
STATUTORY INSTRUMENTS

2001 No. 3510

The Seeds (National Lists of Varieties) Regulations 2001

Maintainers of plant varieties

7.—(1) The National Authorities shall not grant an application for the substitution or addition of a maintainer of a variety accepted on to a National 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 National List.

(2) For the purposes of a decision under paragraph (1) above the National Authorities 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 National Authorities may have required under regulation 4.

(3) The National Authorities 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 National 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 National Authorities for the purposes of paragraph (3) above.

(5) If an application for acceptance of a variety on to a National List has not yet been determined the National Authorities 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;
- (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 National Authorities shall inform the applicant of a decision made by them under this regulation relating to the application and of the reasons for it.