

## 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>FI</i> Name	Common name
<b>Cereals</b>	
<i>Avena nuda</i> L.	Small naked oat, Hulless oat
<i>Avena sativa</i> L. (includes <i>A. byzantia</i> K. Koch)	Oats and red oat
<i>Hordeum vulgare</i> L.	Barley
<i>Secale cereale</i> L.	Rye
<i>xTriticosecale</i> Wittm. Ex A. Camus	Triticale
Hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>	
<i>Triticum aestivum</i> L.	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)
<b>Potatoes</b>	
<i>Solanum tuberosum</i> L., including any other tuber-forming species or hybrids of <i>Solanum</i>	Potato
<b>Beet</b>	
<i>Beta vulgaris</i> L.	Sugar beet, fodder beet (including mangel)
<b>Fodder plants</b>	
(a) Grasses	
<i>Agrostis canina</i> L.	Velvet bent
<i>Agrostis capillaris</i> L.	Brown top
<i>Agrostis gigantea</i> Roth.	Red top
<i>Agrostis stolonifera</i> L.	Creeping bent grass

**Status:** Point in time view as at 22/04/2011.

**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>FI</i> Name	Common name
<i>Arrhenatherm elatius</i> (L.) P. Beauv. ex J. Presl & C. Presl	Tall oatgrass
<i>Bromus catharticus</i> Vahl.	Rescue grass
<i>Bromus sitchensis</i> Trin.	Alaska brome-grass
<i>Dactylis glomerata</i> L.	Cocksfoot
<i>Festuca arundinacea</i> Schreber	Tall fescue
<i>Festuca filiformis</i> Pourr.	Fine leaved sheep's fescue
<i>Festuca ovina</i> L.	Sheep's fescue
<i>Festuca pratensis</i> Huds.	Meadow fescue
<i>Festuca rubra</i> L.	Red fescue, Chewings fescue
<i>Festuca trachyphylla</i> (Hack.) Krajina	Hard fescue
<i>Lolium multiflorum</i> Lam.	Italian ryegrass including Westerwold ryegrass
<i>Lolium perenne</i> L.	Perennial ryegrass
<i>Lolium x boucheanum</i> Kunth	Hybrid ryegrass
<i>Phleum nodosum</i> L.	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.	Roughstalked meadowgrass
<i>xFestulolium</i> Asch. & Graebn.	Festulolium
Hybrids resulting from the crossing of a species of the genus <i>Festuca</i> with a species of the genus <i>Lolium</i>	
(b) Legumes	
<i>Lotus corniculatis</i> L.	Birdsfoot trefoil
<i>Lupinus albus</i> L.	White lupin
<i>Lupinus angustifolius</i> L.	Narrow leaved lupin (previously known as 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	Sand lucerne
<i>Onobrychis viciifolia</i> Scop.	Sainfoin

<i>F1</i> Name	Common name
<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

## (c) Other fodder plants

*Brassica napus* L. var. *napobrassica* (L.) Rchb. Swede

*Brassica oleracea* L. convar. *acephala* (DC.) Fodder kale  
Alef. Var. *medullosa* Thell. + var. *viridis* L.

*Raphanus sativus* L. var. *oleiformis* Pers. Fodder radish

**Oleaginous and fibrous plants**

*Brassica juncea* (L.) Czern. Brown mustard

*Brassica napus* L. (partim) Swede rape (including plants commonly known as fodder rape and oilseed rape)

*Brassica nigra* (L.) W.D.J. Koch Black mustard

*Brassica rapa* L. var. *silvestris* (Lam.) Briggs Turnip rape

*Cannabis sativa* L. Hemp

*Glycine max* (L.) Merr. Soya bean

*Helianthus annuus* L. Sunflower

*Linum usitatissimum* L. Flax, Linseed

*Sinapis alba* L. White mustard]

**Textual Amendments**

- F1** Sch. 1 Pt. 1 para. 1 table substituted (30.6.2010) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2010 \(S.I. 2010/1195\)](#), regs. 1, 2(2), **Sch. 1**

**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:

**Status:** Point in time view as at 22/04/2011.

**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>F<sup>2</sup></i> Name	Common name
<i>Allium cepa</i> L. (Cepa Group)	Onion, Echalion
<i>Allium cepa</i> L. (Aggregatum 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>Asparagus officinalis</i> L.	Asparagus
<i>Beta vulgaris</i> L.	Beetroot including Cheltenham Beet, Spinach beet or Chard
<i>Brassica oleracea</i> L.	Curly kale, Cauliflower, Sprouting broccoli or Calabrese, Brussels sprout, 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>Cichorium intybus</i> L.	Large leaved (Italian) chicory
<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**

**F2** Sch. 1 Pt. 1 para. 2 table substituted (30.6.2010) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2010 \(S.I. 2010/1195\)](#), regs. 1, 2(3), Sch. 2

**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>
<b>F3</b>	<b>F3</b>
...	...
<i>Cichorium intybus</i> L.	Witloof chicory
<b>F4</b>	
...	
<b>F5</b>	<b>F5</b>
...	...

**Textual Amendments**

**F3** Words in Sch. 1 Pt. 2 para. 1 omitted (30.6.2010) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2010 \(S.I. 2010/1195\)](#), **regs. 1, 2(4)(a)**

**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)**

**F5** Words in Sch. 1 Pt. 2 para. 1 omitted (30.6.2010) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2010 \(S.I. 2010/1195\)](#), **regs. 1, 2(4)(b)**

**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:

**Status:** Point in time view as at 22/04/2011.**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)**Agricultural crop species**

<sup>F6</sup> Name	Column Name
<i>Alopecurus pratensis</i> L.	Meadow foxtail
<i>Arachis hypogaea</i> L.	Groundnut (peanut)
<i>Avena strigosa</i> Schreb.	Black oat, Bristle oat
<i>Carthamus tinctorius</i> L.	Safflower
<i>Carum carvi</i> L.	Caraway
<i>Cynodon dactylon</i> (L.) Pers	Bermuda grass
<i>Galega orientalis</i> Lam.	Fodder galega
<i>Gossypium</i> spp.	Cotton
<i>Hedysarum coronarium</i> L.	Sulla
<i>Oryza sativa</i> L.	Rice
<i>Papaver somniferum</i> L.	Poppy
<i>Phacelia tanacetifolia</i> Benth	California bluebell
<i>Phalaris aquatica</i> L.	Harding grass, Phalaris
<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 Sudanese</i> (Piper) Stapf.	Hybrids resulting from the crossing of <i>Sorghum bicolor</i> and <i>Sorghum Sudanese</i>
<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**

Name	Common Name
<i>Anthriscus cerefolium</i> (L.) Hoffm.	Chervil
<i>Capsicum annuum</i> L.	[ <sup>F7</sup> Chilli or Pepper]
<i>Cichorium intybus</i> L.	Industrial chicory
<sup>F8</sup>	
...	

Name	Common Name
[ <sup>F9</sup> <i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai]	Water melon
<i>Cynara cardunculus</i> L.	[ <sup>F10</sup> Cardoon, Globe artichoke]
<i>Foeniculum vulgare</i> Mill	Fennel
<i>Scorzonera hispanica</i> L.	[ <sup>F11</sup> Scorzonera or Black salsify]
<i>Solanum melongena</i> L.	Aubergine or egg plant
[ <sup>F12</sup> <i>Valerianella locusta</i> (L.) Laterr.]	Corn salad or lamb's lettuce

#### Textual Amendments

- F6** Sch. 1 Pt. 2 para. 2 table substituted (30.6.2010) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2010 \(S.I. 2010/1195\)](#), **regs. 1, 2(5)**, Sch. 3
- F7** 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)**
- F8** 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)**
- 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)(c)**
- 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)(d)**
- 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)(e)**
- F12** 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)**

#### [<sup>F13</sup>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

Name	Common name
<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]

**Status:** Point in time view as at 22/04/2011.

**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)

#### Textual Amendments

**F13** 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 [F14European Union] 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 [F14European Union] at the time when an application for acceptance of a variety is duly made, but is no longer known in the [F14European Union] when that application is determined, for the purpose of determining distinctness as part of that application the variety no longer known in the [F14European Union] shall be disregarded.

#### Textual Amendments

**F14** Words in Regulations substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3-6

[F151A.—(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 or Directive 2003/91 applicable to the species in question, or
- (b) the technical questionnaires of the test guidelines listed in Annex II to those Directives, applicable to the species in question.

(2) In this paragraph—

- (a) “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, and

- (b) “Directive 2003/91” means Commission Directive 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/55/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of vegetable species, as amended from time to time.]

#### **Textual Amendments**

**F15** Sch. 2 Pt. 1 para. 1A substituted (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(7)**

#### **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.

*Status: Point in time view as at 22/04/2011.*

*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)*

## 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; <sup>F16</sup> ...
- (d) any variety intended for use only as a component of a final plant variety; [<sup>F17</sup> or
- (e) any conservation variety].

#### **Textual Amendments**

**F16** 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)**

**F17** 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)**

**Status:**

Point in time view as at 22/04/2011.

**Changes to legislation:**

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