
STATUTORY INSTRUMENTS

2001 No. 3510

The Seeds (National Lists of Varieties) Regulations 2001

[^{F1}Acceptance of plant varieties

5.—(1) Subject to the following provisions of this regulation, the [^{F2}appropriate authority] shall base acceptance of a variety on to a [^{F3}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 [^{F2}appropriate authority]^{F4}....

[^{F5}(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 [^{F2}appropriate authority] may also take into consideration the results of unofficial tests and knowledge gained from practical experience during cultivation.

[^{F6}(2A) In respect of a conservation variety, the requirement in paragraph (1) to base acceptance on to a [^{F3}GB Variety List] on the results of official measures does not apply if the [^{F2}appropriate authority] are satisfied that other information is sufficient for such acceptance.]

(3) The [^{F2}appropriate authority] shall not accept a plant variety on to a [^{F3}GB Variety List] unless they are satisfied that—

- (a) the variety is a variety of a species specified in Part I of Schedule 1;
- [^{F7}(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;
 - [^{F8}(ca) in respect of a conservation variety, it presents an interest for the conservation of plant genetic resources;]
 - [^{F9}(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, [^{F10}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[^{F11}(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.

[^{F12}(3A) The [^{F2}appropriate authority] shall not accept a plant variety as a conservation variety on to a [^{F3}GB Variety List] if—

- (a) it is already listed in the [^{F13}GB Variety List]^{F14}... as a variety other than a conservation variety;
- (b) having been so listed, it has been deleted from that [^{F15}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, [^{F16}or the Welsh Ministers consistently with] Article 15(2) of the Common Catalogue Directive [^{F17}or the Vegetable Seed Marketing Directive]; or
- (c) it is protected by ^{F18}... plant breeders' rights granted under the Plant Varieties Act 1997, or where an application for such rights has been made but not finally determined.]

[^{F19}(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 [^{F2}appropriate authority] may refuse to accept a plant variety on to a [^{F3}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.

[^{F20}(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 [^{F2}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 [^{F2}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 [^{F2}appropriate authority] by any one or more of the [^{F2}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)
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** 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)**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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)**
- F17** 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)**
- F18** 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)**
- F19** 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)**
- F20** 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)**

Changes to legislation:

There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) Regulations 2001, Section 5.