
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 302

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

Appeals

18.—(1) Any person affected by a relevant decision, except a decision in respect of the naming of a plant variety, may appeal against the relevant decision to the Tribunal.

(2) Schedule 3 (except for paragraph 4 and references to paragraph 4) to the Plant Varieties Act 1997 (which make provision about the Tribunal) shall apply for the purposes of appeals under this regulation as it applies for the purposes of appeals in respect of which provision is made for the Tribunal to have jurisdiction in Regulations made under section 44 of that Act or in Rules under or having effect as if made under paragraph 13 of Schedule 3 to that Act.

(3) Where an appeal is made against a relevant decision, regulation 9 of the Plant Breeders' Rights Regulations 1998⁽¹⁾ shall apply in relation to the appeal as it applies for the purposes of appeals made under those Regulations with the modifications that—

- (a) references in that regulation to “the Controller” shall be construed as references to “the Department”;
- (b) the reference in regulation 9(1) to “the United Kingdom” shall be construed as a reference to “Northern Ireland”; and
- (c) for the reference in regulation 9(3) of those Regulations to suspension of the operation of decisions pending the final determination of the appeal, in respect of any decision of the Department the effect of which is to revoke the acceptance of a variety on grounds relating to human health, animal health or plant health, there shall be substituted a reference to the operation of the decision having effect in the period beginning on the date on which notice of the decision was given in accordance with these Regulations.

(4) Where—

- (a) a relevant decision of the Department is to revoke the acceptance of a variety from NI Variety List;
- (b) an appeal is brought against that decision;
- (c) by virtue of regulation 9 of the Plant Breeders' Rights Regulations 1998, as applied by paragraph (3), the effect of the decision is suspended pending the final determination of the appeal; and
- (d) the appeal is determined in favour of the applicant,

the Department shall publish a notice in the Gazette confirming the appeal has been successful and, accordingly, that the variety is still accepted on to the NI Variety List.

⁽¹⁾ S.I. 1998/1027, as amended by S.I. 2001/3510, S.I. 2002/247, S.I. 2008/2683 and S.I. 2019/204.