
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 302

The Seeds (Variety Lists) Regulations (Northern Ireland) 2020

Marketing prohibition notices

12.—(1) A person shall not market any seeds of a plant variety of a species specified in Schedule 1 if a marketing prohibition notice has been published by the Department in the Gazette in relation to the variety.

(2) For the purposes of paragraph (1), a “marketing prohibition notice”—

(a) in relation to a variety accepted on to a Common Catalogue or an NI Variety List, means a notice that an application to prohibit marketing of the variety has been made to the European Commission by or on behalf of the Department on the ground that—

(i) cultivation of the variety could be harmful, in relation to plant health, to the cultivation of other varieties or species and there is an imminent danger of the spread of harmful organisms; or

(ii) the variety presents a risk for human health or the environment and there is an imminent danger for human health or the environment; and

(b) in relation to a plant variety not accepted on to a Common Catalogue or an NI Variety List, being a derogated species referred to in paragraph 4 or 5 of Part II of Schedule 1, means a notice specifying that marketing of the variety is prohibited on either of those grounds; and

(c) in relation to a plant variety accepted on to a Common Catalogue or an NI Variety List, means a notice specifying that marketing of the variety is prohibited on either of those grounds.

(3) If the Department has published a notice in the Gazette in respect of a variety—

(a) specifying that—

(i) official growing trials carried out for the purpose of assessing value for cultivation and use in Northern Ireland, show that the variety does not produce results corresponding to those obtained from a comparable variety accepted in Northern Ireland; or

(ii) the Department is satisfied the variety is not suitable for cultivation in Northern Ireland by reason of its type or maturity class; and

(b) specifying a date after which marketing of the variety is prohibited,

a person shall not market any seeds of the variety after that date.

(4) If the acceptance of a plant variety—

(a) of a species specified in Part I of Schedule 1 on to an NI Variety List or a Common catalogue; or

(b) of a derogated species specified in paragraph 3 of Part II of Schedule 1 on to a Common Catalogue,

has been revoked or has expired, a person shall not market any seeds of the variety unless a residual marketing period has been specified in a notice published by the Department in the Gazette in respect of seed of that variety and that period has not expired.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) A person shall not market seed of a variety accepted on to an NI Variety List or a Common Catalogue except under the name in which the variety is accepted.

(6) Where the Department adapts the name of a variety under regulation 7(6), and specifies in a notice published in the Gazette in respect of the variety a period during which seed of the variety may be marketed under the name as it was referred to in that NI Variety List before it was adapted, seed of the variety may be marketed during that period under the name as it was referred to in that List before it was adapted.