



# Department for Environment Food & Rural Affairs

## Smarter Rules for Safer Foods

### Plant Health Regulation – Amateur growers and other non-professional operators

The new Plant Health Regulation (PHR) became applicable in the UK from 14 December 2019.

The PHR places a number of responsibilities on professional operators<sup>1</sup>, which do not therefore apply to amateur growers and other non-professional operators

- We are aware of the issue of amateurs and other non-professional operators being concerned about whether or not they are required to register under the PHR or be authorised to issue plant passports.
- This factsheet sets out guidance to help you identify whether you are a ‘professional operator’ or not.

### Am I a professional operator?

You’re likely to be a professional operator if:

- you regularly sell plants or plant products with a view to making a profit<sup>2</sup> or earn commission from selling plants or plant products for other people or;
- your plants and plant products are clearly advertised as for sale to professional operators or;
- you grow or produce plants or plant products to sell regularly with a view to making a profit or;
- you are paid for a service (e.g. landscaping) you provide relating to plants or plant products.

You may be considered to sell regularly with a view to making a profit if you:

- a. Have a website or social media account devoted to trading plants or plant products or;
- b. Have a price list for the plants or plant products you sell or;
- c. If you advertise plants for sale on a regular basis.

This may apply to certain societies, in such cases it is the society that should be registered, not individual members.

Individual members of societies would need to be registered if they fulfilled any of the criteria described above.

You will not be considered to be a professional operator if you only grow plants for your own use but find that you have excess plants that you don’t need and want to give away for free. Similarly, you will not be a professional operator if you only grow plants as a hobby, and you give away excess plants that you don’t need for your own personal use.

<sup>1</sup>Article 2(9) of the Plant Health Regulation 2016/2031 states that ‘professional operator’ means any person, governed by public or private law, involved professionally in, and legally responsible for, one or more of the following activities concerning plants, plant products and other objects:

(a) planting; (b) breeding; (c) production, including growing, multiplying and maintaining; (d) introduction into, and movement within and out of, the Union territory; (e) making available on the market; (f) storage, collection, dispatching and processing.

<sup>2</sup>Charges relating to appropriate postage and delivery costs are not considered to be profit.

## **Examples**

The following examples are intended to show when someone would or would not be considered to be a professional operator

- *Charitable organisations and charity events*

Charities whose activities are specifically related to horticulture, arboriculture or similar, will be professional operators if they carry out any of the activities described in Article 2(9) of the PHR and will need to be registered with the plant health authority if they carry out the activities described in Article 65(1) of the PHR.

- *Home gardener*

If you grow plants at home and only give away some of these plants for free to other home gardeners or charities (or if you only charge for postage), you would not be a professional operator. If you grow plants in your garden and sell them, you will only be considered to be a professional operator if you do so with a view to making a regular profit (i.e. you regularly sell them with a view to making a profit).

- *Church fetes, village or local fairs*

Churches and private individuals organising local and village fairs or other events at which plants are sold for charitable causes would not be considered to be professional operators.

- *National Gardening Scheme*

Home gardener members of the National Gardening Scheme who only sell their plants face-to-face to home gardeners for charitable purposes would not be considered to be professional operators.

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### **Tick box list**

If you do any of these activities, you are likely to be a professional operator for the purposes of the PHR and may need to be registered. If you tick any of these boxes, please email [apha\\_srsfmailbox@apha.gov.uk](mailto:apha_srsfmailbox@apha.gov.uk).

- Have a website where you trade plants;
- Have a price list;
- Paid for a service you provide;
- Regularly trade plants or plant products with a view to make profit;
- Have a social media account devoted to trading of plants or plant products;
- Supply professional operators, e.g. professional gardeners, landscapers or breeders;
- Are set up to regularly conclude distance contracts, e.g. you advertise how you take payments.

### **Further Guidance**

Please find further information on the [Plant Health Portal](#) and [GOV.uk](#).

For guidance on what being registered entails, please see guidance here.

If you do need to be registered **and** you also trade by means of distance contracts (e.g. online or through mail order) or you supply other professional operators, you will need to be authorised to issue plant passports.

For further information on plant passports see guidance on GOV.uk and the Plant Health Portal.

For traders of forestry products see further guidance from the [Forestry Commission](#).

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