

SCHEDULE 4

Registration of varieties

Duration and renewal of registration

- 7.—(1) Registration of a variety is valid—
- (a) in the case of a genetically modified variety, for the period for which the genetically modified organism of which the variety [^{F1}consists—
 - (i) is authorised for cultivation pursuant to Regulation (EC) No 1829/2003 or the GMO Regulations, or
 - (ii) has, before the day on which implementation period completion day falls, been authorised for cultivation pursuant to Directive 2001/18/EC; or]
 - (b) otherwise until the end of the 30th calendar year from the date of acceptance.
- (2) But sub-paragraph (1) does not apply if the registration is—
- (a) renewed in accordance with sub-paragraph (3) or (4) (as appropriate);
 - (b) revoked in accordance with paragraph 8.
- (3) Subject to sub-paragraph (4), the Welsh Ministers may, on the basis of a written application, renew the registration for a further period of 30 years if—
- (a) the variety is distinct, uniform and stable;
 - (b) there is material of that variety available on the market.
- (4) In the case of a genetically modified variety—
- (a) any renewal of registration must be subject to a condition that the respective genetically modified organism continues to be authorised for cultivation pursuant to ^{F2}... Regulation (EC) No 1829/2003;
 - (b) the renewal period must be limited to the period of authorisation of the genetically modified organism concerned.
- (5) Subject to sub-paragraph (4), the Welsh Ministers may renew the registration in the absence of a written application if satisfied renewal serves to preserve genetic diversity and sustainable production.

Textual Amendments

- F1** Words in Sch. 4 para. 7(1)(a) substituted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/368), regs. 1(2)(b), **5(15)(a)** (as amended by S.I. 2020/1573, regs. 1(2)(b), **4(4)(f)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in Sch. 4 para. 7(4)(a) omitted (31.12.2020) by virtue of The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/368), regs. 1(2)(b), **5(15)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** Sch. 4 para. 7 in force at 19.6.2017, see **reg. 1(1)**

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017, Paragraph 7.