

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Status: Point in time view as at 30/06/2009.

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

[^{F3}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. (<i>Cepa</i> Group)	Onion, Echalion
<i>Allium cepa</i> L. (<i>Aggregatum</i> Group)	Shallot
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion
<i>Allium porrum</i> L.	Leek
<i>Allium sativum</i> L.	Garlic
<i>Allium schoenoprasum</i> L.	Chives
<i>Apium graveolens</i> L.	Celery, Celeriac
<i>Beta vulgaris</i> L.	Beetroot including Cheltenham beet, Spinach beet or Chard

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<i>Name</i>	<i>Common name</i>
<i>Brassica oleracea</i> L.	Curly kale, Cauliflower, Sprouting broccoli or Calabrese, Brussels sprouts, Savoy cabbage, White cabbage, Red cabbage, Kohlrabi
<i>Brassica rapa</i> L.	Chinese cabbage, Turnip
<i>Cichorium endivia</i> L.	Curled-leaved endive, Plain-leaved 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 or Courgette
<i>Daucus carota</i> L.	Carrot, Fodder carrot
<i>Lactuca sativa</i> L.	Lettuce
<i>Lycopersicon esculentum</i> Mill.	Tomato
<i>Petroselinum crispum</i> (Mill.) Nyman ex A.W.Hill	Parsley
<i>Phaseolus coccineus</i> L.	Runner bean
<i>Phaseolus vulgaris</i> L.	Dwarf French bean, Climbing French bean
<i>Pisum sativum</i> L. (partim)	Wrinkled pea, Round pea, Sugar pea
<i>Raphanus sativus</i> L.	Radish, Black radish
<i>Rheum rhabarbarum</i> L.	Rhubarb
<i>Spinacia oleracea</i> L.	Spinach
<i>Vicia faba</i> L. (partim)	Broad bean
<i>Zea mays</i> L. (partim)	Sweet corn, Popcorn]

Textual Amendments

F3 Sch. 1 Pt. 1 entry substituted (27.07.2007) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2007 \(S.I. 2007/1871\)](#), **regs. 1, 2(4)**

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. F4	Witloof chicory
...	
<i>Cichorium intybus</i> L. F4	Large leaved (Italian) chicory
...	

Textual Amendments

- F4** Word in Sch. 1. Pt. 2 para. 1 omitted (27.7.2007) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2007 \(S.I. 2007/1871\)](#), regs. 1, 2(5)

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. F5	Groundnut (peanut) F5
...	...
<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

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<i>Name</i>	<i>Common Name</i>
<i>Phalaris canariensis</i> L.	Canary grass
<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.	[^{F6} Chilli or Pepper]
<i>Cichorium intybus</i> L. F7	Industrial chicory
...	
[^{F8} <i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai]	Water melon
<i>Cynara cardunculus</i> L.	[^{F9} Cardoon, Globe artichoke]
<i>Foeniculum vulgare</i> Mill	Fennel
<i>Scorzonera hispanica</i> L.	[^{F10} Scorzonera or Black salsify]
<i>Solanum melongena</i> L.	Aubergine or egg plant
[^{F11} <i>Valerianella locusta</i> (L.) Laterr.]	Corn salad or lamb's lettuce

Textual Amendments

- F5** 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)
- F6** Words in Sch. 1 Pt. 2 para. 2 substituted (27.7.2007) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2007 \(S.I. 2007/1871\)](#), regs. 1, 2(6)(a)
- F7** Word in Sch. 1 Pt. 2 para. 2 omitted (27.7.2007) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2007 \(S.I. 2007/1871\)](#), regs. 1, 2(6)(b)
- F8** Words in Sch. 1 Pt. 2 para. 2 substituted (27.7.2007) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2007 \(S.I. 2007/1871\)](#), regs. 1, 2(6)(c)
- F9** Words in Sch. 1 Pt. 2 para. 2 substituted (27.7.2007) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2007 \(S.I. 2007/1871\)](#), regs. 1, 2(6)(d)

- F10** Words in Sch. 1 Pt. 2 para. 2 substituted (27.7.2007) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2007 \(S.I. 2007/1871\)](#), **regs. 1, 2(6)(e)**
- F11** Words in Sch. 1 Pt. 2 para. 2 substituted (27.7.2007) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2007 \(S.I. 2007/1871\)](#), **regs. 1, 2(6)(f)**

[^{F12}Derogation in respect of marketing restrictions

3. 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:

Vegetable Species

<i>Name</i>	<i>Common name</i>
<i>Allium cepa</i> L.	Shallot
— <i>Aggregatum</i> Group	
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion
<i>Allium sativum</i> L.	Garlic
<i>Allium schoenoprasum</i> L.	Chives
<i>Rheum rhabarbarum</i> L.	Rhubarb]

Textual Amendments

- F12** Sch. 1 Pt. 2 para. 3 inserted (27.7.2007) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2007 \(S.I. 2007/1871\)](#), **regs. 1, 2(7)**

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,

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for the purpose of determining distinctness as part of that application the variety no longer known in the Community shall be disregarded.

[^{F13}**1A.**—(1) A plant variety of a conservation variety is regarded as distinct if it satisfies the characteristics referred to in—

- (a) the technical questionnaires associated with the test protocols listed in Annex I to Directive 2003/90 applicable to the species in question, or
- (b) the technical questionnaires of the test guidelines listed in Annex II to that Directive, applicable to the species in question.

(2) In this paragraph, “Directive 2003/90” means Commission Directive 2003/90/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species, as amended from time to time.]

Textual Amendments

F13 Sch. 2 Pt. 1 para. 1A inserted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **8(1)**

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.

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; ^{F14}...
- (d) any variety intended for use only as a component of a final plant variety; [^{F15}or
- (e) any conservation variety].

Textual Amendments

F14 Word in Sch. 2 Pt. 3 omitted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **8(2)(a)**

F15 Words in Sch. 2 Pt. 3 inserted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **8(2)(b)**

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