STATUTORY INSTRUMENTS

# 1976 No. 124

# SEEDS

## The Seeds (National Lists of Varieties) (Fees) Regulations 1976

*Made - - - -* 27*th January* 1976
*Laid before Parliament* 6*th February* 1976
*Coming into Operation* 27*th February* 1976

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Northern Ireland (being the Secretary of State concerned with agriculture in Northern Ireland), acting jointly, in exercise of the powers vested in them by section 16(1), (1A)(*e*) and (8) of the Plant Varieties and Seeds Act 1964(**a**), as amended by section 4(1) of and paragraph 5(1), (2) and (3) of Schedule 4 to the European Communities Act 1972(**b**) (extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(**c**) and the Plant Varieties and Seeds (Northern Ireland) Order 1973(**d**)) and of all other powers enabling them in that behalf, after consultation with representatives of such interests as appear to them to be concerned, hereby make the following regulations:—

*Citation and commencement*

**1.** These regulations may be cited as the Seeds (National Lists of Varieties) (Fees) Regulations 1976 and shall come into operation on 27th February 1976.

**2.**—(1) The Interpretation Act 1889(**e**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations—

"maintainer" means a person indicated in a National List as responsible for the maintenance of a plant variety;

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

"plant breeders' rights" means rights which may be granted in accordance with Part I of the Plant Varieties and Seeds Act 1964.

*Fees*

**3.**—(1) There shall be paid to the Minister of Agriculture, Fisheries and Food in respect of the matters arising under the Seeds (National Lists of Varieties) Regulations 1973(**f**) specified in the first column of the Schedule to

(**a**) 1964 c. 14.
(**b**) 1972 c. 68.
(**c**) S.I. 1964/1574 (1964 III, p. 3543).
(**d**) S.I. 1973/609 (1973 I, p. 1934).
(**e**) 1889 c. 63.
(**f**) S.I. 1973/994 (1973 II, p. 3024).

these regulations the fees specified in the third column of the said Schedule opposite the respective references to such matters, such fees being payable at the times respectively indicated in the second column of the said Schedule.

(2) If the prescribed fee payable by a person in connection with an application or with tests or trials of a plant variety shall not have been paid at the appropriate time indicated in the second column of the said Schedule the Ministers shall not be obliged to take any further steps in relation to the application or to the tests or trials until the fee shall have been paid.

(3) The prescribed fees for the tests for distinctness, uniformity and stability of a plant variety shall, if at the time of the application an application for a grant of plant breeders' rights is made or has previously been made, be payable only to the extent by which they exceed the amount of any fees which have been paid or which are or will become payable for the tests and trials of the plant variety in connection with the application for a grant of plant breeders' rights.

(4) A fee in respect of the continuance of the period during which a plant variety will remain in a National List shall be paid by the maintainer who is indicated in the National List in compliance with Regulation 13(1) of the Seeds (National Lists of Varieties) Regulations 1973.

(5) Where two or more maintainers are indicated in a National List as responsible for the maintenance of a plant variety there shall when the occasion arises be paid by each of them, in place of the prescribed fee for the continuance of the period during which the plant variety will remain in the National List, a fee equal to one-half of such fee and if a fee so payable by a maintainer is not paid the Ministers shall remove from the National List the reference to such person as a maintainer of the plant variety.

(6) The Ministers may extend the time for the payment of a fee payable in respect of the continuance of the period of entry in a National List if they consider that it is reasonable in all the circumstances to do so.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd January 1976.

(L.S.)

*Frederick Peart*,
Minister of Agriculture, Fisheries and Food.

26th January 1976.

*William Ross*,
Secretary of State for Scotland.

27th January 1976.

*Merlyn Rees*,
Secretary of State for Northern Ireland.

## SCHEDULE

| Matter | When payable | Amount |
|---|---|---|
| | | £ |
| Application for the addition to a National List of— | On making the application | |
| a cereal variety | | 60·00 |
| a beet variety | | 60·00 |
| a fodder plant or an oil or fibre plant variety | | 50·00 |
| a potato variety | | 30·00 |
| a vegetable variety | | 30·00 |
| Tests for distinctness, uniformity and stability of— | Within 14 days of demand by the Minister of Agriculture, Fisheries and Food | |
| a cereal variety | | |
| (i) first year of a testing cycle | | 150·00 |
| (ii) a subsequent year of a testing cycle | | 100·00 |
| Tests for one year for distinctness, uniformity and stability of— | Within 14 days of demand by the Minister of Agriculture, Fisheries and Food | |
| a beet variety | | 75·00 |
| a fodder plant or an oil or fibre plant variety | | 70·00 |
| a potato variety | | 55·00 |
| Tests for one season for distinctness, uniformity and stability of— | Within 14 days of demand by the Minister of Agriculture, Fisheries and Food | |
| a vegetable variety | | 60·00 |
| Trials for one year for value for cultivation and use of— | Within 14 days of demand by the Minister of Agriculture, Fisheries and Food | |
| a cereal variety— | | |
| (i) first year of a trials cycle | | 200·00 |
| (ii) a subsequent year of a trials cycle | | 150·00 |
| a beet variety— | | |
| (i) first year | | 100·00 |
| (ii) second and subsequent years | | 150·00 |
| a fodder plant variety (other than a Westerwold ryegrass or a fodder radish variety) or an oil or fibre plant variety | | 120·00 |
| a Westerwold ryegrass or a fodder radish variety | | 70·00 |
| a potato variety | | 100·00 |
| The continuance of the period during which a plant variety will remain in a National List being— | Before the beginning of the particular year of entry in a National List | |
| a cereal variety, a beet variety or a potato variety— | | |
| (i) for the second year of entry in a National List | | 20·00 |
| (ii) for the third year of entry in a National List | | 30·00 |
| (iii) for the fourth year of entry in a National List | | 40·00 |
| (iv) for the fifth year of entry in a National List | | 50·00 |
| (v) for the sixth year and each subsequent year of entry in a National List | | 60·00 |
| a fodder plant or an oil or fibre plant variety— | | |
| (i) for the second year of entry in a National List | | 20·00 |

| Matter | When payable | Amount |
|---|---|---|
| | | £ |
| (ii) for the third year of entry in a National List | | 30·00 |
| (iii) for the fourth year of entry in a National List | | 35·00 |
| (iv) for the fifth year of entry in a National List | | 40·00 |
| (v) for the sixth and each subsequent year of entry in a National List | | 45·00 |
| a vegetable variety— | | |
| (i) for the second year of entry in a National List | | 10·00 |
| (ii) for the third year of entry in a National List | | 10·00 |
| (iii) for the fourth year of entry in a National List | | 10·00 |
| (iv) for the fifth year of entry in a National List | | 20·00 |
| (v) for the sixth year of entry in a National List | | 20·00 |
| (vi) for the seventh year and each subsequent year of entry in a National List | | 30·00 |
| Application for the substitution of a name in a National List | On making the application | 7·50 |
| Making written representations to the Ministers | On delivering the representations | 1·00 |
| Attending to be heard by a person appointed by the Ministers | Before the hearing | 7·50 |
| Inspection of the National List record | Before the inspection | 0·50 |
| Inspection of the file maintained for a plant variety in a National List | Before the inspection | 0·50 |

## EXPLANATORY NOTE

*(This Note is not part of the regulations.)*

These regulations prescribe fees in respect of matters arising under the Seeds (National Lists of Varieties) Regulations 1973.

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