
STATUTORY INSTRUMENTS

1995 No. 607

SEEDS

**The Seeds (National Lists of Varieties)
(Fees) (Amendment) Regulations 1995**

<i>Made</i>	- - - -	<i>2nd March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

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) (Amendment) Regulations 1995 and shall come into force on 1st April 1995.

Amendment of the Seeds (National Lists of Varieties) (Fees) Regulations 1994

2.—(1) The Seeds (National Lists of Varieties) (Fees) Regulations 1994⁽³⁾ shall be amended in accordance with the provisions of this regulation.

(2) For regulation 3(1)(b) (concerning fees payable for tests for distinctness, uniformity and stability) there shall be substituted the following sub-paragraph—

“(b) a fee payable in respect of tests for one year for distinctness, uniformity and stability of—

- (i) a plant variety which is the subject of an application for entry in a National List, and
- (ii) any of the hereditary sources of a variety which is the subject of such an application that the Minister may require to be tested,

(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 and as read with section 39(3)(a)(ii)) for the definition of “the Ministers”.

(2) S.I. 1973/609.

(3) S.I. 1994/676.

being the new fee set out in the second column of Schedule 2 opposite the reference in the first column of the said Schedule 2 to the plant variety of the kind to which the tests relate, such fee being payable within 14 days of a demand made by the Minister;”

(3) For regulation 3(2) (concerning exemption from fees payable in respect of tests for distinctness, uniformity and stability) there shall be substituted the following paragraphs—

“(2) Subject to paragraph (2A) below, the fees prescribed in Schedule 2 shall not be payable 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.

(2A) Paragraph (2) above shall not apply to the fees prescribed in Schedule 2 in respect of any of the hereditary sources of a variety which is the subject of an application for entry in a National List.”

(4) In regulation 3(3) (concerning fees payable for trials for value for cultivation and use) after the words “31st May 1994” there shall be added the words “or on or after 1st April 1995”.

(5) For Schedule 3 there shall be substituted the provisions set out in the Schedule to these Regulations.

20th February 1995

Howe
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

17th February 1995

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

20th February 1995

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

2nd March 1995

Denton of Wakefield
Parliamentary Under Secretary of State,
Northern Ireland Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 2(5)

PROVISIONS TO BE SUBSTITUTED FOR SCHEDULE 3 TO THE
SEEDS (NATIONAL LISTS OF VARIETIES) (FEES) REGULATIONS 1994

“SCHEDULE 3

Regulation 3(1)(c)

FEES 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

PART I

Plant Variety	Amount	
	New Fee £	Old Fee £(*)
1. A maize variety	480	<i>(240)</i>
2. A potato variety	845	<i>(845)</i>
3. A ryegrass, timothy or white clover variety	340	<i>(170)</i>
4. A field pea variety	690	<i>(345)</i>
5. A flax or linseed variety	325	<i>(160[†])</i>
6. A sugar beet variety	370	<i>(185)</i>

* The figures in italics are the fees which were charged before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1995 on 1st April 1995.

† This figure represents the fee which was charged before 1st April 1995 in respect of linseed varieties.

PART II

Plant Variety	Amount	
	New Fee £	Old Fee £(*)
1. A wheat (excluding durum wheat and spelt wheat), barley or oat variety	1,085	<i>(545)</i>
2. A field bean variety	320	<i>(160)</i>
3. A spring oilseed rape variety	680	<i>(340)</i>
4. A winter oilseed rape variety	715	—

* The figures in italics are the fees which were charged before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1995 on 1st April 1995.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seeds (National Lists of Varieties) (Fees) Regulations 1994 so as to—

- (a) provide for the charging of fees for tests for distinctness, uniformity and stability in respect of any of the hereditary sources of a variety which is the subject of an application for entry in a National List that the Minister may require to be tested, including where an applicant is exempted from payment of such fees in respect of the variety itself by reason of payment of fees for tests carried out on his behalf for the purposes of a grant of plant breeders' rights (regulation 2(2) and 2(3));
- (b) provide for the charging of fees for trials for value for cultivation and use in respect of seeds used for such trials sown on or after 1st April 1995 (regulation 2(4));
- (c) prescribe revised fees payable in respect of trials for value for cultivation and use and provide for the charging of fees for such trials in respect of varieties of flax (regulation 2(5) and Schedule).

Trial fees for some crops have risen by approximately 100% and have been introduced for other crops as a result of an agreed phasing in of new charging arrangements from 1st April 1994, although trial fees for potatoes have not increased.

A Compliance Cost Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament and copies can be obtained from the Plant Variety Rights Office and Seeds Division of the Ministry of Agriculture, Fisheries and Food, White House Lane, Huntingdon Road, Cambridge CB3 0LF.