

# **SL(6)643 – The Marketing of Fruit Plant and Propagating Material (Wales) (Amendment) Regulations 2025**

## **Background and Purpose**

These Regulations amend the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017 (“the Fruit Marketing Regulations”), which aim to control the quality of fruit plants (for fruit production) and fruit propagating material on the market. The Fruit Marketing Regulations do this through setting production standards for that material to ensure it meets minimum standards for plant health and quality as well as varietal identity standards where appropriate. A supplier may only market such plant material if the supplier is registered and the plant material meets the standards.

These Regulations aim to ensure that categorisations of pests and requirements for the places of production are up-to-date and consistent with developments in the ongoing assessment of risk. These Regulations update requirements for new Regulated Non-Quarantine Pests ('RNQPs'), for example by adding and removing certain pests as RNQPs as read in Commission Implementing Directive 2014/98/EU.

They also make other technical and corrective amendments, such as inserting a definition of “marketing” to provide clarity over what activities are covered by the Fruit Marketing Regulations, and inserting a requirement that supplier documents moving with fruit plants of the CAC grade must state if the variety is genetically modified.

The Explanatory Memorandum explains that the Regulations are appropriate to maintain equivalence with EU requirements “so that trade can continue uninterrupted”. Equivalent amending legislation has been made in relation to England and Scotland. Northern Ireland is already subject to these arrangements under EU law.

## **Procedure**

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

## **Technical Scrutiny**

One point is identified for reporting under Standing Order 21.2 in respect of this instrument.



## **1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation**

Regulation 6 amends paragraph 4(2)(b) of Schedule 5 to the Fruit Marketing Regulations to replace the existing word “variety” with the word “species”. The Explanatory Memorandum indicates that this is a minor correction to correct the use of an incorrect term.

As a result, paragraph 4(2)(b) of Schedule 5 as amended will state that a rootstock not belonging to a variety may be certified as pre-basic material if, along with meeting other requirements in sub-paragraph (2), it has been verified by an inspector as being true to the description of its species in accordance with paragraph 7 of that Schedule.

However, paragraph 7 requires the inspector to verify the trueness of pre-basic mother plants and pre-basic material to the description of their variety, in accordance with paragraph 5(2) and (3) of Schedule 5. Likewise, sub-paragraphs (2) and (3) of paragraph 5 of Schedule 5 only refer to an inspector establishing the trueness of pre-basic mother plant to the description of its variety by the observation of the expression of the characteristics of the variety, not species.

As such, the Welsh Government is asked to clarify the operation of the amended paragraph 4(2)(b), given that paragraphs 5(2) and (3), and 7, (which are linked to paragraph 4(2)(b) in the way described above) refer to “variety”, rather than “species”.

By way of completeness, it is noted that the term “species” is used in other provisions of the Fruit Marketing Regulations, for example in paragraph 15(2)(a) of Schedule 5.

## **Merits Scrutiny**

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

## **Welsh Government response**

**Technical Scrutiny point 1:** Regulation 6 amends paragraph 4 of Schedule 5 to the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017. Paragraph 4 provides for ‘Rootstocks not belonging to a variety’ and, as such, the amendment replaces the word ‘variety’ with the word ‘species’.

We note the amendment creates a tension with other provisions in the Schedule but do not anticipate this will present practical problems. We accept the amendment could be clearer and will revisit the point the next time the principal instrument is amended.

## **Committee Consideration**

The Committee considered the instrument and Government response at its meeting on 15 September 2025 and reports to the Senedd in line with the reporting point above.

