SCOTTISH STATUTORY INSTRUMENTS

2025 No. 155

PLANT HEALTH

SEEDS

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

Made - - - -	*15th May 2025*
Laid before the Scottish Parliament	*19th May 2025*
Coming into force - -	*7th October 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 16(1), (1A), 29(1) and 36 of the Plant Varieties and Seeds Act 1964(**a**) and all other powers enabling them to do so.

In accordance with section 16(1) of that Act, they have consulted with representatives of such interests as appear to them to be concerned.

Citation and commencement

1. These Regulations may be cited as the Marketing of Fruit Plant and Propagating Material (Scotland) Amendment Regulations 2025 and come into force on 7 October 2025.

Amendment of the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017

2. The Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017(**b**) are amended in accordance with regulations 3 to 5.

Amendment of schedule 6

3. In schedule 6, in the table, in column 2—

(a) in relation to *Ficus carica* L. (column 1) omit "Viruses, viroids, virus-like diseases and phytoplasmas" and "Fig mosaic agent [FGM000]",

(**a**) 1964 c. 14. Section 16(1) was amended by the European Communities Act 1972 (c. 68) ("the 1972 Act"), section 4(1) and schedule 4, paragraph 5(1) and (2). Section 16(1A) was inserted by the 1972 Act, section 4(1) and schedule 4, paragraph 5(1) and (2). Section 29(1) was amended by the 1972 Act, section 4(1) and schedule 4, paragraph 5(4) and by S.I. 2022/1315, regulation 20(3). The 1972 Act was repealed by the European Union (Withdrawal) Act 2018 (c. 16), but the aforementioned provisions were saved by S.I. 2020/1622, regulation 22. See section 38(1) for the definition of "the Minister". The functions of the Secretary of State, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**b**) S.S.I. 2017/177; relevant amending instruments are S.S.I. 2020/165 and S.S.I. 2019/59.

(b) in relation to *Fragaria* L. (column 1) omit "*Candidatus* Phytoplasma australiense Davis et al. [PHYPAU]",

(c) in relation to *Vaccinium* L. (column 1) after "*Godronia cassandrae* (anamorph *Topospora myrtilli*) Peck [GODRCA]" insert "*Pucciniastrum minimum* (Schweinitz) Arthur [THEKMI]".

Amendment of schedule 6A

4. In schedule 6A, in the table, in column 2—

(a) in relation to "*Malus* Mill." (column 1) after the entry for "Fruit disorders" insert "Tomato ringspot virus [TORSV0]",

(b) in relation to "*Prunus dulcis* (Miller) Webb" (column 1) after "*Prunus* necrotic ringspot virus [PNRSV0]" insert "Tomato ringspot virus [TORSV0]",

(c) in relation to "*Prunus armeniaca* L." (column 1) after "*Prunus* necrotic ringspot virus [PNRSV0]" insert "Tomato ringspot virus [TORSV0]",

(d) in relation to "*Prunus avium* L. and *Prunus cerasus* L." (column 1) after "Tomato black ring virus [TBRV00]" insert "Tomato ringspot virus [TORSV0]",

(e) in relation to the entry beginning "*Prunus domestica* L." (column 1) after "*Prunus* necrotic ringspot virus [PNRSV0]" insert "Tomato ringspot virus [TORSV0]",

(f) in relation to "*Prunus persica* (L.) Batsch" (column 1) after "Strawberry latent ringspot virus [SLRSV0]" insert "Tomato ringspot virus [TORSV0]",

(g) in relation to "*Rubus* L." (column 1) after "Tomato black ring virus [TBRV00]" insert "Tomato ringspot virus [TORSV0]",

(h) in relation to "*Vaccinium* L." (column 1) after "Cranberry false blossom phytoplasma [PHYPFB]" insert—

"Tobacco ringspot virus [TRSV0]

Tomato ringspot virus [TORSV0]".

Amendment of schedule 7

5.—(1) In schedule 7, in paragraph 2, in the table—

(a) in relation to "*Cydonia oblonga* Mill." (column 1) for the entry in column 5 corresponding to the pre-basic category (column 2) substitute "N/A",

(b) in relation to "*Fragaria* L." (column 1), in the entry in column 5 corresponding to the certified category (column 2), headed "Requirements for RNQPs, other than *Xanthomonas fragariae* Kennedy & King and *Phytophthora fragariae* C.J. Hickman and other than viruses", in paragraph (a)(iii), omit "*Candidatus* Phytoplasma australiense Davis *et al*.,",

(c) in relation to "*Malus* Mill."(column 1)—

(i) in the entries in column 5 corresponding to the pre-basic category—

(aa) for "and *Erwinia amylovora* (Burrill) Winslow *et al*.", where it appears first, substitute ", *Erwinia amylovora* (Burrill) Winslow *et al.* and Tomato ringspot virus",

(bb) after paragraph (b) insert—

"(c) Tomato ringspot virus:

(i) propagating material and fruit plants of the pre-basic category must be produced in areas known to be free from Tomato ringspot virus, or

(ii) 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 rogued out and immediately destroyed.",

(ii) in the entries corresponding to the basic category (column 2)—

(aa) in column 4, for "In the case of basic mother plants, which have not been maintained in insect proof facilities" to "schedule 6." substitute—

"In the case of basic mother plants which have not been maintained in insect-proof facilities, a representative portion of basic mother plants must be sampled and tested:

(a) every three years concerning the presence of *Candidatus* Phytoplasma mali Seemüller & Schneider,

(b) every twenty years concerning the presence of Tomato ringspot virus,

(c) every fifteen years on the basis of an assessment of the risk of infection of those plants concerning the presence of RNQPs, other than *Candidatus* Phytoplasma mali Seemüller & Schneider, Tomato ringspot virus and virus-like diseases and viroids, listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.",

(bb) in column 5, after the entry for "*Candidatus* Phytoplasma mali Seemüller & Schneider", insert—

"Tomato ringspot virus:

(a) propagating material and fruit plants of the basic category must be produced in areas known to be free from Tomato ringspot virus, or

(b) 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 rogued out and immediately destroyed.",

(iii) in the entries corresponding to the certified category (column 2)—

(aa) in column 4, for "In the case of certified mother plants, which have not been maintained in insect proof facilities" to "schedule 6." substitute—

"In the case of certified mother plants which have not been maintained in insect-proof facilities, a representative portion of certified mother plants must be sampled and tested:

(a) every five years concerning the presence of *Candidatus* Phytoplasma mali Seemüller & Schneider,

(b) every twenty years concerning the presence of Tomato ringspot virus,

(c) every fifteen years on the basis of an assessment of the risk of infection of those plants concerning the presence of RNQPs, other than *Candidatus* Phytoplasma mali Seemüller & Schneider, Tomato ringspot virus and virus-like diseases and viroids, listed in schedule 6A, and where there are doubts concerning the presence of RNQPs listed in schedule 6.",

(bb) in column 5, after the entry for "*Erwinia amylovora* (Burrill) Winslow *et al.*", insert—

"Tomato ringspot virus:

(a) propagating material and fruit plants of the certified category must be produced in areas known to be free from Tomato ringspot virus, or

(b) 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 rogued out and immediately destroyed.",

(iv) in the entries in column 5 corresponding to the CAC category (column 2), after the entry for "*Erwinia amylovora* (Burrill) Winslow *et al*.", insert—

"Tomato ringspot virus:

(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from Tomato ringspot virus,

(b) 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 rogued out and immediately destroyed, or

(c) 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 rogued out and immediately destroyed.",

(d) in relation to the entry beginning "*Prunus armeniaca* L." (column 1)—

(i) in the entries in column 5 corresponding to the pre-basic category (column 2) after paragraph (c) insert—

"(ca) Tomato ringspot virus:

(i) propagating material and fruit plants of the pre-basic category must be produced in areas known to be free from Tomato ringspot virus, or

(ii) 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 rogued out and immediately destroyed,",

(ii) in the entries corresponding to the basic category (column 2)—

(aa) in column 4, in the entry headed "Mother plants which have not been maintained in insect proof facilities", after paragraph (b) insert—

"(ba) a representative portion of basic mother plants must 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, and",

(bb) in column 4, in the entry headed "Mother plants which have not been maintained in insect proof facilities", in paragraph (c) for "and Plum pox virus" substitute ", Plum pox virus and Tomato ringspot virus",

(cc) in column 5, after the entry for "Plum pox virus", insert—

"Tomato ringspot virus:

(a) propagating material and fruit plants of the basic category must be produced in areas known to be free from Tomato ringspot virus, or

(b) 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 rogued out and immediately destroyed.",

(iii) in the entries corresponding to the certified category (column 2)—

(aa) in column 4, in the entry headed "Mother plants that have not been maintained in insect proof facilities", in paragraph (b), omit "and" where it appears last,

(bb) in column 4, in the entry headed "Mother plants that have not been maintained in insect proof facilities", after paragraph (b) insert—

"(ba) 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, and",

(cc) in column 4, in the entry headed "Mother plants that have not been maintained in insect proof facilities", in paragraph (c) for "and Plum pox virus" substitute ", Plum pox virus and Tomato ringspot virus",

(dd) in column 5, after the entry for "*Pseudomonas syringae* pv. *persicae* (Prunier Luisetti & Gardan) Young, Dye & Wilkie" insert—

"Tomato ringspot virus:

(a) propagating material and fruit plants of the certified category must be produced in areas known to be free from Tomato ringspot virus; or

(b) 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 rogued out and immediately destroyed.",

(iv) in the entries in column 5 corresponding to the CAC category (column 2)—

(aa) in the entry headed "*Candidatus* Phytoplasma prunorum Seemüller & Schneider" omit paragraph (d),

(bb) after the entry for "*Pseudomonas syringae* pv. *persicae* (Prunier Luisetti & Gardan) Young, Dye & Wilkie" insert—

"Tomato ringspot virus:

(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from Tomato ringspot virus,

(b) no symptoms of 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 rogued out and immediately destroyed, or

(c) 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 rogued out and immediately destroyed.",

(e) in relation to Pyrus L. (column 1)—

(i) in the entries in column 5 corresponding to the pre-basic category (column 2) for paragraph (a) substitute—

"(a) *Candidatus* Phytoplasma pyri Seemüller & Schneider:

(i) propagating material and fruit plants of the pre-basic category must be produced in areas known to be free from *Candidatus* Phytoplasma pyri Seemüller & Schneider, or

(ii) no symptoms of *Candidatus* Phytoplasma pyri Seemüller & Schneider are observed on propagating material and fruit plants of the pre-basic category at the production site during the last three growing seasons, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed,",

(ii) in column 5, for the entry for *Candidatus* Phytoplasma pyri Seemüller & Schneider corresponding to the basic category (column 2), substitute—

"*Candidatus* Phytoplasma pyri Seemüller & Schneider:

(a) propagating material and fruit plants of the basic and certified categories must be produced in areas known to be free from *Candidatus* Phytoplasma pyri Seemüller & Schneider,

(b) no symptoms of *Candidatus* Phytoplasma pyri Seemüller & Schneider are observed on propagating material and fruit plants of the basic and certified categories at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, or

(c) propagating material and fruit plants of the basic and certified categories 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, must be rogued out and immediately destroyed.",

(iii) in column 5, for the entry for "*Candidatus* Phytoplasma pyri Seemuller & Schneider" corresponding to the CAC category (column 2), substitute—

"*Candidatus* Phytoplasma pyri Seemuller & Schneider:

(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from *Candidatus* Phytoplasma pyri Seemüller & Schneider,

(b) no symptoms of *Candidatus* Phytoplasma pyri Seemüller & Schneider are observed on propagating material and fruit plants of the CAC category at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, or

(c) 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, have been rogued out and immediately destroyed.",

(f) in relation to *Rubus* L. (column 1)—

(i) in the entries corresponding to the basic category (column 2)—

(aa) in column 4, for "and Tomato black ring virus", in both places it appears, substitute ", Tomato black ring virus and Tomato ringspot virus",

(bb) in column 5 for "or Tomato black ring virus" substitute ", Tomato black ring virus or Tomato ringspot virus",

(cc) in column 5 for "and Tomato black ring virus" substitute ", Tomato black ring virus and Tomato ringspot virus",

(ii) in the entries corresponding to the certified category (column 2)—

(aa) in column 4, for "and Tomato black ring virus", in both places it appears, substitute ", Tomato black ring virus and Tomato ringspot virus",

(bb) in column 5 for "or Tomato black ring virus" substitute ", Tomato black ring virus or Tomato ringspot virus",

(cc) in column 5 for "and Tomato black ring virus" substitute ", Tomato black ring virus and Tomato ringspot virus",

(iii) in the entries corresponding to the CAC category (column 2)—

(aa) in column 4, for "and Tomato black ring virus", in both places it appears, substitute ", Tomato black ring virus and Tomato ringspot virus" ,

(bb) in column 5 for "or Tomato black ring virus" substitute ", Tomato black ring virus or Tomato ringspot virus",

(cc) in column 5, after the paragraph ending "immediately destroyed." insert—

"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 rogued out and immediately destroyed.",

(g) in relation to *Vaccinium* L. (column 1)—

(i) in column 5, after the entry for "*Diaporthe vaccinii* Shear" corresponding to the basic category (column 2), insert—

"Tobacco ringspot virus:

(a) propagating material and fruit plants of the basic category must be produced in areas known to be free from Tobacco ringspot virus, or

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

Tomato ringspot virus:

(a) propagating material and fruit plants of the basic category must be produced in areas known to be free from Tomato ringspot virus, or

(b) no symptoms of 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 rogued out and immediately destroyed.",

(ii) in column 5, after the entry for "*Diaporthe vaccinii* Shear" corresponding to the certified category (column 2), insert —

"Tobacco ringspot virus:

(a) propagating material and fruit plants of the certified category must be produced in areas known to be free from Tobacco ringspot virus, or

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

Tomato ringspot virus:

(a) propagating material and fruit plants of the certified category must be produced in areas known to be free from Tomato ringspot virus, or

(b) no symptoms of Tomato ringspot virus have been observed in the production site over the last complete growing season and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed.",

(iii) in relation to the CAC category (column 2), in column 5 for "N/A" substitute—

"Tobacco ringspot virus:

(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from Tobacco ringspot virus,

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

(c) symptoms of Tobacco 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 rogued out and immediately destroyed.

Tomato ringspot virus:

(a) propagating material and fruit plants of the CAC category must be produced in areas known to be free from Tomato ringspot virus,

(b) no symptoms of 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 rogued out and immediately destroyed, or

(c) 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 rogued out and immediately destroyed.".

JIM FAIRLIE
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
15th May 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend schedules 6, 6A and 7 of the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017 ('the 2017 Regulations'), which specify Regulated Non-Quarantine Pests ('RNQPs') and associated requirements regarding their plant hosts. RNQPs are pests that are present in Scotland and regulated in relation to their plant hosts.

Regulation 3 amends Schedule 6 of the 2017 Regulations to remove Fig mosaic agent, because it no longer fulfils the conditions to be listed as a RNQP, and *Candidatus* Phytoplasma australiense Davis *et al*, because it is now a quarantine pest. *Pucciniastrum minimum* (Schweinitz) Arthur is added to the list of RNQPs in relation to *Vaccinium* L.

Regulation 4 amends Schedule 6A of the 2017 Regulations to add Tomato ringspot virus as a RNQP in relation to *Malus* Mill., *Rubus* L, *Vaccinium* L. and species of *Prunus* L. Regulation 4(h) also adds Tobacco ringspot virus as a RNQP in relation to *Vaccinium* L.

Regulation 5(1)(a) removes production site requirements in relation to pre-basic *Cydonia oblonga* Mill. produced in non-insect proof conditions.

Regulation 5(1)(b) removes requirements in relation to *Candidatus* Phytoplasma australiense Davis *et al.*, in consequence of its removal from Schedule 6 of the 2017 Regulations.

Regulation 5(1)(c), (d), (f) and (g) amend Schedule 7 of the 2017 Regulations to amend the requirements in relation to hosts of Tomato ringspot virus and Tobacco ringspot virus, in consequence of the amendments to Schedule 6A of the 2017 Regulations.

Regulation 5(1)(e) amends the requirements for *Candidatus* Phytoplasma pyri Seemüller & Schneider in relation to *Pyrus* L.

Regulation 5(1)(d)(iv)(aa) omits the requirements in paragraph (d) of the entry headed "*Candidatus* Phytoplasma prunorum Seemüller & Schneider", in relation to the CAC category of the genus *Prunus*, because they were included in error in the European Union legislation from which they were transposed.

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