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**STATUTORY INSTRUMENTS**

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**1982 No. 1101****PLANT BREEDERS' RIGHTS****The Plant Breeders' Rights (Amendment) Regulations 1982**

<i>Made</i> - - - - -	29th July 1982
<i>Laid before Parliament</i>	10th August 1982
<i>Coming into Operation</i>	31st August 1982

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and Secretary of State for Northern Ireland, acting jointly, in exercise of the powers conferred by sections 9(1) and (5) and 36 of the Plant Varieties and Seeds Act 1964(a) (extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(b) and to the Isle of Man by the Plant Varieties and Seeds (Isle of Man) Order 1969(c)) and now vested in them (d), and of all other powers enabling them in that behalf after consultation with the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971(e) as applied to the Controller of Plant Variety Rights and any officer authorised to exercise the functions of the said Controller under section 11(5) of the Plant Varieties and Seeds Act 1964 and to the Plant Varieties and Seeds Tribunal, hereby make the following regulations:

*Title, commencement and interpretation*

1.—(1) These regulations may be cited as the Plant Breeders' Rights (Amendment) Regulations 1982 and shall come into operation on 31st August 1982.

(2) In these regulations "the principal regulations" means the Plant Breeders' Rights Regulations 1978(f).

*Revocation*

2. The Plant Breeders' Rights (Amendment) Regulations 1980(g) are hereby revoked.

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(a) 1964 c.14.

(b) S.I. 1964/1574.

(c) S.I. 1969/1829.

(d) In the case of the Secretary of State for Wales by virtue of the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

(e) 1971 c.62.

(f) S.I. 1978/294.

(g) S.I. 1980/316.

*Amendment of principal regulations*

3. Sub-paragraph (1)(ii) of regulation 12 of the principal regulations shall be deleted and the following shall be substituted therefor:—

“(ii) where the application is for a grant of plant breeders’ rights, deliver to the Controller or produce to him for examination, as may be required the reproductive and other plant material of—

(a) the plant variety to which the application relates, and

(b) any other plant variety which the Controller may consider necessary to enable the variety to which the application relates to be properly tested,

in the quantity and of the description, quality and age specified, and packed and in the condition also specified, in the Part of Schedule 3 to these regulations appropriate to the plant variety, and also such further reproductive and other plant material in such quantity and of such description and quality as shall appear to the Controller to be required to replace any such material already delivered as may have been damaged in transit or damaged or lost in the course of tests or trials or which is, or has in the course of tests and trials been shown to be, unhealthy or otherwise unsuitable;”

4. Paragraph (3) of regulation 12 of the principal regulations shall be deleted and the following paragraph shall be substituted therefor:—

“(3) Anything required to be given, produced or delivered in accordance with paragraph (1) of this regulation shall be so given, produced or delivered to the Controller at such place as he may require within 14 days of the requirement, which shall be made by the Controller in writing, or within such longer time as the Controller may allow and if it is not so given, produced or delivered, the application shall be deemed to have been withdrawn.”

5. Schedule 3 to the principal regulations shall be deleted and the Schedule to these regulations shall be substituted therefor.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1982.



*Peter Walker,*  
Minister of Agriculture, Fisheries and Food.

*George Younger,*  
Secretary of State for Scotland.

26th July 1982.

*Nicholas Edwards,*  
Secretary of State for Wales.

27th July 1982.

*James Prior,*  
Secretary of State for Northern Ireland.

29th July 1982.

## SCHEDULE

Regulation 5

SCHEDULE SUBSTITUTED FOR SCHEDULE 3 OF THE PRINCIPAL REGULATIONS

"SCHEDULE 3

Regulation 12

REPRODUCTIVE AND OTHER PLANT MATERIAL TO BE DELIVERED TO THE  
CONTROLLER

## PART I

## CEREALS

*Quantity*

1.—(1) During the year beginning with the making of the application the following amounts of ears and seed shall be delivered:—

For a wheat, barley or oat variety	275 ears and 6 kilograms of seed
For a rye variety	5 kilograms of seed
For a maize variety	500 grams of seed of the commercial hybrid and 200 grams of seed of each of the parents and parental lines of the commercial hybrid
For a triticale variety	5 kilograms of seed

(2) Attached to each ear there shall be approximately 30 centimetres of straw.

(3) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Controller to be necessary or desirable for the proper completion of the tests and trials.

*Packing*

2. The ears shall be packed in bundles of not more than 100, lightly wrapped, in a stiff-sided container. The seeds shall be packed in a suitable container of sufficient strength to withstand damage during transit due to handling.

**Quality**

3.—(1) The seed shall comply with the following standards:—

**(a) Wheat, Barley, Oats and Rye**

Kind	Min. germination (% by number of pure seeds)	Min. analytical purity (% by weight)	Max. moisture content (% by weight)	Max. loose smut infection (% by number)	Maximum number of other seeds or structures in sample of 500g					
					All other species	Other cultivated cereal species	All species other than cultivated cereals	Wild oats ( <i>Avena fatua</i> , or <i>Avena ludoviciana</i> and darnel ( <i>Lolium temulentum</i> ))	Wild radish ( <i>Raphanus raphanistrum</i> ) and Corn Cockle ( <i>Agrostemma githago</i> )	Ergot (pieces)
Wheat, Barley and Oats	85	98	16	0.5	10	7	7	0	3	3
Rye	85	98	16	—	10	7	7	0	3	3

**(b) Maize**

Min. germination (% by number of pure seeds)	Min. analytical purity (% by weight)	Max. number of seeds of other plant species in a sample of 250g
90	98	0

**(c) Triticale**

The minimum germination by number of pure seeds shall be 85%. The seed shall not be affected by harmful organisms and must originate from the growing period immediately preceding the tests.

(2) The seed shall be free from insects.

*Dressings and Treatments*

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

## PART II

## POTATOES

*Quantity*

1.—(1) During the year beginning with the making of the application 200 seed tubers shall be delivered; these seed tubers shall be taken from stocks grown in Scotland or Northern Ireland or the English counties of Northumberland (excluding the districts of Blyth Valley and Wansbeck) and Cumbria (excluding the districts of Barrow-in-Furness and South Lakeland).

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered seed tubers taken from stocks grown in any of the places specified in sub-paragraph 1(1) above, in such quantity and of such description and quality as shall appear to the Controller to be necessary or desirable for the proper completion of the tests and trials.

(3) The applicant shall arrange for the growing in the United Kingdom of a plot of at least 2,000 plants of the potato variety to be observed under normal conditions during each of the seasons following the delivery of the seed tubers.

*Packing*

2. The seed tubers shall be securely packed in new sacks or other new containers which are capable of withstanding the hazards that may be encountered by perishable produce during transit. The packing material shall be adequate in quantity and quality to protect the tubers from low temperature which may cause chilling or frosting and from damage due to handling.

*Grading and Condition*

3. The seed tubers shall be graded so as to be capable of being retained by meshes of a riddle each measuring 35mm square and passed by meshes of a riddle each measuring 50mm square. The seed tubers shall be in sound condition and not be visibly unfit for planting through damage due to handling or attack by any insect, pest or disease or any other condition which would impair their subsequent growth. The seed tubers shall be reasonably free from soil.

*Dressings and Treatments*

4. The seed tubers shall not have been treated with a fungicide, pesticide or sprout inhibitor.

*Health*

5.—(1) The land on which the seed tubers have been produced shall be land which:—

- (a) is not deemed for the purpose of the Wart Disease of Potatoes (Great Britain) Order 1973(a) or the Wart Disease of Potatoes (Northern Ireland) Order 1973(b) to be land on which wart disease of potatoes (*Synchytrium endobioticum* (Schilb.) (Perc.)) is present;
  - (b) is not declared for the purposes of the Potato Cyst Eelworm (Great Britain) Order 1973(c) to be land on which potato cyst eelworm (*Globodera rostochiensis* (Woll) Mulvey & Stone and *Globodera pallida* (Stone) Mulvey & Stone) is present;
  - (c) is not land on which the occupier has been served with a notice under the Potato Root Eelworm Order (Northern Ireland) 1968(d) requiring him to adopt measures for the prevention of the spread of potato cyst eelworm as specified by the notice; and
  - (d) is land which has not at any time been used for growing potatoes during the period of five years immediately preceding the planting of the crop from which the seed tubers are produced.
- (2) The seed tubers shall be accompanied by a certificate issued by as the case may be the Ministry of Agriculture, Fisheries and Food, the Department of Agriculture and Fisheries for Scotland or the Department of Agriculture for Northern Ireland stating:—
- (a) the seed tubers are the produce of a crop grown on land not known to be infected by wart disease of potatoes or infested by potato cyst eelworm;
  - (b) the seed tubers are the produce of a crop which was inspected during the growing season and deemed on visual examination to be free from infection with tobacco vein necrosis virus and to contain not more than the following tolerances for other diseases and impurities:—
    - (i) 0.05% of rogues, undesirable variations, wildings and bolters;
    - (ii) 0.02% of plants with leaf roll or severe mosaic;
    - (iii) 0.25% of plants with mild mosaic;
    - (iv) 1% of plants with blackleg.
  - (c) the seed tubers were found on visual examination to be free from signs of wart disease of potatoes; and
  - (d) the seed crop from which the seed tubers were produced was not so affected by any other disease or pest as to render it unsuitable for seed purposes.

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(a) S.I. 1973/1060, amended by S.I. 1974/1159.

(b) S.R. and O. (N.I.) 1973 No. 266.

(c) S.I. 1973/1059.

(d) S.R. and O. (N.I.) 1968 No. 258, amended by S.R. and O. (N.I.) 1973 No. 420.

## PART III

## FODDER PLANTS

*Quantity*

1.—(1) During the year beginning with the making of the application the following amounts of seed shall be delivered:—

For a ryegrass variety	1 kilogram
For a timothy variety	500 grams
For a cocksfoot variety	1 kilogram
For a tall fescue variety	1 kilogram
For a meadow fescue variety	1 kilogram
For a red fescue variety	500 grams
For a velvet bent variety	1 kilogram
For a red top variety	1 kilogram
For a creeping bent variety	1 kilogram
For a brown top variety	1 kilogram
For a wood meadowgrass variety	1 kilogram
For a swamp meadowgrass variety	1 kilogram
For a smooth-stalked meadowgrass variety	1 kilogram
For a rough-stalked meadowgrass variety	1 kilogram
For a lucerne variety	1 kilogram
For a red clover variety	1 kilogram
For a white clover variety	500 grams
For a lupin variety	4 kilograms
For a fenugreek variety	45 grams
For a fodder kale variety	1 kilogram
For a swede variety	100 grams

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Controller to be necessary or desirable for the proper completion of the tests and trials.

*Packing*

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



*Quality*

## 3. The seed shall comply with the following standards:

Kind	Minimum germination (% by number of pure seeds or pure pellets)(a)(b)	Maximum hard seed content (% by number of pure seeds or pure pellets)(a)	Minimum analytical purity (% by weight)	Maximum content of seeds of other plant species (% by weight)
Perennial ryegrass	86	—	96	1.5
Other ryegrasses	82	—	96	1.5
Timothy	86	—	96	1.5
Cocksfoot	86	—	90	1.5
Tall fescue	86	—	95	1.5
Meadow fescue	86	—	95	1.5
Red fescue (including chewings fescue)	82	—	90	1.5
Red top	80	—	90	2.0
Velvet bent, creeping bent and brown top	75	—	90	2.0
Meadowgrasses	75	—	85	2.0
Red clover	80	20	97	1.5
White clover	80	40	97	1.5
Lucerne	80	40	97	1.5
Blue lupin	75	20	98	0.5
Other lupins	80	20	98	0.5
Fenugreek	80	—	95	1.0
Fodder kale	86	—	98	1.0
Swede	86	—	98	1.0

(a) Up to the maximum content indicated, hard seeds present shall be considered as seeds capable of germination.

(b) All fresh and healthy seeds which do not germinate after pre-treatment shall be considered as seeds which have germinated.

Kind	Weight of sample for determination of foreign seeds by number (gms)	Maximum permitted content of seed impurities (by number or as a percentage by weight)					
		Wild oat or dodder No.	<i>Rumex</i> spp. (docks and sorrels) excluding <i>R. acetosella</i> (sheep's sorrel) and <i>R. maritimus</i> (golden dock) No.	Blackgrass %	Couchgrass %	<i>Melilotus</i> spp. %	Maximum content of any one other plant species %
1	2	3	4	5	6	7	8
Ryegrasses (a)	60	0 (b)	20	0.3	0.5	—	1.0
Timothy	10	0 (b)	5	0.3	0.3	—	1.0
Cocksfoot	30	0 (b)	10	0.3	0.3	—	1.0
Tall fescue	50	0 (b)	20	0.3	0.5	—	1.0
Meadow fescue (c)	50	0 (b)	20	0.3	0.5	—	1.0
Red fescue (including chewings fescue)	30	0 (b)	10	0.3	0.5	—	1.0
Red top	5	0 (b)	2	0.3	0.3	—	1.0
Velvet bent, creeping bent and brown top	5	0 (b)	2	0.3	0.3	—	1.0
Meadowgrasses	5	0 (b)	2	0.3	0.3	—	1.0(d)
Red clover	50	0	20	—	—	0.3	1.0
White clover	20	0	10	—	—	0.3	1.0
Lucerne	50	0	20	—	—	0.3	1.0
Blue lupin (e)	1000	0	20	—	—	0.3	0.3 (f)
Other lupins (e)	1000	0	20	—	—	0.3	0.3 (f)
Fodder kale	100	0 (b)	20	—	—	—	0.5
Swede	100	0 (b)	20	—	—	—	0.5

(a) In perennial ryegrass awned ryegrass seeds shall not exceed 1% by weight in seeds of a variety known not to produce seed with awns.

(b) 1 seed of dodder in a sample of the size specified in column 2 shall not be regarded as an impurity if a second sample of the same weight is free from dodder.

(c) In meadow fescue there shall be no more than a total of 20 seeds of ryegrass in a sample of the size specified in column 2.

(d) In meadowgrasses a maximum of 0.8% by weight of seeds of other meadowgrasses shall not be regarded as an impurity.

(e) In lupins the percentage by number of bitter lupin seeds in sweet varieties shall not exceed 3.0 and the percentage by number of seeds of another colour shall not exceed 2.0 in bitter lupins and 1.0 in other lupins.

(f) In lupins the presence of a maximum of 0.5% by weight in total of seeds of other lupins, Hungarian, common or hairy vetch, field pea and field bean shall not be regarded as an impurity.

*Dressings and Treatments*

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

## PART IV

## OIL AND FIBRE PLANTS

*Quantity*

1.—(1) During the year beginning with the making of the application the following amounts of seed shall be delivered:—

For a flax or linseed variety	1·5 kilogram
For an oenothera variety	6 grams
For a swede rape including oilseed rape variety	1 kilogram
For a white mustard variety	1 kilogram
For a brown or black mustard variety	1 kilogram

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Controller to be necessary or desirable for the proper completion of the tests and trials.

*Packing*

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

## Quality

## 3.—(1) The seed shall comply with the following standards:—

Kind	Analytical Purity			Maximum content by number of seeds of other plant species in a sample of the following weight:						
	Minimum germination (% of pure seed)	Minimum analytical purity (% by weight)	Maximum content of other plant species (% by weight)	Other plant species	Wild oat ( <i>Avena fatua</i> , <i>A. ludoviciana</i> , <i>A. sterilis</i> )	Dodder ( <i>Cuscuta</i> spp.)	Wild Radish ( <i>Raphanus raphanistrum</i> )	<i>Rumex</i> spp. (docks and sorrels) excluding <i>R. acetosella</i> (sheep's sorrel) and <i>R. maritimus</i> (golden dock)	Black Grass ( <i>Alopecurus myosuroides</i> )	<i>Lolium remotum</i>
Swede rape including Oilseed rape	85	98	0.3	—	0	0	10	20	—	—
Flax	92	99	—	15	0	0	—	—	4	2
Linseed	85	99	—	15	0	0	—	—	4	2
Oenothera	85	—	—	—	—	—	—	—	—	—
White mustard	85	98	0.3	—	0	0 (a)	10	20	—	—
Brown and Black mustard	85	98	0.3	—	0	0	10	20	—	—

(a) One seed of dodder in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of dodder.

(2) The seeds shall be of a satisfactory state of health as far as seed-borne organisms and diseases affecting the seeds are concerned. In particular the seeds shall not exceed the following standards:—

Kind	Harmful Organisms		
	Maximum percentage by number of seeds contaminated by harmful organisms (total per column)		<i>Sclerotinia sclerotiorum</i> (maximum number of <i>sclerotia</i> or fragments of <i>sclerotia</i> in a sample of the weight specified in column 4 of Schedule 3)
	<i>Botrytis</i> spp.	<i>Alternaria</i> spp., <i>Phoma exigua</i> var. <i>linicola</i> , <i>Colletotrichum lini</i> , <i>Fusarium</i> spp.	
Swede rape including Oilseed rape	—	—	5
Flax & Linseed	5	5 (a)	—
White Mustard	—	—	5

(a) In flax the maximum percentage by number of seeds contaminated by *Phoma exigua* var. *linicola* shall not exceed 1%.

*Dressings and Treatments*

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

## PART V

## VEGETABLES (including Field Beans and Field Peas)

*Quantity*

1.—(1) During the year beginning with the making of the application the following amounts of seed shall be delivered:—

For a pea variety (including a field pea variety)	3 kilograms
For a French bean variety	4 kilograms
For a runner bean variety	11 kilograms
For a broad bean variety	23 kilograms
For a field bean variety	11 kilograms
For a lettuce variety	115 grams
For a celery or celeriac variety	10 grams
For a marrow variety	230 grams
For a Brussels sprout variety	125 grams
For a cabbage variety	125 grams
For a cauliflower variety	125 grams
For a turnip variety	150 grams
For a beetroot variety	450 grams

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Controller to be necessary or desirable for the proper completion of the tests and trials.

*Packing*

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

*Quality*

3. The seed shall comply with the following standards:—

Kind	Minimum germination (% by number of pure seeds)	Minimum analytical purity (% by weight)	Max. content of seeds of other plant species (% by weight)
Peas (including field peas)	80	98	0.1
French Beans	75	98	0.1
Runner Beans	80	98	0.1
Broad Beans	80	98	0.1
Field Beans	85	98	0.5
Lettuce	75	95	0.5
Celery and Celeriac	70	97	1.0
Marrows	75	98	0.1
Brussels Sprouts	75	97	1.0
Cabbages	75	97	1.0
Cauliflowers	70	97	1.0
Turnips	80	97	1.0
Beetroot	70	97	0.5

*Health*

4. The seeds shall be of a satisfactory state of health in so far as seed-borne diseases and organisms affecting the seeds are concerned.

*Dressings and Treatments*

5. The seed shall not have been subjected to any fungicidal or insecticidal treatment and shall not be pelleted.

## PART VI

## TOP FRUIT AND ROOTSTOCKS

*Quantity*

1.—(1) The following shall be delivered:

(2) *Apples*

Two trees on M.9 or M.26 and two trees on MM.106 rootstocks. The trees shall be not less than two and not more than three years old. Alternatively, if the Controller shall so allow, scion or bud wood sufficient to produce four trees may be delivered instead of the two trees as mentioned above.

(3) *Pears*

Three trees on Quince A rootstock, double-worked where necessary. The trees shall be not less than two and not more than three years old. Alternatively, if the Controller shall so allow, scion or bud wood sufficient to produce four trees may be delivered instead of the three trees as mentioned above.

(4) *Plums and Damsons*

Three trees on St. Julien A rootstocks. The trees shall not be less than two and not more than three years old. Alternatively, if the Controller shall so allow, scion or bud wood sufficient to produce four trees may be delivered instead of the three trees as mentioned above.

(5) *Cherries*

Three trees on F12/1 or Colt rootstocks. The trees shall be not less than two and not more than three years old.

(6) *Apple rootstocks, Pear rootstocks, Plum and Damson rootstocks and Cherry rootstocks*

Twenty-five well-rooted rootstocks of not less than 7 mm in diameter selected from the stool or layer bed.

*Health*

2.—(1) *Complete trees and rootstocks*

- (a) The trees and rootstocks shall not show symptoms of any virus disease.
- (b) The trees and rootstocks shall be healthy. They shall not be lacking in vigour, or affected by any pests or diseases.

(2) *Scion or bud wood*

Scion or bud wood shall be the produce either of a tree of the variety growing on its own roots or of a tree of the variety which satisfies the requirements set out in paragraph 2(1)(a) and (b) above.

PART VII

SOFT FRUIT

*Quantity*

1.—(1) The following shall be delivered:

(2) *Black Currants*

Twelve visually healthy two-year old bushes.

(3) *Gooseberries*

Five visually healthy two-year old bushes.

(4) *Raspberries*

Twenty-five visually healthy canes.

(5) *Strawberries*

Five visually healthy runners or five micro plants in vitro.

(6) *Raspberry x blackberry hybrids*

Ten visually healthy young plants.



## PART VIII

## RHUBARB

*Quantity*

1. Four plants of the parent stock sufficient to provide twelve single bud roots.

*Health*

2. The plant material shall be visually healthy and shall not be lacking in vigour or affected by pests or diseases.

## PART IX

## HOPS

*Quantity*

1. Six one year bedded sets shall be delivered.

*Health*

2.—(a) The sets shall not show symptoms of any virus disease.

(b) The sets shall be healthy. They shall not be lacking in vigour or affected by pests or diseases.

## PART X

## CONIFERS AND TAXADS

*Quantity*

Four visually healthy vegetatively reproduced trees or shrubs typical of the variety, each at least two but not more than five years old, shall be delivered.

## PART XI

## TREES, SHRUBS AND WOODY CLIMBERS

*Quantity*

There shall be delivered in the numbers indicated in respect of varieties of the genera or species specified below, visually healthy, vegetatively reproduced trees, shrubs, or woody climbers, as the case may be, typical of the variety and each at least two but not more than four years old.

<i>Genera or species</i>	<i>Number of trees shrubs or woody climbers to be delivered</i>
<i>Calluna</i> Salisb.	12
<i>Daboecia</i> D. Don	12
<i>Erica carnea</i> L., <i>Erica ciliaris</i> L., <i>Erica cinerea</i> L., <i>Erica x darleyensis</i> Bean, <i>Erica mackaiana</i> Bab., <i>Erica mediterranea</i> Hort., <i>Erica x praegeri</i> Ostenf., <i>Erica tetralix</i> L., <i>Erica vagans</i> L., <i>Erica x watsonii</i> Benth., <i>Erica williamsii</i> Druce	12
<i>Erica arborea</i> L., <i>Erica australis</i> L., <i>Erica lusitanica</i> Rudolfi, <i>Erica scoparia</i> L., <i>Erica terminalis</i> Salisb., <i>Erica x veitchii</i> Bean	4
<i>Menziesia</i> Sm.	4
<i>Andromeda</i> L.	3
<i>Arctostaphylos</i> Adans.	3
<i>Buxus</i> L.	3
<i>Caryopteris</i> Bunge	3
<i>Cassiope</i> D. Don	3
<i>Ceratostigma</i> Bunge excluding <i>C.</i> <i>plumbaginoides</i> Bunge	3
<i>x Gaulnettya</i> W. J. Marchant	3
<i>Gaultheria</i> Kalm ex L.	3
<i>Helianthemum</i> Mill.	3
<i>Lavandula</i> L.	3
<i>Pernettya</i> Gaudich	3
<i>Ruta</i> L.	3
<i>Salvia officinalis</i> L.	3
<i>Sarcococca</i> Lindl excluding <i>S. saligna</i> Muell.	3
<i>Teucrium fruticans</i> L.	3
<i>Vaccinium</i> L. excluding <i>V. corymbosum</i> L.	3
<i>Vinca major</i> L.	3
<i>Vinca minor</i> L.	3
All others not specified above	2

## PART XII

## DECORATIVES

*Quantity*

1.—(1) The following shall be delivered:

(2) *Carnations*

(a) *Border carnations and pinks*

Ten visually healthy young plants, typical of the variety.

(b) *Perpetual flowering carnations*

Seventy-five unrooted, visually healthy cuttings, each furnished with at least four but not more than five clearly visible internodes.

(3) *Perennial Chrysanthemums*

(a) *Year round varieties*

Fifty visually healthy cuttings of normal commercial standard.

(b) *Other varieties*

Twenty-five visually healthy cuttings of normal commercial standard.

(4) *Dahlias*

Four plants of each disbudded variety and ten plants of each dwarf bedding variety. The plants shall be typical of the variety and young, visually healthy, green plants.

(5) *Perennial Delphiniums*

Four visually healthy, well-rooted cuttings, typical of the variety.

(6) *Freesias*

Twenty-five visually healthy corms of flowering size, typical of the variety.

(7) *Gladioli*

Twelve visually healthy corms of flowering size, typical of the variety shall be delivered each year.

(8) *Narcissi*

Ten visually healthy single nosed bulbs, typical of the variety.

(9) *Rhododendrons*

(a) *Varieties to be flowered outdoors*

Three plants each with at least three flower buds.

(b) *Pot plant varieties*

Thirty plants, twice pinched.

(10) *Roses*

In the case of a bush variety six trees, in the case of a shrub variety four trees and in the case of a climbing or a ground cover variety two trees. The trees shall be first quality visually healthy maiden trees typical of the variety. If the Controller is satisfied that maiden trees cannot be supplied, two-year old trees may be delivered.

(11) *Herbaceous perennials*

Four visually healthy vegetatively reproduced plants typical of the variety, each one year old.

(12) *Cymbidiums*

One mature plant in full flower.

(13) *Pelargoniums*

Ten rooted or unrooted cuttings.

(14) *Streptocarpus*

Five full grown plants.

(15) *Lilies*

Ten visually healthy bulbs of flowering size.

(16) *Elatior begonias*

Thirty healthy young plants with no visible evidence of flower buds. The plants shall not have been treated with a growth regulator.

(17) *Saintpaulia*

Twenty healthy young plants.”

## EXPLANATORY NOTE

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

These regulations revoke the Plant Breeders' Rights (Amendment) Regulations 1980 which substituted a new Schedule 3 for Schedule 3 to the Plant Breeders' Rights Regulations 1978. They also amend the 1978 Regulations as follows:--

1. Regulation 12(1)(ii) now provides that in the case of an application for plant breeders' rights in respect of a variety of a genus or species specified in Schedule 3 to the 1978 regulations (which Schedule is substituted by the Schedule to these regulations) reproductive and other plant material of other plant varieties shall be delivered or produced to the Controller if required by him.

2. Regulation 12(3) has been amended so that where in relation to an application for plant breeders' rights the applicant fails to comply within 14 days with a requirement of the Controller relating to the provision of information, plant material or facilities for inspection or examination the application shall be deemed to have been abandoned. Before this amendment, the Controller was obliged to give the applicant notice after the time allowed for compliance with such a requirement that the application would be deemed to have been abandoned if the requirement was not complied with within a specified time being not less than 14 days.

3. Schedule 3 has been substituted by the Schedule to these regulations. Schemes have been made to enable plant breeders' rights to be granted in respect of triticale, fodder kale, swedes, white, brown and black mustards, raspberry x blackberry hybrids, elatior begonias and saintpaulia, and the changes in this Schedule specify the reproductive and other plant material which must be delivered or produced to the Controller when an application is made for a grant of plant breeders' rights in respect of plant varieties of those kinds.

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