STATUTORY INSTRUMENTS

1969 No. 1027

SEEDS

The Plant Varieties (Index) Regulations 1969

Made - - - -	*25th July* 1969
Coming into Operation	*7th August* 1969

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 23A of, and paragraph 5 of Schedule 5 to, the Plant Varieties and Seeds Act 1964(a), as amended by Section 43 of, and Schedule 7 to, the Agriculture (Miscellaneous Provisions) Act 1968(b) as extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(c) and of all other powers enabling them in that behalf, after consultation with the representatives of such interests as appear to them to be concerned, 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 1969 and shall come into operation on 7th August 1969.

Revocation

2. The Plant Varieties (Index) Regulations 1966(d) and the Plant Varieties (Index) (Amendment) Regulations 1967(e) are hereby revoked.

Interpretation

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

"the Act" means the Plant Varieties and Seeds Act 1964 as amended by Section 43 of, and Schedule 7 to, the Agriculture (Miscellaneous Provisions) Act 1968;

"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;

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

"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);

(a) 1964 c. 14.
(b) 1968 c. 34.
(c) S.I. 1964/1574 (1964 III, p. 3543).
(d) S.I. 1966/310 (1966 I, p. 758).
(e) S.I. 1967/593 (1967 I, p. 1797).

Failure to supply information etc. or to pay fees

12. If any information, documents, records, illustrations or material shall not have been given, produced or delivered in accordance with Regulation 9 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 9 have been complied with or until the fee shall have been paid.

Performance trials

13. Except in a case where section 22 of the Act (which makes provision for the carrying out of performance trials of new plant varieties) has not been brought into force for the class which includes the plant variety which is the subject of an application under these Regulations for the addition of the name of a plant variety to the Index, such application shall be of no effect unless an application for the carrying out of performance trials, made in accordance with Regulations under section 22(10) of the Act, is made in respect of the said variety at the same time as the application under these Regulations.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th July 1969.

(L.S.) *Cledwyn Hughes,*

Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 21st July 1969.

(L.S.) *William Ross,*

Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 23rd July 1969.

James Callaghan,

Secretary of State for the Home Department.

Approved on 25th July 1969.

Walter Harrison,
J. McCann,

Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE 1

Regulation 9

REPRODUCTIVE AND OTHER PLANT MATERIAL TO BE DELIVERED TO THE MINISTERS

PART I

Wheat, Barley and Oats

Quantity

1.—(1) 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.

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Ministers to be necessary or desirable for the proper completion of the tests and trials.

Packing

2. The ears shall be packed in a stiff-sided container, in bundles of 100 each. The seed shall be packed in a suitable container of sufficient strength to withstand mechanical damage during transit.

Quality

3.—(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) or a seed testing station licensed under that Act, and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 8 oz.—

(*a*) 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.

Dressings and Treatments

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

PART II

Potatoes

Quantity

1.—(1) During the year beginning with the making of the application 250 seed tubers shall be delivered.

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Ministers to be necessary or desirable for the proper completion of the tests and trials.

(a) 1920 c. 54.

Packing

2. The seed tubers shall be securely packed in new sacks or other new containers which are capable of withstanding the hazards that may be encountered by perishable produce during transit. The packing material shall be adequate in quantity and quality to protect the tubers 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.

Health

3. (*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.

(*c*) The seed tubers shall be accompanied by a Health Certificate issued by the Ministry of Agriculture, Fisheries and Food, the Department of Agriculture and Fisheries for Scotland, the Ministry of Agriculture for Northern Ireland or the Isle of Man Board of Agriculture and Fisheries stating:-

(i) that on visual examination they were found to be free from signs of wart disease of potatoes (*Synchytrium endobioticum* (Schilb.) (Perc.)) ;

(ii) that wart disease of potatoes has not been known to have occurred on the land on which the potatoes were grown ; and

(iii) that representative samples of soil from the land on which the potatoes were grown have been found, on laboratory examination, to be free from potato cyst eelworm (*Heterodera rostochiensis* Woll).

(*d*) The seed tubers shall include sufficient virus-free tubers to provide a virus-free nucleus for a reference collection.

Grading and Condition

4. The seed tubers shall be graded so as to be capable of being retained by meshes of a riddle each measuring 1¼ 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.

Dressings and Treatments

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

PART III

Peas

Quantity

1.—(1) During the year beginning with the making of the application 6 lb. of seed shall be delivered.

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Ministers to be necessary or desirable for the proper completion of the tests and trials.

Packing

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

Quality

3.—(1) *Health*

The seed shall be free from serious seed-borne diseases.

(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 or a seed testing station licensed under that Act and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 8 oz.:-

(*a*) the percentage of purity was not less than 99, and

(*b*) the percentage of germination was not less than 70.

Dressings and Treatments

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

PART IV

French beans

Quantity

1.—(1) During the year beginning with the making of the application 8 lb. of seed shall be delivered.

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Ministers to be necessary or desirable for the proper completion of the tests and trials.

Packing

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

Quality

3.—(1) *Health*

The seed shall be free from serious seed-borne diseases.

(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 or a seed testing station licensed under that Act and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 1 lb.:-

(*a*) the percentage of purity was not less than 99, and

(*b*) the percentage of germination was not less than 60.

Dressings and Treatments

4. The seed shall not have been subjected to any fungicidal treatment. If the seed has been treated with streptomycin this shall be declared when it is delivered.

PART V

Ryegrass

Quantity

1.—(1) During the year beginning with the making of the application 200 grams of seed shall be delivered.

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Ministers to be necessary or desirable for the proper completion of the tests and trials.

Each sample delivered shall be accompanied by a written declaration by or on behalf of the applicant, stating the generation to which it belongs.

Packing

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

Quality

3. The seed supplied in the first year shall be accompanied by a report of a test made at an official seed testing station established under the Seeds Act 1920 and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 2 oz.:-

(*a*) the percentage of purity was not less than 97,

(*b*) the percentage of germination was not less than 80, and

(*c*) in a purity test there were no seeds of injurious weeds and not more than 0.5% by weight of any other weed seeds.

The seed supplied in subsequent years shall be accompanied in each case by a report of a test made at an official seed testing station as aforesaid or a seed testing station licensed under the Seeds Act 1920, made within the 3 months immediately preceding the delivery of the seed and stating the facts referred to in sub-paragraphs (*a*), (*b*) and (*c*) of this paragraph.

Dressings and Treatments

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

PART VI

Lucerne

Quantity

1.—(1) During the year beginning with the making of the application 200 grams of seed shall be delivered.

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Ministers to be necessary or desirable for the proper completion of the tests and trials.

Each sample delivered shall be accompanied by a written declaration by or on behalf of the applicant, stating the generation to which it belongs.

Packing

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

Quality

3. The seed supplied in the first year shall be accompanied by a report of a test made at an official seed testing station established under the Seeds Act 1920 and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 2 oz.:-

(*a*) the percentage of purity was not less than 98,

(*b*) the percentage of germination together with the percentage of hard seed was not less than 70, and

(*c*) in a purity test there were no seeds of injurious weeds and not more than 0.5% by weight of any other weed seeds.

The seed supplied in subsequent years shall be accompanied in each case by a report of a test made at an official seed testing station as aforesaid or a seed testing station licensed under the Seeds Act 1920, made within the 3 months immediately preceding the delivery of the seed and stating the facts referred to in sub-paragraphs (*a*), (*b*) and (*c*) of this paragraph.

Dressings and Treatments

4. The seed shall not have been subjected to any fungicidal or insecticidal treatment other than any treatment which has been carried out in order to comply with the requirements of an order made or having effect as if made under the Plant Health Act 1967(a) or the Plant Health Act (Northern Ireland) 1967(b).

PART VII

Lettuces

Quantity

1.—(1) During the year beginning with the making of the application 1½ oz. of seed shall be delivered.

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Ministers to be necessary or desirable for the proper completion of the tests and trials.

Packing

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

Quality

3.—(1) *Health*

The seed shall be free from serious seed-borne diseases.

(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 or a seed testing station licensed under that Act and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 1 oz.:-

(*a*) the percentage of purity was not less than 98, and

(*b*) the percentage of germination was not less than 75.

Dressings and Treatments

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

(a) 1967 c. 8. (b) 1967 c. 28 (N.I.).

SCHEDULE 2

Regulation 11

FEES

No.	Matter	When payable	Amount
			£ s. d.
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.	
	(a) a cereal variety		30 0 0
	(*b*) a potato variety		20 0 0
	(*c*) a pea variety		30 0 0
	(*d*) a French bean variety		30 0 0
	(*e*) a ryegrass variety		35 0 0
	(*f*) a lucerne variety		35 0 0
	(*g*) a lettuce variety		30 0 0
2	Search of the Index of Names of Plant Varieties	Before the search	5 0

SCHEDULE 3

Regulation 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 re-enact with modifications the Plant Varieties (Index) Regulations 1966 (S.I. 1966 No. 310) and Regulations amending them in 1967 (S.I. 1967 No. 593). The principal changes include the addition in Schedule 1 of particulars of reproductive material of a further class of plant varieties to which the Index has been extended and in Schedule 2 of the corresponding fee and there is a requirement that an application for performance trials of a plant variety shall be made at the same time as an application for the addition of its name to the Index. There are also minor and drafting amendments.