STATUTORY INSTRUMENTS

1966 No. 310

SEEDS

The Plant Varieties (Index) Regulations 1966

Made - - - 18*th March* 1966

Coming into Operation 1*st April* 1966

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for the Home Department (being the Secretary of State concerned with agriculture in Northern Ireland), acting jointly, in exercise of the powers vested in them by section 20(7) of, and paragraph 5 of Schedule 5 to, the Plant Varieties and Seeds Act 1964(a), as extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(b) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Plant Varieties (Index) Regulations 1966 and shall come into operation on 1st April 1966.

2.—(1) In these Regulations unless the context otherwise requires—

" the Act " means the Plant Varieties and Seeds Act 1964;

" the gazette " means the gazette published by the Ministers in accordance with section 34 of the Act;

" the Index " means the index of names of plant varieties prepared by the Ministers in accordance with section 20 of the Act;

" the Ministers " means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for the Home Department (being the Secretary of State concerned with agriculture in Northern Ireland);

" injurious weeds " means the weeds specified in Schedule 3 to these Regulations.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Amendment of Provisional List or Index

3. Following the publication by the Ministers in the gazette in accordance with paragraph 1 of Schedule 5 to the Act of a provisional list of plant varieties which are within the class of plant varieties to which a section of the Index will

(a) 1964 c. 14.
(b) S.I. 1964/1574 (1964 III, p. 3543).
(c) 52 & 53 Vict. c. 63.

relate or of a notice of the coming into force of a section of the Index an application may be made to the Ministers by any person seeking—

(a) the addition of the name of a plant variety to,

(b) the correction of the name of a plant variety in, or

(c) the erasure of the name of a plant variety from

the said provisional list or the said section of the Index as the case may be.

Application for Amendment of Provisional List or Index

4. An application made in accordance with the last preceding paragraph (hereinafter referred to as " the application ") shall be in writing and shall include references to—

(a) the particular provisional list or section of the Index to which the application relates;

(b) the nature of the application, that is to say whether it seeks an addition to, correction of or erasure from the particular provisional list or section of the Index;

(c) in a case where the application seeks an addition, the name proposed for the plant variety to which the application relates;

(d) in a case where the application seeks a correction or erasure, the name of the plant variety to which the application relates;

(e) in a case where the application seeks a correction, the correction which is proposed;

(f) the documents, if any, submitted in support of the application; and

(g) the grounds relied on in support of the application.

Translations

5. Where any document submitted in support of the application is in a language other than the English language it shall unless the Ministers otherwise direct be accompanied by a complete and adequate translation thereof into the English language.

Lodging of Application

6. The application and any documents submitted in support thereof shall be delivered or sent by post in a properly addressed pre-paid letter to the Minister of Agriculture, Fisheries and Food.

Address for Service

7. The person making the application (hereinafter referred to as " the applicant ") shall, on or before making the application, give to the Ministers in writing an address within the United Kingdom (hereinafter referred to as his " address for service ") which shall be the address at which any notices or other documents may be delivered to or served upon him and he shall be at liberty at any time to give to the Ministers in writing another address which shall thereafter be his address for service in substitution for that previously given.

Information and Plant Material

8.—(1) Where the application involves the question whether two or more plant varieties are distinct the applicant shall—

(a) give to the Ministers such information and produce and deliver to them such documents, records and illustrations as the Ministers may from time to time require, and

(b) during the year beginning with the making of the application and during each of the immediately succeeding years until the Ministers shall have given their decision on the application deliver to the Ministers reproductive material of such one or more of the said plant varieties as they shall require for carrying out examinations, tests and trials in the quantity specified in Schedule 1 to these Regulations in respect of each particular year and of the description and quality, and packed and in the condition, specified in the said Schedule in relation to the particular kind of plant variety,

being information, documents, records, illustrations and material relevant to the application and in the possession, control or power of the applicant.

(2) Anything required to be given, produced or delivered in accordance with the last preceding paragraph of this Regulation shall be given, produced or delivered to the Ministers at such place as they shall require within 28 days of demand made by them in writing or within such longer time as they may allow.

Notification of Decision

9. The Ministers shall give to the applicant a notice of their decision together with, if the application has been refused, their reasons for such refusal and a sufficient indication of the time within which and manner in which any appeal may be brought.

Fees

10. There shall be paid to the Ministers in respect of the matters set out in the second column of Schedule 2 to these Regulations the fees set out in the fourth column of the said Schedule opposite the respective references to those matters and such fees shall be paid at the times specified in the third column of the said Schedule opposite such references.

Failure to Supply Information etc. or to Pay Fees

11. If any information, documents, records, illustrations or material shall not have been given, produced or delivered in accordance with Regulation 8 of these Regulations or if any fee payable in accordance with the last preceding Regulation in connection with an application shall not have been paid on the due date, the Ministers shall not be obliged to take any further steps in relation to the application until the requirements of the said Regulation 8 have been complied with or until the fee shall have been paid.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th March 1966.

(L.S.)

Frederick Peart,
Minister of Agriculture,
Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 9th March 1966.

(L.S.)

William Ross,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 10th March 1966.

Roy Jenkins,
Secretary of State for the
Home Department.

Approved on 18th March 1966.

Ifor Davies,
John Silkin,
Two of the Lords Commissioners
of Her Majesty's Treasury.

Regulation 8

SCHEDULE 1

Reproductive Material to be Delivered to the Ministers

Wheat, Barley and Oats

1. *Quantity and Description*

During the year beginning with the making of the application 500 ears and 14 lb. of seed shall be delivered. Attached to each ear there shall be approximately 1 foot of straw in the case of wheat and 6 inches of straw in the case of barley and oats. The ears and seed shall be in all respects typical of the variety and shall be taken at random from the available material. During each of the immediately succeeding years until the Ministers shall have given their decision on the application 28 lb. of seed, also being a representative sample for the variety, shall be delivered.

2. *Packing*

The ears shall be packed in a stiff-sided container in separate bundles of 100 each.

The seed shall be packed in a suitable container of sufficient strength to withstand mechanical damage during transit.

3. *Quality*

(1) *Health*

No ears or seed shall be taken from a crop having more than 1 ear in 5,000 affected with loose smut.

(2) *Purity and Germination*

The seed shall be accompanied by a report of a test made at an official seed testing station established under the Seeds Act 1920(a) and made within the 3 months immediately preceding the delivery of the seed stating—

(a) that in a sample of 8 oz. there were no seeds of injurious weeds and not more than 1% by weight of other impurities, and

(b) that the percentage of germination was not less than 85.

(3) *Dressings and Treatments*

The seed shall not have been subjected to any fungicidal or insecticidal treatment.

POTATOES

1. *Quantity and Description*

During the year beginning with the making of the application and during each of the immediately succeeding years until the Ministers shall have given their decision on the application 250 seed tubers shall be delivered.

The seed tubers shall be graded so as to be capable of being retained by meshes of a riddle each measuring 1½ inches square and passed by meshes of a riddle each measuring 2 inches square. The seed tubers shall be in sound condition and not be visibly unfit for planting through mechanical damage or attack by any insect, pest or disease or any other condition which would impair subsequent growth. The seed tubers shall be reasonably free from soil.

2. *Packing*

The seed tubers shall be securely packed in new sacks or other new containers and with material which is adequate in quantity and quality to protect them from low temperatures which may cause chilling or frosting and from mechanical damage. Where the seed tubers are consigned by rail they shall be sent by passenger train.

3. *Quality*

(1) *Purity and Health*

(a) the seed tubers shall be the produce of a seed crop which did not contain more than:—

(i) 0·05% of rogues, undesirable variations, wildings and bolters;

(ii) 0·02% with leaf roll or severe mosaic;

(iii) 0·25% with mild mosaic; or

(iv) 2% with blackleg.

(b) The seed crop from which the seed tubers were produced shall not have been so affected with any other disease or pest as to render it unsuitable for seed purposes.

(a) 10 & 11 Geo. 5. c. 54.

(c) The seed tubers shall be accompanied by a Health Certificate issued by the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland or the Minister of Agriculture for Nothern Ireland stating—

(i) that on visual examination they were found to be free from signs of Wart Disease and were grown on land on which this disease has not occurred at any time; and

(ii) that the soil in which they were grown has been tested and found on laboratory examination to be free from Potato Root Eelworm.

(2) *Dressings and Treatments*

The seed tubers shall not have been treated with a fungicide, pesticide or sprout depressant.

Regulation 10

SCHEDULE 2

FEES

No.	Matter	When payable	Amount
1	Examination, tests and trials for one year of a plant variety which is the subject of, or otherwise concerned in, an application involving the question whether two or more varieties are distinct, being	Within 14 days of demand made by the Ministers at the commencement of each year's examination, tests and trials.	£ s. d.
	(a) a cereal variety		30 0 0
	(b) a potato variety		20 0 0
2	Search of the Index of Names of Plant Varieties	Before the search	5 0

Regulation 2

SCHEDULE 3

INJURIOUS WEEDS

Wild Oat (*Avena fatua L.* and *Avena ludoviciana* Durieu)

Dodder (*Cuscuta* spp.)

Docks and Sorrels (*Rumex* spp.)

Black grass (*Alopecurus myosuroides* Huds.)

Couch grass (*Agropyron repens* (L.) Beauv.)

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Plant Varieties and Seeds Act 1964 makes provision for the preparation and maintenance, by the Ministers concerned with agriculture in the United Kingdom, of an Index of Plant Varieties. Only the indexed name of a plant variety may be used to distinguish it from other varieties when it is sold or offered or exposed for sale.

These Regulations deal with the steps to be taken in connection with the making of applications for entries in the Index or in a provisional list which will precede its compilation.

Provision is made for the fees which are payable for the tests and trials of plant varieties in connection with applications and for searches of the Index.