

1985 No. 1529
SEEDS
**The Seeds (National Lists of Varieties) (Amendment) Regulations
1985**

<i>Made - - - -</i>	30th September 1985
<i>Laid before Parliament</i>	14th October 1985
<i>Coming into Operation</i>	
Regulation 5	On dates specified in regulation 2(2)
Remainder	4th November 1985

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), (5) and (8) of 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 the Plant Varieties and Seeds (Northern Ireland) Order 1973(c) and now vested in them(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 in accordance with section 16(1) of the said Act of 1964, hereby make the following regulations:—

Title

1. These regulations may be cited as the Seeds (National Lists of Varieties) (Amendment) Regulations 1985.

Commencement and duration

2.—(1) These regulations, except regulation 5, shall come into operation on 4th November 1985.

(2) Of regulation 5 of these regulations—

- (a) paragraph (1)(a) shall come into operation on 1st August 1986 and shall cease to have effect on 1st August 1987;
- (b) paragraph (1)(b) shall come into operation on 1st August 1987; and
- (c) paragraph (2) shall come into operation on 1st August 1986.

(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) S.I. 1964/1574.

(c) S.I. 1973/609.

(d) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Seeds (National Lists of Varieties) Regulations 1982 ("the 1982 regulations"). The changes of substance made by these regulations are as follows:—

1. Regulations 4(1) and 31(1) of the 1982 regulations have been amended to apply also to varieties which are intended for use only as hereditary sources of hybrid varieties. Thus the Ministers now have a duty to prepare and publish in the Plant Varieties and Seeds Gazette National Lists of Plant Varieties intended for use as hereditary sources, and such varieties can no longer be marketed except in accordance with regulation 31 of the 1982 regulations (regulations 4(1) and 7(1)).

2. In accordance with regulation 11(3) of the 1982 regulations no application is entertained for the entry in a National List of an oats, wheat or barley variety unless the applicant has submitted with the application the results of three replicated trials of that variety. This requirement has been amended to the effect that the number of trials of which results must be submitted with an application is increased to five for a period of one year from 1st August 1986 and, from 1st August 1987 onwards, to six (regulation 5(1)).

3. A new sub-paragraph (c) has been added to regulation 11(3) of the 1982 regulations which requires that no application be entertained for the entry in a National List of a potato variety unless the applicant submits to the Ministers with the application the results of four replicated yield performance trials and of certain other tests (regulation 5(2)).

4. The regulations make it an offence to market for a certain period, a plant variety which is entered in a National List only for the purpose of export to a member State, unless that variety is intended to be delivered (in pursuance of a sale or proposed sale) in a member State or otherwise elsewhere than in the United Kingdom or is to be used for certain other specified purposes (regulation 7(2)).

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Amendment of principal regulations

3. The Seeds (National Lists of Varieties) Regulations 1982(a) shall be amended in accordance with the following provisions of these regulations.

4.—(1) In paragraph (1) of regulation 4 (National Lists) the words “hybrid or” shall be deleted.

(2) After paragraph (2) of that regulation there shall be inserted the following paragraph—

“(3) Where a plant variety to which paragraph 5(c) of Schedule 2 applies is entered in a National List, the National List shall indicate the purpose for which that variety is so entered.”

5.—(1) In paragraph (3)(a) of regulation 11 (applications)—

(a) with effect from 1st August 1986, for the word “three” there shall be substituted the word “five”; and

(b) with effect from 1st August 1987, for the word “five” (as substituted by paragraph (3)(a) above) there shall be substituted the word “six”.

(2) After paragraph (3)(b) of that regulation there shall be inserted, with effect from 1st August 1986, the following sub-paragraph—

“(c) potatoes, unless the applicant submits to the Ministers with the application the results of—

(i) four replicated trials of that variety conducted in the United Kingdom, such results being expressed relative to the control varieties named by the Ministers and published in the gazette and to such other named control varieties as the applicant shall choose, and relating to yield with the standard error of the variety mean yield for each trial; and

(ii) such tests for disease and pest resistance, general characteristics and consumer quality as the Minister may from time to time require.”

6. In paragraph (1) of regulation 27 (representations and hearings) the words “by the Ministers” shall be deleted.

7.—(1) In paragraph (1) of regulation 31 (dealings in seeds of plant varieties) the words “hybrid or” shall be deleted.

(2) After paragraph (2) of that regulation there shall be inserted the following paragraph—

“(3) Where the entry of a plant variety in a National List indicates that it is so entered only for the purpose of ultimate export to a member State no person shall market seeds of that variety before the expiry of a period ending on 31st December of the second year following that in which that variety was

(a) S.I. 1982/844.

first entered in any such list or the entry of that variety in a Common Catalogue (whichever is the earlier) unless—

- (a) in pursuance of a sale or proposed sale the seed is, or is intended to be delivered in a member State or otherwise elsewhere than in the United Kingdom; or
- (b) the seed is used or to be used for any of the purposes referred to in regulation 32(2)(b) or (c).”

8. In paragraph (1)(c) of regulation 35 (National List record) for the words in brackets there shall be substituted the following words—

“(except in the case of the varieties specified in paragraph 5 of Schedule 2)”

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd September 1985.



Michael Jopling,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

26th September 1985.

Wyn Roberts,
Parliamentary Under-Secretary of State for
Wales.

24th September 1985.

Tom King,
Secretary of State for Northern Ireland.

30th September 1985.