
STATUTORY INSTRUMENTS

1997 No. 383

SEEDS

**The Seeds (National Lists of Varieties)
(Fees) (Amendment) Regulations 1997**

<i>Made</i>	- - - -	<i>17th February 1997</i>
<i>Laid before Parliament</i>		<i>20th February 1997</i>
<i>Coming into force</i>	- -	<i>1st April 1997</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 1997 and shall come into force on 1st April 1997.

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

2. The Seeds (National Lists of Varieties) (Fees) Regulations 1994(3) shall be amended as follows—

- (a) in regulation 3 (payment of fees)—
 - (i) in paragraph (1), in the first line for the words “paragraphs (2) and (3)” there shall be substituted the words “paragraph (2)”;
 - (ii) paragraph (3) shall be omitted; and
- (b) for the Schedules there shall be substituted the Schedules set out in the Schedule to these Regulations.

(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, amended by S.I. 1995/607.

Status: This is the original version (as it was originally made).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

13th February 1997 *Tim Boswell*
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

14th February 1997 *Lindsay*
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

17th February 1997 *Jonathan Evans*
Parliamentary Under Secretary of State, Welsh
Office

13th February 1997 *Denton*
Parliamentary Under Secretary of State,
Northern Ireland Office

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SCHEDULE

Regulation 2

SCHEDULES TO BE SUBSTITUTED FOR THE SCHEDULES TO THE SEEDS (NATIONAL LISTS OF VARIETIES) (FEES) REGULATIONS 1994

“SCHEDULE 1

Regulation 3(1)(a)

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

<i>Plant variety</i>	<i>Amount</i>	
	<i>New fee</i> £	<i>Old fee</i> £*
1. Any variety	250	(245)

* The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1994 (S.I. 1994/676) before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1997 (S.I. 1997/383) on 1st April 1997.

SCHEDULE 2

Regulation 3(1)(b)

FEES 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

<i>Plant variety</i>	<i>Amount</i>	
	<i>New fee</i> £	<i>Old fee</i> £*
1. A cereal (excluding maize) variety	685	(665)
2. A maize variety	420	(410)
3. A potato variety	640	(620)
4. A beetroot, Brussels sprout, cabbage, carrot, celery, curly kale, leek, onion, radish, turnip or fodder variety	595	(580)
5. A field pea, vegetable pea, field bean or broad bean variety	510	(495)
6. A herbage variety	420	(410)
7. An oil and fibre (including oilseed rape) variety	420	(410)
8. A sugar beet or fodder beet variety	165	(160)

* The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1994 (S.I. 1994/676) before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1997 (S.I. 1997/383) on 1st April 1997.

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<i>Plant variety</i>	<i>Amount</i>	
	<i>New fee</i>	<i>Old fee</i>
	£	£*
9. Any other variety	215	(210)

* The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1994 (S.I. 1994/676) before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1997 (S.I. 1997/383) on 1st April 1997.

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

<i>Plant variety</i>	<i>Amount</i>	
	<i>New fee</i>	<i>Old fee</i>
	£	£()
1. A maize variety	495	(480)
2. A potato variety	870	(845)
3. A ryegrass, timothy or white clover variety	350	(340)
4. A field pea variety	710	(690)
5. A flax or linseed variety	335	(325)
6. A sugar beet variety	380	(370)
7. A festulolium variety	350	(—)
8. A wheat (excluding durum wheat and spelt wheat), barley or oat variety	1,120	(1,085)
9. A field bean variety	330	(320)
10. A spring oilseed rape variety	700	(680)
11. A winter oilseed rape variety	735	(715)

* The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1994 (S.I. 1994/676) as amended by the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1995 (S.I. 1995/607) before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1997 (S.I. 1997/383) on 1st April 1997.

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SCHEDULE 4

Regulation 3(1)(d)

RENEWAL FEES

<i>Plant variety</i>	<i>Amount</i>	
	<i>New fee</i> £	<i>Old fee</i> £*
1. A vegetable variety (excluding a vegetable pea or broad bean variety)	155	(150)
2. Any other variety (including a vegetable pea or broad bean variety)	250	(245)

* The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1994 (S.I. 1994/676) before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1997 (S.I. 1997/383) on 1st April 1997.

SCHEDULE 5

Regulation 3(1)(e)

FEES PAYABLE IN RESPECT OF OTHER MATTERS

<i>Matter</i>	<i>When payable</i>	<i>Amount</i>	
		<i>New fee</i> £	<i>Old fee</i> £*
1. Application for the substitution of a name in a National List	On making the application	25	(25)
2. Making written representations to the Ministers	On delivering the representations	25	(25)
3. Attending to be heard by a person appointed by the Ministers	Before the hearing	50	(50)
4. Purchase of a report from a testing authority in another country	Within 14 days of demand by the Minister	180	(165)
5. Observation plot-trials for value for cultivation and use	Within 14 days of demand by the Minister	125	(120)
6. Entry in a National List	Before entry in a National List	110	(105)**

* The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1994 (S.I. 1994/676) before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1997 (S.I. 1997/383) on 1st April 1997.

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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 (as amended) (“the principal Regulations”) so as to prescribe revised fees in respect of matters arising under the Seeds (National Lists of Varieties) Regulations 1982 (as amended) (regulation 2(b)).

The matters in respect of which the revised fees are prescribed are listed in the Schedule to these Regulations, and the fees which were chargeable before these Regulations came into force are printed in italics beside the revised fees.

Application, test, trial, observation plot, award and renewal fees have been increased by 3 per cent, rounded to the nearest £5. The fee for the purchase of a report from a testing authority in another country has been increased to accord with the international charge of 350 Swiss Francs. Other fees in Schedule 5 are unchanged.

The Regulations amend the principal Regulations by adding festulolium to the list of plant varieties for which fees are payable in respect of trials for value for cultivation and use.

These Regulations also remove the exception from charging for those varieties listed in Part II of Schedule 3 contained in regulation 3(3) of the principal Regulations. Part I and Part II of Schedule 3 have therefore been combined (regulation 2(a)).

A Compliance Cost Assessment has been prepared and placed in the library of both Houses of Parliament. 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.