STATUTORY INSTRUMENTS

1973 No. 994

SEEDS

The Seeds (National Lists of Varieties) Regulations 1973

Made - - - -	31*st May* 1973
Laid before Parliament	8*th June* 1973
Coming into Operation	1*st July* 1973

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) 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 the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971**(e)** as applied to the Plant Varieties and Seeds Tribunal and 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) Regulations 1973 and shall come into operation on the 1st July 1973.

Interpretation

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

(2) In these Regulations—

"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**(g)** and by section 4(1) of and paragraph 5 of Schedule 4 to the European Communities Act 1972;

(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) 1971 c. 62.
(f) 1889 c. 63.
(g) 1968 c. 34.

"Common Catalogue" means, as the case may be, either the Common Catalogue of varieties of kinds of agricultural plants or the Common Catalogue of varieties of vegetables, published or to be published in the Official Journal of the European Communities;

"the gazette" means the Plant Varieties and Seeds Gazette published in accordance with section 34(1) of the Act;

"Member State" means a member of the European Communities other than the United Kingdom;

"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;

"National List" means a list of plant varieties prepared and published in accordance with Regulation 3 of these Regulations;

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

"plant variety" means any clone, line, hybrid or genetic variant;

"the Tribunal" means the Plant Varieties and Seeds Tribunal established by section 10 of and Schedule 4 to the Act as respectively amended by paragraph 5(5) of Schedule 4 to the European Communities Act 1972.

National Lists

3.—(1) The Ministers shall for the purposes of these Regulations prepare and publish in the gazette National Lists of the plant varieties (not being plant varieties which are intended for use only as hereditary sources of hybrid or synthetic plant varieties) of the kinds specified in Parts I and II of Schedule 1 to these Regulations.

(2) A plant variety may be entered in a National List when it is first published notwithstanding that the Ministers are not satisfied that it conforms with the requirements of Schedule 2 to these Regulations.

4.—(1) At any time after the publication of a National List the Ministers may—

(*a*) entertain applications from persons seeking additions to, corrections in or removals from any such list and, subject to the succeeding provisions of these Regulations and to the payment of any fee imposed by Regulations made under the Act, may grant or refuse such applications;

(*b*) in relation to plant varieties which have been entered in a list of a Member State corresponding to a National List, make such additions to the National List as appear to them to be desirable.

(2) If more than one application for the addition of the same plant variety to a National List is made the Ministers shall entertain the application which was the first to be made.

(3) The Ministers shall publish in the gazette any additions to, corrections in or removals from a National List.

5. The Ministers shall publish in the gazette in respect of each plant variety in relation to which there is an obligation to maintain such plant variety either

the name and address of the person responsible for such maintenance or, where a number of persons are so responsible, an indication of the source from which their names and addresses may be obtained.

6. The Ministers may for the purposes of a National List establish or arrange for the establishment of a reference collection of plant material.

7. The Ministers shall conduct or make arrangements for such tests and trials of a plant variety which is the subject of an application for entry in a National List as appear to them to be necessary to establish that it conforms with the requirements of Schedule 2 to these Regulations.

Period of Entry in a National List

8.—(1) Subject to paragraph (2) of this Regulation and to Regulations 9 and 12 of these Regulations a plant variety entered in a National List shall, subject to the payment of any fee imposed by Regulations made under the Act, remain in that list until the end of the tenth calendar year following the calendar year in which it was so entered and at the end of that period it shall be removed from the list.

(2) Where a plant variety was entered in a National List when it was first published and the Ministers have not been satisfied that it conforms with the requirements of Schedule 2 to these Regulations the plant variety shall, unless it has previously been removed and subject to the payment of any fee imposed by Regulations made under the Act, remain in that list until 30th June, 1980 and no longer.

Renewal of Period of Entry in a National List

9.—(1) The Ministers may, upon an application made not later than two years before the expiry of the period during which a plant variety may remain in a National List, whether such period is that for which the plant variety was first entered in the National List or is an extension of that period, and subject to the payment of any fee imposed by Regulations made under the Act, renew such period for a further period not exceeding ten years from the date when it would otherwise expire provided that they are satisfied that the scale of the cultivation in the United Kingdom of the plant variety is such as to justify such an extension and that the plant variety continues to conform with the requirements of Schedule 2 to these Regulations as regards its distinctness, uniformity and stability or, being a plant variety falling within Regulation 8(2) of these Regulations, conforms with the requirements of the said Schedule 2.

(2) The Ministers may extend the period during which a plant variety may remain in a National List until such time as a decision is made upon an application in accordance with paragraph (1) of this Regulation.

Refusal of Applications for Entry in a National List

10. The Ministers shall refuse an application for the entry of a plant variety in a National List if:—

(*a*) it appears to them that the plant variety does not conform with the requirements of Schedule 2 to these Regulations; or

(*b*) it appears to them that the cultivation in the United Kingdom of the plant variety is likely to affect adversely the health of any persons, animals or plants.

Naming of Plant Varieties in a National List

11.—(1) A plant variety shall be entered in a National List under a name submitted by the person applying for the entry of the plant variety in such list, which name shall if it is otherwise suitable be that, if any, under which the plant variety is already known, whether in connection with a grant of plant breeders' rights or by reason of the entry of the plant variety in the list of a Member State corresponding to a National List, and in any other case shall be a name appearing to the Ministers to be suitable.

(2) If the Ministers are not satisfied that a suitable name for the plant variety has been submitted they may refuse to enter the plant variety in a National List until a name appearing to them to be suitable has been submitted by the person making the application.

(3) A person applying for the entry of a plant variety in a National List may propose a name for the plant variety in substitution for one already submitted and a person responsible for the maintenance of the plant variety in accordance with Regulation 13 of these Regulations may, subject to the payment of any fee imposed by Regulations made under the Act, propose a name for the plant variety in substitution for that under which the plant variety is already entered in the National List and the Ministers, if they consider that it is desirable that the proposal should be given effect, may substitute it for the name already submitted or entered.

Removal of a Plant Variety from a National List

12.—(1) The Ministers shall at any time remove a plant variety from a National List:—

(*a*) if it appears to them that the plant variety does not conform with the requirements of Schedule 2 to these Regulations as regards its distinctness, uniformity and stability, to the extent that such matters were taken into account when the plant variety was first entered in the National List or that the plant variety being a plant variety falling within Regulation 8(2) of these Regulations, does not conform with the requirements of the said Schedule as regards its value for cultivation and use;

(*b*) upon the application of the person responsible for the maintenance of the plant variety in accordance with Regulation 13 of these Regulations where no other person is able and willing to assume such responsibility;

or

(*c*) if a fee payable in respect of the addition to or retention of a plant variety in a National List, imposed by Regulations made under the Act, shall not have been paid as required by such Regulations.

(2) The Ministers may at any time remove a plant variety from a National List if:—

(*a*) it appears to them that false information was given to them before the plant variety was entered in the National List being information which was material to the decision to enter the plant variety in such List;

(*b*) it appears to them that the person responsible for the maintenance of the plant variety in accordance with Regulation 13 of these Regulations has failed to comply in a material respect with the requirements of these Regulations or the terms of the undertaking given by him in pursuance of Regulation 13(1) of these Regulations;

(*c*) it appears to them that the scale of cultivation of the plant variety is such that the retention of the plant variety in the National List would be unreasonable, due regard being had, *inter alia*, to the length of time during which the plant variety has been entered in the National List; or

(*d*) it appears to them that the cultivation in the United Kingdom of the plant variety is likely to affect adversely the health of any persons, animals or plants.

(3) The Ministers may at any time remove the name of a plant variety from a National List if the plant variety is also entered in that List under another name.

(4) The Ministers may, if it appears to them to be necessary or desirable to do so, allow a period of not more than three years following the removal of a plant variety from a National List during which seed of that variety, being seed which was in the course of being produced or which was produced before the date of such removal, may be marketed in such a manner as would have been lawful had the plant variety remained in the National List during such period.

Maintenance of Plant Varieties in a National List

13.—(1) In respect of each plant variety which is entered in a National List a person (in this Regulation referred to as "the maintainer") shall be indicated therein as responsible for the maintenance of the plant variety and a plant variety shall not be entered in a National List unless the breeder of the plant variety or a person appointed or approved by him has agreed to be so indicated and has undertaken to maintain the plant variety in accordance with the morphological, physiological and other characteristics to which regard was had when the plant variety was so entered: Provided that the provisions of this paragraph shall not apply to a vegetable variety whose existence was a matter of common knowledge on 1st January, 1973 and of which the seed may be controlled only as standard seed in accordance with Regulations made under the Act.

(2) The maintainer may maintain the plant variety either in the United Kingdom or in a Member State or, in a case where the Ministers or the Council of the European Communities are satisfied that official examinations and inspections of the maintenance procedures are adequate, elsewhere and such person shall give to the Ministers an address in the United Kingdom as that at which any notices or other documents may be delivered to or served on him.

(3) The maintainer shall keep records of all the generations in his maintenance of the plant variety and shall on demand produce such records for inspection by or on behalf of the Ministers and shall also, if so required at any time, deliver to the Ministers samples of seed of the plant variety.

(4) The maintainer shall, when required to do so, afford to an officer authorised by one of the Ministers facilities for the inspection or examination of plants, plant material, trial grounds or other land or premises and permit him to take a sample of the seed of the plant variety which is in the possession or under the control of the maintainer.

(5) If in relation to a plant variety a maintainer is one of two or more maintainers and fails to comply in a material respect with the requirements of these Regulations or the terms of the undertaking given by him in pursuance of paragraph (1) of this Regulation the Ministers may remove his name from the record referred to in Regulation 33 of these Regulations and thereafter the rights of the said maintainer in relation to the maintenance of the plant variety shall cease and no further obligations in relation thereto shall be incurred by him.

Applications

14. An application made in pursuance of these Regulations shall be made in writing on a form supplied by the Ministers.

15. Where any document submitted in support of an 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.

16. 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 Ministry of Agriculture, Fisheries and Food.

17. Where an application is made by a person who does not reside in the United Kingdom he shall, on making the application, give to the Ministers an address in the United Kingdom as that at which any notices or other documents may be delivered to or served upon him.

18. Any application, notice or other document, given, delivered to or served upon the Ministers in accordance with these Regulations may be signed, and all attendances upon the Ministers may be made, by an agent in the United Kingdom appointed so to act by an authorisation in writing which shall have been delivered to the Ministers.

19. Any document required or authorised by these Regulations to be delivered to or served upon any person other than the Ministers may be delivered or served by being delivered to him personally or left at or sent by post to his last known address in the United Kingdom, at or to that of his agent or at or to the address referred to in Regulation 17 of these Regulations.

20.—(1) Any person making an application for the entry of a plant variety on a National List or for the renewal of such an entry shall—

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

(*b*) deliver to the Ministers such reproductive and other material of the plant variety and, in the case of a hybrid or synthetic plant variety, of any of its hereditary sources, in the quantity and of the description and quality, and packed and in such condition, as they may from time to time require and such further reproductive and other material of the plant variety or hereditary source, as the case may be, in the quantity and of the description and quality, and packed and in such condition, as they may require to replace any material already delivered as may have been damaged in transit or damaged or lost in the course of tests and trials or which is, or has in the course of tests or trials been shown to be, unhealthy or otherwise unsuitable,

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

(2) Anything required to be given, produced or delivered in accordance with paragraph (1) of this Regulation shall be given, produced or delivered to the Ministers at such place as they shall require within 14 days of the requirement,

which shall be made by the Ministers in writing, or within such longer time as the Ministers may allow and if it is not so given, produced or delivered, the Ministers shall not be obliged to take any further steps in relation to the application until the said requirement has been complied with.

Representations and Hearings

21.—(1) The Ministers shall, before taking a decision—

(*a*) upon an application for the addition of a plant variety to a National List in accordance with Regulation 4 of these Regulations or for the renewal of the period during which a plant variety may remain in a National List in accordance with Regulation 9(1) of these Regulations,

(*b*) to remove a plant variety from a National List in accordance with Regulation 12(1)(*a*) or (*b*) or Regulation 12(2) of these Regulations,

(*c*) to remove from the record referred to in Regulation 33 of these Regulations, in accordance with Regulation 13(5) of these Regulations, the name of a person responsible for the maintenance of a plant variety, or

(*d*) to enter in a National List, in accordance with Regulation 4(1)(*b*) of these Regulations, a plant variety which has been entered in a list of a Member State corresponding to a National List,

give notice of their proposed decision to, as the case may be, the applicant, the person responsible for the maintenance of the plant variety and such other persons as appear to the Ministers to have a substantial interest in the decision, including persons or organisations appearing to the Ministers to be representative of classes of persons likely to be affected by the decision, and shall afford to each of such persons or organisations, subject to the payment of any fee imposed by Regulations made under the Act, an opportunity of making representations to them in writing or of being heard by a person appointed by them for the purpose or of both making such representations and being so heard.

(2) The Ministers may afford to any or to all of the persons or organisations entitled to make representations in accordance with paragraph (1) of this Regulation an opportunity to make representations to them on more than one occasion if in the circumstances it appears to them to be necessary or desirable to do so.

22. The Ministers shall publish in the gazette a notice indicating the nature of the matter under consideration and of their proposed decision together with a statement of the descriptions of persons entitled to make representations and to be heard and of the manner in which and the time (not being less than 14 days) within which representations may be made to them in writing and an application made for an opportunity to be heard.

23. The Ministers shall give to the applicant or to the person responsible for the maintenance of the plant variety, as the case may be, and to the other persons or organisations referred to in Regulation 21(1) of these Regulations a notice informing them of their right to make representations, of the manner in which and the time (not being less than 14 days) within which representations may be made and of their right to be heard and of the manner in which and the time (not being less than 14 days) within which they may apply for an opportunity to be heard.

24. The Ministers shall serve on each of the persons or organisations entitled to make representations in accordance with Regulation 21(1) of these Regulations of whom they are aware, other than the party making the representations, a copy of any representations made in accordance with the said Regulation 21(1).

25. If no person or organisation within the time limited for the purpose has made any representations to the Ministers in writing or has applied to be heard the Ministers shall proceed to take their decision.

26. Any person or organisation making representations to the Ministers in writing shall with the representations, and any person or organisation applying to be heard shall not later than 7 days before the day appointed for the hearing, deliver to the Ministers two copies of any documents which such person or organisation proposes to rely upon, and the Ministers shall deliver copies thereof to each of the other persons or organisations who appear to them to be concerned in the matter.

27.—(1) If any person or organisation so entitled shall apply to be heard the Ministers shall, subject to the payment of any fee imposed by Regulations made under the Act, appoint a time and place in the United Kingdom at which that person or organisation and any other such persons or organisations so applying shall be heard.

(2) In appointing such time and place the Ministers shall have regard to the convenience of the parties and their witnesses, the situation of any land or premises to be viewed in connection with the matter and to the other circumstances of the case, including the wishes of and expense to the parties.

(3) The Ministers shall give to each of the parties at least 14 days notice of the time and place of the hearing.

(4) The hearing may be adjourned from time to time, and, if an adjournment is announced in the course of the hearing, no further notice thereof to the parties shall be required.

(5) Any of the parties may be represented at the hearing by a person chosen by him.

(6) Any of the parties attending the hearing may give evidence and he or his representative may call witnesses and produce documents and shall be given an opportunity of putting questions directly to any witness called at the hearing: Provided that except with the leave of the person conducting the hearing no document shall be produced unless copies thereof were delivered to the Ministers in accordance with Regulation 26 of these Regulations.

(7) The person conducting the hearing may require any witness to give his evidence on oath or affirmation and may for that purpose administer an oath or affirmation in due form.

(8) The hearing shall be in public unless the person conducting the hearing, after consultation with the parties or their representatives, otherwise directs.

28. Where any document or thing is to be delivered, served or given or any act is to be done within a time prescribed or required by or under these Regulations such time may, if in all the circumstances of the case they consider it reasonable to do so, be extended by the Ministers for such period and upon such terms, if any, as they think fit: Provided that this Regulation shall not have effect so as to

permit an extension of the time for the making of an application in pursuance of Regulation 9(1) of these Regulations or to allow a period exceeding three years for the marketing of seed in accordance with Regulation 12(4) of these Regulations.

29.—(1) The Ministers shall not take their decision until they have considered, in addition to the submissions made and evidence adduced at the hearing, any representations made to them in writing.

(2) The Ministers shall give to each of the parties notice of their decision together with their reasons for it and also a sufficient indication of the time within which and manner in which an appeal may be brought.

Appeals

30.—(1) An appeal shall lie to the Tribunal against any decision of the Ministers relating to one of the matters referred to in Regulation 21 of these Regulations and may be brought, as the case may be, by the applicant, a person responsible for the maintenance of the plant variety, or by any person who or organisation which made representations in writing to the Ministers in accordance with Regulation 21 of these Regulations or who or which attended or was represented at a hearing conducted by a person appointed by the Ministers.

(2) The hearing of an appeal by the Tribunal shall take place in such part of the United Kingdom as shall be determined by the Chairman of the Tribunal appointed by the Lord Chancellor who shall have regard to the matters referred to in Regulation 27(2) of these Regulations as well as to the convenience of the members of the Tribunal.

(3) Where an appeal is brought against any decision of the Ministers the operation of the decision shall be suspended pending the final determination of the appeal except in a case where the appeal is from a decision to renew the period during which a plant variety may remain in a National List and in a case where the appeal is from a decision to refuse to renew such a period any extension of the period granted in accordance with Regulation 9(2) of these Regulations shall continue until the final determination of the appeal.

(4) The Ministers shall publish in the gazette a notice of the proposed appeal, of any suspension of the operation of their decision and of any withdrawal of the appeal, as the case may be.

(5) The Ministers shall take such steps as may be necessary to give effect to any decision given on the final determination of the appeal.

Dealings in Seeds of Plant Varieties

31.—(1) No person shall offer or expose for sale or sell seed of a plant variety (not being a plant variety which is intended for use only as one of the hereditary sources of a hybrid or synthetic plant variety) of a kind specified in Part I or Part II of Schedule 1 to these Regulations unless the plant variety:

(*a*) is entered in a National List, or

(*b*) is entered in a Common Catalogue, or

(*c*) is entered in a list of a member State corresponding to a National List of plant varieties of the kinds specified in Part I of Schedule 1 to these Regulations and two complete calendar years following the calendar year in which the plant variety was so entered have expired: Provided that the marketing in the United Kingdom of seed of the plant variety has not been prohibited by the Ministers and that no proposal to prohibit such marketing, made before the expiration of the two complete calendar years referred to above, is under consideration.

(2) No person shall advertise, offer or expose for sale or sell seed of a plant variety of a kind specified in Part I or Part II of Schedule 1 to these Regulations which is entered in a National List or in a Common Catalogue except under the name given in the National List or the Common Catalogue for that variety.

(3) For the purposes of this Regulation "sale" includes any transaction effected in the course of business—

(*a*) under which the property in the seed passes from one person to another, or

(*b*) under which the seed is made over by one person to another in pursuance of a contract under which he will use the seeds for growing further seed,

and paragraph (*b*) of this paragraph shall apply irrespective of whether the contract provides that the property in the crop will be in the person to be regarded as the seller, or the person to be regarded as the purchaser, or a third party; and any reference to "sell" shall be construed accordingly.

(4) Paragraphs (1) and (2) of this Regulation shall not apply where the seed is or is intended to be delivered in pursuance of the sale or proposed sale elsewhere than in the United Kingdom or a Member State.

(5) For the purposes of paragraphs (1) and (2) of this Regulation the entry of a plant variety in a Common Catalogue shall be disregarded if the Common Catalogue provides that seed of that variety may not be marketed in the United Kingdom.

(6) Where a person makes arrangements under which some other person uses seed under the control of the first-mentioned person, for the purpose of increasing the first-mentioned person's stock or of carrying out tests or trials and under which the whole of the material produced, directly or indirectly, from the seed, and any unused seed, becomes or remains the property of the first-mentioned person paragraphs (1) and (2) of this Regulation shall not apply to a sale or an offer for sale of the seed by the first-mentioned person to the other person as part of the arrangements or to a sale by that other person to the first-mentioned person of seed produced, directly or indirectly, from that seed.

(7) Paragraphs (1) and (2) of this Regulation shall not apply to a sale or an offer for sale of seed which is undergoing a process of selection or which is to be used for experiment or research or for a purpose which does not involve the reproduction of the seed.

(8) Paragraphs (1) and (2) of this Regulation shall not apply to a sale or an offer for sale of seed to a person purchasing it with a view to cleaning it.

Publication of Notices

32.—(1) The Ministers shall publish in the gazette, in addition to the matters which they are so required to publish in accordance with the preceding provisions of these Regulations, notices of the following matters—

(*a*) any applications made in accordance with these Regulations;

(*b*) any decision made by the Ministers in relation to such an application;

(*c*) the entry of a plant variety in the Common Catalogue where the Common Catalogue does not provide that seed of that variety may not be marketed in the United Kingdom;

(*d*) the fact that in respect of a specified plant variety the requirements of paragraph 1(*c*) of Regulation 31 of these Regulations have been fulfilled;

(*e*) any decision made by the Ministers to remove a plant variety from a National List; and

(*f*) any decision made by the Tribunal consequent upon an appeal made in pursuance of these Regulations.

(2) It shall be no defence in civil or criminal proceedings to show that at any time a person did not know of an entry in a National List or a Common Catalogue or did not know that a National List or a Common Catalogue had come into force or did not know of a fact of a kind mentioned in paragraph (1)(*d*) of this Regulation, if before that time notice of that entry or fact had been published in the gazette.

National List Record

33.—(1) The Ministers shall keep in respect of each of the plant varieties entered in a National List a record of—

(*a*) the name of the plant variety and any other name under which the plant variety is marketed in another country;

(*b*) the kind to which the plant variety belongs;

(*c*) an indication of the morphological, physiological and other characteristics of the plant variety including (except in the case of vegetables and of grasses where the person responsible for the maintenance of the plant variety has declared that seeds of the plant variety are not intended for use as forage crops) those determining its value for cultivation and use;

(*d*) the date of entry of the plant variety in the National List and the date of any renewal of such entry;

(*e*) the date of the expiry of such entry; and

(*f*) the name and address of the person responsible for the maintenance of the plant variety or, where a number of persons are so responsible, an indication of the source from which their names and addresses may be obtained.

(2) The record kept in accordance with paragraph (1) of this Regulation shall, subject to the payment of any fee prescribed by Regulations made under the Act, be available for inspection by any person.

Plant Variety Files

34.—(1) The Ministers shall maintain a file for each plant variety entered in a National List.

(2) The file shall include a description of the plant variety and a summary of the facts in reliance on which the plant variety was entered in the List.

(3) The file shall, subject to the payment of any fee prescribed by Regulations made under the Act, be available for inspection by any person who is able to satisfy the Ministers that his particular interest in the plant variety is such that its production to him is justified: Provided that in the case of a plant variety which is a hybrid or synthetic variety where knowledge of hereditary sources is necessary for an understanding of the plant variety, and the breeder has so requested, particulars of those sources shall not be disclosed to any other person except on a confidential basis to Member States and to the Commission of the European Communities.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th May 1973.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

25th May 1973.

Gordon Campbell,
Secretary of State for Scotland.

31st May 1973.

W. S. I. Whitelaw,
Secretary of State for Northern Ireland.

Regulations 3 and 31

SCHEDULE 1

KINDS OF PLANT VARIETIES IN NATIONAL LISTS

PART I

Agricultural Crop Varieties

Plants conforming with the characteristics of cultivated plant varieties of the following kinds:

Cereals

Name	*Common Name*
Avena sativa L.	Oats
Hordeum distichum L.	2 row barley
Hordeum polystichum L.	6 row barley
Oryza sativa L.	Rice
Phalaris canariensis L.	Canary Grass
Secale cereale L.	Rye
Triticum aestivum L.	Wheat
Triticum durum L.	Durum wheat
Triticum spelta L.	Spelt
*Zea mais*L., except for *Zea mais* convar. *saccharata* (Koern.) and *Zea mais* convar. *microsperma* (Koern.)	Maize (except for Sweetcorn and Popcorn)

Potatoes

Solanum tuberosum L. *sens lat.*	Potatoes

Beet

Beta vulgaris L.	Sugar beet, fodder beet, mangels

Fodder Plants

(*a*) *Grasses*

Agrostis canina L. ssp. *canina* Hwd	Velvet bent
Agrostis gigantea Roth	Red top
Agrostis stolonifera L.	Creeping bent
Agrostis tenuis Sibth	Brown top
Alopecurus pratensis L.	Meadow foxtail
Arrhenatherum elatius (L.) J et c Presl	Tall oatgrass
Dactylis glomerata L.	Cocksfoot
Festuca arundinacea Schreb	Tall fescue
Festuca ovina L.	Sheep's fescue, Fine-leaved Sheep's fescue and Hard fescue
Festuca pratensis Huds.	Meadow fescue
Festuca rubra L.	Red fescue, Chewings fescue
Lolium multiflorum Lam.	Italian and Westerwolds ryegrass
Lolium perenne L.	Perennial ryegrass
Lolium X Hybridum Hausskn.	Hybrid ryegrass
Phleum pratense L.; *Phleum bertolonii* DC.	Timothy
Poa annua L.	Annual meadow-grass

Name	*Common Name*
(*a*) *Grasses* (contd.)	
Poa nemoralis L.	Wood meadow-grass
Poa palustris L.	Swamp meadow-grass
Poa pratensis L.	Smooth stalked meadow-grass
Poa trivialis L.	Rough stalked meadow-grass
Trisetum flavescens (L) Pal Beauv.	Yellow oatgrass
(*b*) *Legumes*	
Hedysarum coronarium L.	Sulla
Lotus corniculatus L.	Birdsfoot trefoil
Lupinus albus L.	White lupin
Lupinus angustifolius L.	Blue lupin
Lupinus luteus L.	Yellow lupin
Medicago lupulina L.	Yellow trefoil
Medicago sativa L.	Lucerne
Medicago varia Martyn	Lucerne
Onobrychis sativa Lam.	Sainfoin
Pisum arvense L.	Field peas
Trifolium alexandrinum L.	Berseem, Egyptian clover
Trifolium hybridium L.	Alsike clover
Trifolium incarnatum L.	Crimson clover
Trifolium pratense L.	Red clover
Trifolium repens L.	White clover
Trifolium resupinatum L.	Persian clover
Trigonella foenum-Graecum L.	Fenugreek
Vicia faba L. ssp *faba* var. *equina* Pers.	Horse beans
Vicia faba L. var. *minor* (Peterm.) Bull	Tick beans
Vicia pannonica Crantz	Hungarian vetch
Vicia sativa L.	Common vetch
Vicia villosa Roth	Hairy vetch
(*c*) *Other fodder plants*	
Brassica napus L. var. *napobrassica* Peterm	Swedes
Brassica oleracea L. convar. *acephala* (DC)	Fodder kale
Raphanus sativus L. ssp. *oleifera* (DC) Metzg.	Fodder radish

Oleaginous and fibrous plants

Name	*Common Name*
Arachis hypogaea L.	Groundnut, peanut
Brassica campestris L. ssp *oleifera* (Metzg.) Sinsk.	Oil rape
Brassica juncea L.	Brown mustard
Brassica napus L. ssp. *oleifera* (Metzg.) Sinsk.	Forage (Swede) Rape
Brassica nigra (L) W. Koch	Black mustard
Cannabis sativa L.	Hemp
Carum carvi L.	Caraway
Gossypium sp.	Cotton
Helianthus annuus L.	Sunflower
Linus usitatissimum L.	Flax, linseed
Papaver somniferum L.	Opium poppy
Sinapis alba L.	White mustard
Soia hispida L.	Soya bean

PART II

Vegetable Varieties

Plants conforming with the characteristics of cultivated plant varieties of the following kinds intended for agricultural or horticultural production but not for ornamental use:

Name	*Common Name*
Allium cepa L.	Onions
Allium porrum L.	Leeks
Anthriscus cerefolium (L.) Hoffm.	Chervils
Apium graveolens L.	Celery, Celeriac
Beta vulgaris L. var. *cycla* (L.) Ulrich	Leaf beet
Beta vulgaris L. var. *esculenta* L.	Red beet or beetroot
Brassica oleracea L. var. *acephala* DC. subvar. *laciniata* L.	Curly kale or borecole
Brassica oleracea L. convar. *botrytis* (L.) Alef var. *botrytis*	Cauliflowers
Brassica oleracea L. convar. *botrytis* (L.) Alef. var. *italica* Plenck	Sprouting Broccoli, Calabrese
Brassica oleracea L. var. *bullata* subvar. *gemmifera* DC	Brussels sprouts
Brassica oleracea L. var. *bullata* DC. et. var. *subauda* L.	Savoy Cabbage
Brassica oleracea L. var. *capitata* L.f. *alba* DC.	White Cabbage
Brassica oleracea L. var. *capitata* L.f. *rubra* (L.) Thell	Red Cabbage
Brassica oleracea L. var. *gongylodes* L.	Kohlrabi
Brassica rapa L. var. *rapa* (L.) Thell	Turnips
Capsicum annuum L.	Chili, Pepper, Capsicum
Cichorium endivia L.	Endives
Citrullus vulgaris L.	Water melons
Cucumis melo L.	Melons
Cucumis sativus L.	Cucumber, Gherkin
Cucurbita pepo L.	Marrows
Daucus carota L. ssp. *sativus* (Hoffm.) Hayek	Carrots
Lactuca sativa L.	Lettuce
Petroselinum hortense Hoffm.	Parsley
Phaseolus coccineus L.	Runner beans
Phaseolus vulgaris L.	French beans
Pisum sativum L. (excl. *P. arvense* L.)	Peas
Raphanus sativus L.	Radish
Solanum lycopersicum L. (*Lycopersicum esculentum* Mill.)	Tomatoes
Solanum melongena L.	Aubergine or Egg plant
Spinacia oleracea L.	Spinach
Valerianelle locusta (L.) Betcke (*V. olitoria* Polt.)	Corn-salad, Lamb's Lettuce
Vicia faba major L.	Broad beans

Regulations 7, 8, 10 and 12 SCHEDULE 2

REQUIREMENTS WITH WHICH A PLANT VARIETY IS TO COMPLY FOR ENTRY IN A NATIONAL LIST

Distinctness

1. The plant variety shall be clearly distinguishable, by one or more important morphological, physiological or other characteristics, from any other plant variety entered or submitted for entry in a National List or entered in the Common Catalogue.

Uniformity

2. The plant variety shall be such that the plants (derived from its seed) are, disregarding rare aberrations and taking into account the particular reproductive system of the plants, similar or identical as regards its essential characteristics.

Stability

3. The plant variety shall, after successive reproductions or at the end of each cycle of reproduction where the breeder has defined a particular cycle of reproduction, continue to exhibit its essential characteristics.

Value for Cultivation and Use

4. The qualities of the plant variety shall, in comparison with other plant varieties in a National List, constitute, either generally or as far as production in a specific area is concerned, a clear improvement either as regards crop farming or the use made of harvested crops or of products produced from those crops. The qualities of the plant variety shall for this purpose be taken as a whole and inferiority in respect of certain characteristics may be offset by other favourable characteristics.

Exceptions

5. Consideration of the plant variety in accordance with paragraph 4 of this Schedule shall not be undertaken in respect of—

(*a*) plant varieties of vegetables, and

(*b*) plant varieties of grasses not intended for use as forage crops.

EXPLANATORY NOTE

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

These Regulations are made under Part II of the Plant Varieties and Seeds Act 1964 as amended by the European Communities Act 1972. They require the Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and Northern Ireland jointly to prepare and publish National Lists of varieties of specified kinds of agricultural and vegetable crops.

The Regulations indicate the requirements to be met before a plant variety can be placed on a National List. They make provision for applications for additions to Lists and for the renewal of entries in Lists at 10-yearly intervals. A plant variety may be removed from a List if it no longer meets the necessary requirements, if no person is available to maintain it with its own characteristics or if a person who has undertaken so to maintain it fails to meet his obligations under the Regulations.

The Regulations provide for the making of written and oral representations by all interested parties before the Ministers make decisions concerning additions to or removals from National Lists and there is provision for appeals from the Ministers to the Plant Varieties and Seeds Tribunal.

It will be an offence to sell seed of a plant variety not entered in a National List or in a Common Catalogue published in the Official Journal of the European Communities. The use of the registered name will be obligatory.

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