

1980 No. 330

SEEDS

The Seeds (National Lists of Varieties) (Fees) Regulations 1980

<i>Made</i> - - - -	6th March 1980
<i>Laid before Parliament</i>	14th March 1980
<i>Coming into Operation</i>	4th April 1980

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 by section 16(1), (1A)(e) and (8) of the Plant Varieties and Seeds Act 1964(a) and now vested in them(b) and extended to Northern Ireland(c) 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 1980 and shall come into operation on 4th April 1980.

Revocation of previous regulations

2. The Seeds (National Lists of Varieties) (Fees) Regulations 1978(d) are hereby revoked.

Interpretation

3. 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 Seeds (National Lists of Varieties) Regulations 1979(e);

“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 the said Part of the Act to enable a grant of such rights.

(a) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68) section 4(1) and paragraph 5(1), (2) and (3) of Schedule 4.

(b) By the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

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

(d) S.I. 1978/296.

(e) S.I. 1979/133.

Fees

4.—(1) Subject to the provisions of paragraph (2) of this regulation there shall be paid to the Minister in respect of matters arising under the Seeds (National Lists of Varieties) Regulations 1979 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) The fees prescribed in Part I of the Schedule to these regulations shall not be payable—

(a) 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, or

(b) except as provided in paragraph (3) of this regulation, in respect of tests undertaken at a time when there is no plant breeders' rights scheme in operation in respect of the plant variety tested.

(3) If, while a plant variety in respect of which no plant breeders' rights scheme has hitherto operated is undergoing tests in connection with an application for its addition to a National List, a plant breeders' rights scheme comes into operation with respect thereto, the person on whose behalf the said tests are being carried out shall forthwith either:

(a) apply for plant breeders' rights in respect of the plant variety (and thenceforward be liable to pay any fees which may become payable under regulations made under the Act in connection with such application), or

(b) become liable to pay to the Minister the fees specified in Part I of the Schedule to these regulations at the times therein indicated.

(4) If the fee payable by a person in connection with tests of a plant variety shall not have been paid at the appropriate time indicated in the second column of Part I of the said Schedule or, as appropriate, in accordance with paragraph (3) of this regulation, the Ministers shall not be obliged to take any further steps in relation to the tests until the fee shall have been paid.

(5) 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 18(1) of the Seeds (National Lists of Varieties) Regulations 1979.

(6) 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.

(7) 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 20th February 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food

26th February 1980.

George Younger,
Secretary of State for Scotland

29th February 1980.

Nicholas Edwards,
Secretary of State for Wales

6th March 1980.

Humphrey Atkins,
Secretary of State for Northern Ireland

SCHEDULE

PART I

Fees payable in the circumstances specified in these regulations in respect of tests of a plant variety which is the subject of an application for addition to a National List.

Matter	When payable	Amount
		£
Tests for distinctness, uniformity and stability of— a cereal or potato variety (i) first year of a testing cycle (ii) a subsequent year of a testing cycle	Within 14 days of demand by the Minister.	350-00 300-00
Tests for one year for distinctness, uniformity and stability of— a field bean or field pea variety a beet variety a fodder plant variety (excluding a field bean or field pea variety) or an oil or fibre plant variety	Within 14 days of demand by the Minister.	140-00 250-00 250-00
Tests for one season for distinctness, uniformity and stability of— a vegetable variety	Within 14 days of demand by the Minister	140-00

PART II

Fees payable for the continuance of the period during which a plant variety will remain in a National List.

Matter	When payable	Amount
		£
The continuance of the period during which a plant variety will remain in a National List being— a cereal variety, a beet variety or a potato variety (i) for the second year of entry in a National List (ii) for the third year of entry in a National List (iii) for the fourth year of entry in a National List (iv) for the fifth year of entry in a National List (v) for the sixth year and each subsequent year of entry in a National List	Before the beginning of the particular year of entry in a National List.	70-00 80-00 100-00 120-00 150-00

PART II—(continued)

Fees payable for the continuance of the period during which a plant variety will remain in a National List.

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 fodder, oil or fibre plant variety		
(i) for the second year of entry in a National List		60-00
(ii) for the third year of entry in a National List		70-00
(iii) for the fourth year of entry in a National List		90-00
(iv) for the fifth year of entry in a National List		100-00
(v) for the sixth and each subsequent year of entry in a National List		120-00
a vegetable variety		
(i) for the second year of entry in a National List		50-00
(ii) for the third year of entry in a National List		60-00
(iii) for the fourth year of entry in a National List		70-00
(iv) for the fifth year of entry in a National List		80-00
(v) for the sixth year of entry in a National List		90-00
(vi) for the seventh year and each subsequent year of entry in a National List		100-00

PART III

Fees payable in respect of other matters.

Matter	When payable	Amount
Application for the substitution of a name in a National List	On making the application	£ 15.00
Making written representations to the Ministers	On delivering the representations	2.00
Attending to be heard by a person appointed by the Ministers	Before the hearing	15.00
Inspection of the National List record	Before the inspection	1.00
Inspection of the file maintained for a plant variety in a National List	Before the inspection	1.00

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations (which supersede the Seeds (National Lists of Varieties) (Fees) Regulations 1978) prescribe the fees payable in certain specified circumstances (including the fees payable for the continuance of the period during which a plant variety will remain in a National List) in respect of matters arising under the Seeds (National Lists of Varieties) Regulations 1979.

The regulations make provision for mitigation of fees for tests of a plant variety where that variety is the subject of an application for a grant of plant breeders' rights and fees for tests are being charged in respect of such application in accordance with the Plant Breeders' Rights (Fees) Regulations 1980.