

1990 No. 1353

SEEDS

The Seeds (National Lists of Varieties) (Amendment)  
Regulations 1990

<i>Made</i> - - - -	<i>3rd July 1990</i>
<i>Laid before Parliament</i>	<i>11th July 1990</i>
<i>Coming into force</i> -	
<i>Regulation 2(a)</i>	<i>1st August 1992</i>
<i>Remainder</i>	<i>1st August 1990</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 16(1), (1A), (3) and (8) and 38(1) of the Plant Varieties and Seeds Act 1964(a), as extended to Northern Ireland(b), and of all other powers enabling them in that behalf and after consultation with representatives of such interests as appear to them to be concerned in accordance with section 16(1) of the said Act of 1964, hereby make the following Regulations:

**Title and commencement**

1.—(1) These Regulations may be cited as the Seeds (National Lists of Varieties) (Amendment) Regulations 1990 and, except for regulation 2(a) shall come into force on 1st August 1990.

(2) Regulation 2(a) of these Regulations shall come into force on 1st August 1992.

**Amendment**

2. The Seeds (National Lists of Varieties) Regulations 1982(c) shall be amended as follows—

(a) in regulation 11 (applications for entry in a National List), for sub-paragraph (b) of paragraph (3) there shall be substituted the following sub-paragraph—

“(b) any species of—

- (i) grass intended for fodder production, being a variety of a species of *Agrostis*, *Bromus*, *Festuca*, *Lolium*, *Phleum* or *Poa* named in Part I of Schedule 1, of cocksfoot or of tall oatgrass,
- (ii) legume, being a variety of a species of *Lupinus*, *Medicago*, *Trifolium* or *Vicia* named in Part I of Schedule 1 or of field pea, sainfoin or of birdsfoot trefoil,

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(a) 1964 c.14; section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 5(1), (2) and (3) and section 38(1) (as amended by S.I. 1978/272) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which these Regulations are made.

(b) By section 39(3) of the Plant Varieties and Seeds Act 1964 and by the Plant Varieties and Seeds (Northern Ireland) Order 1973 (S.I. 1973/609).

(c) S.I. 1982/844, to which there are amendments not relevant to these Regulations.

- (iii) fodder kale, fodder radish, linseed, brown mustard, black mustard, white mustard for green manuring, soya bean, sunflower, swede, swede rape (including oilseed rape) or of turnip rape, or
- (iv) durum wheat, fodder beet, maize (except sweetcorn), rye for grain, spelt, sugar beet or of triticale,

unless in each case the applicant submits to the Ministers with the application the results of two replicated trials conducted in the United Kingdom, such results being expressed relative to named control varieties and relating to yield, with the standard error of the variety mean yield for each trial, and field characters.”; and

(b) after regulation 11 there shall be inserted the following regulation—

“11A.—(1) The Ministers may grant to any person a licence to conduct trials for value for cultivation and use of a plant variety which is the subject of an application for entry in a National List.

(2) A licence granted under paragraph (1) above may impose such conditions as the Ministers shall think necessary or desirable having regard to the kinds of plant varieties on which trials are to be conducted, the kind of trials to be conducted and the procedure to be followed in connection with such trials (and such conditions may include a requirement relating to the keeping and production of records).

(3) The Ministers may at any time vary a licence granted under paragraph (1) above by a notice in writing given to the holder of the licence.

(4) Subject to paragraphs (5) and (6) below, the Ministers may revoke or suspend a licence granted under paragraph (1) above if it appears to them that the holder of the licence has failed to comply with any of the conditions imposed by the licence.

(5) Where the Ministers propose to revoke or suspend a licence under paragraph (4) above, they shall give to the holder of the licence notice in writing of the proposed revocation or suspension together with the reasons for it and shall afford him an opportunity of making representations in writing to the Ministers with regard to that proposal or of being heard by a person appointed for the purpose by the Ministers.

(6) A notice given by the Ministers under paragraph (5) above shall inform the person to whom it is given of his right to make representations in writing, of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made and of his right to be heard and of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard.

(7) The Ministers shall not take a decision to revoke or suspend a licence under paragraph (4) above until they have considered any representations made by the holder of the licence (whether orally or in writing) under paragraph (6) above.”

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd July 1990.



*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

29th June 1990

*Sanderson of Bowden*  
Minister of State, Scottish Office

2nd July 1990

*David Hunt*  
Secretary of State for Wales

3rd July 1990

*Peter Brooke*  
Secretary of State for Northern Ireland

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Seeds (National Lists of Varieties) Regulations 1982 so as to—

- (a) extend the requirements of sub-paragraph (b) of regulation 11(3) of the Regulations to species of *Bromus* named in Part I of Schedule 1 to the Regulations (rescue grass and Alaska brome-grass), field bean, field pea, fodder kale, brown mustard, swede, swede rape (including oilseed rape), turnip rape, maize (except sweetcorn), sugar beet and triticale (article 2(a));
- (b) put the names of the species listed in sub-paragraph (b) of regulation 11(3) into alphabetical order (article 2(a));
- (c) provide that the results submitted in accordance with sub-paragraph (b) of regulation 11(3) must be derived from trials conducted in the United Kingdom (and not alternatively in a Member State of the European Community as was previously the case) (article 2(a)); and
- (d) provide for the granting of licences to conduct trials for value for cultivation and use of certain plant varieties (article 2(b)).