
STATUTORY INSTRUMENTS

2001 No. 3510

The Seeds (National Lists of Varieties) Regulations 2001

Interpretation

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

“authorised officer” means an officer authorised for the purposes of these Regulations by the Secretary of State, the National Assembly for Wales, the Scottish Ministers or the Department of Agriculture and Rural Development;

“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;

“the Commission Regulation” means the Commission Regulation (EC) No. 930/2000⁽¹⁾ establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species;

“a Common Catalogue” means, as the case may be, either the Common Catalogue of varieties of species of agricultural plants or the Common Catalogue of varieties of species of vegetables, both published in the Official Journal of the European Communities;

“the Common Catalogue Directive” means Council Directive 70/457/EEC⁽²⁾ on the common catalogue of varieties of agricultural plant species;

“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;

“the fees Regulations” means the Seeds (National Lists of Varieties) (Fees) Regulations 1994⁽³⁾;

“the Gazette” means the Plant Varieties and Seeds Gazette published in accordance with section 34(1) of the Plant Varieties and Seeds Act 1964⁽⁴⁾;

“genetically modified” has the same meaning as for the purposes of Council Directive 90/220/EEC⁽⁵⁾ on the deliberate release into the environment of genetically modified organisms;

“maintainer”, in respect of a plant variety, means a person named in or ascertainable by reference to a National List as responsible for maintaining a variety in accordance with the

(1) OJ No. L108, 5.5.2000, p. 3.

(2) 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).

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

(4) 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).

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

characteristics to which regard was had when that variety was accepted on a National List; and “maintenance” shall be construed accordingly;

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

“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;

“the National 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 of these Regulations;

“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 National Authorities have given notice of the proposed relevant decision or the relevant decision;
- (b) any person appearing to the National Authorities 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;

“relevant decision” means a decision of the National Authorities—

- (a) under regulation 5 to accept or refuse to accept a plant variety on to a National 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);

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;

“the Seeds Marketing Directives” means—

- (a) Council Directive [66/400/EEC](#)(6) on the marketing of beet seed, as last amended by Council Directive [98/96/EC](#)(7);
- (b) Council Directive [66/402/EEC](#)(8) on the marketing of cereal seed, as last amended by Commission Directive [99/54/EC](#)(9);
- (c) Council Directive [66/401/EEC](#)(10) on the marketing of fodder plant seed, as last amended by Council Directive [98/96/EC](#);
- (d) Council Directive [69/208/EEC](#)(11) on the marketing of oil and fibre plant seed, as last amended by Council Directive [98/96/EC](#);

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

(7) OJ No. L25, 1.2.1999, p. 27.

(8) OJ No. 125, 11.7.66, p. 2309, OJ/SE 1965-66, p. 143.

(9) OJ No. L18, 23.1.1999, p. 1.

(10) OJ No. 125, 11.7.66, p. 2298, OJ/SE 1965-66, p. 132.

(11) OJ No. L169, 10.7.69, p. 3, OJ/SE 1969 (II), p. 315.

- (e) Council Directive [66/403/EEC](#)(**12**) on the marketing of seed potatoes, as last amended by Commission Decision [1999/742/EC](#)(**13**); and
- (f) Council Directive [70/458/EEC](#)(**14**) on the marketing of vegetable seed as last amended by Council Directive [98/96/EC](#);

“the Seeds Marketing Regulations” means—

- (a) in relation to beet seeds—
 - (i) as respects Great Britain, the Beet Seeds Regulations 1993(**15**); and
 - (ii) as respects Northern Ireland, the Beet Seeds Regulations (Northern Ireland) 1994(**16**);
- (b) in relation to cereal seeds—
 - (i) as respects Great Britain, the Cereal Seeds Regulations 1993(**17**); and
 - (ii) as respects Northern Ireland, the Cereal Seeds Regulations (Northern Ireland) 1994(**18**);
- (c) in relation to fodder plant seeds—
 - (i) as respects Great Britain, the Fodder Plant Seeds Regulations 1993(**19**); and
 - (ii) as respects Northern Ireland, the Fodder Plant Seeds Regulations (Northern Ireland) 1994(**20**);
- (d) in relation to oil and fibre plant seeds—
 - (i) as respects Great Britain, the Oil and Fibre Plant Seeds Regulations 1993(**21**); and
 - (ii) as respects Northern Ireland, the Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994(**22**);
- (e) in relation to seed potatoes—
 - (i) as respects England and Wales, the Seed Potatoes Regulations 1991(**23**);
 - (ii) as respects Scotland, the Seed Potatoes (Scotland) Regulations 2000(**24**); and
 - (iii) as respects Northern Ireland, the Seed Potatoes Regulations (Northern Ireland) 2001(**25**); and
- (f) in relation to vegetable seeds—
 - (i) as respects Great Britain, the Vegetable Seeds Regulations 1993(**26**); and

(12) OJ No. 125, 11.7.66, p. 2302/66, OJ/SE 1965-66, p.154.

(13) OJ No. L297, 18.11.99, p. 39.

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

(15) S.I. 1993/2006, as amended by S.I. 1997/616, S.I. 1999/1861 and, as respects England, S.I. 2000/1791; and, as respects Scotland, S.S.I. 2000/246.

(16) S.R. 1994 No. 251 as amended by S.R. 1997 No. 240, S.R. 2000 No. 52 and S.R. 2001 No. 331.

(17) 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.

(18) 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.

(19) 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.

(20) 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.

(21) S.I. 1993/2007, as amended by S.I. 1994/1423, S.I. 1996/1451, S.I. 1997/616, S.I. 1999/1862 and, as respects England, S.I. 2000/1789; and, as respects Scotland, S.S.I. 2000/249.

(22) S.R. 1994, No. 255, as amended by S.R. 1996 No. 312, S.R. 1997 No. 240, S.R. 2000 No. 55 and S.R. 2001 No. 328.

(23) S.I. 1991/2206, as amended by S.I. 1992/1031, S.I. 1993/1878, S.I. 1994/2592, S.I. 1997/1474 and, as respects England, S.I. 2000/1788; and, as respects Scotland, S.S.I. 2000/201.

(24) S.S.I. 2000/201.

(25) S.R. 2001 No. 188.

(26) S.I. 1993/2008, as amended by S.I. 1996/1452 and 1997/616, S.I. 1999/1863 and, as respects England, S.I. 2000/1790; and, as respects Scotland, S.S.I. 2000/250.

- (ii) as respects Northern Ireland, the Vegetable Seeds Regulations (Northern Ireland) 1994⁽²⁷⁾;

“standard seed”, in relation to seed of a vegetable variety, has, as respects Great Britain, the same meaning as in the Vegetable Seeds Regulations 1993 and, as respects Northern Ireland, the same meaning as in the Vegetable Seeds Regulations (Northern Ireland) 1994;

“the Tribunal” means the tribunal continued as the Plant Varieties and Seeds Tribunal by section 42 of the Plant Varieties Act 1997⁽²⁸⁾;

“varietal association” means an association of—

- (a) certified seed of a male-sterile hybrid variety accepted on to a National List or a Common Catalogue; with
- (b) certified seed of one or more varieties capable of shedding pollen accepted on to a National List or a Common Catalogue,

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

“a variety known in the Community”, is any variety—

- (a) accepted on to—
 - (i) a National List;
 - (ii) a list of another member State corresponding to a National List; or
 - (iii) a Common Catalogue, or
- (b) in respect of which an application for acceptance on to a National List or a list of another member State corresponding to a National List has been submitted and has not been determined,

and “a variety not known in the Community” shall be construed accordingly; and

“the Vegetable Seed Marketing Directive” means Council Directive [70/458/EEC](#) 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 National Authorities 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; and

⁽²⁷⁾ S.R. 1994 No. 250, as amended by S.R. 1996 No. 313, S.R. 1997 No. 240, S.R. 2000 No. 56 and S.R. 2001 No. 327.

⁽²⁸⁾ 1997 c. 66.

(c) in so far as they are exercisable by or on behalf of the Department of Agriculture and Rural Development, shall be treated as functions which are exercisable in or as regards Northern Ireland.

(5) Expressions in these Regulations which are not defined in the preceding paragraphs of this regulation and which appear or are referred to in the Common Catalogue Directive have the same meaning in these Regulations as in that Directive; and expressions in these Regulations which are not defined in the preceding paragraphs of this regulation and which appear or are referred to in the Vegetable Seed Marketing Directive have the same meaning in these Regulations as in that Directive.

(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.