STATUTORY INSTRUMENTS

1978 No. 296

SEEDS

The Seeds (National Lists of Varieties) (Fees) Regulations 1978

Made - - - -	*28th February* 1978
Laid before Parliament	*10th March* 1978
Coming into Operation -	*1st April* 1978

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**) and as 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 1978 and shall come into operation on 1st April 1978.

Revocation of previous regulations

2. The Seeds (National Lists of Varieties) (Fees) Regulations 1977(**e**) are hereby revoked.

Interpretation

3.—(1) In these regulations—

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

"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;

(**a**) 1964 c. 14. (**b**) 1972 c. 68. (**c**) S.I. 1964/1574.
(**d**) S.I. 1973/609. (**e**) S.I. 1977/358.

"National List" means a list of plant varieties prepared and published in accordance with the Seeds (National Lists of Varieties) Regulations 1973(a);

"plant breeders' rights" means rights which may be granted in accordance with Part 1 of the Act.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament and as if these regulations and the regulations hereby revoked were Acts of Parliament.

Fees

4.—(1) Subject to the provisions of paragraph (2) of this regulation there shall be paid to the Minister of Agriculture, Fisheries and Food in respect of matters arising under the Seeds (National Lists of Varieties) Regulations 1973 specified in the first column of the Schedule to 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) The fees referred to in Part I of the Schedule to these regulations shall not be payable by a person making an application for the addition of a plant variety to a National List—

(*a*) if that person has at any time made an application for the grant of plant breeders' rights in respect of the same plant variety which is the subject of an application for an addition to a National List and has paid the fees in respect of tests or examination of the said plant variety prescribed by the Plant Breeders' Rights (Fees) Regulations 1978(c) or any subsequent amendment or re-enactment thereof;

(*b*) if there is not in existence at the time of the said application a scheme made under the Act to enable an application for a grant of plant breeders' rights to be made.

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

(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

(a) S.I. 1973/994. (b) 1889 c. 63. (c) S.I. 1978/295.

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 February 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food

Bruce Millan,
Secretary of State for Scotland

23rd February 1978.

Roy Mason,
Secretary of State for Northern Ireland

28th February 1978.

SCHEDULE

PART I

Fees payable in the circumstances specified in these regulations in respect of tests of a plant variety which is the subject of an application for addition to a National List.

Matter	When payable	Amount
		£
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		225.00
(ii) a subsequent year of a testing cycle		175.00
Tests for one year for distinctness, uniformity and stability of—	Within 14 days of demand by the Minister of Agriculture, Fisheries, and Food	
a field bean or field pea variety		100.00
a beet variety		130.00
a fodder plant variety (excluding a field bean or field pea variety) or an oil or fibre plant variety		130.00
a potato variety		200.00
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		100.00

PART II

Fees payable for the continuance of the period during which a plant variety will remain in a National List.

Matter	When payable	Amount
		£
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		35.00
(ii) for the third year of entry in a National List		45.00
(iii) for the fourth year of entry in a National List		60.00
(iv) for the fifth year of entry in a National List		75.00
(v) for the sixth year and each subsequent year of entry in a National List		100.00
a fodder, oil or fibre plant variety		
(i) for the second year of entry in a National List		35.00
(ii) for the third year of entry in a National List		45.00
(iii) for the fourth year of entry in a National List		55.00
(iv) for the fifth year of entry in a National List		65.00
(v) for the sixth and each subsequent year of entry in a National List		80.00
a vegetable 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		20.00
(iii) for the fourth year of entry in a National List		20.00
(iv) for the fifth year of entry in a National List		30.00
(v) for the sixth year of entry in a National List		30.00
(vi) for the seventh year and each subsequent year of entry in a National List		50.00

PART III

Fees payable in respect of other matters.

Matter	When payable	Amount
		£
Application for the substitution of a name in a National List	On making the application	10.00
Making written representations to the Ministers	On delivering the representations	1.50
Attending to be heard by a person appointed by the Ministers	Before the hearing	10.00
Inspection of the National List record	Before the inspection	0.75
Inspection of the file maintained for a plant variety in a National List	Before the inspection	0.75

EXPLANATORY NOTE

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

These Regulations (which supersede the Seeds (National Lists of Varieties) (Fees) Regulations 1977) prescribe the fees payable in certain specified circumstances (including the fees payable for the continuance of the period during which a plant variety will remain in a National List) in respect of matters arising under the Seeds (National Lists of Varieties) Regulations 1973.

The Regulations make provision for mitigation of fees for tests of a plant variety where that variety is the subject of an application for a grant of plant breeders' rights and fees for tests are being charged in respect of such application in accordance with the Plant Breeders' Rights (Fees) Regulations 1978.

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