STATUTORY RULES OF NORTHERN IRELAND

2019 No. 50

SEEDS

The Forest Reproductive Material (Amendment) Regulations (Northern Ireland) 2019

Made - - - -	*20th March 2019*
Coming into operation	*22nd March 2019*

The Department of Agriculture Environment and Rural Affairs(**1**) make these Regulations in exercise of the powers conferred by sections 1 and 2 of the Seeds Act (Northern Ireland) 1965(**2**), and being a Department designated (**3**) for the purposes of section 2(2) of the European Communities Act 1972 (**4**) in relation to the common agricultural policy of the European Union, in exercise of the powers conferred on it by section 2(2) of and paragraph 1A of Schedule 2 to the Act.

Citation and commencement

1. These Regulations may be cited as the Forest Reproductive Material (Amendment) Regulations (Northern Ireland) 2019, and come into operation on 22nd March 2019.

Amendments to the Forest Reproductive Material Regulations (Northern Ireland) 2002

2. The Forest Reproductive Material Regulations (Northern Ireland) 2002(**5**) are amended as follows.

Regulation 2 (interpretation)

3.—(1) In regulation 2(2)—

(a) for the definition of "approved basic material" substitute—

(**1**) The Ministry of Agriculture became known as the Department of Agriculture by virtue of section 7(5) of the Northern Ireland Constitution Act (c.36), and was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I 1999/283 (N.i.1). The Department of Agriculture and Rural Development was renamed the Department of Agriculture, Environment and Rural Affairs by section 1(2) of the Departments Act (Northern Ireland) 2016 c.5 (N.I.)

(**2**) 1965c.22 (NI); section 1 was amended by section 10 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970c 20 (NI) and S.E. & O.(N.I.) 1972 No 351:section 2 was amended by section 10 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970 and S.R. 1977 No.295

(**3**) S.I. 2000/2812;

(**4**) 1972 c.68 section 2(2) was amended by section 27(1) (a) of the Legislative and Regulatory Reform Act 2006 (c 51) and section 3(3) of and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c7)

(**5**) S.R. 2002 No.404

""approved basic material" in relation to basic material approved by an appropriate authority means basic material which is approved in accordance with regulation 7;";

(b) after the definition of "contact details", insert—

""Council Decision 2008/971/EC" means Council Decision 2008/971/EC on the equivalence of forest reproductive material produced in third countries, as amended from time to time;";

(c) after the definition of "EC classification", insert—

""EU-approved third countries" are Canada, Norway, Serbia, Switzerland, Turkey and the United States of America;";

(d) for the definition of "Master Certificate", substitute—

""Master Certificate" means—

(a) in the case of forest reproductive material collected or otherwise derived from basic material which is located in a relevant territory, a Master Certificate issued in accordance with regulation 13;

(b) in the case of forest reproductive material collected or otherwise derived from basic material which is located in Great Britain a Master Certificate issued by the official body for Great Britain in accordance with Article 12 of the Directive;

(c) in the case of forest reproductive material collected or otherwise derived from basic material which is located in another member State, a Master Certificate issued by an official body of that member State in accordance with Article 12 of the Directive;

(d) in the case of forest reproductive material produced in an EU-approved third country, a Master Certificate issued by the Department in accordance with regulation 25(5) and (6) or a Master Certificate issued by a relevant official body in accordance with Article 4 of Council Decision 2008/971/EC;

(e) in the case of forest reproductive material produced in a permitted third country, a Master Certificate issued by the Department in accordance with regulation 25(5), a Master Certificate issued in relation to the material by an official body of a member State or an official certificate within the meaning of paragraph 8 of Schedule13;";

(e) for the definition of "official body" substitute—

""official body"—

(a) in relation to a member State has the meaning given in Article 2(k) of the Directive;

(b) in relation to an EU-approved third country means the competent authority for the relevant country, as listed in Annex 1 to Council Decision 2008/971/EC;

(c) in relation to a permitted third country means the authority or body which is officially responsible in that country for the approval and control of forest reproductive material produced in the country;";

(f) for the definition of "plant passport", substitute—

""plant passport" has the meaning given in the Plant Health (Wood and Bark) Order (Northern Ireland) 2006(**6**);".

(**6**) S.R. 2006 No.66

(2) After regulation 2(4), insert—

"(4A) Other terms in these Regulations that appear in the Directive or Council Decision 2008/971/EC have the same meaning in these Regulations as they have in the Directive or that Decision.".

Regulation 14 (identification and separation of forest reproductive material during production)

4.—(1) In regulation 14(1)(f), for paragraph (i), substitute—

"(i) the reference number given to the approved basic material from which the forest reproductive material is derived;".

(2) After regulation 14(3), insert—

"(4) In this regulation—

(a) "reference number" means

(i) in the case of basic material approved by an appropriate authority in accordance with regulation 7, the reference number given to the material in the National Register;

(ii) in the case of basic material approved by any other official body of a member State, the reference number given to the material in the register drawn up and maintained by the official body in accordance with Article 10 of the Directive;

(iii) in the case of approved basic material from which reproductive material produced in an EU-approved third country or a permitted third country has been derived, the reference number given to the material in the national register of basic material approved for forest reproductive material drawn up and maintained by the official body of that country;

(b) "unit of approval"—

(i) in the case of forest reproductive material derived from basic material approved by an appropriate authority, has the meaning given in regulation

(ii) in the case of forest reproductive material derived from basic material approved by another official body, means the unit of basic material from which the forest reproductive material is derived, as recorded in the national register of basic material approved for forest reproductive material drawn up and maintained by the official body.".

Regulation 17 (forest reproductive material which may be marketed)

5. For paragraph 1 of regulation 17, substitute—

"(1) Subject to regulations 18 and 31, no person shall market forest reproductive material in Northern Ireland unless—

(a) in the case of forest reproductive material produced in a relevant territory—

(i) its collection and production meet the requirements of regulations 10 to 12 and 14 to 15;

(ii) it has been certified in accordance with regulation 13; and

(iii) it falls into one of the categories described in regulation 4(1), subject to the application of regulation 7(2);

(b) in the case of forest reproductive material produced in Northern Ireland or another member State, it was accompanied on its entry into Northern Ireland by the supplier's label or document required by Article 14 of the Directive;

(c) in the case of forest reproductive material produced in an EU-approved third country and imported from a third country into Northern Ireland, a Master Certificate has been issued by the Department in relation to the material in accordance with regulation 25(5) and (6);

(d) in the case of any other forest reproductive material produced in an EU-approved third country—

(i) a Master Certificate has been issued in relation to the material in accordance with Article 4 of Decision 2008/971/EC; and

(ii) the forest reproductive material was accompanied on its entry into Northern Ireland by the supplier's label or document required by Article 14 of the Directive;

(e) in the case of forest reproductive material produced in a permitted third country and imported from a third country into Northern Ireland, it has met the requirements as to entry into Northern Ireland set out in regulation 25;

(f) in the case of any other forest reproductive material produced in a permitted third country—

(i) a Master Certificate has been issued in relation to the material by an official body of a member State; and

(ii) the forest reproductive material was accompanied on its entry into Northern Ireland by the supplier's label or document required by Article 14 of the Directive;

(g) it is marketed and labelled in compliance with paragraphs (2) to (7), regulation 14 and regulation 19 as read with regulation 20 in the case of seeds; and

(h) it meets the requirements of paragraphs (8) to (12).".

Regulation 18 (licences)

6. For regulation 18, substitute—

"—

18.—(1) The Department may authorise a registered supplier by licence to—

(a) market forest reproductive material in Northern Ireland which would otherwise be prohibited under regulation 17(1); or

(b) import into Northern Ireland forest reproductive material which would otherwise be prohibited under regulation 25.

(2) The licence shall be in writing and may be granted—

(a) subject to conditions;

(b) for a definite or an indefinite period.

(3) The Department may only give an authorisation under paragraph (1)(a) or (1)(b)—

(a) if the forest reproductive material is to be marketed for use in tests, for scientific purposes or for genetic conservation purposes;

(b) if the forest reproductive material consists of seed units which are clearly shown not to be intended for forestry purposes; or