
STATUTORY INSTRUMENTS

2001 No. 3510

The Seeds (National Lists of Varieties) Regulations 2001

Marketing Prohibition Notices

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 a Common Catalogue, means a notice that an application to prohibit marketing of the variety has been made to the Commission by or on behalf of the National Authorities on the ground 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 a Common Catalogue, being a derogated species referred to in paragraph 2 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 the United Kingdom, for the purpose of assessing value for cultivation and use, show that the variety does not, in any part of the United Kingdom, produce results corresponding to those obtained from a comparable variety accepted in the United Kingdom; or

(ii) the National Authorities are satisfied the variety is not suitable for cultivation in any part of the United Kingdom 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 National List or a Common Catalogue; or

(b) of a derogated species specified in paragraph 1 of Part II of Schedule 1 on to a Common Catalogue,

has been revoked or has expired, no person shall market any seeds of the variety unless a residual marketing period has been specified in a notice published by the Secretary of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 National List or a Common Catalogue except under the name in which the variety is accepted; and where the National Authorities 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.