

## 1977 No. 358

## SEEDS

**The Seeds (National Lists of Varieties) (Fees) Regulations 1977**

<i>Made</i>	- - -	25th February 1977
<i>Laid before Parliament</i>		11th March 1977
<i>Coming into Operation</i>		1st April 1977

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Northern Ireland (being the Secretary of State concerned with agriculture in Northern Ireland), acting jointly, in exercise of the powers vested in them by section 16(1), (1A)(e) and (8) of the Plant Varieties and Seeds Act 1964(a), as amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972(b) (extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(c) and the Plant Varieties and Seeds (Northern Ireland) Order 1973(d)) and of all other powers enabling them in that behalf, after consultation with representatives of such interests as appear to them to be concerned, hereby make the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Seeds (National Lists of Varieties) (Fees) Regulations 1977 and shall come into operation on 1st April 1977.

*Revocation of previous regulations*

2 The Seeds (National Lists of Varieties) (Fees) Regulations 1976(e) are hereby revoked.

*Interpretation*

3.—(1) In these regulations—

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

“the Ministers” means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State concerned with agriculture in Northern Ireland;

“plant breeders’ rights” means rights which may be granted in accordance with Part I of the Plant Varieties and Seeds Act 1964.

(2) The Interpretation Act 1889(f) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament and as if these regulations and the regulations hereby revoked were Acts of Parliament.

(a) 1964 c. 14.

(c) S.I. 1964/1574 (1964 III, p. 3543).

(e) S.I. 1976/124 (1976 I, p.352).

(b) 1972 c. 68.

(d) S.I. 1973/609 (1973 I, p. 1934).

(f) 1889 c. 63.

*Fees*

4.—(1) There shall be paid to the Minister of Agriculture, Fisheries and Food in respect of the matters arising under the Seeds (National Lists of Varieties) Regulations 1973(a) specified in the first column of the Schedule to these regulations the fees specified in the third column of the said Schedule opposite the respective references to such matters, such fees being payable at the times respectively indicated in the second column of the said Schedule.

(2) If the prescribed fee payable by a person in connection with an application or with tests or trials of a plant variety shall not have been paid at the appropriate time indicated in the second column of the said Schedule the Ministers shall not be obliged to take any further steps in relation to the application or to the tests or trials until the fee shall have been paid.

(3) The prescribed fees for the tests for distinctness, uniformity and stability of a plant variety shall, if at the time of the application an application for a grant of plant breeders' rights is made or has previously been made, be payable 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 the tests and trials of the plant variety in connection with the application for a grant of plant breeders' rights.

(4) A fee in respect of the continuance of the period during which a plant variety will remain in a National List shall be paid by the maintainer who is indicated in the National List in compliance with Regulation 13(1) of the Seeds (National Lists of Varieties) Regulations 1973.

(5) 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 prescribed fee for the continuance of the period during which the plant variety will remain in the National List, 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.

(6) The Ministers may extend the time for the payment of a fee payable in respect of the continuance of the period of entry in a National List if they consider that it is reasonable in all the circumstances to do so.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd February 1977.

(L.S.)

*John Silkin,*  
Minister of Agriculture, Fisheries  
and Food.

*Bruce Millan,*  
Secretary of State for Scotland.

23rd February 1977.

*Roy Mason,*  
Secretary of State for Northern Ireland.

25th February 1977.

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(a) S.I. 1973/994 (1973 II, p. 3024).

## SCHEDULE

Matter	When payable	Amount
		£
Application for the addition to a National List of—	On making the application	
a cereal variety		75-00
a beet variety		75-00
a fodder plant or an oil or fibre plant variety		60-00
a potato variety		35-00
a vegetable variety		35-00
Tests for distinctness, uniformity and stability of—	Within 14 days of demand by the Minister of Agriculture, Fisheries and Food	
a cereal variety		200-00
(i) first year of a testing cycle		150-00
(ii) a subsequent year of a testing cycle		
Tests for one year for distinctness, uniformity and stability of—	Within 14 days of demand by the Minister of Agriculture, Fisheries and Food	
a beet variety		115-00
a fodder plant or an oil or fibre plant variety		115-00
a potato variety		175-00
Tests for one season for distinctness, uniformity and stability of—	Within 14 days of demand by the Minister of Agriculture, Fisheries and Food	
a vegetable variety		80-00
Trials for one year for value for cultivation and use of—	Within 14 days of demand by the Minister of Agriculture, Fisheries and Food	
a cereal variety		
(i) first year of a trials cycle		300-00
(ii) a subsequent year of a trials cycle		250-00
a beet variety		
(i) first year		115-00
(ii) second and subsequent years		175-00
a fodder plant variety (other than a Westerwold ryegrass or a fodder radish variety) or an oil or fibre plant variety		140-00
a Westerwold ryegrass or a fodder radish variety		115-00
a potato variety		200-00

Matter	When payable	Amount
The continuance of the period during which a plant variety will remain in a National List being—	Before the beginning of the particular year of entry in a National List	£
a cereal variety, a beet variety or a potato variety—		
(i) for the second year of entry in a National List		30-00
(ii) for the third year of entry in a National List		40-00
(iii) for the fourth year of entry in a National List		50-00
(iv) for the fifth year of entry in a National List		70-00
(v) for the sixth year and each subsequent year of entry in a National List		85-00
a fodder plant or an oil or fibre plant variety—		
(i) for the second year of entry in a National List		30-00
(ii) for the third year of entry in a National List		40-00
(iii) for the fourth year of entry in a National List		45-00
(iv) for the fifth year of entry in a National List		60-00
(v) for the sixth and each subsequent year of entry in a National List		70-00
a vegetable variety—		
(i) for the second year of entry in a National List		15-00
(ii) for the third year of entry in a National List		15-00
(iii) for the fourth year of entry in a National List		15-00
(iv) for the fifth year of entry in a National List		25-00
(v) for the sixth year of entry in a National List		25-00
(vi) for the seventh year and each subsequent year of entry in a National List		35-00
Application for the substitution of a name in a National List	On making the application	10-00
Making written representations to the Ministers	On delivering the representations	1-50

Matter	When payable	Amount
Attending to be heard by a person appointed by the Ministers	Before the hearing	£ 10.00
Inspection of the National List record	Before the inspection	0.75
Inspection of the file maintained for a plant variety in a National List	Before the inspection	0.75

#### EXPLANATORY NOTE

*(This Note is not part of the Regulations)*

These Regulations (which supersede the Seeds (National Lists of Varieties) (Fees) Regulations 1976) prescribe fees in respect of matters arising under the Seeds (National Lists of Varieties) Regulations 1973.

SI 1977/358  
ISBN 0-11-070358-8



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