section 4 of, and paragraph 5 of Schedule 4 to the European Communities Act 1972 (c. 68); S.I. 1977/1112; and section 2 of the Agriculture Act 1986 (c. 49). *See* section 38(1) for the definition of “the Minister”. Under the Transfer of Functions (Wales) (No 1) Order 1978 (S.I. 1978/272) article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were so far as they are exercisable in relation to Wales, transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, the functions transferred to the Secretary of State by the 1978 Order were transferred to the National Assembly for Wales. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 those functions are now exercisable by the Welsh Ministers.

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972⁽¹⁾.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for the reference in these Regulations to Annex II to Council Directive 2008/72/EC⁽²⁾ on the marketing of vegetable propagating and planting material, other than seed to be construed as a reference to that Annex as amended from time to time.

Title, application and commencement

1.—(1) The title of these Regulations is the Seeds and Vegetable Plant Material (Nomenclature Changes) (Wales) Regulations 2014.

(2) They apply in relation to Wales and come into force on 31 March 2014.

Amendment of the Seed Marketing (Wales) Regulations 2012

2.—(1) The Seed Marketing (Wales) Regulations 2012⁽³⁾ are amended as follows.

(2) In column 1 (Plants to which the Regulations apply) of Schedule 1 (Seed to which these Regulations apply) for “*Lycopersicon esculentum* Mill”, substitute—

“*Solanum lycopersicum* L.”.

Amendment of the Marketing of Vegetable Plant Material Regulations 1995

3.—(1) The Marketing of Vegetable Plant Material Regulations 1995⁽⁴⁾ are amended in relation to Wales as follows.

(2) In regulation 2 (Interpretation)—

- (a) Omit the definition of “Directive 92/33/EEC”;
- (b) After the definition of “Directive 93/61/EEC”, insert—

(1) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(2) OJ No L 205, 1.8.2008, p.28, as last amended by Commission Directive 2013/45/EU, OJ No L 213, 8.8.2013 p.20.

(3) S.I. 2012/245 (W.39), to which there are amendments not relevant to these Regulations.

(4) S.I. 1995/2652, amended by S.I. 2007/2190 (W.174), Regulation 2(2) and 2(3); there are other amending instruments but none is relevant to these Regulations.

““Directive 2008/72/EC” means Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed;”

(3) In regulation 3(1) (Plant material to which these Regulations apply), for sub-paragraphs (a) and (b) substitute—

“(a) plant material of the genera and species set out in Annex II as amended from time to time, to Directive 2008/72/EC and their hybrids; and

(b) rootstocks and other parts of plants of other genera or species and their hybrids if plant material of a genus or species set out in Annex II, as amended from time to time, to Directive 2008/72/EC or of a hybrid of such a genus or species is or is to be grafted on to them.”.

(4) In regulation 5(d) (Quality requirements for plant material), for sub-paragraph (ii) substitute—

“(ii) it belongs to a variety officially accepted in a member State in accordance with Article 9 of Directive 2008/72/EC; and”.

Alun Davies

*Minister for Natural Resources and Food, one of the
Welsh Ministers*

5 March 2014