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## STATUTORY INSTRUMENTS

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# 2001 No. 3510

## The Seeds (National Lists of Varieties) Regulations 2001

### Revocation of acceptance of plant varieties and maintainers

14.—(1) The National Authorities 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 National List the National Authorities 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 the Common Catalogue Directive or, in respect of a vegetable variety, the Vegetable Seed Marketing Directive; 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 [<sup>F1</sup>European Union] within the meaning of article 5(1) of the Common Catalogue Directive or, in respect of a vegetable variety, the Vegetable Seed Marketing Directive.

(4) If, in relation to any variety accepted on to a National List, it appears to the National Authorities that—

- (a) cultivation of the variety, in relation to plant health, could be harmful to the cultivation of other varieties or species;
- [<sup>F2</sup>(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modified variety, any authorisation for marketing of the variety in accordance with the relevant legislation has been revoked or has otherwise expired;]
- [<sup>F3</sup>(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 [<sup>F4</sup>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 National List was given to the National Authorities 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 National Authorities 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

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*Status: Point in time view as at 01/07/2020. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) Regulations 2001, Section 14. (See end of Document for details)*

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maintenance of the variety, delete the reference to the name of that person as the maintainer of the variety.

(5) The National Authorities 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 National Authorities 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 National Authorities 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 National Authorities 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** Words in Regulations substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, **3-6**
- F2** 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)**
- F3** 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)**
- F4** 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)**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) Regulations 2001, Section 14.