
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 302

The Seeds (Variety Lists) Regulations (Northern Ireland) 2020

Saving and transitional provisions

25.—(1) Any application made in accordance with regulation 4 of the 2001 Regulations but not determined at the coming into operation of these Regulations, shall be treated as an application referred to in paragraph (1) of regulation 4 of these Regulations and accordingly shall be subject to the remaining provisions of that regulation (in respect of anything needing to be done at the coming into operation of these Regulations in relation to the application by or on behalf of the applicant) and shall be determined in accordance with these Regulations.

(2) Any entry of a variety in a National List—

- (a) made in respect of an application referred to in regulation 5(1) of the Seeds (National Lists of Varieties) Regulations 1982(1) (the 1982 Regulations);
- (b) made in respect of an application referred to in regulation 5A of those Regulations and treated as having been lawfully entertained in accordance with regulation 5(1) of those Regulations;
- (c) renewed under regulation 14 of the 1982 Regulations;
- (d) made in respect of an application referred to in regulation 5(1) in the 2001 regulations; or
- (e) renewed under regulation 13 of the 2001 Regulations,

and having effect at the coming into operation of these Regulations, shall have effect as an acceptance of the variety on to the relevant NI Variety List in accordance with the provisions of these Regulations.

(3) Any official measure being conducted at the coming in to operation of these Regulations for the purpose of regulation 5(1) of the 2001 Regulations shall have effect as if it were an official measure for the purpose of these Regulations.

(4) Any arrangement under regulation 9 of the 2001 Regulations having effect at the coming into operation of these Regulations shall have effect as if it were an arrangement for an official measure entered into under regulation 10.

(5) Any period specified in a notice published in the Gazette under paragraph (3) of regulation 11 of the 2001 Regulations, in respect of which a plant variety may be marketed in accordance with paragraphs (1) or (2) of that regulation, which has not expired at the coming into operation of these Regulations, shall have effect for the residue of that period as if it were a residual marketing period specified in a notice published under regulation 12(4).

(6) Any acceptance of a name of a variety—

- (a) under regulation 17 of the 1982 Regulations and treated as having effect as an acceptance of that name under regulation 6 of the 2001 Regulations; and
- (b) under regulation 6 of the 2001 Regulations,

shall have effect as an acceptance of that name under regulation 7.

(7) Any acceptance of a maintainer—

- (a) under Regulation 18 of the 1982 Regulations and treated as an acceptance of that maintainer under regulation 7 of the 2001 Regulations; and
- (b) under regulation 7 of the 2001 Regulations,

shall have effect as acceptance of a maintainer under regulation 8.

(8) Any proposed relevant decision referred to in paragraphs (1) or (2) of regulation 16 of the 2001 Regulations, in respect of which the decision has not been taken before the coming in to operation of these Regulations, shall have effect as a proposed relevant decision under these Regulations.

(9) Any oral or written representations made in accordance with regulation 16 of the 2001 Regulations, in respect of a decision—

- (a) proposed but not taken under those Regulations at the coming in to operation of these Regulations; or
- (b) proposed and taken under those Regulations at the coming into operation of these Regulations,

shall have effect as if they were oral or written representations made in accordance with regulation 17.

(10) Any appeal referred to in regulation 17 of the 2001 Regulations which, at the coming in to operation of these Regulations—

- (a) may be made to the Tribunal under that regulation; or
- (b) has been made to that tribunal but not finally determined,

shall have effect respectively as an appeal which may be or has been made to the Tribunal under regulation 18.

(11) Any fee payable under regulation 3 of the Fees Regulations in respect of a matter mentioned in that regulation, arising under the 2001 Regulations but not paid at the coming into operation of these Regulations, shall be treated as a fee charged under, and recoverable as a debt in accordance with, regulation 11.