

SCHEDULE 1

Regulations 2(1) and (2), 3(1), 5(3)(a) and
11(1)

VARIETIES OF PLANT SPECIES ON NATIONAL LISTS AND DEROGATED SPECIES

Part I

Varieties of plant species on National Lists**Agricultural crop varieties**

1. Plants conforming with the characteristics of cultivated plant varieties of the following species intended for agricultural production but not for ornamental use:

<i>Name</i>	<i>Common Name</i>
Cereals	
<i>Avena sativa</i> L.	Oats
<i>Hordeum vulgare</i> L.	Barley
<i>Secale cereale</i> L.	Rye
<i>x Triticosecale</i> Wittm.	Triticale
<i>Triticum aestivum</i> L. emend. Fiori et Paol.	Wheat
<i>Triticum durum</i> Desf.	Durum Wheat
<i>Triticum spelta</i> L.	Spelt wheat
<i>Zea Mays</i> L. (partim)	Maize (except popcorn and sweetcorn)
Potatoes	
<i>Solanum tuberosum</i> L., including any other tuber-forming species or hybrids of <i>Solanum</i>	Potatoes
Beet	
<i>Beta vulgaris</i> L.	Sugar beet, Fodder beet (including mangel)
Fodder plants	
(a) Grasses	
<i>Agrostis canina</i> L.	Velvet bent
<i>Agrostis gigantea</i> Roth	Red top
<i>Agrostis capillaris</i> L.	Brown top
<i>Agrostis stolonifera</i> L.	Creeping bent
<i>Arrhenatherum elatius</i> (L.) P. Beauv. ex J.S. et K.B. Presl	Tall oatgrass
<i>Bromus catharticus</i> Vahl.	Rescue grass
<i>Bromus sitchensis</i> Trin.	Alaska brome-grass
<i>Dactylis glomerata</i> L.	Cocksfoot

Status: Point in time view as at 10/12/2004.

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

<i>Name</i>	<i>Common Name</i>
<i>Festuca arundinacea</i> Schreber	Tall fescue
<i>Festuca ovina</i> L.	Sheep's fescue, Fine-leaved Sheep's fescue and Hard fescue
<i>Festuca pratensis</i> Hudson	Meadow fescue
<i>Festuca rubra</i> L.	Red fescue, Chewings fescue
^{F1} <i>Festuca arundinacea</i> Schreber; <i>Festuca ovina</i> L.	Festulolium
<i>Festuca pratensis</i> Hudson; or <i>Festuca rubra</i> L. x <i>Lolium multiflorum</i> Lam.; <i>Lolium perenne</i> L.; or <i>Lolium x boucheanum</i> Kunth.]	
<i>Lolium multiflorum</i> Lam.	Italian and Westerwolds ryegrass
<i>Lolium perenne</i> L.	Perennial ryegrass
<i>Lolium x boucheanum</i> Kunth	Hybrid ryegrass
<i>Phleum bertolonii</i> DC.	Small Timothy
<i>Phleum pratense</i> L.	Timothy
<i>Poa annua</i> L.	Annual meadowgrass
<i>Poa nemoralis</i> L.	Wood meadowgrass
<i>Poa pratensis</i> L.	Smooth-stalked meadowgrass
<i>Poa trivialis</i> L.	Rough-stalked meadowgrass
(b) Legumes	
<i>Lotus corniculatus</i> L.	Birdsfoot trefoil
<i>Lupinus albus</i> L.	White lupin
<i>Lupinus angustifolius</i> L.	Blue lupin
<i>Lupinus luteus</i> L.	Yellow lupin
<i>Medicago lupulina</i> L.	Black medick, Trefoil
<i>Medicago sativa</i> L.	Lucerne
<i>Medicago x varia</i> T. Martyn	Lucerne
<i>Onobrychis viciifolia</i> Scop.	Sainfoin
<i>Pisum sativum</i> L. (partim)	Field pea
<i>Trifolium hybridum</i> L.	Alsike clover
<i>Trifolium pratense</i> L.	Red clover
<i>Trifolium repens</i> L.	White clover
<i>Vicia faba</i> L. (partim)	Field bean
<i>Vicia pannonica</i> Crantz	Hungarian vetch
<i>Vicia sativa</i> L.	Common vetch
<i>Vicia villosa</i> Roth	Hairy vetch

<i>Name</i>	<i>Common Name</i>
(c) Other fodder plants	
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Swede
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>Medullosa</i> Thell. + var. <i>viridis</i> L.	Fodder kale
<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.	Fodder radish
Oleaginous and fibrous plants	
<i>Brassica juncea</i> (L.) Czernj. et Cosson	Brown mustard
<i>Brassica napus</i> (L.) (partim)	Swede rape (including fodder rape and oilseed rape)
<i>Brassica nigra</i> (L.) Koch	Black Mustard
<i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs	Turnip rape
[^{F2} <i>Cannabis sativa</i> L.	Hemp]
<i>Glycine max</i> (L.) Merr.	Soya bean
<i>Helianthus annuus</i> L.	Sunflower
<i>Linum usitatissimum</i> L.	Flax, Linseed
<i>Sinapis alba</i> L.	White mustard

Textual Amendments

- F1** Sch. 1 Pt. 1 entry substituted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(10)(a)(i)**
- F2** Sch. 1 Pt. 1 entry inserted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(10)(a)(ii)**

Vegetable varieties

2. Plants conforming with the characteristics of cultivated plant varieties of the following species intended for agricultural or horticultural production but not for ornamental use:

<i>Name</i>	<i>Common Name</i>
<i>Allium cepa</i> L.	Onion
<i>Allium porrum</i> L.	Leek
<i>Apium graveolens</i> L.	Celery, Celeriac
<i>Beta vulgaris</i> L. var. <i>vulgaris</i>	Spinach beet, Chard
<i>Beta vulgaris</i> L. var. <i>conditiva</i> Alef.	Beetroot or Red beet
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>gongylodes</i>	Kohlrabi
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>sabellica</i>	Curly kale

Status: Point in time view as at 10/12/2004.

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

<i>Name</i>	<i>Common Name</i>
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i> L.	Cauliflower
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>cymosa</i> Duch.	Sprouting broccoli or calabrese
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>alba</i> DC.	White cabbage
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>rubra</i> DC.	Red cabbage
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>sabauda</i> L.	Savoy cabbage
<i>Brassica oleracea</i> L. convar. <i>oleracea</i> var. <i>gemmifera</i> DC.	Brussels sprouts
<i>Brassica pekinensis</i> (Lour.) Rupr.	Chinese cabbage
<i>Brassica rapa</i> L. var. <i>rapa</i>	Turnip
<i>Cichorium endivia</i> L.	Endive
<i>Cucumis melo</i> L.	Melon
<i>Cucumis sativus</i> L.	Cucumber, Gherkin
<i>Cucurbita maxima</i> Duchesne	Gourd
<i>Cucurbita pepo</i> L.	Marrow
<i>Daucus carota</i> L.	Carrot
<i>Lactuca sativa</i> L.	Lettuce
<i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw.	Tomato
<i>Petroselinum crispum</i> (Miller) Nyman ex A W Hill	Parsley
<i>Phaseolus coccineus</i> L.	Runner bean
<i>Phaseolus vulgaris</i> L.	French bean
<i>Pisum sativum</i> L. (partim)	Pea (excluding field pea)
<i>Raphanus sativus</i> L.	Radish
<i>Spinacia oleracea</i> L.	Spinach
<i>Vicia faba</i> L. (partim)	Broad bean

Part II

Derogated species

Derogation in respect of requirement to provide a national list

1. Plants conforming with the characteristics of cultivated plant varieties of the following species intended for agricultural or horticultural production but not for ornamental use:

Agricultural crop species

<i>Name</i>	<i>Common Name</i>
None	

Vegetable species

<i>Name</i>	<i>Common Name</i>
<i>Asparagus officinalis</i> L.	Asparagus
<i>Cichorium intybus</i> L. (partim)	Witloof chicory
<i>Cichorium intybus</i> L. (partim)	Large leaved (Italian) chicory

Derogation in respect of requirement to provide a national list or restrict marketing

2. Other plants conforming with the characteristics of cultivated plant varieties of the following species intended for agricultural or horticultural production but not for ornamental use:

Agricultural crop species

<i>Name</i>	<i>Common Name</i>
<i>Alopecurus pratensis</i> L.	Meadow foxtail
<i>Arachis hypogaea</i> L.	Groundnut (peanut)
F3	F3
...	...
<i>Carthamus tinctorius</i> L.	Safflower
<i>Carum carvi</i> L.	Caraway
<i>Cynodon dactylon</i> (L.) Pers.	Bermuda grass
<i>Gossypium</i> spp.	Cotton
<i>Hedysarum coronarium</i> L.	Sulla
<i>Oryza sativa</i> L.	Rice
<i>Papaver somniferum</i> L.	Opium poppy
<i>Phacelia tanacetifolia</i> Benth.	California bluebell
<i>Phalaris aquatica</i> L.	Harding grass, Phalaris
<i>Phalaris canariensis</i> L.	Canary grass

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<i>Name</i>	<i>Common Name</i>
<i>Poa palustris</i> L.	Swamp meadowgrass
<i>Sorghum bicolor</i> (L.) Moench	Sorghum
<i>Sorghum sudanense</i> (Piper) Stapf	Sudan grass
<i>Sorghum bicolor</i> (L.) Moench x <i>Sorghum sudanense</i> (Piper) Stapf	Hybrids resulting from the crossing of sorghum and Sudan grass
<i>Trisetum flavescens</i> (L.) P. Beauv.	Golden oatgrass
<i>Trifolium alexandrinum</i> L.	Berseem, Egyptian clover
<i>Trifolium incarnatum</i> L.	Crimson clover
<i>Trifolium resupinatum</i> L.	Persian clover
<i>Trigonella foenum-graecum</i> L.	Fenugreek

Vegetable species

<i>Name</i>	<i>Common Name</i>
<i>Anthriscus cerefolium</i> (L.) Hoffm.	Chervil
<i>Capsicum annuum</i> L.	Chilli pepper or Capsicum
<i>Cichorium intybus</i> L. (partim)	Industrial chicory
<i>Citrullus vulgaris</i> (<i>C. lanatus</i>)	Water melon
<i>Cynara cardunculus</i> L.	Cardoon
<i>Foeniculum vulgare</i> Mill	Fennel
<i>Scorzonera hispanica</i> L.	Scorzonera
<i>Solanum melongena</i> L.	Aubergine or egg plant
<i>Valerianella locusta</i> (L.) Betcke	Corn salad or lamb's lettuce

Textual Amendments

- F3** Sch. 1 Pt. 2 entry deleted (10.12.2004) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2004 \(S.I. 2004/2949\)](#), regs. 1, **2(10)(b)**

SCHEDULE 2

Regulation 5(3)(b) and (c)

DISTINCTNESS, STABILITY, SUFFICIENT UNIFORMITY AND SATISFACTORY VALUE FOR CULTIVATION AND USE

Part I

Distinctness, stability and sufficient uniformity

Distinctness

1.—(1) A plant variety shall be regarded as distinct if, whatever the origin, artificial or natural, of the initial variation from which it has resulted, it is clearly distinguishable in one or more important characteristics from any other variety known in the Community at the time when the application for acceptance of the variety is duly made.

(2) The characteristics of a variety must be capable of precise recognition and precise definition.

(3) Where a variety is known in the Community at the time when an application for acceptance of a variety is duly made, but is no longer known in the Community when that application is determined, for the purpose of determining distinctness as part of that application the variety no longer known in the Community shall be disregarded.

Stability

2. A variety shall be regarded as stable if, after successive propagation or multiplications, or, where the applicant has defined a particular cycle of propagations or multiplications, at the end of each cycle, it remains true to the description of its essential characteristics.

Sufficient uniformity

3. A plant variety shall be regarded as sufficiently uniform if, apart from a very few aberrations, the plants of which it is composed are, account being taken of the distinctive features of the reproductive system of the plants, similar or genetically identical as regards the characteristics, taken as a whole, considered by the National Authorities for the purpose of determining whether the variety is sufficiently uniform.

Part II

Satisfactory value for cultivation and use

Satisfactory value for cultivation and use

1.—(1) The value of a variety for cultivation or use shall be regarded as satisfactory if compared to other varieties accepted in a National List its qualities taken as a whole offer, at least as far as production in any given region is concerned, a clear improvement either for cultivation or as regards the uses which can be made of the crops or the products derived from the crops.

(2) Where other superior characteristics are present individual inferior characteristics may be disregarded.

Status: Point in time view as at 10/12/2004.

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

Satisfactory value for cultivation and use of component varieties of varietal associations

2.—(1) Where a variety is intended solely for use as a component of a varietal association the value of the variety for cultivation or use shall be regarded as satisfactory if compared to other varieties accepted in a National List the qualities of the varietal association taken as a whole offer, at least as far as production in any given region is concerned, a clear improvement either for cultivation or as regards the uses which can be made of the crops or the products derived from the crops resulting from the varietal association.

(2) Where other superior characteristics are present in the varietal association individual inferior characteristics in it may be disregarded.

Part III

Varieties National Authorities do not need to be satisfied are of satisfactory value for cultivation and use

Part II of this Schedule does not apply to—

- (a) varieties of vegetables;
- (b) varieties of grasses not intended for the production of fodder plants if the applicant declares that the seed of the variety is not intended for the production of fodder plants;
- (c) any plant variety whose seed is to be marketed in another member State which has already accepted it on to a list corresponding to a National List, having regard to its value for cultivation and use; or
- (d) any variety intended for use only as a component of a final plant variety.

Status:

Point in time view as at 10/12/2004.

Changes to legislation:

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