
STATUTORY INSTRUMENTS

1994 No. 676

SEEDS

The Seeds (National Lists of Varieties) (Fees) Regulations 1994

Made - - - - *9th March 1994*
Laid before Parliament *11th March 1994*
Coming into force - - *1st April 1994*

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 on them by sections 16(1), (1A)(e) and (8) and 36 of the Plant Varieties and Seeds Act 1964⁽¹⁾ as extended to Northern Ireland⁽²⁾ 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 that Act, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Seeds (National Lists of Varieties) (Fees) Regulations 1994 and shall come into force on 1st April 1994.

Commencement Information

II Reg. 1 in force at 1.4.1994, see [reg. 1](#)

Interpretation

2.—(1) 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;

[^{F1}“the National Authorities” means the Secretary of State, the National Assembly for Wales, the Scottish Ministers and the Department of Agriculture and Rural Development, acting jointly;]

(1) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68) section 4(1) and Schedule 4, paragraph 5(1), (2) and (3); see section 38(1) (as amended by S.I.1978/272) for the definition of “the Ministers” and section 39(3)(a) for an extension to include the Secretary of State concerned with agriculture in Northern Ireland.

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

Status: Point in time view as at 01/12/2001.

Changes to legislation: There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) (Fees) Regulations 1994. (See end of Document for details)

“National List” means a list of plant varieties prepared and published in accordance with the principal Regulations;

“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 that Part of the Act to enable a grant of such rights;

“the principal Regulations” means the Seeds (National Lists of Varieties) Regulations 1982(3);

“renewal fee” means a fee payable in respect of the retention of a plant variety in a National List.

(2) Any reference in these Regulations to a numbered Schedule shall be construed as a reference to the Schedule bearing that number in these Regulations.

Textual Amendments

F1 Words in reg. 2(1) substituted (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, 24(1)(c)(i)

Commencement Information

I2 Reg. 2 in force at 1.4.1994, see reg. 1

Payment of fees

3.—(1) Subject to [F2 paragraph (2)] below, a person making an application under the principal Regulations shall pay to the Minister in respect of matters arising under those Regulations—

F3(a)

F3(b)

F3(c)

F3(d)

(e) the fees payable in respect of the matters referred to in the first column of Schedule 5, being the new fees set out in the third column of the said Schedule 5 opposite the respective references to those matters, such fees being payable at the times specified in respect of each such matter in the second column of the said Schedule 5.

F4(2)

F5(2A)

F6(3)

F7(4)

Textual Amendments

F2 Words in reg. 3(1) substituted (1.4.1997) by The Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1997 (S.I. 1997/383), regs. 1, 2(a)(i)

F3 Reg. 3(1)(a)-(d) revoked (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, 24(1)(b) (with reg. 24(15))

F4 Reg. 3(2) revoked (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, 24(1)(b) (with reg. 24(15))

(3) S.I.1982/844 amended by S.I.1985/1529, 1989/1314, 1990/1353, 1992/1615.

- F5** Reg. 3(2A) revoked (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, **24(1)(b)** (with reg. 24(15))
- F6** Reg. 3(3) omitted (1.4.1997) by virtue of The Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1997 (S.I. 1997/383), regs. 1, **2(a)(ii)**
- F7** Reg. 3(4) revoked (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, **24(1)(b)** (with reg. 24(15))

Commencement Information

- I3** Reg. 3 in force at 1.4.1994, see **reg. 1**

Renewal fees

- F8** 4.

Textual Amendments

- F8** Reg. 4 revoked (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, **24(1)(b)**

Commencement Information

- I4** Reg. 4 in force at 1.4.1994, see **reg. 1**

Revocation

5. The Seeds (National Lists of Varieties) (Fees) Regulations 1990(**4**), the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1991(**5**) and the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1993(**6**) are revoked.

Commencement Information

- I5** Reg. 5 in force at 1.4.1994, see **reg. 1**

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

(4) S.I. 1990/617.
(5) S.I. 1991/657.
(6) S.I. 1993/416.

Status: Point in time view as at 01/12/2001.

Changes to legislation: There are currently no known outstanding effects for the The Seeds
(National Lists of Varieties) (Fees) Regulations 1994. (See end of Document for details)

John Redwood
Secretary of State for Wales

Patrick Mayhew
Secretary of State for Northern Ireland

Status: Point in time view as at 01/12/2001.

Changes to legislation: There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) (Fees) Regulations 1994. (See end of Document for details)

SCHEDULE 1

Regulation 3(1)(a)

FEE PAYABLE ON AN APPLICATION FOR ENTRY
OF A PLANT VARIETY IN A NATIONAL LIST

F9

Textual Amendments

F9 Sch. 1 revoked (1.12.2001) by [The Seeds \(National Lists of Varieties\) Regulations 2001 \(S.I. 2001/3510\)](#), regs. 1, **24(1)(b)**

SCHEDULE 2

Regulation 3(1)(b)

FEE PAYABLE IN RESPECT OF TESTS FOR DISTINCTNESS,
UNIFORMITY AND STABILITY OF A PLANT VARIETY WHICH IS THE
SUBJECT OF AN APPLICATION FOR ENTRY IN A NATIONAL LIST

F10

Textual Amendments

F10 Sch. 2 revoked (1.12.2001) by [The Seeds \(National Lists of Varieties\) Regulations 2001 \(S.I. 2001/3510\)](#), regs. 1, **24(1)(b)**

SCHEDULE 3

Regulation 3(1)(c)

FEE PAYABLE IN RESPECT OF TRIALS FOR VALUE FOR
CULTIVATION AND USE OF A PLANT VARIETY WHICH IS THE
SUBJECT OF AN APPLICATION FOR ENTRY IN A NATIONAL LIST

F11

Textual Amendments

F11 Sch. 3 revoked (1.12.2001) by [The Seeds \(National Lists of Varieties\) Regulations 2001 \(S.I. 2001/3510\)](#), regs. 1, **24(1)(b)**

SCHEDULE 4

Regulation 3(1)(d)

RENEWAL FEES

F12

Status: Point in time view as at 01/12/2001.

Changes to legislation: There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) (Fees) Regulations 1994. (See end of Document for details)

Textual Amendments

F12 Sch. 4 revoked (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, **24(1)(b)**

[^{F13}SCHEDULE 5

Regulation 3(1)(e)

FEES PAYABLE IN RESPECT OF OTHER MATTERS

Textual Amendments

F13 Schs. 1-5 substituted (30.4.1999) by The Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1999 (S.I. 1999/1090), reg. 1, **Sch.**

<i>Matter</i>	<i>When payable</i>	<i>Amount</i>	
		<i>New Fee</i> £	<i>Old Fee</i> £ ^(*)
F14	F14	F14	F14
1. . . .	. . .	. . .	. . .
2. Making written representations to [F15the National Authorities]	On delivering the representations	30	(30)
3. Attending to be heard by a person appointed by [F16the National Authorities]	Before the hearing	60	(55)
F17	F17	F17	F17
4. . . .	. . .	. . .	. . .
F18	F18	F18	F18
5. . . .	. . .	. . .	. . .
F19	F19	F19	F19
6. . . .	. . .	. . .	. . .

(*) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1999 (S.I. 1999/1090) on 30th April 1999.]

Textual Amendments

F14 Sch. 5 para. 1 revoked (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, **24(1)(b)**

F15 Words in Sch. 5 para. 2 substituted (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, **24(1)(c)(ii)**

F16 Words in Sch. 5 para. 3 substituted (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, **24(1)(c)(ii)**

- F17** Sch. 5 para. 4 revoked (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, **24(1)(b)**
- F18** Sch. 5 para. 5 revoked (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, **24(1)(b)**
- F19** Sch. 5 para. 6 revoked (1.12.2001) by The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510), regs. 1, **24(1)(b)**

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations revoke and re-enact, with amendments, the Seeds (National Lists of Varieties) (Fees) Regulations 1990, as amended. They prescribe fees in respect of various matters arising under the Seeds (National Lists of Varieties) Regulations 1982, as amended (regulation 3 and Schedules 1 to 5).

Application and Renewal fees have been reduced by approximately 10 per cent. Test fees have been reduced by approximately 20%. Other fees are unchanged except that trial fees have been reintroduced (Schedule 3).

The Regulations continue to make provision for the non-payment of fees by an applicant who has paid the fees prescribed by regulations made under the Plant Varieties and Seeds Act 1964 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 (regulation 3(2)). They also provide that, in relation to certain varieties, the payment of a fee in respect of trials for value for cultivation and use need only be made when the seeds used for such trials are sown on or before 31st May 1994 (regulation 3(3)).

A Compliance Cost Assessment has been prepared and a copy has been placed in the library of the House.

Status:

Point in time view as at 01/12/2001.

Changes to legislation:

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