

STATUTORY INSTRUMENTS

2001 No. 3510

The Seeds (National Lists of Varieties) Regulations 2001

[^{F1}Title and commencement **U.K.**

1. These Regulations may be cited as the Seeds (National Lists of Varieties) Regulations 2001 and shall come into force on 1st December 2001.

Textual Amendments

F1 Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), 5 (with savings and transitional provisions in [S.R. 2020/302](#), reg. 25)

Interpretation **U.K.**

2.—(1) In these Regulations, unless the context otherwise requires—

[^{F2}“the 1990 Directive” means Council Directive [90/220/EEC\(1\)](#) on the deliberate release into the environment of genetically modified organisms, as amended by Commission Directive [94/15/EC\(2\)](#) and Commission Directive [97/35/EC\(3\)](#);

[^{F3}“the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Scotland, the Scottish Ministers;
- (c) in relation to Wales, the Welsh Ministers; and
- (d) in relation to the acceptance of a plant variety onto a GB Variety List, the Secretary of State, the Welsh Ministers and the Scottish Ministers, acting jointly;]

“authorised officer” means an officer authorised for the purposes of these Regulations by the Secretary of State, the National Assembly for Wales [^{F4}or the Scottish Ministers];

“a B List vegetable variety” means a variety whose seed may not be controlled except as standard seed;

“certified”, in relation to seed, has the same meaning as in the Seeds Marketing Regulations and “certification” shall be construed accordingly;

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- (1) OJ No. L225, 12.10.1970, p. 1. (English Special Edition Supplement Series 1 (66-70) p. 36); as last amended by Council Directive [98/96/EC](#) (OJ No. L25, 1.2.1999, p. 27).
- (2) [S.I.1994/676](#); amended by [S.I. 1995/607](#), [1997/383](#), [1998/1022](#) and [1999/1090](#).
- (3) [1964 c. 14](#); see section 38(1) for a definition of “the Ministers”. Under the Transfer of Functions (Wales) (No. 1) Order 1978 ([S.I. 1978/272](#)), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State; and under the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)), article 2(1) and Schedule 1, the functions of the Secretary of State transferred by the 1978 transfer order were transferred to the National Assembly for Wales. The functions of the Secretary of State for Scotland are, so far as they are exercisable within devolved competence, now exercisable by the Scottish Ministers by virtue of section 53(1) of the Scotland Act [1998 \(c. 46\)](#).

[^{F7}“the Common Catalogue Directive” means Council Directive [2002/53/EC](#)(4) on the common catalogue of varieties of agricultural plant species, as amended by the Food and Feed Regulation;]

[^{F8}“conservation variety” means a landrace or plant variety of a species specified in Part I of Schedule 1 that is naturally adapted to the local and regional conditions (or, in the case of a vegetable variety, that has been traditionally grown in particular localities and regions) and is threatened by genetic erosion, and for these purposes—

- (a) “landrace” means a set of populations or clones of a plant species which are naturally adapted to the environmental conditions of their region; and
- (b) “genetic erosion” means loss of genetic diversity between and within populations or varieties of the same species over time, or reduction of the genetic basis of a species due to human intervention or environmental change;]

[^{F9}“the Deliberate Release Directive” means Council Directive [2001/18/EC](#)(5) on the deliberate release into the environment of genetically modified organisms, as [^{F10}last amended by Directive (EU) 2015/412 of the European Parliament and of the Council];]

“Department of Agriculture and Rural Development” means the Department of Agriculture and Rural Development in Northern Ireland;

“derogated species” means a species of plant specified in Part II of Schedule 1;

[^{F11}“the Equivalence Decision” means Council Decision [2005/834/EC](#) on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries [^{F12}, as last amended by Council Regulation (EU) 517/2013];]

“the fees Regulations” means the Seeds (National Lists of Varieties) (Fees) Regulations 1994(2);

[^{F13}“the Food and Feed Regulation” means Council Regulation (EC) No [1829/2003](#)(7) on genetically modified food and feed [^{F14}, as last amended by Regulation (EC) No [298/2008](#) of the European Parliament and of the Council];]

“the Gazette” means the Plant Varieties and Seeds Gazette published in accordance with section 34(1) of the Plant Varieties and Seeds Act 1964(3);

[^{F15}“the GB Variety Lists” means the lists of varieties of species of agricultural plants and varieties of species of vegetables, prepared and published in accordance with regulation 3, and “GB Variety List” means any one of those lists;]

[^{F16}“genetically modified” has the same meaning as for the purposes of the Deliberate Release Directive;]

“maintainer”, in respect of a plant variety, means a person named in or ascertainable by reference to a [^{F17}GB Variety List] as responsible for maintaining a variety in accordance with the characteristics to which regard was had when that variety was accepted on a [^{F17}GB Variety List]; and “maintenance” shall be construed accordingly;

(4) OJ No. L117, 8.5.90, p. 15; as last amended by Commission Decision [98/294/EC](#), OJ No. L131, 5.5.98.

(5) OJ No. 125, 11.7.66, p. 2297, OJ/SE 1965-66, p. 124.

(2) S.I. [1994/676](#); amended by S.I. [1995/607](#), [1997/383](#), [1998/1022](#) and [1999/1090](#).

(7) OJ No. L225, 12.10.1970, p. 7, OJ/SE 1970 (III), p.674.

(3) [1964 c. 14](#); see section 38(1) for a definition of “the Ministers”. Under the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. [1978/272](#)), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State; and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. [1999/672](#)), article 2(1) and Schedule 1, the functions of the Secretary of State transferred by the 1978 transfer order were transferred to the National Assembly for Wales. The functions of the Secretary of State for Scotland are, so far as they are exercisable within devolved competence, now exercisable by the Scottish Ministers by virtue of section 53(1) of the Scotland Act [1998 \(c. 46\)](#).

“name”, in respect of a plant variety, includes denomination;

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[^{F18}“the NI Variety Lists” means the lists of varieties of species of agricultural plants and varieties of species of vegetable, prepared and published by the Department of Agriculture and Rural Development in accordance with legislation having effect corresponding to that of regulation 3(1)(a) and (2) to (5) [^{F19}, and “NI Variety List” means any one of those lists];]

[^{F20}“the Novel Foods Regulation” means Council Regulation (EC) No 258/97 concerning novel foods and novel food ingredients, as it applied immediately before 18 April 2004;]

“official measures” includes official examinations, growing trials, tests and assessments;

“person affected”, in respect of a proposed relevant decision or a relevant decision, means—

- (a) any person to whom the [^{F21}appropriate authority] have given notice of the proposed relevant decision or the relevant decision;
- (b) any person appearing to the [^{F21}appropriate authority] to have a sufficient interest in the matter to which the decision relates; and
- (c) any person or organisation appearing to them to be representative of a class of persons likely to be affected by the decision;

[^{F22}“region of origin” means the region identified by the [^{F21}appropriate authority] when a conservation variety is accepted on to a [^{F17}GB Variety List] as being the region in which the variety has historically been grown and to which it is naturally developed;]

“relevant decision” means a decision of the [^{F21}appropriate authority]—

- (a) under regulation 5 to accept or refuse to accept a plant variety on to a [^{F17}GB Variety List];
- (b) that they are satisfied a plant variety has a name suitable, in accordance with regulation 6, for publication in the Gazette;
- (c) to accept, or refuse to accept, an application under regulation 7;
- (d) to renew or not to renew the acceptance of a variety under regulation 13; or
- (e) to revoke the acceptance of a variety under regulation 14, replace the original acceptance of a variety under that regulation or delete the name of a person as the maintainer of a variety under regulation 14(4)(e);

[^{F23}“the relevant legislation” means—

- (a) in respect of a genetically modified variety any material derived from which is intended to be used as food or a food ingredient within the meaning of article 2 of Council Regulation (EC) No 178/2002(9) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety and falling within the scope of article 3 of the Food and Feed Regulation—
 - (i) in relation to material authorised prior to 18 April 2004—
 - (aa) the 1990 Directive; or
 - (bb) the Deliberate Release Directive, and the Novel Foods Regulation; and
 - (ii) in relation to material authorised after 18 April 2004, the Food and Feed Regulation;

(9) S.I. 1993/2005, as amended by S.I. 1995/1482, S.I. 1997/616, S.I. 1999/1860 and, as respects England, S.I. 1999/2196 and S.I. 2000/1793; and, as respects Scotland, S.S.I. 2000/248.

- (b) in respect of a genetically modified variety any material derived from which is intended to be used as feed or a feed ingredient within the meaning of article 3 of Council Regulation (EC) No 178/2002 and falling within the scope of article 15 of the Food and Feed Regulation —
 - (i) in relation to material authorised prior to 18 April 2004—
 - (aa) the 1990 Directive; or
 - (bb) the Deliberate Release Directive; and
 - (ii) in relation to material authorised after 18 April 2004, the Food and Feed Regulation; and
- (c) in respect of a genetically modified variety any material derived from which is intended to be used for any other purpose—
 - (i) [^{F24}in relation to material authorised before IP completion day—
 - ((aa))the 1990 Directive, or
 - ((bb))the Deliberate Release Directive; and
 - (ii) in relation to material authorised after IP completion day—
 - ((aa))in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002;
 - ((bb))in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002;
 - ((cc))in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002;
 - ((dd))in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003;]

and “proposed relevant decision” and “proposal for a relevant decision” shall be construed accordingly;

“the Secretary of State” means the Secretary of State for Environment, Food and Rural Affairs;

“seeds” means seeds for sowing;

[^{F25}“the Seeds Marketing Directives” means—

- (a) the Vegetable Seed Marketing Directive;
- (b) Council Directive 66/401/EEC on the marketing of fodder plant seed;
- (c) Council Directive 66/402/EEC on the marketing of cereal seed;
- (d) Council Directive 2002/54/EC on the marketing of beet seed;
- (e) Council Directive 2002/56/EC on the marketing of seed potatoes; and
- (f) Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants;]

[^{F26}“the Seeds Marketing Regulations” means—

- (a) as respects England—
 - (i) in relation to beet seed, cereal seed, fodder plant seed, oil and fibre plant seed and vegetable seed, the Seed Marketing Regulations 2011(6), and
 - (ii) in relation to seed potatoes, [^{F27}the Seed Potatoes (England) Regulations 2015];
- (b) as respects Wales—

- (i) [^{F28}in relation to beet seed, cereal seed, fodder plant seed, oil and fibre plant seed and vegetable seed, the Seed Marketing (Wales) Regulations 2012;]
- (vi) in relation to seed potatoes, the [^{F29}Seed Potatoes (Wales) Regulations 2016];
- (c) as respects Scotland—
 - (i) in relation to beet seed, the Beet Seed (Scotland) (No. 2) Regulations 2010⁽⁸⁾,
 - (ii) in relation to cereal seed, the Cereal Seed (Scotland) Regulations 2005⁽⁹⁾,
 - (iii) in relation to fodder plant seed, the Fodder Plant Seed (Scotland) Regulations 2005⁽¹⁰⁾,
 - (iv) in relation to oil and fibre plant seed, the Oil and Fibre Plant Seed (Scotland) Regulations 2004⁽¹¹⁾,
 - (v) in relation to vegetable seed, the Vegetable Seeds Regulations 1993⁽¹²⁾, and
 - (vi) in relation to seed potatoes, the [^{F30}Seed Potatoes (Scotland) Regulations 2015];

^{F31} ...
(d) ^{F31} ...]

[^{F32}“standard seed”, in relation to seed of a vegetable variety, has the same meaning—

- (a) as respects England, as in Part 5 of Schedule 2 to the Seed Marketing Regulations 2011,
- (b) as respects Wales, as in [^{F33}Part 5 of Schedule 2 to the Seed Marketing (Wales) Regulations 2012],
- (c) as respects Scotland, as in the Vegetable Seeds Regulations 1993, ^{F31} ...
- (d) ^{F31} ...]

“the Tribunal” means the tribunal continued as the Plant Varieties and Seeds Tribunal by section 42 of the Plant Varieties Act 1997⁽¹³⁾;

“varietal association” means an association of—

- (a) certified seed of a male-sterile hybrid variety accepted on to a [^{F17}GB Variety List]^{F34}...; with
- (b) certified seed of one or more varieties capable of shedding pollen accepted on to a [^{F17}GB Variety List]^{F34} ...,

mechanically combined in proportions jointly determined by the maintainers of all the varieties in the association;

[^{F35}“a variety known in Great Britain” is any variety—

- (a) accepted onto—
 - (i) a GB Variety List; or
 - (ii) a NI Variety List; or
- (b) in respect of which an application for acceptance onto a GB Variety List or a NI Variety List has been submitted and has not been determined,

(8) S.R. 1994 No. 251 as amended by S.R. 1997 No. 240, S.R. 2000 No. 52 and S.R. 2001 No. 331.
(9) S.I. 1993/2005, as amended by S.I. 1995/1482, S.I. 1997/616, S.I. 1999/1860 and, as respects England, S.I. 1999/2196 and S.I. 2000/1793; and, as respects Scotland, S.S.I. 2000/248.
(10) S.R. 1994 No. 254, as amended by S.R. 1995 No. 366, S.R. 1997 No. 240, S.R. 2000 No. 53, S.R. 2000 No. 128 and S.R. 2001 No. 330.
(11) S.I. 1993/2009, as amended by S.I. 1993/2529, S.I. 1996/1453, S.I. 1997/616, S.I. 1999/1864 and, as respects England, S.I. 2000/1792; and as respects Scotland, S.S.I. 2000/247.
(12) S.R. 1994 No. 252, as amended by S.R. 1996 No. 311, S.R. 1997 No. 240, S.R. 2000 No. 54 and S.R. 2001 No. 329.
(13) 1997 c. 66.

and “a variety not known in Great Britain” shall be construed accordingly; and;]

[^{F36}“the Vegetable Seed Marketing Directive” means Council [Directive 2002/55/EC](#) on the marketing of vegetable seed.]

- (2) Subject to paragraph (3) below, in these Regulations “marketing” means—
- (a) selling, holding with a view to sale and offering for sale; and
 - (b) any disposal, supply or transfer for the purpose of commercial exploitation of seed to third parties,

whether or not for consideration; and “market” and “marketed” shall be construed accordingly.

(3) Trade in seed not aimed at commercial exploitation of the variety, such as the following operations—

- (a) the supply of seed to official testing and inspection bodies; and
- (b) the supply of seed to a person who provides processing or packaging services but who does not thereby acquire title to the seed supplied,

shall not be regarded as marketing of seed of that variety.

(4) The functions of the [^{F37}appropriate authority] under these Regulations—

- (a) in so far as they are exercisable by or on behalf of the Scottish Ministers, shall be treated as functions which are exercisable in or as regards Scotland;
- (b) in so far as they are exercisable by or on behalf of the National Assembly for Wales, shall be treated as functions which are exercisable in or as regards Wales; ^{F38} ...

^{F38}(c)

^{F39}(5)

(6) A reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.]

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F2** Words in reg. 2(1) inserted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(2)(a)**
- F3** Words in reg. 2(1) inserted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(2)(a)(i)**
- F4** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(2)(a)(ii)**
- F5** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(2)(a)(i)** (as amended by [S.I. 2020/1294](#), regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(2)(a)(iii)**
- F7** Words in reg. 2(1) substituted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(2)(b)**
- F8** Words in reg. 2(1) substituted (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(2)(b)**
- F9** Words in reg. 2(1) inserted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(2)(c)**

- F10** Words in reg. 2(1) substituted (17.9.2018) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018 (S.I. 2018/942), regs. 1(2), **42(2)(a)**
- F11** Words in reg. 2(1) substituted (27.7.2007) by The Seeds (National Lists of Varieties) (Amendment) Regulations 2007 (S.I. 2007/1871), regs. 1, **2(2)**
- F12** Words in reg. 2(1) substituted (17.9.2018) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018 (S.I. 2018/942), regs. 1(2), **42(2)(b)**
- F13** Words in reg. 2(1) inserted (10.12.2004) by The Seeds (National Lists of Varieties) (Amendment) Regulations 2004 (S.I. 2004/2949), regs. 1, **2(2)(e)**
- F14** Words in reg. 2(1) inserted (17.9.2018) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018 (S.I. 2018/942), regs. 1(2), **42(2)(c)**
- F15** Words in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294), regs. 1(2)(b), **3(2)(a)(iv)**
- F16** Words in reg. 2(1) substituted (10.12.2004) by The Seeds (National Lists of Varieties) (Amendment) Regulations 2004 (S.I. 2004/2949), regs. 1, **2(2)(f)**
- F17** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294), regs. 1(2)(b), **3(2)(a)(v)**
- F18** Words in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294), regs. 1(2)(b), **3(2)(a)(vi)**
- F19** Words in reg. 2(1) inserted (26.11.2021) by The Animal Health, Plant Health, Seeds and Seed Potatoes (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1229), regs. 1, **12**
- F20** Words in reg. 2(1) substituted (25.2.2019) by The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/162), regs. 1(2)(a), **2(2)**
- F21** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294), regs. 1(2)(b), **3(2)(a)(vii)**
- F22** Words in reg. 2(1) inserted (30.6.2009) by The Seeds (National Lists of Varieties) (Amendment) Regulations 2009 (S.I. 2009/1273), regs. 1, **3(b)**
- F23** Words in reg. 2(1) inserted (10.12.2004) by The Seeds (National Lists of Varieties) (Amendment) Regulations 2004 (S.I. 2004/2949), regs. 1, **2(2)(h)**
- F24** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/162), regs. 1(2)(b), **3(2)(a)(ii)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)(3)(a)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in reg. 2(1) substituted (17.9.2018) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018 (S.I. 2018/942), regs. 1(2), **42(2)(e)**
- F26** Words in reg. 2(1) substituted (1.4.2011) by The Seeds (National Lists of Varieties) (Amendment) Regulations 2011 (S.I. 2011/464), regs. 1, **2(2)(c)**
- F27** Words in reg. 2(1) substituted (17.9.2018) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018 (S.I. 2018/942), regs. 1(2), **42(2)(f)(i)**
- F28** Words in reg. 2(1) substituted (17.9.2018) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018 (S.I. 2018/942), regs. 1(2), **42(2)(f)(ii)**
- F29** Words in reg. 2(1) substituted (E.W.S.) (29.2.2016) by The Seed Potatoes (Wales) Regulations 2016 (S.I. 2016/106), regs. 1(2), **26**
- F30** Words in reg. 2(1) substituted (S.) (1.1.2016) by The Seed Potatoes (Scotland) Regulations 2015 (S.S.I. 2015/395), regs. 1(1), **22(1)** (with reg. 21)
- F31** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294), regs. 1(2)(b), **3(2)(a)(viii)**
- F32** Words in reg. 2(1) substituted (1.4.2011) by The Seeds (National Lists of Varieties) (Amendment) Regulations 2011 (S.I. 2011/464), regs. 1, **2(2)(d)**
- F33** Words in reg. 2(1) substituted (17.9.2018) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018 (S.I. 2018/942), regs. 1(2), **42(2)(g)(i)**

- F34** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/162), regs. 1(2)(b), **3(2)(a)(iii)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294), regs. 1(2)(b), **3(2)(a)(ix)**
- F36** Words in reg. 2 substituted (1.7.2020) by The Vegetable Plant Material and Seed (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/579), regs. 1(1), **3(2)**
- F37** Words in reg. 2(4) substituted (E.W.S.) (31.12.2020) by The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294), regs. 1(2)(b), **3(2)(b)(i)**
- F38** Reg. 2(4)(c) and word omitted (E.W.S.) (31.12.2020) by virtue of The Seeds (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1294), regs. 1(2)(b), **3(2)(b)(ii)**
- F39** Reg. 2(5) omitted (E.W.S.) (31.12.2020) by virtue of The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/162), regs. 1(2)(b), **3(2)(b)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

[^{F40}GB Variety Lists] of plant varieties and the Gazette **U.K.**

- 3.—(1) For the purposes referred to in paragraph (2) below the Secretary of State shall—
- (a) prepare the [^{F41}GB Variety Lists] of plant varieties of the species specified in Part I of Schedule 1 accepted on to the [^{F41}GB Variety Lists] by the [^{F42}appropriate authority]; and
 - (b) publish these [^{F41}GB Variety Lists] in the Gazette.
- (2) The [^{F42}appropriate authority] shall accept a plant variety on to a [^{F43}GB Variety List] in accordance with these Regulations—
- (a) for purposes in relation to the marketing of seed of the variety; and
 - (b) in the case of a plant variety other than a B List vegetable variety, for purposes in relation to the certification of seed of the variety,
- and the lists of vegetable plant varieties shall be subdivided into B list vegetable varieties and varieties whose seed may be certified as “pre-basic seed”, “basic seed” or “certified seed”, or may be controlled as “standard seed”, [^{F44}in accordance with, as respects England, Part 5 of Schedule 2 to the Seed Marketing Regulations 2011, as respects Wales, [^{F45}Part 5 of Schedule 2 to the Seed Marketing (Wales) Regulations 2012], as respects Scotland, the Vegetable Seeds Regulations 1993 ^{F46}...].
- (3) The [^{F41}GB Variety Lists] shall not include—
- (a) varieties intended for use solely as components of final varieties except to the extent that seeds belonging to such varieties are to be marketed under the names of those components; and
 - (b) varieties the seed or propagating material of which are intended for export [^{F47}from the United Kingdom].
- (4) In respect of each variety accepted on to a [^{F43}GB Variety List] the reference to the variety in the List shall include—
- (a) a reference to the name under which the variety is accepted; and
 - (b) except in respect of any B List vegetable variety widely known on 1st January 1973, a reference to the maintainer of the variety.

(5) If any plant variety accepted on a [^{F43}GB Variety List] is a genetically modified variety the Secretary of State shall publish a clear indication of that fact in the List together with the reference number under which the variety has been accepted for marketing in accordance with [^{F48}the relevant legislation].

- (6) The Secretary of State shall publish in the Gazette notice of any—
- (a) application made in accordance with these Regulations;
 - (b) application so made which is withdrawn;
 - (c) proposed relevant decision and the reasons for it;
 - (d) relevant decision;
 - (e) decision of the Tribunal made on an appeal brought in respect of a decision under these Regulations; and
 - (f) other change made in accordance with these Regulations to a [^{F43}GB Variety List] or an application in respect of an [^{F43}GB Variety List],

together with, in respect of any notice containing information about a genetically modified variety, a clear indication of that fact.

[^{F49}(6A) Where an application for acceptance of a variety onto a [^{F43}GB Variety List] is yet to be determined, the Secretary of State shall not publish in the Gazette details of any proposed maintainer or proposed substitution or addition of a maintainer of that variety.]

(7) Where the [^{F42}appropriate authority] propose to make a relevant decision the Secretary of State, in addition to publishing in the Gazette notice of the proposed decision shall also publish in the Gazette—

- (a) a statement that written and oral representations may be made about the proposed relevant decision by persons who would be affected by it; and
- (b) a statement of the manner in which, and the period (not being less than 14 days) within which, written representations, and a request for oral representations, may be made.

(8) The [^{F42}appropriate authority] shall not make a relevant decision before the expiry of the period published in the Gazette as being the period within which written representations, and a request for oral representations, in respect of the proposal for the decision may be made.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F40** Words in reg. 3 heading substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(b)**
- F41** Words in reg. 3 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(b)**
- F42** Words in regs. 3-7 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(4)**
- F43** Words in reg. 3 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(a)**
- F44** Words in reg. 3(2) substituted (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(3)**
- F45** Words in reg. 3(2) substituted (17.9.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018 \(S.I. 2018/942\)](#), regs. 1(2), **42(3)(a)**
- F46** Words in reg. 3(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(5)**
- F47** Words in reg. 3(3)(b) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(3)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F48** Words in reg. 3(5) substituted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(3)(b)**

F49 Reg. 3(6A) inserted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(3)(c)**

Applications in relation to [^{F50}GB Variety Lists] **U.K.**

4.—(1) Applications shall be made to the [^{F42}appropriate authority] in accordance with the following provisions of this regulation for acceptance by the [^{F42}appropriate authority]—

- (a) of a plant variety of a species specified in Part I of Schedule 1 on to a [^{F51}GB Variety List];
- (b) of a renewal of an acceptance of the kind referred to in subparagraph (a) above;
- (c) of an amendment—
 - (i) to any information published in a [^{F51}GB Variety List] in relation to a variety accepted on to the List; or
 - (ii) to any information included in an application already made but not yet determined by the [^{F42}appropriate authority];
- (d) of a change by a maintainer of a variety on a [^{F51}GB Variety List] to the name of the variety; or
- (e) of a change to the reference in the List to any maintainer of the variety.

(2) The application shall be in a legible form and—

- (a) shall include such information and documents relevant to the application as the [^{F42}appropriate authority] may require for the purpose of determining the application; and
- (b) shall be accompanied by any fee prescribed under regulation 10 in relation to the application.

(3) An application for acceptance of a plant variety on to a [^{F51}GB Variety List] shall include—

- (a) such reproductive or other material of the plant variety, and of any of its components; and
- (b) where a previous application has been made in another [^{F52}country, the Channel islands or the Isle of Man] for acceptance of the plant variety concerned on any list published in that [^{F53}place] corresponding to a [^{F51}GB Variety List], such copies of the documents and information relating to the previous application,

as the [^{F42}appropriate authority] may require for the purpose of determining the application.

(4) An application for—

- (a) a change to the reference in a [^{F51}GB Variety List] to a maintainer of a variety on the List; or
- (b) the addition of a reference in a [^{F51}GB Variety List] to a maintainer of a variety on the List,

shall include such reproductive or other material of the plant variety, and of any of its components, as the [^{F42}appropriate authority] may require for the purpose of determining the application.

(5) If any document required by paragraphs (2)(a) or (3)(b) above to be included with an application is in a language other than English the [^{F42}appropriate authority] may require it to be accompanied by a complete and adequate translation into the English language.

(6) If the [^{F42}appropriate authority] have reasonable grounds for believing that any information, document, reproductive or other material of a plant variety relating to but not included with an application referred to in paragraph (1) above is necessary or desirable for the purpose of determining the application, the [^{F42}appropriate authority] may, by notice to the applicant specifying the information, document or material, require the information, document or material to be given to them within such reasonable period as may be so specified.

(7) If an applicant—

- (a) fails to comply with a notice under paragraph (6) above; or
- (b) fails to pay any fee prescribed under regulation 10 in relation to the application, within such period as may be specified for the payment of the fee under that regulation,

the application shall be treated as if it had been withdrawn.

(8) Where a person has made an application under this regulation in respect of any matter relating to a variety he may not make another application in respect of that matter until the previous application has been finally determined or withdrawn.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F42** Words in regs. 3-7 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(4)**
- F50** Words in reg. 4 heading substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(b)**
- F51** Words in reg. 4 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(a)**
- F52** Words in reg. 4(3)(b) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(4)(a)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F53** Word in reg. 4(3)(b) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(4)(b)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

Acceptance of plant varieties **U.K.**

5.—(1) Subject to the following provisions of this regulation, the [^{F42}appropriate authority] shall base acceptance of a variety on to a [^{F54}GB Variety List] on the results of official measures, particularly growing trials, carried out in respect of the variety by or on behalf of the [^{F42}appropriate authority]^{F55}....

[^{F56}(1A) The appropriate authority may base acceptance of a variety onto a GB Variety List on the results of official growing trials conducted by competent authorities outside of Great Britain if the appropriate authority is satisfied that those growing trials are of equivalent standards to those carried out by or on behalf of the appropriate authority.]

(2) In respect of a B List vegetable variety the [^{F42}appropriate authority] may also take into consideration the results of unofficial tests and knowledge gained from practical experience during cultivation.

[^{F57}(2A) In respect of a conservation variety, the requirement in paragraph (1) to base acceptance on to a [^{F54}GB Variety List] on the results of official measures does not apply if the [^{F42}appropriate authority] are satisfied that other information is sufficient for such acceptance.]

(3) The [^{F42}appropriate authority] shall not accept a plant variety on to a [^{F54}GB Variety List] unless they are satisfied that—

- (a) the variety is a variety of a species specified in Part I of Schedule 1;
- [^{F58}(b) the variety is stable and sufficiently uniform as described in paragraphs 2 and 3 of Part I of Schedule 2, and distinct as described in—

- (i) paragraph 1A of that Part, in the case of a conservation variety; or
- (ii) paragraph 1 of that Part, in any other case;]
- (c) in respect of any variety other than a variety referred to in Part III of Schedule 2, the variety is of satisfactory value for cultivation and use as described in Part II of that Schedule;
- [^{F59}(ca) in respect of a conservation variety, it presents an interest for the conservation of plant genetic resources;]
- [^{F60}(d) in respect of a genetically modified variety, it has been accepted for marketing in accordance with the relevant legislation;
- (e) in respect of a variety other than a genetically modified variety any material to be derived from which is intended for use as a food, [^{F61}within the definition of “novel food” in Article 3(2)(a) of the Novel Foods Regulation, the food] intended to be so derived is authorised pursuant to the relevant legislation;]
- (f) it has a name suitable, in accordance with regulation 6, for publication in the Gazette[^{F62}(and a conservation variety may have more than one name if the names concerned are historically known and so suitable for publication)]; and
- (g) in respect of a variety other than a B list vegetable variety widely known on 1 January 1973, there is a maintainer of the variety accepted in accordance with regulation 7.
- [^{F63}(3A) The [^{F42}appropriate authority] shall not accept a plant variety as a conservation variety on to a [^{F54}GB Variety List] if—

 - (a) it is already listed in the [^{F64}GB Variety List]^{F65}... as a variety other than a conservation variety;
 - (b) having been so listed, it has been deleted from that [^{F66}GB Variety List] and it is less than two years since the deletion or the expiry of any extended period for certification and marketing granted by the Secretary of State, the Scottish Ministers, [^{F67}or the Welsh Ministers consistently with] Article 15(2) of the Common Catalogue Directive [^{F68}or the Vegetable Seed Marketing Directive]; or
 - (c) it is protected by ^{F69}... plant breeders’ rights granted under the Plant Varieties Act 1997, or where an application for such rights has been made but not finally determined.]

- [^{F70}(3B) For the purposes of paragraph (3A)(b)—

 - (a) Article 15(2) of the Common Catalogue Directive is to be read as if—

 - (i) in the first subparagraph, for “Member States” there were substituted “The appropriate authority (within the meaning given in regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001)”;
 - (ii) the reference to “their own territory” were a reference to the territory in relation to which the appropriate authority has responsibility; and
 - (iii) the second subparagraph were omitted;

 - (b) Article 15(2) of the Vegetable Seed Marketing Directive is to be read as if—

 - (i) in the first subparagraph, for “Member States” there were substituted “The appropriate authority (within the meaning given in regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001)”;
 - (ii) the reference to “their own territory” were a reference to the territory in relation to which the appropriate authority has responsibility; and
 - (iii) the second subparagraph were omitted;]

(4) The [^{F42}appropriate authority] may refuse to accept a plant variety on to a [^{F54}GB Variety List], whether or not they are satisfied of the matters in respect of the variety specified in paragraph (3) above, if they are satisfied that—

- (a) the refusal is required by virtue of any provision of national law justified on grounds of the protection of health and life of humans, animals or plants; or
- (b) cultivation of the variety could be harmful, in relation to plant health, to the cultivation of other varieties or species.

[^{F71}(5) The appropriate authority may determine that the acceptance of a variety in Northern Ireland onto a NI Variety List is equivalent to acceptance for inclusion on a GB Variety List and, where they so determine, may accept the variety onto a GB Variety List.]

(6) The [^{F42}appropriate authority] shall inform the applicant of an acceptance or refusal to accept a variety under this regulation, or a determination under paragraph (5) of this regulation, and of the reasons.

(7) Any function of the [^{F42}appropriate authority] under these Regulations, including functions in relation to the administration and determination of any application under these Regulations, the examination or inspection of any documents, records or material, the service of notices, the provision of information and the issue of approvals, may be discharged with the agreement of the other [^{F42}appropriate authority] by any one or more of the [^{F42}appropriate authority] acting on their behalf.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F42** Words in regs. 3-7 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(4)**
- F54** Words in reg. 5 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(a)**
- F55** Words in reg. 5(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(6)(a)**
- F56** Reg. 5(1A) inserted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(6)(b)**
- F57** Reg. 5(2A) inserted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **4(2)**
- F58** Reg. 5(3)(b) substituted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **4(3)**
- F59** Reg. 5(3)(ca) inserted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **4(4)**
- F60** Reg. 5(3)(d)(e) substituted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(4)**
- F61** Words in reg. 5(3)(e) substituted (17.9.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018 \(S.I. 2018/942\)](#), regs. 1(2), **42(4)**
- F62** Words in reg. 5(3)(f) inserted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **4(5)**
- F63** Reg. 5(3A) inserted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **4(6)**
- F64** Words in reg. 5(3A)(a) substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(6)(c)(i)**
- F65** Words in reg. 5(3A)(a) deleted (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(4)(a)**

- F66** Words in reg. 5(3A)(b) substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(6)(c)(ii)(aa)**
- F67** Words in reg. 5(3A)(b) substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(6)(c)(ii)(bb)**
- F68** Words in reg. 5(3A)(b) inserted (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(4)(b)**
- F69** Words in reg. 5(3A)(c) omitted (E.W.S.) (31.12.2020) by virtue of [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(6)(c)(iii)**
- F70** Reg. 5(3B) inserted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(6)(d)**
- F71** Reg. 5(5) substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(6)(e)**

^{F72}Amateur vegetable varieties **U.K.**

5A.—(1) The provisions of these Regulations relating to conservation varieties apply in relation to amateur vegetable varieties, with the exceptions and modifications listed in paragraphs (2), (3) and (4).

- (2) The following provisions do not apply to amateur vegetable varieties—
- regulation 5(3)(ca) (requirement that the variety presents an interest for the conservation of plant genetic resources);
 - regulation 7 (maintainers of plant varieties); and
 - regulation 12 (maintenance of accepted plant varieties).
- (3) Paragraph (3A) of regulation 5 is modified by—
- in sub-paragraph (a), the substitution of “an amateur vegetable variety” for “a conservation variety”; and
 - in sub-paragraph (b), the omission of “the Common Catalogue Directive or”.
- (4) Sub-paragraph (1) of paragraph 1A of Schedule 2 is modified by—
- in paragraph (a), the omission of “Directive 2003/90 or”; and
 - in paragraph (b), the substitution of “that Directive” for “those Directives”.

(5) In this regulation an amateur vegetable variety is a vegetable variety with no intrinsic value for commercial crop production but developed for growing under particular agro-technical, climatic or pedological conditions.]

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F72** Reg. 5A inserted (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(5)**

Naming of plant varieties **U.K.**

6.—(1) A name of a plant variety [^{F73}, other than a conservation variety,] is suitable in accordance with this regulation for publication in the Gazette if—

- the name is not unsuitable as described in paragraph (2) below; and

- (b) in respect of a plant variety known at the time the [^{F42}appropriate authority] determine an application for its acceptance on to a [^{F74}GB Variety List], the name of the variety is, so far as it can be, the name under which the variety is already known at that time.

[^{F75}(1A) A name of a plant variety of a conservation variety is suitable in accordance with this regulation for publication in the Gazette if the name is not unsuitable as described in paragraph (2) (a), (e) or (f).]

(2) For the purposes of this regulation a name of any plant variety is unsuitable if the [^{F42}appropriate authority] are satisfied that—

- (a) its use in the territory of the [^{F76}United Kingdom is precluded by a prior right of a third party];
- (b) it may commonly cause its users difficulties as regards recognition or reproduction;
- (c) it is identical or may be confused with a name of another plant variety as specified in [^{F77}regulation 3 of the Plant Breeders' Rights (Naming and Fees) Regulations 2006];
- (d) it is identical to or may be confused with another name commonly used for the marketing of goods, or which is not available by virtue of other legislation;
- (e) it is liable to give offence ^{F78}... or is contrary to the public interest; or
- (f) it is liable to mislead or cause confusion concerning the characteristics, value or identity of the variety.

(3) For the purposes of this regulation a variety is known at the time the [^{F42}appropriate authority] determine an application for its acceptance on to a [^{F74}GB Variety List] if—

- (a) it is registered in an official register of plant varieties [^{F79}of a member of the International Union for the Protection of New Varieties of Plants];
- (b) it has previously been accepted on to a [^{F80}GB Variety List or NI Variety List]^{F81} ...;
- (c) it is not clearly distinguishable from another variety assessed, with regard to distinctness, stability and uniformity in accordance with rules corresponding to [^{F82}these Regulations, in a country]—
- (i) which is a member of the International Union for the Protection of New Varieties of Plants; or
- [^{F83}(ii) with which there is an agreement in relation to official checks on practices for the maintenance of that other variety in the Annex to the Equivalence Decision; or]
- [^{F84}(iii) which has been granted equivalence by an appropriate authority; or]
- (d) it is not clearly distinguishable from a variety previously accepted on to a [^{F85}GB Variety List or NI Variety List]^{F86}

(4) If the [^{F42}appropriate authority] are aware that seed or propagating material of a plant variety, whose name is suitable in accordance with this regulation for publication in the Gazette, is marketed in [^{F87}another] country for commercial purposes under a different name, the [^{F42}appropriate authority] shall include that name in the reference to the name of the variety on the [^{F74}GB Variety List].

(5) If the [^{F42}appropriate authority] are satisfied that the name by reference to which the variety was accepted on to a [^{F74}GB Variety List] was not in accordance with the provisions of this regulation, the Secretary of State—

- (a) shall adapt the name of the variety on the List to ensure it conforms with those provisions and publish in the Gazette a notice of the adapted name; and

(b) may publish a notice in the Gazette that the name by reference to which the variety was accepted may be used in addition to the adapted name for a period specified in the notice.

(6) The [^{F42}appropriate authority] shall not grant an application for a change to the name of a variety accepted on to a [^{F74}GB Variety List] or a change to the name of a variety proposed in any application for acceptance of a variety on to a [^{F74}GB Variety List], unless they are satisfied that the proposed new name complies with the requirements of this regulation.

(7) The [^{F42}appropriate authority] shall inform the applicant of a decision made by them under this regulation relating to the application and of the reasons for it.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F42** Words in regs. 3-7 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(4)**
- F73** Words in reg. 6(1) inserted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **5(1)**
- F74** Words in reg. 6 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(a)**
- F75** Reg. 6(1A) inserted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **5(2)**
- F76** Words in reg. 6(2)(a) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(6)(a)(i)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F77** Words in reg. 6(2)(c) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(6)(a)(ii)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F78** Words in reg. 6(2)(e) omitted (E.W.S.) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(6)(a)(iii)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F79** Words in reg. 6(3)(a) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(6)(b)(i)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F80** Words in reg. 6(3)(b) substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(7)(a)**
- F81** Words in reg. 6(3)(b) omitted (E.W.S.) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(6)(b)(ii)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F82** Words in reg. 6(3)(c) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(6)(b)(iii)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F83** Reg. 6(3)(c)(ii) substituted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(5)**
- F84** Reg. 6(3)(c)(iii) inserted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(7)(b)**
- F85** Words in reg. 6(3)(d) substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(7)(a)**
- F86** Words in reg. 6(3)(d) omitted (E.W.S.) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(6)(b)(iv)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

F87 Word in reg. 6(4) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(6)(c)** (as amended by [S.I. 2020/1294](#), regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

Maintainers of plant varieties **U.K.**

7.—(1) The [^{F42}appropriate authority] shall not grant an application for the substitution or addition of a maintainer of a variety accepted on to a [^{F88}GB Variety List] unless they are satisfied the applicant is able to maintain the variety in accordance with the characteristics to which regard was had when the variety was accepted on to the [^{F88}GB Variety List][^{F89}, and, in the case of a conservation variety, in its region of origin].

(2) For the purposes of a decision under paragraph (1) above the [^{F42}appropriate authority] shall have regard to—

- (a) the facilities and services available to the applicant for the purpose of enabling him to maintain the variety; and
- (b) such information, documents, reproductive or other material of the plant variety and any of its components as the [^{F42}appropriate authority] may have required under regulation 4.

(3) The [^{F42}appropriate authority] may make arrangements for such examinations of reproductive or other material of the variety and any of its components produced by the applicant as appear to them to be necessary to establish that the material conforms with the characteristics to which regard was had when the variety was accepted on to the [^{F88}GB Variety List].

(4) The applicant shall pay any fee prescribed for the purposes of this paragraph under regulation 10 in respect of the costs of any examinations carried out under arrangements made by the [^{F42}appropriate authority] for the purposes of paragraph (3) above.

(5) If an application for acceptance of a variety on to a [^{F88}GB Variety List] has not yet been determined the [^{F42}appropriate authority] shall not accept a person proposed in the application as a maintainer of the variety, or grant an application in respect of that application for the substitution or addition of a person proposed as a maintainer, unless they are satisfied the person—

- (a) is capable of maintaining the variety [^{F90}, including, in the case of a conservation variety, maintaining it in its region of origin];
- (b) has access to sufficient facilities and services for the purpose of enabling him to maintain the variety; and
- (c) is willing to maintain the variety.

(6) The [^{F42}appropriate authority] shall inform the applicant of a decision made by them under this regulation relating to the application and of the reasons for it.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in [S.R. 2020/302](#), reg. 25)
- F42** Words in regs. 3-7 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(4)**
- F88** Words in reg. 7 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(a)**
- F89** Words in reg. 7(1) inserted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **6(1)**

F90 Words in reg. 7(5)(a) inserted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **6(2)**

Official measures **U.K.**

8.—(1) Official measures, particularly growing trials, on the results of which an acceptance of a variety on to a [^{F91}GB Variety List] is based, shall cover a sufficient number of characteristics for the variety to be described; and the methods used for determining characteristics for this purpose shall be exact and reliable.

(2) For the purposes of establishing distinctness the growing trials shall include at least the available comparable varieties known in the [^{F92}United Kingdom and available comparable varieties accepted onto the national lists of countries outside the United Kingdom which have comparable varietal listing procedures and similar growing conditions].

(3) For the purpose of accepting a variety on to a [^{F91}GB Variety List] under a name determined in accordance with regulation 6, the growing trials for distinctness shall ^{F93}... include other available comparable varieties [^{F94}in addition to those specified in paragraph (2)].

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F91** Words in reg. 8 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(a)**
- F92** Words in reg. 8(2) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(7)(a)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F93** Word in reg. 8(3) omitted (E.W.S.) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(7)(b)(i)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F94** Words in reg. 8(3) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(7)(b)(ii)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

Arrangements for official measures **U.K.**

9.—(1) Subject to the following provisions of this regulation, the [^{F95}appropriate authority] may make arrangements, in such form as they are of the opinion may be necessary or desirable, for the purpose of enabling any person to act under their responsibility to carry out official measures.

(2) The [^{F95}appropriate authority] shall not make an arrangement under this regulation unless they are satisfied that it will make provision for the purpose of preventing the person with whom the arrangement is made, and any other person, from—

- (a) deriving any private gain from any official measures carried out under the arrangement; and
- (b) carrying out any official measures under the arrangement except under official supervision.

(3) An arrangement under this regulation may include such conditions as the [^{F95}appropriate authority] are of the opinion are necessary or desirable for the purposes referred to in paragraphs (1) and (2) above, including conditions—

- (a) specifying—
 - (i) the official measures that the person with whom the arrangement is made shall carry out under it;
 - (ii) the species of plant varieties on which he may carry out the official measures;
 - (iii) the methods to be used in connection with the official measures he carries out under the arrangement;
 - (iv) the fees that may be charged by the person with whom the arrangement is made in relation to the official measures he carries out under it; and
 - (v) the records that must be kept by the person with whom the arrangement is made in connection with the official measures he carries out;
 - (b) prohibiting the person with whom the arrangement is made from—
 - (i) carrying out the official measures except under official supervision; and
 - (ii) charging fees in relation to the official measures he carries out under the arrangement except to the extent that these do not exceed the costs he incurs in carrying them out; and
 - (c) prohibiting the person with whom the arrangement is made from making any further arrangement for any purpose in connection with the carrying out of any of the official measures he has arranged with the [F95 appropriate authority] to carry out, unless—
 - (i) the [F95 appropriate authority] have first approved all the conditions of the further arrangement and the person with whom the arrangement was made has received the prior written approval of the [F95 appropriate authority] to make the further arrangement;
 - (ii) the further arrangement includes a condition prohibiting the making of any subsequent arrangements for any purpose in connection with the carrying out of any of the official measures in respect of which the [F95 appropriate authority] made the arrangement;
 - (iii) the further arrangement includes an acknowledgement by the person with whom it is made that the [F95 appropriate authority] may vary, suspend or revoke the further arrangement, whether or not they also vary, suspend or revoke the arrangement they made with the person seeking their approval for the further arrangement, if it appears to them that the person with whom the further arrangement is made is not complying, or has failed to comply, with any condition of the further arrangement; and
 - (iv) the further arrangement includes the conditions specified in subparagraphs (a) and (b) above.
- (4) The [F95 appropriate authority] shall not approve the making of a further arrangement by any person with whom they make an arrangement under this regulation unless they are satisfied that the person with whom the further arrangement is to be made—
- (a) will not derive any private gain from any official measures he is to be authorised to carry out under the further arrangement; and
 - (b) will not carry out any official measures under the further arrangement except under official supervision.

[F96(5) The [F95 appropriate authority] may vary, suspend or revoke an arrangement or the conditions of an arrangement made under this regulation, or a further arrangement or any of the conditions of a further arrangement under this regulation, by giving notice in writing to the person with whom the arrangement or further arrangement is made, and a further arrangement or any of the conditions of that arrangement may be varied, suspended or revoked under this paragraph

notwithstanding that the arrangement in respect of which it was made or the conditions of that arrangement are not also varied, suspended or revoked.]

(7) A notice of a variation, suspension or revocation of an arrangement or further arrangement, or of a condition of an arrangement or further arrangement, shall specify—

(a) in respect of a variation or a revocation, a date on and after which the variation or revocation shall have effect; and

(b) in respect of a suspension, a period during which suspension shall have effect; and the variation, suspension or revocation shall have effect in accordance with the notice.

(8) When a variation, suspension or revocation has effect the [F95appropriate authority] may, for any purposes in relation to these Regulations or a determination under these Regulations, continue to have regard to such of the official measures carried out under an arrangement which was varied, suspended or revoked as appear to them to be official measures carried out in accordance with the provisions of these Regulations.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), 5 (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F95** Words in reg. 9 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), 3(4)
- F96** Reg. 9(5) substituted for reg. 9(5)(6) (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, 2(6)

Fees **U.K.**

10.—(1) The [F97appropriate authority] may charge any person, including any person with whom an arrangement or further arrangement has been made under regulation 9, reasonable fees in respect of costs the [F97appropriate authority] reasonably incur in carrying out official measures for the purposes of these Regulations.

(2) The [F97appropriate authority] may charge any person concerned in any matter connected with these Regulations reasonable fees in respect of costs the [F97appropriate authority] or the Secretary of State reasonably incur in relation to the administration of that matter for the purposes of these Regulations, including—

(a) the administration and determination of any application under these Regulations, including the administration and determination of—

(i) an application for acceptance of a variety on to a [F98GB Variety List] or a change to any such application;

(ii) an application to change the name of a plant variety for the purposes of these Regulations;

(iii) an application in relation to the maintainer or the maintenance of a plant variety; and

(iv) an application for renewal of acceptance of a variety;

(b) the examination or inspection of any documents, records or material under these Regulations. and

(c) the annual cost of keeping a variety accepted on a [F98GB Variety List].

(3) A person with whom an arrangement or further arrangement has been made in accordance with regulation 9, may charge any person, including any other person with whom that or any

other arrangement or further arrangement has been made under that regulation, reasonable fees in respect of costs reasonably incurred in carrying out official measures under the responsibility of the [F97appropriate authority] in accordance with these Regulations.

(4) Where a person has been given reasonable notice—

(a) by or on behalf of the [F97appropriate authority] of a fee duly charged in accordance with paragraphs (1) or (2) above; or

(b) by a person with whom an arrangement or further arrangement has been made under regulation 9 of a fee duly charged in accordance with paragraph (3) above,

the person given the notice shall pay as specified in the notice the amount of the fee so charged.

(5) A fee charged in accordance with this regulation in respect of which reasonable notice has been given in accordance with paragraph (4) above shall be recoverable as a debt from the person given the notice.

Textual Amendments

F1 Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), 5 (with savings and transitional provisions in S.R. 2020/302, reg. 25)

F97 Words in regs. 10-17 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), 3(4)

F98 Words in regs. 10-12 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), 3(3)(a)

Marketing Prohibition Notices **U.K.**

11.—(1) No person shall market any seeds of a plant variety of a species specified in Schedule 1 if a marketing prohibition notice has been published by the Secretary of State in the Gazette in relation to the variety.

(2) For the purposes of paragraph (1) above, a “marketing prohibition notice”—

(a) in relation to a plant variety accepted on to [F99the GB Variety Lists], means a notice [F100published by the appropriate authority that]—

(i) cultivation of the variety could be harmful, in relation to plant health, to the cultivation of other varieties or species and there is an imminent danger of the spread of harmful organisms; or

(ii) the variety presents a risk for human health or the environment and there is an imminent danger for human health or the environment; and

(b) in relation to a plant variety not accepted on to [F101the GB Variety Lists], being a derogated species referred to in [F102paragraph 2 or 3] of Part II of Schedule 1, means a notice specifying that marketing of the variety is prohibited on either of those grounds.

(3) If the Secretary of State has published a notice in the Gazette in respect of a variety—

(a) specifying that—

(i) official growing trials carried out in [F103Great Britain], for the purpose of assessing value for cultivation and use, show that the variety does not, in any part of [F103Great Britain], produce results corresponding to those obtained from a comparable variety accepted in [F103Great Britain]; or

(ii) the [^{F97}appropriate authority] are satisfied the variety is not suitable for cultivation in any part of [^{F103}Great Britain] by reason of its type or maturity class; and

(b) specifying a date after which marketing of the variety is prohibited,

no person shall market any seeds of the variety after that date.

(4) If the acceptance of a plant variety—

(a) of a species specified in Part I of Schedule 1 on to a [^{F98}GB Variety List]^{F104} ...

^{F105}(b)

has been revoked or has expired, no person shall market any seeds of the variety unless a residual marketing period has been specified in a notice published by the Secretary of State in the Gazette in respect of seed of that variety and that period has not expired.

(5) No person shall market seed of a variety accepted on to a [^{F98}GB Variety List]^{F106}... except under the name in which the variety is accepted; and where the [^{F97}appropriate authority] adapt the name of a variety under regulation 6(5), and specify in a notice published in the Gazette in respect of the variety a period during which seed of the variety may be marketed under the name as it was referred to in the List before it was adapted, seed of the variety may be marketed during that period under the name as it was referred to in the List before it was adapted.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F97** Words in regs. 10-17 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(4)**
- F98** Words in regs. 10-12 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(a)**
- F99** Words in reg. 11(2)(a) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(8)(a)(i)(aa)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)(3)(c)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F100** Words in reg. 11(2)(a) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(8)(a)(i)(bb)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)(3)(c)(ii)); 2020 c. 1, Sch. 5 para. 1(1)
- F101** Words in reg. 11(2)(b) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(8)(a)(ii)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)(3)(c)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F102** Words in reg. 11(2)(b) substituted (27.7.2007) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2007 \(S.I. 2007/1871\)](#), regs. 1, **2(3)**
- F103** Words in reg. 11(3) substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(8)**
- F104** Words in reg. 11(4)(a) omitted (E.W.S.) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(8)(b)(i)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F105** Reg. 11(4)(b) omitted (E.W.S.) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(8)(b)(ii)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F106** Words in reg. 11(5) omitted (E.W.S.) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(8)(c)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

Maintenance of accepted plant varieties **U.K.**

12.—(1) The maintainer of a plant variety on a [^{F98}GB Variety List], other than a B List vegetable variety widely known on 1 January 1973, shall maintain the variety according to accepted practices for maintaining the variety.

(2) The maintainer of a plant variety shall not maintain that variety except—

[^{F107}(a) in the United Kingdom;

(b) in a country referred to in the Equivalence Decision; or

(c) in a country granted equivalence by an appropriate authority.]

[^{F108}(2A) The maintainer of a conservation variety shall not maintain that variety except in its region of origin.]

(3) The maintainer of a plant variety shall keep records of all the generations of the variety he maintains and shall on demand produce at his own expense such records for inspection by or on behalf of the [^{F97}appropriate authority] and shall also, if so required at any time, at his own expense deliver to the [^{F97}appropriate authority] samples of seed of that variety.

(4) The maintainer of a plant variety shall at all reasonable times give to an authorised officer such facilities for the inspection or examination of any—

(a) plants, whether growing or harvested;

(b) plant materials; and

(c) records,

as may in the opinion of the officer be necessary or desirable for the purposes of checking compliance with any of the provisions of this regulation.

(5) If, for the purposes of checking compliance with any of the provisions of this regulation, an authorised officer considers it is necessary or desirable to take a sample of any seed of a variety requiring to be maintained under these Regulations the officer may, at any premises, take a sample of the seed.

Textual Amendments

F1 Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)

F97 Words in regs. 10-17 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(4)**

F98 Words in regs. 10-12 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(a)**

F107 Reg. 12(2)(a)-(c) substituted for reg. 12(2)(a)(b) (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(9)**

F108 Reg. 12(2A) inserted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, 7

Duration of acceptance of plant varieties **U.K.**

13.—(1) Subject to the following provisions of this regulation and regulation 14, the acceptance of a variety under regulation 5(3) or (5) is valid until the end of the tenth calendar year following acceptance.

(2) Provided the requirements of distinctness, uniformity and stability are still satisfied in respect of a variety the [F97appropriate authority] may renew acceptance of the variety if they are satisfied that cultivation of the variety is on such a scale as to justify renewed acceptance.

(3) The [F97appropriate authority] may determine an application for renewal of acceptance of a variety notwithstanding that any fee payable under regulation 10 in relation to the variety, whether in connection with that renewal or any other matter, has not been paid as so prescribed.

(4) An application for renewal of acceptance of a variety shall be made not later than two years before the date on which the acceptance is due to expire.

(5) Acceptance of a variety may be renewed more than once in accordance with this regulation.

(6) If an application for renewal of acceptance of a variety in accordance with this regulation has been made not later than two years before the date on which the acceptance is due to expire and the [F97appropriate authority] have not determined the application before that date, the [F97appropriate authority] may provisionally renew the acceptance for a reasonable period extending after that date to permit them to determine the application.

(7) The [F97appropriate authority] shall inform the applicant of a determination made by them under this regulation relating to the application and of the reasons for the determination.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), 5 (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F97** Words in regs. 10-17 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), 3(4)

Revocation of acceptance of plant varieties and maintainers **U.K.**

14.—(1) The [F97appropriate authority] shall revoke acceptance of a variety if they are satisfied that—

- (a) on examination, the variety is no longer distinct, stable or sufficiently uniform; or
- (b) in respect of a variety other than a B List vegetable variety widely known on 1 January 1973—
 - (i) there is no maintainer of the variety and no application in relation to a maintainer of the variety has been made and not yet determined; or
 - (ii) whether or not there is a maintainer of the variety, it is not being properly maintained.

(2) If after a variety is accepted on to a [F109GB Variety List] the [F97appropriate authority] are satisfied that, at the time the variety was accepted, the variety was not distinct as specified in Schedule 2 they shall make such other determination as they consider to be in accordance with [F110these Regulations]; and this other determination may be a determination—

- (a) to revoke and replace the original acceptance; or
- (b) to revoke and not replace the acceptance.

(3) If a determination is replaced by another determination under paragraph (2) above the variety replaced shall, with effect from the date of the determination replaced, no longer be regarded as a variety known in the [F111United Kingdom].

(4) If, in relation to any variety accepted on to a [F109GB Variety List], it appears to the [F97appropriate authority] that—

- (a) cultivation of the variety, in relation to plant health, could be harmful to the cultivation of other varieties or species;
 - [^{F112}(b) in respect of a genetically modified variety, any authorisation for marketing of the variety in accordance with the relevant legislation has been revoked or has otherwise expired;]
 - [^{F113}(c) in respect of a variety other than a genetically modified variety any material derived from which is intended for use as a food, or a food ingredient, within the meaning of [^{F114}Article 2(2)(b)] of the Novel Foods Regulation, the authorisation of the food or food ingredient for the purposes of that Regulation has been revoked or has otherwise expired;]
 - (d) false information material to the acceptance of the variety on to a [^{F109}GB Variety List] was given to the [^{F97}appropriate authority] in relation to that acceptance;
 - (e) the maintainer of the variety has failed to comply with a requirement of these Regulations in relation to maintenance of the variety; or
 - (f) any fee prescribed under regulation 10 has not been paid as so prescribed,
- the [^{F97}appropriate authority] may revoke the acceptance of the variety and, in respect of a failure by the maintainer of the variety to comply with a requirement of these Regulations in relation to maintenance of the variety, delete the reference to the name of that person as the maintainer of the variety.

(5) The [^{F97}appropriate authority] may revoke acceptance of a variety, whether or not they are satisfied of any of the matters in respect of the variety specified in paragraph (4) above, if they are satisfied that revocation is required by virtue of any provision of national law justified on grounds of the protection of health and life of humans, animals or plants.

(6) On being given notice by a maintainer that he intends to stop, or has stopped, maintaining the variety with effect from a date specified in the notice the [^{F97}appropriate authority] shall delete the reference to the name of that person as the maintainer of the variety with effect from that date.

(7) Where a notice is given under paragraph (6) above by the only maintainer of a variety the [^{F97}appropriate authority] shall not revoke the acceptance of the variety under paragraph (1)(b) above until—

- (a) the Secretary of State has published a notice in the Gazette for the purpose of advertising for a new maintainer; and
- (b) after the period specified in the notice, during which a person may apply to be a maintainer of the variety, has expired.

(8) Where the [^{F97}appropriate authority] make a determination under this regulation in relation to a variety or a maintainer of a variety, they shall inform the maintainer, and any other person whose name is in the record of the variety kept by the Secretary of State under regulation 15 below, of the determination and of the reasons for it.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F97** Words in regs. 10-17 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(4)**
- F109** Words in reg. 14 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(a)**
- F110** Words in reg. 14(2) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(10)(a)** (as amended by S.I. 2020/1294, regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

- F111** Words in reg. 14(3) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(10)(b)** (as amended by [S.I. 2020/1294](#), regs. 1(2)(a), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F112** Reg. 14(4)(b) substituted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(8)(a)**
- F113** Reg. 14(4)(c) substituted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(8)(b)**
- F114** Words in reg. 14(4)(c) substituted (17.9.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018 \(S.I. 2018/942\)](#), regs. 1(2), **42(5)**

Records **U.K.**

15.—(1) The Secretary of State shall keep a record of each application for acceptance of a variety on to a [^{F115}GB Variety List] containing—

- (a) the date on which the application was received by the [^{F97}appropriate authority] and the reference number given to it by the Secretary of State for the purposes of these Regulations;
- (b) the date on which details of the application were published in the Gazette;
- (c) the name and address of the applicant;
- (d) the description of the characteristics of the plant variety provided by the applicant;
- (e) the proposed name of the variety as published in the Gazette; and
- (f) such other information as appears to the Secretary of State to be desirable.

(2) Subject to paragraph (3) below, in respect of each variety accepted on to a [^{F115}GB Variety List] the Secretary of State shall keep a record of—

- (a) the information contained in the record kept under paragraph (1) above of the application for acceptance of the variety;
- (b) the species, name and description of the variety and, so far as the [^{F97}appropriate authority] are aware, any other name by which the variety is known;
- (c) the date of acceptance of the variety on to the [^{F115}GB Variety List] and a summary of all the facts on which the acceptance was based;
- (d) in respect of a genetically modified variety, the reference number under which the variety was accepted for marketing in accordance with [^{F116}the relevant legislation];
- [^{F117}(e) in respect of a variety other than a genetically modified variety any material to be derived from which is intended for use as a food, or a food ingredient, within the meaning of [^{F118}Article 2(2)(b)] of the Novel Foods Regulation, the reference under which the food or food ingredient may be placed on the market under that Regulation;]
- (f) the date on which the acceptance of the variety on to the [^{F115}GB Variety List] is due to expire;
- (g) the name and address of any maintainer of the variety or a reference sufficient to enable their name and address to be ascertained;
- (h) each—
 - (i) renewal of the variety under regulation 13;
 - (ii) revocation of the acceptance of the variety under regulation 14; and
 - (iii) deletion of the reference to the name of a person as the maintainer of the variety under regulation 14; and
- (i) such other information as appears to the Secretary of State to be desirable.

(3) Where, for the purposes of a relevant decision under these Regulations in relation to a variety, examination of the components of the variety is necessary in order to study hybrids and synthetic varieties, the Secretary of State shall ensure, if the applicant concerned in respect of that determination so requests, that she excludes from the record kept in respect of the variety under paragraph (2) above and treats as confidential the results of the examination and the description of the components.

(4) The description in paragraph (2)(b) above shall be the description obtained in the course of the official examination of the variety for the purposes of determining whether it is distinct, stable and sufficiently uniform.

(5) Subject to paragraph (3) above, the Secretary of State shall disclose a record kept under this regulation on payment of any fee charged by the [F97appropriate authority] under regulation 10 for the disclosure of the record.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F97** Words in regs. 10-17 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(4)**
- F115** Words in reg. 15 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(a)**
- F116** Words in reg. 15(2)(d) substituted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(9)(a)**
- F117** Reg. 15(2)(e) substituted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(9)(b)**
- F118** Words in reg. 15(2)(e) substituted (17.9.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018 \(S.I. 2018/942\)](#), regs. 1(2), **42(5)**

Representations and hearings **U.K.**

16.—(1) The [F97appropriate authority] shall provide any person who would be affected by a proposed relevant decision an opportunity—

- (a) to make written representations to them about it in the manner, and within the period, published for the purpose in the Gazette under regulation 3; or
- (b) if a request for oral representations is made within the period published for the purpose in the Gazette under regulation 3, to make oral representations about the proposed relevant decision to a person appointed by them,

or to do both, subject to the payment of any fee in respect of such representations payable under the fees Regulations.

(2) The [F97appropriate authority] may afford to any person entitled to make representations in accordance with paragraph (1) above in respect of a proposed relevant decision an opportunity to make representations to them about it on more than one occasion if in the circumstances it appears to them to be necessary or desirable to do so; and, on a second or subsequent such occasion, may afford to any such person the opportunity to do so without charging any fee.

(3) The [F97appropriate authority] shall send to each person entitled to make written representations in accordance with paragraph (1) above of whom they are aware a copy of any representations so made.

(4) Where any person entitled to make oral representations in accordance with paragraph (1) above in respect of a proposed relevant decision makes a request to do so in accordance with that

paragraph, or is afforded an opportunity to make oral representations in respect of it in accordance with paragraph (2) above, the [^{F97}appropriate authority] shall—

- (a) appoint a time and place in [^{F119}Great Britain] for the hearing of oral representations in respect of the proposed relevant decision, having regard to—
 - (i) the convenience, wishes of and expenses of any such person;
 - (ii) the situation of any land or premises to be viewed in relation to the oral representations; and
 - (iii) all other relevant circumstances;
- (b) appoint a person to conduct the hearing of the oral representations; and
- (c) give not less than 14 days notice of the time and place appointed for the hearing to—
 - (i) the persons affected by the proposed relevant decision; ^{F120} ...
 - ^{F120}(ii)

(5) Any person entitled to make oral representations at a hearing in accordance with this regulation shall, not later than 7 days before the day appointed for the hearing, deliver to the [^{F97}appropriate authority] two copies of any documents which the person proposes to rely upon; and the [^{F97}appropriate authority] shall deliver a copy of these documents to each of the other persons who appear to them to be concerned in the matter.

(6) The procedure in relation to the preparation for the hearing of oral representations in respect of a proposed relevant decision, and, subject to paragraph (7) below, the procedure at the hearing of them, including any adjournment or subsequent convening of the hearing, shall be as the person conducting the hearing directs having regard to the wishes of the persons affected by the proposed relevant decision who are entitled to make the oral representations in respect of it or who have been afforded an opportunity to make oral representations in respect of it in accordance with paragraph (2) above.

- (7) A person who makes oral representations in accordance with this regulation may—
 - (a) rely upon the documents in respect of which copies have been delivered to the [^{F97}appropriate authority] as required by paragraph (5) above;
 - (b) call witnesses; and
 - (c) put questions directly to any witnesses called by or on behalf of any other person making oral representations at the hearing,

and may be represented for the purpose by a person of their choice.

(8) The [^{F97}appropriate authority] shall not take a relevant decision until they have considered any oral or written representations made to them in accordance with this regulation in respect of the proposal for it and any documents relied on and evidence adduced at the hearing of any oral representations.

(9) The [^{F97}appropriate authority] shall give to each person who has made oral or written representations in accordance with this regulation notice of their decision together with their reasons for it and shall inform them of the time and manner in which an appeal against the relevant decision may be brought to the Tribunal.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F97** Words in regs. 10-17 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(4)**

- F119** Words in reg. 16(4)(a) substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(8)**
- F120** Reg. 16(4)(c)(ii) and word omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), **Sch. para. 52**

Appeals **U.K.**

17.—(1) Any person affected by a relevant decision, except a decision in respect of the naming of a plant variety, may appeal against the relevant decision to the Tribunal.

(2) Schedule 3 to the Plant Varieties Act 1997 (which makes provision about the Tribunal) shall apply for the purposes of appeals under this regulation as it applies for the purposes of appeals in respect of which provision is made for the Tribunal to have jurisdiction in Regulations made under section 44 of that Act or in Rules under or having effect as if made under paragraph 13 of Schedule 3 to that Act.

(3) Where an appeal is made against a relevant decision, regulation 9 of the Plant Breeders' Rights Regulations 1998(14) shall apply in relation to the appeal as it applies for the purposes of appeals made under those Regulations with the modifications that—

- (a) references in that regulation to “the Controller” shall be construed as references to “the [F97 appropriate authority]”; F121 ...
- [F122(aa) the reference in regulation 9(1) to “the United Kingdom” shall be construed as a reference to “Great Britain”; and]
- (b) for the reference in regulation 9(3) of those Regulations to suspension of the operation of decisions pending the final determination of the appeal, in respect of any decision of the [F97 appropriate authority] the effect of which is to revoke the acceptance of a variety on grounds relating to human health, animal health or plant health, there shall be substituted a reference to the operation of the decision having effect in the period beginning on the date on which notice of the decision was given in accordance with these Regulations.
- (4) Where—
- (a) a relevant decision of the [F97 appropriate authority] is to revoke the acceptance of a variety from a [F123 GB Variety List];
- (b) an appeal is brought against that decision;
- (c) by virtue of regulation 9 of the Plant Breeders' Rights Regulations 1998, as applied by paragraph (3) above, the effect of the decision is suspended pending the final determination of the appeal; and
- (d) the appeal is determined in favour of the appellant,

the Secretary of State shall publish a notice in the Gazette confirming the appeal has been successful and, accordingly, that the variety is still accepted on to the [F123 GB Variety List].

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F97** Words in regs. 10-17 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(4)**
- F121** Word in reg. 17(3) omitted (E.W.S.) (31.12.2020) by virtue of [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(10)(a)**

F122 Reg. 17(3)(aa) inserted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(10)(b)**

F123 Words in reg. 17 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(3)(a)**

Obstruction **U.K.**

18.—(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purpose of carrying out his functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Textual Amendments

F1 Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)

Offences and penalties **U.K.**

19.—(1) A person contravening or failing to comply with any provision of regulation 11 or 18 shall be guilty of an offence and shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(2) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate, or
- (b) any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(3) For the purposes of paragraph (1) above, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(4) Where an offence under these Regulations which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1294), regs. 1(2)(b), 5 (with savings and transitional provisions in S.R. 2020/302, reg. 25)

Offences due to fault of another person and defence of due diligence **U.K.**

20.—(1) Where the commission by any person of an offence under any of the provisions of these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this paragraph of this regulation whether or not proceedings are taken against the first-mentioned person.

(2) In any proceedings for an offence under any of the provisions of these Regulations, it shall, subject to paragraph (3) below, be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.

(3) If in any case the defence provided by paragraph (2) above involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless—

- (a) at least seven clear days before the hearing; and
- (b) where he has previously appeared before a court in connection with the alleged offence, within one month of his first such appearance,

he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(4) In paragraph (3) above any reference to appearing before a court shall be construed as including a reference to being brought before a court.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1294), regs. 1(2)(b), 5 (with savings and transitional provisions in S.R. 2020/302, reg. 25)

Application of provisions of the Plant Varieties and Seeds Act 1964 **U.K.**

21.—(1) As respects Great Britain, the following provisions of the Plant Varieties and Seeds Act 1964 shall apply for the purposes of these Regulations as they apply for the purposes of seeds Regulations having effect under Part II of that Act and, unless the context otherwise requires, any reference in them to seeds Regulations or to that Part shall be construed as a reference to these Regulations and any reference to a person duly authorised by the Minister or to an authorised officer shall be taken to be references to an authorised officer within the meaning of these Regulations—

- section 25 (powers of entry);
- section 26 (use of samples in criminal proceedings);
- section 27 (tampering with samples);
- section 28 (institution of criminal proceedings), subject to the modification that it shall apply to proceedings in respect of any offence under these Regulations as it applies to the proceedings to which it refers;
- section 29(1) (application of Part II to seed potatoes); and

section 30(2) (interpretation of Part II: contravention and failure of compliance).

^{F124}(2)

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in [S.R. 2020/302](#), reg. 25)
- F124** Reg. 21(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(11)**

Enforcement **U.K.**

22.—^{F125}(1) These Regulations shall be enforced—

- (a) in relation to England, by the Secretary of State;
- (b) in relation to Scotland, by the Scottish Ministers;
- (c) in relation to Wales, by the National Assembly for Wales; ^{F126}...

^{F126}(d)

^{F127}(2) The Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under these Regulations.]

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in [S.R. 2020/302](#), reg. 25)
- F125** Reg. 22 renumbered as reg. 22(1) (E.W.) (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **3(a)**
- F126** Reg. 22(1)(d) and word omitted (E.W.S.) (31.12.2020) by virtue of [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(12)**
- F127** Reg. 22(2) added (E.W.) (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **3(b)**

Service of notices etc. **U.K.**

23.—(1) Any notice or other document to be given or served on any person under or in relation to these Regulations may be given or served—

- (a) by delivering it to that person;
- (b) in the case of an incorporated body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it by post to him at that office; or
- (c) in the case of any other person, by leaving it, or sending it by post to him, at his usual or last known address.

(2) Where a notice or other document is to be given or served on the owner, proprietor, operator or occupier of any premises and it is not practicable after reasonable enquiry to ascertain the name and address of the person to or on whom it should be given or served, or the premises are unoccupied, the document may be given or served by addressing it to the person concerned by the description of “owner”, “proprietor”, “operator” or “occupier” of the premises (naming them) and—

- (a) by delivering it to some person on the premises; or

- (b) if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), 5 (with savings and transitional provisions in [S.R. 2020/302](#), reg. 25)

Revocations and savings and transitional provisions **U.K.**

24.—(1) Subject to the savings and transitional provisions in the following provisions of this regulation—

- (a) the Seeds (National Lists of Varieties) Regulations 1982(**15**) (“the 1982 Regulations”) shall be revoked;
- (b) the following provisions of the Seeds (National Lists of Varieties) (Fees) Regulations 1994 shall be revoked: sub-paragraphs (a), (b), (c) and (d) of regulation 3(1), paragraphs (2), (2A) and (4) of that regulation, regulation 4, Schedules 1, 2, 3 and 4 and paragraphs 1, 4, 5 and 6 of Schedule 5; and
- (c) the following provisions of the Seeds (National Lists of Varieties) (Fees) Regulations 1994 shall be amended—
- (i) in regulation 2(1), for the definition of “the Ministers”, there shall be substituted—
- ““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;”;
- (ii) in paragraphs 2 and 3 of Schedule 5, for the words “the Ministers” there shall be substituted the words “the National Authorities”.

(2) Any application—

- (a) lawfully entertained in accordance with regulation 5(1) of the 1982 Regulations but not determined at the coming into force of these Regulations; or
- (b) referred to in regulation 5A of the 1982 Regulations (inserted by the Seeds (National Lists of Varieties) (Amendment) Regulations 1998(**16**)), and treated as being lawfully entertained in accordance with regulation 5(1) of those Regulations, but not determined at the coming into force of these Regulations,

shall be treated as an application referred to in paragraph (1) of regulation 4 of these Regulations and accordingly shall be subject to the remaining provisions of that regulation (in respect of anything needing to be done at the coming into force of these Regulations in relation to the application by or on behalf of the applicant) and shall be determined in accordance with these Regulations.

(3) Any entry of a variety in a National List—

- (a) made in respect of an application referred to in regulation 5(1) of the 1982 Regulations;
- (b) made in respect of an application referred to in regulation 5A of those Regulations and treated as having been lawfully entertained in accordance with regulation 5(1) of those Regulations; or
- (c) renewed under regulation 14 of those Regulations,

(15) S.I. 1982/844; amended by S.I. 1985/1529, S.I. 1989/1314, S.I. 1990/1353, S.I. 1992/1615 and S.I. 1998/2726.

(16) S.I. 1998/2726.

and having effect at the coming into force of these Regulations, shall have effect as an acceptance of the variety on to that List in accordance with the provisions of these Regulations.

(4) Any test or trial being conducted at the coming into force of these Regulations for the purpose of regulation 11(1) of the 1982 Regulations shall have effect as if it were an official measure for the purposes of these Regulations.

(5) Any arrangement under regulation 11(1) of the 1982 Regulations having effect at the coming into force of these Regulations shall have effect as if it were an arrangement for an official measure entered into under regulation 9 of these Regulations.

(6) Any licence to conduct a trial referred to in regulation 11A(1) of the 1982 Regulations, issued under that regulation and having effect at the coming into force of these Regulations, shall have effect as if it were an arrangement for an official measure entered into under regulation 9 of these Regulations.

(7) Any provision of a contract, entered into by the Minister of Agriculture, Fisheries and Food in connection with a trial referred to in regulation 11A(1) of the 1982 Regulations and having effect at the coming into force of these Regulations, shall have effect as if it were a provision of an arrangement entered into under regulation 9 of these Regulations.

(8) For the purposes of these Regulations the tests and trials referred to in regulation 11AA of the 1982 Regulations (inserted by the Seeds (National Lists of Varieties) (Amendment) Regulations 1998) shall continue to be taken to be tests and trials required by those Regulations, as provided by that regulation 11AA, notwithstanding the failure of compliance referred to in that regulation.

(9) Any period specified in a notice published in the Gazette under paragraph (3) of regulation 16 of the 1982 Regulations, in respect of which a plant variety may be marketed in accordance with paragraphs (1) or (2) of that regulation, which has not expired at the coming into force of these Regulations, shall have effect for the residue of that period as if it were a residual marketing period specified in a notice published under regulation 11(4) of these Regulations.

(10) Any acceptance of a name of a variety under regulation 17 of the 1982 Regulations having effect at the coming into force of these Regulations, shall have effect as an acceptance of that name under regulation 6 of these Regulations.

(11) Any acceptance of a maintainer of a variety under regulation 18 of the 1982 Regulations having effect at the coming into force of these Regulations, shall have effect as an acceptance of that maintainer under regulation 7 of these Regulations.

(12) Any proposal for a decision referred to in paragraphs (1) or (2) of regulation 21 of the 1982 Regulations, in respect of which the decision has not been taken under those Regulations at the coming into force of these Regulations, shall have effect as a proposal for a relevant decision under these Regulations.

(13) Any oral or written representations made in accordance with Part III of the 1982 Regulations, in respect of a decision—

(a) proposed but not taken under those Regulations at the coming into force of these Regulations; or

(b) proposed and taken under those Regulations at the coming into force of these Regulations, shall have effect as if they were oral or written representations made in accordance with regulation 16 of these Regulations.

(14) Any appeal referred to in regulation 30 of the 1982 Regulations which, at the coming into force of these Regulations,—

(a) may be made to the Tribunal under that regulation; or

(b) has been made to that Tribunal but not finally determined,

shall have effect respectively as an appeal which may be or has been made to the Tribunal under regulation 17 of these Regulations.

(15) Any fee payable under regulation 3 of the fees Regulations in respect of a matter mentioned in that regulation, arising under the 1982 Regulations but not paid at the coming into force of these Regulations, shall be treated as a fee charged under, and recoverable as a debt in accordance with, regulation 10 of these Regulations.

Textual Amendments

F1 Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), 5 (with savings and transitional provisions in [S.R. 2020/302](#), reg. 25)

Amendments of [^{F128}certain Regulations relating to seed marketing] **U.K.**

25.—(1) [^{F129}The following Regulations] shall be amended in accordance with the following provisions of this regulation.

^{F130}(2)

^{F131}(3)

^{F132}(4)

^{F133}(5)

(6) In relation to seed potatoes—

^{F134}(a)

^{F135}(b)

^{F134}(c)

(7) In relation to vegetable seeds—

(a) [^{F136}in the Vegetable Seeds Regulations 1993—

(i) in regulation 3(1), in the definition of “National List”, for the words “the Seeds (National Lists of Varieties) Regulations 1982” there shall be substituted the words “the Seeds (National Lists of Varieties) Regulations 2001”;

(ii) in regulation 5(1) for the words “no person shall market any seeds unless they are seeds of plant varieties which may, for the time being, be marketed in accordance with regulation 31 of the Seeds (National Lists of Varieties) Regulations 1982, unless they are marketed in seed lots or parts of seed lots and unless they are” there shall be substituted the words “no person shall market any seeds of a plant variety of a species specified in Part I of Schedule 1 to the Seeds (National Lists of Varieties) Regulations 2001 unless the variety is accepted on to a National List or the Common Catalogue and no person shall market any seeds of a plant variety of a derogated species specified in paragraph 1 of Part II of Schedule 1 to those Regulations unless the variety is accepted on to the Common Catalogue; and no person shall market any seeds of a plant variety of a species specified in Part I of that Schedule or paragraph 1 of Part II of that Schedule unless the seeds are marketed in seed lots or parts of seed lots and unless they are”;

(iii) in regulation 5(4)(c) for the words “the Seeds (National Lists of Varieties) Regulations 1982” there shall be substituted the words “paragraph (1) above”;

(iv) after paragraph (4) of regulation 5 there shall be added the following paragraph—

“(4A) Paragraph (1) above shall not prevent the marketing of seeds of a variety intended for use solely as a component of a final variety where, by reason only of article 3(1)(a) of Council Directive 70/457/EEC, the component is not included on a National List and the seeds are not marketed under the names of the component.”

(v) in regulation 5(11) the words “regulation 32(1) and (2) of the Seeds (National Lists of Varieties) Regulations 1982, and” shall be deleted; and

(vi) in regulation 6(5), for the words “regulation 31 of the Seeds (National Lists of Varieties) Regulations 1982” there shall be substituted the words “regulation 5(1) above”; and]

F137(b)

Textual Amendments

- F1** Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in S.R. 2020/302, reg. 25)
- F128** Words in reg. 25 title substituted (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(6)(a)**
- F129** Words in reg. 25(1) substituted (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(6)(b)**
- F130** Reg. 25(2) revoked (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(6)(c)**
- F131** Reg. 25(3) revoked (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(6)(c)**
- F132** Reg. 25(4) revoked (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(6)(c)**
- F133** Reg. 25(5) revoked (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(6)(c)**
- F134** Reg. 25(6)(a)(c) revoked (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(6)(d)**
- F135** Reg. 25(6)(b) revoked (S.) (1.1.2016) by [The Seed Potatoes \(Scotland\) Regulations 2015 \(S.S.I. 2015/395\)](#), reg. 1(1), **sch. 9** (with reg. 21)
- F136** Reg. 25(7)(a) revoked (E.W.) (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), **regs. 1, 2(6)(e)(i)**
- F137** Reg. 25(7)(b) revoked (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(6)(e)(ii)**

Whitty
Parliamentary Under-Secretary,
Department for Environment, Food and Rural
Affairs

Helen Liddell
Secretary of State for Scotland

Signed on behalf of the National Assembly for Wales

D. Elis Thomas
The Presiding Officer]

Changes to legislation:

There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) Regulations 2001.