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STATUTORY INSTRUMENTS

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**1994 No. 676**

**SEEDS**

**The Seeds (National Lists of Varieties) (Fees) Regulations 1994**

<i>Made</i>	- - - -	<i>9th March 1994</i>
<i>Laid before Parliament</i>		<i>11th March 1994</i>
<i>Coming into force</i>	- -	<i>1st April 1994</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 16(1), (1A)(e) and (8) and 36 of the Plant Varieties and Seeds Act 1964(1) as extended to Northern Ireland(2) and of all other powers enabling them in that behalf, after consultation with representatives of such interests as appear to them to be concerned in accordance with section 16(1) of that Act, hereby make the following Regulations:

**Title and commencement**

1. These Regulations may be cited as the Seeds (National Lists of Varieties) (Fees) Regulations 1994 and shall come into force on 1st April 1994.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Plant Varieties and Seeds Act 1964;

“maintainer” means a person indicated in a National List as responsible for the maintenance of a plant variety;

“the Minister” means the Minister of Agriculture, Fisheries and Food, and “the Ministers” means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland acting jointly;

“National List” means a list of plant varieties prepared and published in accordance with the principal Regulations;

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(1) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68) section 4(1) and Schedule 4, paragraph 5(1), (2) and (3); see section 38(1) (as amended by S.I.1978/272) for the definition of “the Ministers” and section 39(3)(a) for an extension to include the Secretary of State concerned with agriculture in Northern Ireland.

(2) By the Plant Varieties and Seeds (Northern Ireland) Order 1973 (S.I.1973/609).

“plant breeders rights” means rights which may be granted in accordance with Part I of the Act, and “plant breeders rights scheme” means a scheme made under that Part of the Act to enable a grant of such rights;

“the principal Regulations” means the Seeds (National Lists of Varieties) Regulations 1982(3);

“renewal fee” means a fee payable in respect of the retention of a plant variety in a National List.

(2) Any reference in these Regulations to a numbered Schedule shall be construed as a reference to the Schedule bearing that number in these Regulations.

### **Payment of fees**

3.—(1) Subject to paragraphs (2) and (3) below, a person making an application under the principal Regulations shall pay to the Minister in respect of matters arising under those Regulations—

- (a) a fee on making an application for the entry of a plant variety in a National List, being the new fee set out in the second column of Schedule 1 opposite the reference in the first column of the said Schedule 1 to the plant variety of the kind to which the application relates, such fee being payable on making the application;
- (b) a fee payable in respect of tests for one year for distinctness, uniformity and stability of a plant variety which is the subject of an application for entry in a National List, being the new fee set out in the second column of Schedule 2 opposite the reference in the first column of the said Schedule 2 to the plant variety of the kind to which the tests relate, such fee being payable within 14 days of a demand made by the Minister;
- (c) a fee payable in respect of trials for value for cultivation and use of a plant variety which is the subject of an application for entry in a National List and is referred to in Schedule 3, being the fee set out in the second column of the said Schedule 3 opposite that reference, such fee being payable in respect of each year of a trials cycle and so payable within 14 days of a demand made by the Minister;
- (d) a renewal fee, being the new fee set out in the second column of Schedule 4 in relation to the particular year of retention of a plant variety in a National List opposite the reference in the first column of the said Schedule 4 to the plant variety of the kind retained in the National List, such fee being payable, subject to regulation 4(3) below, before the beginning of the particular year of retention in the National List;
- (e) the fees payable in respect of the matters referred to in the first column of Schedule 5, being the new fees set out in the third column of the said Schedule 5 opposite the respective references to those matters, such fees being payable at the times specified in respect of each such matter in the second column of the said Schedule 5.

(2) The fees prescribed in Schedule 2 shall not be payable by an applicant who has paid the fees prescribed by regulations made under the Act in respect of tests carried out on his behalf for the purposes of a grant of plant breeders' rights in respect of the same variety.

(3) The fees for trials for value for cultivation and use prescribed in Part II of Schedule 3 shall only be payable when the seeds used for such trials are sown on or before 31st May 1994.

(4) If the fee payable by a person in connection with tests of a plant variety shall not have been paid within 14 days of a demand made by the Minister, the Minister shall not be obliged to take any further steps in relation to the tests until the fee shall have been paid.

### **Renewal fees**

4.—(1) The renewal fee shall be paid by the maintainer who is indicated in the National List in compliance with regulation 18(1) of the principal Regulations.

(2) Where two or more maintainers are indicated in a National List as responsible for the maintenance of a plant variety there shall when the occasion arises be paid by each of them, in place of the renewal fee prescribed in Schedule 4, a fee equal to one-half of such fee and if a fee so payable by a maintainer is not paid the Ministers shall remove from the National List the reference to such person as a maintainer of the plant variety.

(3) The Ministers may extend the time for the payment of a renewal fee if they consider that it is reasonable in all the circumstances to do so.

### **Revocation**

5. The Seeds (National Lists of Varieties) (Fees) Regulations 1990(4), the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1991(5) and the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1993(6) are revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

23rd February 1994.

*Gillian Shephard*  
Minister of Agriculture, Fisheries and Food

22nd February 1994

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

7th March 1994

*John Redwood*  
Secretary of State for Wales

9th March 1994

*Patrick Mayhew*  
Secretary of State for Northern Ireland

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(4) S.I. 1990/617.  
(5) S.I. 1991/657.  
(6) S.I. 1993/416.

*Status: This is the original version (as it was originally made).*

## SCHEDULE 1

Regulation 3(1)(a)

FEES PAYABLE ON AN APPLICATION FOR ENTRY  
OF A PLANT VARIETY IN A NATIONAL LIST

Plant Variety	Amount	
	New Fee £	Old fee £ <sup>(*)</sup>
<b>1. Any variety</b>	245	(270)

(\*) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1990 (S.I.1990/617) as amended by the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1993 (S.I.1993/416) before the coming into force of the Seeds (National Lists of Varieties) (Fees) Regulations 1994 (S.I.1994/676) on 1st April 1994.

## SCHEDULE 2

Regulation 3(1)(b)

FEES PAYABLE IN RESPECT OF TESTS FOR DISTINCTNESS,  
UNIFORMITY AND STABILITY OF A PLANT VARIETY WHICH IS THE  
SUBJECT OF AN APPLICATION FOR ENTRY IN A NATIONAL LIST

Plant Variety	Amount	
	New Fee £	Old fee £ <sup>(*)</sup>
<b>1. A cereal (excluding maize) variety</b>	665	(830)
<b>2. A maize variety</b>	410	(515)
<b>3. A potato variety</b>	620	(775)
<b>4. A beetroot, Brussels sprout, cabbage, carrot, celery, curly kale, leek, onion, radish, turnip or fodder variety</b>	580	(725)
<b>5. A field pea, vegetable pea, field bean or broad bean variety</b>	495	(620)
<b>6. A herbage variety</b>	410	(515)
<b>7. An oil and fibre (including oilseed rape) variety</b>	410	(515)
<b>8. A sugar beet or fodder beet variety</b>	160	(200)
<b>9. Any other variety</b>	210	(260)

(\*) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1990 as amended by the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1993 (S.I.1993/416) before the coming into force of the Seeds (National Lists of Varieties) (Fees) Regulations 1994 (S.I.1994/676) on 1st April 1994.

## SCHEDULE 3

Regulation 3(1)(c)

FEES PAYABLE IN RESPECT OF TRIALS FOR VALUE FOR  
CULTIVATION AND USE OF A PLANT VARIETY WHICH IS THE  
SUBJECT OF AN APPLICATION FOR ENTRY IN A NATIONAL LIST

## PART I

Plant Variety	Amount £
1. A maize variety	240
2. A potato variety	845
3. A ryegrass, timothy or white clover variety	170
4. A field pea variety	345
5. A linseed variety	160
6. A sugar beet variety	185

## PART II

Plant Variety	Amount £
1. A wheat (excluding durum wheat and spelt wheat), barley or oat variety	545
2. A field bean variety	160
3. An oilseed rape variety	340

## SCHEDULE 4

Regulation 3(1)(d)

## RENEWAL FEES

Plant Variety	Amount New Fee £	Old fee £ <sup>(*)</sup>
1. A vegetable variety (excluding a vegetable pea or broad bean variety)	150	(165)
2. Any other variety (including a vegetable pea or broad bean variety)	245	(270)

(\*) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1990 as amended by the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1993 (S.I.1993/416) before the coming into force of the Seeds (National Lists of Varieties) (Fees) Regulations 1994 (S.I.1994/676) on 1st April 1994.

*Status: This is the original version (as it was originally made).*

## SCHEDULE 5

Regulation 3(1)(e)

## FEES PAYABLE IN RESPECT OF OTHER MATTERS

Matter	When payable	Amount	
		New Fee £	Old fee £ <sup>(*)</sup>
1. Application for the substitution of a name in a National List	On making the application	25	(25)
2. Making written representations to the Ministers	On delivering the representations	25	(25)
3. Attending to be heard by a person appointed by the Ministers	Before the hearing	50	(50)
4. Purchase of a report from a testing authority in another country	Within 14 days of demand by the Minister	165	(165)
5. Observation plot-trials for value for cultivation and use	Within 14 days of demand by the Minister	120	(120)
6. Entry in a National List	Before entry in a National List	105	(105)

(\*) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1990 as amended by the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1993 (S.I.1993/416) before the coming into force of the Seeds (National Lists of Varieties) (Fees) Regulations 1994 (S.I.1994/676) on 1st April 1994.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations revoke and re-enact, with amendments, the Seeds (National Lists of Varieties) (Fees) Regulations 1990, as amended. They prescribe fees in respect of various matters arising under the Seeds (National Lists of Varieties) Regulations 1982, as amended (regulation 3 and Schedules 1 to 5).

Application and Renewal fees have been reduced by approximately 10 per cent. Test fees have been reduced by approximately 20%. Other fees are unchanged except that trial fees have been reintroduced (Schedule 3).

The Regulations continue to make provision for the non-payment of fees by an applicant who has paid the fees prescribed by regulations made under the Plant Varieties and Seeds Act 1964 in respect

of tests carried out on his behalf for the purposes of a grant of plant breeders' rights in respect of the same variety (regulation 3(2)). They also provide that, in relation to certain varieties, the payment of a fee in respect of trials for value for cultivation and use need only be made when the seeds used for such trials are sown on or before 31st May 1994 (regulation 3(3)).

A Compliance Cost Assessment has been prepared and a copy has been placed in the library of the House.