
 STATUTORY INSTRUMENTS

1967 No. 593

SEEDS

The Plant Varieties (Index) (Amendment) Regulations 1967

<i>Made</i> - - -	12th April 1967
<i>Coming into Operation</i>	20th April 1967

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for the Home Department (being the Secretary of State concerned with agriculture in Northern Ireland), acting jointly, in exercise of the powers vested in them by section 20(7) of, and paragraph 5 of Schedule 5 to, the Plant Varieties and Seeds Act 1964(a), as extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(b) and of all other powers enabling them in that behalf, after consultation with representatives of such interests as appear to them to be concerned and with the approval of the Treasury, hereby make the following Regulations:—

Citation and commencement

1. These Regulations, which may be cited as the Plant Varieties (Index) (Amendment) Regulations 1967, shall come into operation on 20th April 1967 and the Plant Varieties (Index) Regulations 1966(c) and these Regulations may be cited together as the Plant Varieties (Index) Regulations 1966 and 1967.

Amendment of Principal Regulations

2. The Plant Varieties (Index) Regulations 1966 are hereby amended—

(a) by adding at the end of Regulation 2(1) the following definition:—

“ ‘plant breeders’ rights’ means rights which may be granted in accordance with Part I of the Act.”

(b) by substituting for Regulation 10 the following Regulation:—

“Fees

10.—(1) Subject to paragraph (2) of this Regulation there shall be paid to the Ministers in respect of the matters set out in the second column of Schedule 2 to these Regulations the fees set out in the fourth column of the said Schedule opposite the respective references to those matters and such fees shall be paid at the times specified in the third column of the said Schedule opposite such references.

(2) The fees prescribed in item No. 1 of the said Schedule 2 for the examination, tests and trials of a plant variety in relation to an application involving the question whether two or more varieties are distinct shall, if at the time of that application an application for a grant of plant breeders’ rights in respect of such variety is made or has previously been made, be payable by the applicant only to the extent by which they exceed the amount of any fees which have been paid or which are or will become payable for trials of that variety in connection with a grant of plant breeders’ rights.”

(c) by adding at the end of Schedule 1 thereof the paragraphs set out in the Schedule to these Regulations (being particulars of the reproductive material

of peas, French beans, ryegrass and lucerne to be delivered in accordance with the said Regulations of 1966), and
 (d) by adding in the second column of Schedule 2 thereof, opposite the number "1" in the first column of the said Schedule and immediately after the words "(b) a potato variety", the words—

- "(c) a pea variety
- (d) a French bean variety
- (e) a ryegrass variety
- (f) a lucerne variety"

and in the fourth column of the said Schedule, opposite each of the items "(c) a pea variety" and "(d) a French bean variety" the figures "30—0—0" and opposite each of the items "(e) a ryegrass variety" and "(f) a lucerne variety" the figures "35—0—0".

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd April 1967.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 4th April 1967.

(L.S.) *William Ross,*
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 5th April 1967.

Roy Jenkins,
Secretary of State for the Home Department.

Approved on 12th April 1967.

Brian O'Malley,
William Whitlock,
Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE

PEAS

1. *Quantity and Description*

During the year beginning with the making of the application 6 lb. of seed shall be delivered.

During each of the immediately succeeding years until the Ministers shall have given their decision on the application 7 lb. of seed shall be delivered. The seed delivered during each such year shall be drawn from a seed bulk which has resulted from at least one further generation of multiplication from that to which the seed delivered in the year beginning with the making of the application belonged.

The seed shall be in all respects typical of the variety and taken at random from the available material.

2. *Packing*

The seed shall be packed in a suitable container of sufficient strength to withstand mechanical damage during transit.

3. *Quality*

(1) *Health.* The seed shall be free from serious seed-borne diseases.

(2) *Purity and Germination.* The seed shall be accompanied by a report of a test made at an official seed testing station established under the Seeds Act 1920(a) or a

seed testing station licensed under that Act and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 8 oz. :—

- (a) the percentage of purity was not less than 99, and
- (b) the percentage of germination was not less than 70.

4. *Dressings and Treatments*

The seed shall not have been subjected to any fungicidal or insecticidal treatment.

FRENCH BEANS

1. *Quantity and Description*

During the year beginning with the making of the application 8 lb. of seed shall be delivered.

During each of the immediately succeeding years until the Ministers shall have given their decision on the application 10 lb. of seed shall be delivered. The seed delivered during each such year shall be drawn from a seed bulk which has resulted from at least one further generation of multiplication from that to which the seed delivered in the year beginning with the making of the application belonged.

The seed shall be in all respects typical of the variety and taken at random from the available material.

2. *Packing*

The seed shall be packed in a suitable container of sufficient strength to withstand mechanical damage during transit.

3. *Quality*

(1) *Health.* The seed shall be free from serious seed-borne diseases.

(2) *Purity and Germination.* The seed shall be accompanied by a report of a test made at an official seed testing station established under the Seeds Act 1920 or a seed testing station licensed under that Act and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 1 lb. :—

- (a) the percentage of purity was not less than 99, and
- (b) the percentage of germination was not less than 60.

4. *Dressings and Treatments*

The seed shall not have been subjected to any fungicidal or insecticidal treatment. If the seed has been treated with streptomycin this shall be declared when it is delivered.

RYEGRASS

1. *Quantity and Description*

During the year beginning with the making of the application 200 grams of seed shall be delivered and during each of the immediately succeeding years thereafter until the Ministers shall have given their decision on the application 1,000 grams of seed shall be delivered.

The seed shall invariably represent the variety in the form in which it is to be made available for commercial transactions and shall each year be drawn from a separately-produced bulk of seed.

The seed shall be in all respects typical of the variety and be taken at random from the available material and shall be accompanied by a written declaration by or on behalf of the applicant, stating the generation to which it belongs.

2. *Packing*

The seed shall be packed in a suitable container of sufficient strength to withstand mechanical damage during transit.

3. *Quality*

The seed supplied in the first year shall be accompanied by a report of a test made at an official seed testing station established under the Seeds Act 1920 and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 2 oz. :—

- (a) the percentage of purity was not less than 97,
- (b) the percentage of germination was not less than 80, and
- (c) in a purity test there were no seeds of injurious weeds and not more than 0.5% by weight of any other weed seeds.

The seed supplied in subsequent years shall be accompanied in each case by a report of a test made at an official seed testing station as aforesaid or a seed testing station

licensed under the Seeds Act 1920, made within the 3 months immediately preceding the delivery of the seed and stating the facts referred to in sub-paragraphs (a), (b) and (c) of this paragraph.

4. *Dressings and Treatments*

The seed shall not have been subjected to any fungicidal or insecticidal treatment.

LUCERNE

1. *Quantity and Description*

During the year beginning with the making of the application 200 grams of seed shall be delivered and during each of the immediately succeeding years thereafter until the Ministers shall have given their decision on the application 1,000 grams of seed shall be delivered.

The seed shall invariably represent the variety in the form in which it is to be made available for commercial transactions and shall each year be drawn from a separately-produced bulk of seed.

The seed shall be in all respects typical of the variety and be taken at random from the available material and shall be accompanied by a written declaration by or on behalf of the applicant, stating the generation to which it belongs.

2. *Packing*

The seed shall be packed in a suitable container of sufficient strength to withstand mechanical damage during transit.

3. *Quality*

The seed supplied in the first year shall be accompanied by a report of a test made at an official seed testing station established under the Seeds Act 1920 and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 2 oz.:—

(a) the percentage of purity was not less than 98,

(b) the percentage of germination together with the percentage of hard seed was not less than 70, and

(c) in a purity test there were no seeds of injurious weeds and not more than 0.5% by weight of any other weed seeds.

The seed supplied in subsequent years shall be accompanied in each case by a report of a test made at an official seed testing station as aforesaid or a seed testing station licensed under the Seeds Act 1920, made within the 3 months immediately preceding the delivery of the seed and stating the facts referred to in sub-paragraphs (a), (b) and (c) of this paragraph.

4. *Dressings and Treatment*

The seed shall not have been subjected to any fungicidal or insecticidal treatment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Plant Varieties (Index) Regulations 1966 by adding particulars of the reproductive material of peas, French beans, ryegrass and lucerne to be delivered, and prescribing the fees to be paid, in connection with applications for additions to the Index of Plant Varieties.

Another amendment ensures that the fees prescribed for the trials of plant varieties for the purposes of the principal Regulations shall not be payable where similar trials take place in connection with an application for grant of plant breeders' rights in respect of the same variety.