

---

STATUTORY INSTRUMENTS

---

**1998 No. 2726**

**SEEDS**

**The Seeds (National Lists of Varieties)  
(Amendment) Regulations 1998**

*Made* - - - - *6th November 1998*  
*Laid before Parliament* *6th November 1998*  
*Coming into force* - - *16th November 1998*

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) and (8) and 36 of the Plant Varieties and Seeds Act 1964<sup>(1)</sup>, as extended to Northern Ireland<sup>(2)</sup>, 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) (Amendment) Regulations 1998 and shall come into force on 16th November 1998.

**Amendments to the Seeds (National Lists of Varieties) Regulations 1982**

2.—(1) The Seeds (National Lists of Varieties) Regulations 1982<sup>(3)</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) After regulation 5 there shall be inserted the following—

“**5A.** Notwithstanding the failure by an applicant for the entry of a variety in a National List to comply with the requirements of regulation 11(3) prior to the date of coming into force of the Seeds (National Lists of Varieties) (Amendment) Regulations 1998—

(a) his application shall be considered to have been lawfully entertained by the Ministers in accordance with regulation 5(1); and

(b) any entry of a variety pursuant to his application shall be considered to be valid.”.

---

(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. 1964/1574 and S.I. 1973/609.

(3) S.I. 1982/844, relevant amending instruments are S.I. 1985/1529 and 1990/1353.

(3) In regulation 11, paragraph (3) shall be omitted.

(4) The following regulation shall be inserted between regulation 11 and regulation 11A–

“**11AA.** For the purposes of determining an application for the entry of a variety in a National List which was made before but has not been determined by the date of coming into force of the Seeds (National Lists of Varieties) (Amendment) Regulations 1998, any tests and trials conducted after the date of the application by or on behalf of the Ministers or by the National Institute of Agricultural Botany in relation to the variety with a view to establishing whether or not it conforms to the requirements of Schedule 2 shall be taken to be tests and trials required by regulation 11(1), notwithstanding the failure by the applicant to comply with the requirements of regulation 11(3) prior to that coming into force date.”.

4th November 1998

*Jeff Rooker*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

4th November 1998

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

4th November 1998

*Jon Owen Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

6th November 1998

*Dubs*  
Parliamentary Under Secretary of State,  
Northern Ireland Office

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Seeds (National Lists of Varieties) Regulations 1982 (as amended).

These Regulations validate applications for the entry of varieties of seed on a National List, and the subsequent entry of such varieties on the List, where those applications were not accompanied by test and trial results as required by regulation 11(3) of the 1982 Regulations (see regulation 2(2)). Regulation 11(3) is itself revoked (see regulation 2(3)).

They also provide for tests and trials conducted by or on behalf of the Ministers or by the National Institute of Agricultural Botany to be treated as tests and trials for the purposes of regulation 11(1) of the 1982 Regulations (see regulation 2(4)).

A Regulatory Impact Assessment has been prepared for these Regulations and placed in the library of each House 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.