STATUTORY INSTRUMENTS

2025 No. 812

PLANT HEALTH, ENGLAND

SEEDS, ENGLAND

The Marketing of Fruit Plant and Propagating Material (England) (Amendment) Regulations 2025

Made - - - -	*7th July 2025*
Laid before Parliament	*8th July 2025*
Coming into force - -	*7th October 2025*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 16(1), (1A), (3) and 36 of the Plant Varieties and Seeds Act 1964(**a**).

The Secretary of State has consulted representatives of such interests as appear to the Secretary of State to be concerned in accordance with section 16(1) of the Plant Varieties and Seeds Act 1964.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Marketing of Fruit Plant and Propagating Material (England) (Amendment) Regulations 2025.

(2) They come into force on 7th October 2025.

(3) They extend to England and Wales.

Amendments to the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017

2. The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017(**b**) ("the Fruit Marketing Regulations") are amended in accordance with Regulations 3 to 8.

Amendment to regulation 2 of the Fruit Marketing Regulations

3. In regulation 2 (interpretation: general), after the entry for ""lot"", insert—

(**a**) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68), section 4(1) and paragraphs 5(1), (2) and (3) of Schedule 4 and by S.I. 1977/1122; section 29 was amended by S.I. 2022/1315 to extend the application of Part II of the Act as it applies to seeds to include any other vegetative propagating material and to vegetative planting material. Other amendments have been made to section 16 but none are relevant to this instrument. Section 38(1) defines "the Minister" and the function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 16 was transferred to the Secretary of State by S.I. 2002/794.

(**b**) S.I. 2017/595; amended by S.I. 2019/131, 1517, 2020/248, 682, 2022/1090.

""marketing" means the sale, holding with a view to a sale, offer for sale, and any disposal, supply or transfer aimed at commercial exploitation of propagating material or fruit plants to third parties, whether or not for consideration;".

Amendment to regulation 3 of the Fruit Marketing Regulations

4.—(1) In regulation 3 (interpretation: Directives), paragraph (2), after "amended from time to time"(**a**) insert "as modified by Schedule 6 to these Regulations".

(2) After regulation 3(2) insert—

"(3) Schedule 6 has effect for making modifications to Directive 2014/98/EU.".

Omission of regulation 31 of the Fruit Marketing Regulations

5. Omit regulation 31 (review).

Amendment to Schedule 2 to the Fruit Marketing Regulations

6. In Schedule 2, in Part 2 (supplier's documents: CAC material), after paragraph 8(b)(xi) insert—

";

(xii) in the case of a genetically modified variety, a statement that the variety has been genetically modified and a list of the genetically modified organisms".

Amendment to Schedule 5 to the Fruit Marketing Regulations

7. In Schedule 5, in Part 2 (certification of pre-basic material), in paragraph 4(2)(b) (rootstocks not belonging to a variety) for "variety" substitute "species".

Insertion of Schedule 6 to the Fruit Marketing Regulations

8. After Schedule 5, insert Schedule 6 which is set out in the Schedule to these Regulations.

Hayman of Ullock
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

7th July 2025

(**a**) Paragraph 2 of Schedule 8 to the European Union (Withdrawal) Act 2018 prevents the words "amended from time to time" from having effect after implementation period completion date.

SCHEDULE

Regulation 8

Insertion of Schedule 6 to the Fruit Marketing Regulations

"SCHEDULE 6

Regulation 3(2) and (3)

Modifications to Directive 2014/98/EU

Modifications to Annex 1

1. Annex 1 (list of RNQPs for the presence of which visual inspection, and, in the case of doubts, sampling and testing, are required pursuant to Article 9(1), Article 10(1), Article 16(1), Article 21(1) and Article 26(1)) is to be read as if at the entry for—

(a) "*Ficus carica* L.", in the second column under "RNQPs", at "Viruses, viroids, virus-like diseases and phytoplasmas" the entry for "Fig mosaic agent [FGM000]" were omitted;

(b) "*Fragaria* L.", in the second column under "RNQPs", at "Viruses, viroids, virus-like diseases and phytoplasmas" the entry for "*Candidatus* Phytoplasma *australiense* Davis *et al*. [PHYPAU]" were omitted;

(c) "*Vaccinium* L.", in the second column under "RNQPs", at "Fungi and oomycetes", after the entry for "*Godronia cassandrae* (anamorph Topospora myrtilli) Peck [GODRCA]" were inserted—

"*Pucciniastrum minimum* (Schweinitz) Arthur [THEKMI]".

Modifications to Annex 2

2. Annex 2 (list of RNQPs for the presence of which visual inspection, and, where applicable, sampling and testing are required pursuant to Article 9(2) and (4), Article 10(1), Article 16(1), Article 21(1), Article 26(1), and Annex IV) is to be read as if at the entry for—

(a) "*Malus* Mill.", in the second column under "RNQPs", at "Viruses, viroids, virus-like diseases and phytoplasmas", after the entry for "Fruit disorders" were inserted—

"Tomato ringspot virus [TORSV0]";

(b) "*Prunus dulcis* (Miller) Webb", in the second column under "RNQPs", at "Viruses, viroids, virus-like diseases and phytoplasmas", after the entry for "*Prunus* necrotic ringspot virus [PNRSV0]" were inserted—

"Tomato ringspot virus [TORSV0]";

(c) "*Prunus armeniaca* L.", in the second column under "RNQPs", at "Viruses, viroids, virus-like diseases and phytoplasmas", after the entry for "*Prunus* necrotic ringspot virus [PNRSV0]" were inserted—

"Tomato ringspot virus [TORSV0]";

(d) "*Prunus avium* L. and *Prunus cerasus* L.", in the second column under "RNQPs", at "Viruses, viroids, virus-like diseases and phytoplasmas", after the entry for "Tomato black ring virus [TBRV00]" were inserted—

"Tomato ringspot virus [TORSV0]";

(e) "*Prunus domestica* L., *Prunus salicina* Lindley, and other species of *Prunus* L. susceptible to Plum pox virus in the case of *Prunus* L. hybrids", in the second column under "RNQPs", at "Viruses, viroids, virus-like diseases and phytoplasmas", after the entry for "*Prunus* necrotic ringspot virus [PNRSV0]" were inserted—

"Tomato ringspot virus [TORSV0]";

(f) "*Prunus persica* (L.) Batsch", in the second column under "RNQPs", at "Viruses, viroids, virus-like diseases and phytoplasmas", after the entry for "Strawberry latent ringspot virus [SLRSV0]" were inserted—

"Tomato ringspot virus [TORSV0]";

(g) "*Rubus* L.", in the second column under "RNQPs", at "Viruses, viroids, virus-like diseases and phytoplasmas", after the entry for "Tomato black ring virus [TBRV00]" were inserted—

"Tomato ringspot virus [TORSV0]";

(h) "*Vaccinium* L.", in the second column under "RNQPs", at "Viruses, viroids, virus-like diseases and phytoplasmas", after the entry for "Cranberry false blossom phytoplasma [PHYPFB]" were inserted—

"Tobacco ringspot virus [TRSV0] Tomato ringspot virus [TORSV0]".

Modifications to Annex 4

3. Annex 4 (requirements concerning measures per genera or species and category pursuant to Article 10(4), Article 16(4), Article 21(4) and Article 26(2)) is to be read as if—

(a) at point 6 (*Fragaria* L.), at point (d)(iii), the entry for "*Candidatus* Phytoplasma *australiense* Davis *et al*." were omitted;

(b) at point 8 (*Malus* Mill.)—

(i) at point (b) in the paragraph "*Requirements with regard to the production site, place of production or area*", in the first unnumbered paragraph—

(aa) for "and" were substituted ",";

(bb) after "*et al.*" were inserted "and Tomato ringspot virus";

(ii) after point (b)(ii) were inserted—

“;

(iii) Tomato ringspot virus

— propagating material and fruit plants of the pre-basic category shall be produced in areas known to be free from Tomato ringspot virus; or

— no symptoms of Tomato ringspot virus are observed on propagating material and fruit plants of the pre-basic category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed”;

(iii) at point (c), in the paragraph “*Sampling and testing*”, in the second unnumbered paragraph, after the second reference to “*Candidatus* Phytoplasma *mali* Seemüller & Schneider”, for “and other than” were inserted “, Tomato ringspot virus and”;

(iv) at the end of point (c), were inserted—

“Basic mother plants shall be sampled and tested every twenty years concerning the presence of Tomato ringspot virus.

Requirements with regard to the production site, place of production or area

(i) *Candidatus* Phytoplasma *mali* Seemüller & Schneider

— propagating material and fruit plants of the basic category shall be produced in areas known to be free from *Candidatus* Phytoplasma *mali* Seemüller & Schneider; or

— no symptoms of *Candidatus* Phytoplasma *mali* Seemüller & Schneider shall be observed on propagating material and fruit plants of the basic category at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed;

(ii) *Erwinia amylovora* (Burrill) Winslow *et al.*

— propagating material and fruit plants of the basic category shall be produced in areas known to be free from *Erwinia amylovora* (Burrill) Winslow *et al.*; or

— propagating material and fruit plants of the basic category in the production site shall be inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of *Erwinia amylovora* (Burrill) Winslow *et al.* and any surrounding host plants have been immediately rogued out and destroyed.

(iii) Tomato ringspot virus [TORSV0]

— propagating material and fruit plants of the basic category shall be produced in areas known to be free from Tomato ringspot virus; or

— no symptoms of Tomato ringspot virus are observed on propagating material and fruit plants of the basic category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed.”;

(v) at point (d), in the paragraph “*Sampling and testing*”—

(aa) in the second unnumbered paragraph, after the second reference to "*Candidatus* Phytoplasma *mali* Seemüller & Schneider", for "and other than" were inserted ", Tomato ringspot virus and";

(bb) after the third unnumbered paragraph, were inserted—

"Certified mother plants shall be sampled and tested every twenty years concerning the presence of Tomato ringspot virus.

Requirements with regard to the production site, place of production or area

(i) *Candidatus* Phytoplasma *mali* Seemüller & Schneider

— propagating material and fruit plants of the certified category shall be produced in areas known to be free from *Candidatus* Phytoplasma *mali* Seemüller & Schneider; or

— no symptoms of *Candidatus* Phytoplasma *mali* Seemüller & Schneider shall be observed on propagating material and fruit plants of the certified category at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed; or

— symptoms of *Candidatus* Phytoplasma *mali* Seemüller & Schneider shall be observed on no more than 2% of propagating material and fruit plants of the certified category at the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed, and a representative sample of the remaining asymptomatic propagating material and fruit plants in the lots in which symptomatic propagating material and fruit plants were found has been tested and found free from *Candidatus* Phytoplasma *mali* Seemüller & Schneider.

(ii) *Erwinia amylovora* (Burrill) Winslow *et al.*

— propagating material and fruit plants of the certified category shall be produced in areas known to be free from *Erwinia amylovora* (Burrill) Winslow *et al.*; or

— propagating material and fruit plants of the certified category in the production site shall be inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of *Erwinia amylovora* (Burrill) Winslow *et al.* and any surrounding host plants have been immediately rogued out and destroyed.

(iii) Tomato ringspot virus [TORSV0]

— propagating material and fruit plants of the certified category shall be produced in areas known to be free from Tomato ringspot virus; or

— no symptoms of Tomato ringspot virus are observed on propagating material and fruit plants of the certified category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed.";

(vi) point (e) were omitted;

(vii) after point (f)(ii), were inserted—

"(iii) Tomato ringspot virus

— propagating material and fruit plants of the CAC category shall be produced in areas known to be free from Tomato ringspot virus; or

— no symptoms of Tomato ringspot virus are observed on propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed; or

— symptoms of Tomato ringspot virus have been observed on no more than 2% of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and those symptomatic plants have been immediately rogued out and destroyed.";

(c) at point 11 (*Prunus armeniaca* L., *Prunus avium* L., *Prunus cerasifera* Ehrh., *Prunus cerasus* L., *Prunus domestica* L., *Prunus dulcis* (Miller) Webb, *Prunus persica* (L.) Batsch and *Prunus salicina* Lindley)—

(i) at point (a), in the paragraph "*Requirements with regard to the production site, place of production or area*"—

(aa) in the first unnumbered paragraph, for the words from "and *Pseudomonas*" to "Wilkie" were substituted ", *Pseudomonas syringae pv. persicae* (Prunier, Luisetti & Gardan) Young, Dye & Wilkie and Tomato ringspot virus";

(bb) after entry (iii), were inserted—

"(aiv)Tomato ringspot virus

— propagating material and fruit plants of the pre-basic category shall be produced in areas known to be free from Tomato ringspot virus; or

— no symptoms of Tomato ringspot virus are observed in propagating material and fruit plants of the pre-basic category in the production site over the last complete growing season, any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed;";

(ii) at the end of point (c)(ii) were inserted—

"A representative portion of basic mother plants shall be sampled and tested every twenty years on the basis of an assessment of the risk of infection of those plants concerning the presence of Tomato ringspot virus."

(iii) at point (d)(ii)—

(aa) in the third unnumbered paragraph which starts "A representative portion of certified mother plants shall be sampled" for "and Plum pox virus" were substituted ", Plum pox virus and Tomato ringspot virus";

(bb) at the end were inserted—

"A representative portion of certified mother plants shall be sampled every twenty years and tested on the basis of an assessment of the risk of infection of those plants concerning the presence of Tomato ringspot virus.";

(iv) at point (e) after entry (iii) were inserted—

"(aiv)Tomato ringspot virus

— propagating material and fruit plants of the basic and certified categories shall be produced in areas known to be free from Tomato ringspot virus; or

— no symptoms of Tomato ringspot virus are observed on propagating material and fruit plants of the basic and certified categories in the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed;";

(v) at point (f)—

(aa) in the paragraph "*Requirements with regard to the production site, place of production or area*", at point (i), the fourth unnumbered paragraph starting "symptoms of *Pseudomonas*" were omitted;

(bb) after entry (iii) were inserted—

"(aiv)Tomato ringspot virus

— propagating material and fruit plants of the CAC category shall be produced in areas known to be free from Tomato ringspot virus; or

— no symptoms of Tomato ringspot virus are observed in the production site over the last compete growing season, and any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed; or

— symptoms of Tomato ringspot virus have been observed on no more than 2% of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and those symptomatic plants have been immediately rogued out and destroyed;";

(d) at point 12 (*Pyrus* L.)—

(i) at point (b), in the paragraph "*Requirements with regard to the production site, place of production or area*", at point (i) in the second unnumbered indent—

(aa) after "last", were inserted "three";

(bb) for "season" were substituted "seasons";

(ii) at point (e), in the paragraph "*Requirements with regard to the production site, place of production or area*", at point (i)—

(aa) in the second unnumbered indent for "are observed" were substituted "shall be observed on propagating material and fruit plants of the basic and certified categories";

(bb) for the third unnumbered indent were substituted—

"— propagating material and fruit plants of the basic and certified categories at the production site any plants in the immediate vicinity, which have shown symptoms of *Candidatus* Phytoplasma *pyri* Seemüller & Schneider during visual inspections during the last three growing seasons, shall be immediately rogued out and destroyed;";

(iii) at point (f), in the paragraph "*Requirements with regard to the production site, place of production or area*", at point (i)—

(aa) in the second unnumbered indent for "are observed" were substituted "shall be observed on propagating material and fruit plants of the CAC category";

(bb) for the third unnumbered indent were substituted—

"— propagating material and fruit plants of the CAC category at the production site and any plants in the immediate vicinity, which have shown symptoms of *Candidatus* Phytoplasma *pyri* Seemüller & Schneider during visual inspections during the last three growing seasons, shall be immediately rogued out and destroyed;";

(e) at point 14 (*Rubus* L.)—

(i) for "and Tomato" in each place it occurs, were substituted ", Tomato";

(ii) after "and Tomato black ring virus" in each place it occurs, were inserted "and Tomato ringspot virus";

(iii) for "or Tomato" in each place it occurs, were substituted ", Tomato";

(iv) after "or Tomato black ring virus" in each place it occurs, were inserted "or Tomato ringspot virus";

(v) at point (d) in the paragraph "*Requirements with regard to the production site, place of production or area*"—

(aa) the unnumbered paragraph were numbered "(i)";

(bb) after the new paragraph (i), were inserted—

"(ii) In the case where symptoms of Tomato ringspot virus have been observed on no more than 2% of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and those symptomatic plants have been immediately rogued out and destroyed.";

(f) at point 15 (*Vaccinium* L.)—

(i) at the end of point (b) were inserted—

"(iv) Tobacco ringspot virus and Tomato ringspot virus

— propagating material and fruit plants of the basic category shall be produced in areas known to be free from Tobacco ringspot virus and Tomato ringspot virus; or

— no symptoms of Tobacco ringspot virus or Tomato ringspot virus are observed in the production site over the last complete growing season and any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed.";

(ii) at the end of point (d) were inserted—

"(iii) Tobacco ringspot virus and Tomato ringspot virus

— propagating material and fruit plants of the certified category shall be produced in areas known to be free from Tobacco ringspot virus and Tomato ringspot virus; or

— no symptoms of Tobacco ringspot virus or Tomato ringspot virus are observed in the production site over the last complete growing season and any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed.

(e) CAC category

Requirements with regard to the production site, place of production or area

Tobacco ringspot virus and Tomato ringspot virus

— propagating material and fruit plants of the CAC category shall be produced in areas known to be free from Tobacco ringspot virus and Tomato ringspot virus; or

— no symptoms of Tobacco ringspot virus or Tomato ringspot virus are observed in the production site over the last complete growing season and any symptomatic plants in the immediate vicinity have been immediately rogued out and destroyed; or

— symptoms of Tobacco ringspot virus or Tomato ringspot virus have been observed on no more than 2% of propagating material and fruit plants of the CAC category in the production site over the last complete growing season, and those symptomatic plants have been immediately rogued out and destroyed.”.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017 (“the Fruit Marketing Regulations”).

Regulation 3 inserts a definition of “marketing” into regulation 2 of the Fruit Marketing Regulations.

Regulation 4 amends the interpretation of the Fruit Marketing Regulations to include modifications to 2014/98/EU implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections (“2014/98/EU”). The modifications to 2014/98/EU are included at a new Schedule 6 to the Fruit Marketing Regulations. Regulation 4 also gives effect to Schedule 6. Regulation 8 inserts Schedule 6 to the Fruit Marketing Regulations. The modifications in Schedule 6 ensure that taxonomic names, categorisations of pests and requirements for the places of production are up to date and consistent with recent developments and the ongoing assessment of risk.

Regulation 5 removes the duty to carry out a regulatory review at regulation 31 of the Fruit Marketing Regulations.

Regulation 6 amends Schedule 2, Part 2 of the Fruit Marketing Regulations to require an official label accompanying CAC categories to state whether the variety is genetically modified and list the genetically modified organisms.

Regulation 7 amends Schedule 5, Part 2, paragraph 4(2)(b) of the Fruit Marketing Regulations to amend the incorrect usage of the word “variety”.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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£8.14

http://www.legislation.gov.uk/id/uksi/2025/812

ISBN 978-0-34-827367-0

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