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STATUTORY INSTRUMENTS

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**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<sup>(1)</sup> as extended to Northern Ireland<sup>(2)</sup> 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;

[<sup>F1</sup>“the appropriate authority” means the Secretary of State, the Welsh Ministers and the Scottish Ministers, acting jointly;]

[<sup>F1</sup>“DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;]

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(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).

[<sup>F1</sup>“GB Variety List” means a list of plant varieties prepared and published in accordance with the Seeds (National Lists of Varieties) Regulations 2001;]

“maintainer” means a person indicated in a [<sup>F2</sup>GB Variety List or a NI Variety List] as responsible for the maintenance of a plant variety;

F3  
...

F3  
...

[<sup>F4</sup>“NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having effect corresponding to that of the Seeds (National Lists of Varieties) Regulations 2001;]

“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;

F3  
...

[<sup>F5</sup>“the relevant authority” means, in relation to Great Britain, the appropriate authority and, in relation to Northern Ireland, DAERA;]

[<sup>F5</sup>“the relevant legislation” means, in relation to Great Britain, the Seeds (National Lists of Varieties) Regulations 2001 and, in relation to Northern Ireland, any legislation having effect corresponding to that of the Seeds (National Lists of Varieties) Regulations 2001;]

“renewal fee” means a fee payable in respect of the retention of a plant variety in a [<sup>F6</sup>GB Variety List or a NI Variety 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.

<b>F1</b>	Words in <a href="#">reg. 2(1)</a> inserted (31.12.2020) by <a href="#">The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294)</a> , <a href="#">regs. 1(2)(b)</a> , <b>2(2)(a)</b>
<b>F2</b>	Words in <a href="#">reg. 2(1)</a> substituted (31.12.2020) by <a href="#">The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294)</a> , <a href="#">regs. 1(2)(b)</a> , <b>2(2)(b)</b>
<b>F3</b>	Words in <a href="#">reg. 2(1)</a> omitted (31.12.2020) by virtue of <a href="#">The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294)</a> , <a href="#">regs. 1(2)(b)</a> , <b>2(2)(c)</b>
<b>F4</b>	Words in <a href="#">reg. 2(1)</a> inserted (31.12.2020) by <a href="#">The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294)</a> , <a href="#">regs. 1(2)(b)</a> , <b>2(2)(d)</b>
<b>F5</b>	Words in <a href="#">reg. 2(1)</a> inserted (31.12.2020) by <a href="#">The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294)</a> , <a href="#">regs. 1(2)(b)</a> , <b>2(2)(e)</b>
<b>F6</b>	Words in <a href="#">reg. 2(1)</a> substituted (31.12.2020) by <a href="#">The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294)</a> , <a href="#">regs. 1(2)(b)</a> , <b>2(2)(f)</b>
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<b>Commencement Information</b>	
<b>I2</b>	Reg. 2 in force at 1.4.1994, see <a href="#">reg. 1</a>

**Payment of fees**

3.—(1) [<sup>F7</sup>A person making an application under the relevant legislation must pay to the relevant authority in respect of matters arising under that legislation—]

<sup>F8</sup>(a) .....

<sup>F8</sup>(b) .....

<sup>F8</sup>(c) .....

**F8**(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.

**F9**(2) .....

**F10**(2A) .....

**F11**(3) .....

**F12**(4) .....

- F7** Words in [reg. 3\(1\)](#) substituted (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), [regs. 1\(2\)\(b\)](#), [2\(3\)](#)
- F8** [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\(15\)](#))
- F9** [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\(15\)](#))
- F10** [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\(15\)](#))
- F11** [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\(a\)\(ii\)](#)
- F12** [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**

**F13**4. ....

- F13** [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\(3\)](#), the [Seeds \(National Lists of Varieties\) \(Fees\) \(Amendment\) Regulations 1991\(4\)](#) and the [Seeds \(National Lists of Varieties\) \(Fees\) \(Amendment\) Regulations 1993\(5\)](#) are revoked.

**Commencement Information**

**I5** [Reg. 5](#) in force at 1.4.1994, see [reg. 1](#)

(3) [S.I. 1990/617](#).  
(4) [S.I. 1991/657](#).  
(5) [S.I. 1993/416](#).

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**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)

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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

*John Redwood*  
Secretary of State for Wales

*Patrick Mayhew*  
Secretary of State for Northern Ireland

SCHEDULE 1

Regulation 3(1)(a)

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

F14 .....

**F14** 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

F15 .....

**F15** 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

F16 .....

**F16** 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

F17 .....

**F17** Sch. 4 revoked (1.12.2001) by [The Seeds \(National Lists of Varieties\) Regulations 2001 \(S.I. 2001/3510\)](#), regs. 1, **24(1)(b)**

**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)

[<sup>F18</sup>SCHEDULE 5

Regulation 3(1)(e)

## FEES PAYABLE IN RESPECT OF OTHER MATTERS

**F18** 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 New Fee £</i>	<i>Old Fee £<sup>(*)</sup></i>
<b>F19</b>	<b>F19</b>	<b>F19</b>	<b>F19</b>
1. . . .	. . .	. . .	. . .
2. Making written representations to [ <sup>F20</sup> relevant authority]	On delivering the representations to	30	<i>(30)</i>
3. Attending to be heard by a person appointed by [ <sup>F20</sup> relevant authority]	Before the hearing	60	<i>(55)</i>
<b>F21</b>	<b>F21</b>	<b>F21</b>	<b>F21</b>
4. . . .	. . .	. . .	. . .
<b>F22</b>	<b>F22</b>	<b>F22</b>	<b>F22</b>
5. . . .	. . .	. . .	. . .
<b>F23</b>	<b>F23</b>	<b>F23</b>	<b>F23</b>
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.]

**F19** Sch. 5 para. 1 revoked (1.12.2001) by [The Seeds \(National Lists of Varieties\) Regulations 2001 \(S.I. 2001/3510\)](#), regs. 1, [24\(1\)\(b\)](#)

**F20** Words in Sch. 5 substituted (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), [2\(4\)](#)

**F21** Sch. 5 para. 4 revoked (1.12.2001) by [The Seeds \(National Lists of Varieties\) Regulations 2001 \(S.I. 2001/3510\)](#), regs. 1, [24\(1\)\(b\)](#)

**F22** Sch. 5 para. 5 revoked (1.12.2001) by [The Seeds \(National Lists of Varieties\) Regulations 2001 \(S.I. 2001/3510\)](#), regs. 1, [24\(1\)\(b\)](#)

**F23** Sch. 5 para. 6 revoked (1.12.2001) by [The Seeds \(National Lists of Varieties\) Regulations 2001 \(S.I. 2001/3510\)](#), regs. 1, [24\(1\)\(b\)](#)

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## 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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) (Fees) Regulations 1994.