STATUTORY INSTRUMENTS

1993 No. 2775

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Amendment) Regulations 1993

Made - - - -	*10th November 1993*
Laid before Parliament	*10th November 1993*
Coming into force - -	*1st December 1993*

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, as respects the United Kingdom, in exercise of the powers conferred on them by sections 9(1) and (5), 36 and 38(1) of the Plant Varieties and Seeds Act 1964(**1**) as extended to Northern Ireland(**2**) and the said Minister and the Secretary of State, acting jointly, as respects the Isle of Man, in exercise of the said powers as extended to the Isle of Man(**3**), and in exercise of all other powers enabling them in that behalf, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Plant Breeders' Rights (Amendment) Regulations 1993 and shall come into force on 1st December 1993.

Revocations

2. The Plant Breeders' Rights (Amendment) Regulations 1990(**4**), the Plant Breeders' Rights (Amendment) (No.2) Regulations 1990 (**5**) and the Plant Breeders' Rights (Amendment) Regulations 1992(**6**) are hereby revoked.

(**1**) 1964 c. 14; 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.
(**2**) By section 39(3) of the Plant Varieties and Seeds Act 1964 and by the Plant Varieties and Seeds (Northern Ireland) Order 1964 (S.I. 1964/1574).
(**3**) By the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829), to which there are amendments not relevant to these Regulations.
(**4**) S.I.1990/1592.
(**5**) S.I.1990/2633.
(**6**) S.I.1992/1939.

Amendment of principal Regulations

3. For Schedule 3 to the Plant Breeders' Rights Regulations 1978 (**7**) (reproductive and other plant material to be delivered to the Controller) there shall be substituted the provisions of the Schedule to these Regulations.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th November 1993.

L.S.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

Scottish Office
8th November 1993

Hector Monro
Parliamentary Under Secretary of State,

John Redwood
4th November 1993
Secretary of State for Wales

Patrick Mayhew
10th November 1993
Secretary of State for Northern Ireland

Michael Howard
Secretary of State for the Home Department (being the Secretary of State concerned with matters relating to the Isle of Man)

Home Office
5th November 1993

(**7**) S.I.1978/294; relevant amending instruments are S.I.1982/1101, 1985/1092.

SCHEDULE Regulation 3

"SCHEDULE 3 Regulation 12

REPRODUCTIVE AND OTHER PLANT MATERIAL
TO BE DELIVERED TO THE CONTROLLER

PART I

CEREALS

Quantity

1.—(1) During the year beginning with the making of the application the following amounts of ears of seed shall be delivered:—

For a wheat, barley or oat variety	275 ears and 6 kilograms of seed
For a rye variety	5 kilograms of seed
For a maize variety	500 grams of seed of the commercial hybrid and 200 grams of seed of each of the parents and parental lines of the commercial hybrid
For a triticale variety	4 kilograms of seed
For an F1 hybrid variety of wheat	275 ears from the final cross, 8.5 kilograms of seed from the final cross and 100 ears of each parent

(2) Attached to each ear there shall be a minimum of 25 centimetres of straw.

(3) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Controller to be necessary or desirable for the proper completion of the tests and trials.

Packing

2. The ears shall be packed in bundles of not more than 100, lightly wrapped, in a stiff-sided container.The seeds shall be packed in a suitable container of sufficient strength to withstand mechanical damage during transit due to handling.

Quality

3.—(1) The seed shall comply with the following standards:—

(a) Wheat, Barley, Oats and Rye

Kind	Min germination (% by number of pure seeds)	Min analytical purity (% by weight)	Max moisture content (% by weight)	Max loose smut infection (% by number)	Max no. of other seeds or structures in a sample of 500g					
					All other species	Other cultivated cereal species	All species other than cultivated cereals	Wild oats (Avena fatua, Avena sterilis *or* Avena ludoviciana) *and darnel* (Lolium temulentum)	Wild radish (Raphanus raphanistrum) *and Corn Cockle* (Agrostemma githago)	Ergot (sclerotia)
Wheat, Barley and Oats	85	98	16	0.5	10	7	7	0	3	3
Rye	85	98	16	—	10	7	7	0	3	3

(b) Maize

Min germination (% by number of pure seeds)	*Min analytical purity (% by weight)*	*Max no. of seeds of other plant species in a sample of 250g*
90	98	0

(c) Triticale

The minimum germination by number of pure seeds shall be 85%. The seed shall not be affected by harmful organisms and must originate from the growing period immediately preceding the tests.

(2) The seed shall be free from insects.

Dressings and Treatments

4. The seed shall not have been subjected to any fungicidal or insecticidal treatment.

PART II

POTATOES

Quantity

1.—(1) During the year beginning with the making of the application 200 seed tubers shall be delivered; these seed tubers shall be from stocks grown in Scotland or Northern Ireland or the English counties of Northumberland (excluding the districts of Blyth Valley and Wansbeck) and Cumbria (excluding the districts of Barrow-in-Furness and South Lakeland).

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered seed tubers taken from stocks grown in any of the places specified in sub-

paragraph 1 (1) above in such quantity and quality as shall appear to the Controller to be necessary or desirable for the proper completion of the tests and trials.

(3) The applicant shall arrange for the growing in the United Kingdom of a plot of at least 2,000 plants of the potato variety to be observed under normal conditions during each of the seasons following the delivery of the seed tubers.

Packing

2. The seed tubers shall be securely packed in new sacks or other new containers which are capable of withstanding the hazards that may be encountered by perishable produce during transit.The packing material shall be adequate in quantity and quality to protect the tubers from low temperature which may cause chilling or frosting and from damage due to handling.

Grading and Condition

3. The seed tubers shall be graded so as to be capable of being retained by meshes of a riddle each measuring 35mm square and passed by meshes of a riddle each measuring 50mm square.The seed tubers shall be in sound condition and not be visibly unfit for planting through damage due to handling or attack by any insect, pest or disease or any other condition which would impair their subsequent growth.The seed tubers shall be reasonably free from soil.

Dressings and Treatments

4. The seed tubers shall not have been treated with a fungicide, pesticide or sprout inhibitor.

Health

5.—(1) The land on which the seed tubers have been produced shall be land which:—

(a) is not deemed for the purpose of the Plant Health (Great Britain) Order 1993(**8**) or the Plant Health (Northern Ireland) Order 1993(**9**) to be land on which wart disease of potatoes (Synchytrium endobioticum (Schilb.) (Perc.)) is present;

(b) is not declared for the purposes of the Plant Health (Great Britain) Order 1993(**8**) to be land on which potato cyst eelworm (Globodera rostochiensis (Woll) Mulvey and Stone and Globodera pallida (Stone) Mulvey and Stone) is present;

(c) is not land on which the occupier has been served with a notice under the Plant Health Order (Northern Ireland) 1993(**9**) requiring him to adopt measures for the prevention of the spread of potato cyst eelworm as specified by the notice; and

(d) is land which has not at any time been used for growing potatoes during the period of five years immediately preceding the planting of the crop from which the seed tubers are produced.

(2) The seed tubers shall be accompanied by a certificate issued by as the case may be the Ministry of Agriculture, Fisheries and Food, The Scottish Office Agriculture and Fisheries Department or the Department of Agriculture for Northern Ireland stating:—

(a) the seed tubers are the produce of a crop grown on land not known to be infected by wart disease of potatoes or infested by potato cyst eelworm;

(b) the seed tubers are the produce of a crop which was inspected during the growing season and deemed on visual examination to be free from infection with tobacco veinal

(**8**) S.I.1993/1320.
(**9**) S.R.1993/256.
(**8**) S.I.1993/1320.
(**9**) S.R.1993/256.

necrosis virus and to contain not more than the following tolerances for other diseases and impurities—

(i) 0.05% of rogues, undesirable variations, wildings and bolters;

(ii) 0.02% with leaf roll or severe mosaic;

(iii) 0.20% of plants with mild mosaic;

(iv) 1% of plants with blackleg.

(c) the seed tubers were found on visual examination to be free from signs of wart disease of potatoes; and

(d) the seed crop from which the tubers were produced was not so affected by any other disease or pest as to render it unsuitable for seed purposes.

PART III

FODDER PLANTS

Quantity

1.—(1) During the year beginning with the making of the application the following amounts of seed shall be delivered:—

For a ryegrass variety	1 kilogram
For a timothy variety	500 grams
For a cocksfoot variety	1 kilogram
For a tall fescue variety	1 kilogram
For a meadow fescue variety	1 kilogram
For a red fescue variety	500 grams
For a velvet bent variety	1 kilogram
For a red top variety	1 kilogram
For a creeping bent variety	1 kilogram
For a brown top variety	1 kilogram
For a wood meadowgrass variety	1 kilogram
For a swamp meadowgrass variety	1 kilogram
For a smooth-stalked meadowgrass variety	1 kilogram
For a rough-stalked meadowgrass variety	1 kilogram
For a lucerne variety	1 kilogram
For a red clover variety	1 kilogram
For a white clover variety	500 grams
For a lupin variety	4 kilograms
For a fenugreek variety	45 grams
For a fodder kale variety	1 kilogram

For a swede variety	100 grams
For a festulolium variety	2 kilograms
For a sainfoin variety	3 kilograms
For a birdsfoot trefoil variety	750 grams

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Controller to be necessary or desirable for the proper completion of the tests and trials.

Packing

2. The seed shall be packed in a suitable container of sufficient strength to withstand damage during transit due to handling.

Quality

3. The seed shall comply with the following standards:—

Kind	Min germination (% by number of pure seeds or pure pellets) [(a)(b)]	Maximum hard seed content (% by number of pure seeds or pure pellets) [(a)]	Minimum analytical purity (% by weight)	Maximum content of seeds of other plant species (% by weight)
Perennial ryegrass	86	—	96	1.5
Other ryegrasses	82	—	96	1.5
Timothy	86	—	96	1.5
Cocksfoot	86	—	90	1.5
Tall fescue	86	—	95	1.5
Meadow fescue	86	—	95	1.5
Red fescue (including chewings fescue	82	—	90	1.5
Red top	80	—	90 2.0	
Velvet bent, creeping bent and brown top	75	—	90 2.0	
Meadow grasses	75	—	85 2.0	
Red clover	80	20	97	1.5
White clover	80	40	97	1.5

(a) Up to the maximum content indicated, hard seeds present shall be considered as seeds capable of germination.

(b) All fresh and healthy seeds which do not germinate after pre-treatment shall be considered as seeds which have germinated.

Kind	Min germination (% by number of pure seeds or pure pellets) [(a)(b)]	Maximum hard seed content (% by number of pure seeds or pure pellets) [(a)]	Minimum analytical purity (% by weight)	Maximum content of seeds of other plant species (% by weight)
Lucerne	80	40	97	1.5
Blue lupin	75	20	98 0.5	
Other lupins	80	20	98 0.5	
Fenugreek	80	—	95	1.0
Fodder kale	86	—	98	1.0
Swede	86	—	98	1.0
Festulolium	82	—	96	1.5
Sainfoin	75	20	95	1.5
Birdsfoot trefoil	75	40	95	1.5

(a) Up to the maximum content indicated, hard seeds present shall be considered as seeds capable of germination.

(b) All fresh and healthy seeds which do not germinate after pre-treatment shall be considered as seeds which have germinated.

4. The seeds shall also comply with the following standards where appropriate:

Kind	Maximum permitted content of seed impurities (by number or as a percentage by weight)						
	Weight of sample for determination of foreign seeds by number (gms)	Wild oat or dodder No.	*Rumex* spp. (docks and sorrels) excluding *R. acetosella* (sheep's sorrel) andR. martimus *(golden dock) No.*	Blackgrass %	Couchgrass %	*Melilotus* spp. %	Max. content of any one other plant species %
Ryegrasses[(a)]	60	0[(b)]	20	0.3	0.5	—	1.0
Timothy	10	0[(b)]	5	0.3	0.3	—	1.0
Cocksfoot	30	0[(b)]	10	0.3	0.3	—	1.0
Tall fescue	50	0[(b)]	20	0.3	0.5	—	1.0
Meadow fescue[(c)]	50	0[(b)]	20	0.3	0.5	—	1.0
Red fescue (including chewings fescue)	30	0[(b)]	10	0.3	0.5	—	1.0
Red top	5	0[(b)]	2	0.3	0.3	—	1.0
Velvet bent, creeping bent and brown top	5	0[(b)]	2	0.3	0.3	—	1.0
Meadowgrasses	5	0[(b)]	2	0.3	0.3	—	1.0[(d)]

(a) In perennial ryegrass awned ryegrass seeds shall not exceed 1% by weight in seeds of a variety known not to produce seeds with awns.

(b) I seed of dodder in a sample of the size specified in column 2 shall not be regarded as an impurity if a second sample of the same weight is free from dodder.

(c) In meadow fescue there shall be no more than a total of 20 seeds of rye grass in a sample of the size specified in column 2.

(d) In meadowgrasses a maximum of 0.8% by weight of seeds of other meadowgrasses shall not be regarded as an impurity.

(e) In lupins the percentage by number of bitter lupin seeds in sweet varieties shall not exceed 3.0 and the percentage by number of seeds of another colour shall not exceed 2.0 in bitter lupins and 1.0 in other lupins.

(f) In lupins the presence of a maximum of 0.5% by weight in total of seeds of other lupins, Hungarian, common or hairy vetch, field pea and field bean shall not be regarded as an impurity.

Kind	Weight of sample for determination of foreign seeds by number (gms)	Maximum permitted content of seed impurities (by number or as a percentage by weight) Wild oat or dodder No.	*Rumex* spp. (docks and sorrels) excluding *R. acetosella* (sheep's sorrel) andR. martimus *(golden dock)* *No.*	Blackgrass %	Couchgrass %	*Melilotus* spp. %	Max. content of any one other plant species %
Red clover	50	0	20	—	—	0.3	1.0
White clover	20	0	10	—	—	0.3	1.0
Lucerne	50	0	20	—	0.3	1.0	
Blue Lupin[(e)]	1000	0	20	—	—	0.3	0.3[(f)]
Other lupins[(e)]	1000	0	20	—	—	0.3	0.3[(f)]
Fodder kale	100	0[(b)]	20	—	—	—	0.5
Swede	100	0[(b)]	20	—	—	—	0.5
Festulolium	60	0[(b)]	20	0.3	0.5	—	1.0
Sainfoin	600	0	2	0.3	—	—	1.0
Birdsfoot trefoil	50	0	2	0.3	—	—	1.0

(a) In perennial ryegrass awned ryegrass seeds shall not exceed 1% by weight in seeds of a variety known not to produce seeds with awns.

(b) I seed of dodder in a sample of the size specified in column 2 shall not be regarded as an impurity if a second sample of the same weight is free from dodder.

(c) In meadow fescue there shall be no more than a total of 20 seeds of rye grass in a sample of the size specified in column 2.

(d) In meadowgrasses a maximum of 0.8% by weight of seeds of other meadowgrasses shall not be regarded as an impurity.

(e) In lupins the percentage by number of bitter lupin seeds in sweet varieties shall not exceed 3.0 and the percentage by number of seeds of another colour shall not exceed 2.0 in bitter lupins and 1.0 in other lupins.

(f) In lupins the presence of a maximum of 0.5% by weight in total of seeds of other lupins, Hungarian, common or hairy vetch, field pea and field bean shall not be regarded as an impurity.

Dressings and Treatments

4. The seed shall not have been subjected to any fungicidal or insecticidal treatment.

PART IV

OIL AND FIBRE PLANTS

Quantity

1.—(1) During the year beginning with the making of the application the following amounts of seed shall be delivered:—

For a flax or linseed variety	1.5 kilograms
For an oenothera variety	6 grams
For a swede rape including oilseed rape variety	1 kilogram
For a white mustard variety	1 kilogram
For a brown or black mustard variety	1 kilogram
For a coriander variety	500 grams
For a borage variety	20 grams
For a sunflower variety	1 kilogram and 5,000 seeds of each parental line and each restorer line
For a turnip rape variety	1 kilogram

Packing

2. The seed shall be packed in a suitable container of sufficient strength to withstand damage during transit due to handling.

Quality

3.—(1) The seed shall comply with the following standards:—

	Analytical Purity		Maximum content by number of seeds of other plant species in a sample of the following weight:							
			Swede rape including oilseed rape — 100 grams Flax and linseed — 150 grams White mustard — 200 grams Brown and black mustard — 40 grams Sunflower — 1,000 grams Turnip rape — 70 grams							
Kind	Minimum germination (% of pure seed)	Minimum analytical purity (% by weight)	Maximum content seed of other plant species (% by weight)	Other plant species	Wild Oat *(Avena fatua. A. ludoviciana, A. sterilis)*	Dodder *(Cuscuta spp.)*	Wild Radish *(Raphanus Raphanistrum)*	*Rumex* spp (docks and sorrels) excluding *R. acetosella* (sheeps sorrel) and *R. maritimus* (golden dock)	Black grass *(Alepecurus myosuroides)*	*Lolium remotum*
Swede rape including Oilseed rape	85	98	0.3	—	0	0	10	5	—	—
Turnip rape	85	98	0.3	—	0	0[(a)]	10	5	—	—
Flax	92	99	—	15	0	0	—	—	4	2
Linseed	85	99	—	15	0	0	—	—	4	2
Oenothera	85	—	—	—	—	—	—	—	—	—
White mustard	85	98	0.3	—	0	0[(a)]	10	5	—	—
Brown and Black mustard	85	98	0.3	—	0	0	10	5	—	—
Coriander	80	95	0	—	—	—	—	—	—	—
Borage	75	98	—	—	—	—	—	—	—	—
Sunflower	85	98	—	5	0	0	—	—	—	—

(a) One seed of dodder in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of dodder.

(2) The seed shall be of a satisfactory state of health as far as seed-borne organisms and diseases affecting the seeds are concerned. In particular the seed shall not exceed the following standards:—

Kind	Harmful Organisms Maximum percentage by number of seeds contaminated by harmful organisms (total per column) *Botrytis* spp.	*Alternaria* spp., *Phoma exigua var.* linicola *Colletotrichum lini, Fusarium* spp.	*Sclerotinia sclerotiorum* (maximum number of *sclerotia* or fragments of *sclerotia* in a sample of the weight specified in column 4 of Schedule 3)
Swede rape and Turnip Rape including Oilseed Rape	—	—	5
Flax & Linseed	5	5[(a)]	—
White mustard	—	—	5
Sunflower	5	—	10

(a) In flax the maximum percentage by number of seeds contaminated by Phoma exigua var.linicola shall not exceed 1%.

Dressings and Treatments

4. The seed shall not have been subjected to any fungicidal or insecticidal treatment.

PART V

VEGETABLES (including Field Beans and Field Peas)

Quantity

1.—(1) During the year beginning with the making of the application the following amounts of seed shall be delivered:—

For a pea variety (including a field pea variety)	3 kilograms
For a French bean variety	4 kilograms
For a runner bean variety	11 kilograms
For a broad bean variety	23 kilograms
For a field bean variety	11 kilograms
For a lettuce variety	115 grams
For a celery or celeriac variety	10 grams
For a marrow variety	230 grams
For a Brussels sprout variety	125 grams
For a cabbage variety	125 grams
For a cauliflower variety	125 grams
For a turnip variety	150 grams
For a tomato variety	11 grams

For a beetroot variety	450 grams

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Controller to be necessary or desirable for the proper completion of the tests and trials.

Packing

2. The seed shall be packed in a suitable container of sufficient strength to withstand damage during transit due to handling.

Kind	Minimum germination (% by number of pure seeds)	Minimum analytical purity (% by weight)	Max. content of seeds of other plant species (% by weight)
Peas (including field peas) 8098	0.1		
French Beans	75	98	0.1
Runner Beans	80	98	0.1
Broad Beans	80	98	0.1
Field Beans	85	98	0.5
Lettuce	75	95	0.5
Celery and Celeriac	70	97	1.0
Marrows	75	98	0.1
Brussels Sprouts	75	97	1.0
Cabbages	75	97	1.0
Cauliflowers	70	97	1.0
Turnip	80	97	1.0
Tomatoes	75	97	0.5
Beetroot	70	97	0.5

Health

4. The seeds shall be of a satisfactory state of health in so far as seed-borne diseases and organisms affecting the seeds are concerned.

Dressings and Treatments

5. The seed shall not have been subjected to any fungicidal or insecticidal treatment and shall not be pelleted.

PART VI

TOP FRUIT AND ROOTSTOCKS

Quantity

1.—(1) The following shall be delivered:

Apples

(2) Eight trees on M9 rootstocks, not less than two and not more than three years old.Alternatively budwood or graftwood sufficient to produce fifteen trees.

Pears

(3) Three trees on Quince A rootstock, double-worked where necessary.The trees shall be not less than two and not more than three years old. Alternatively, if the Controller shall so allow, scion or bud wood sufficient to produce four trees may be delivered instead of the three trees as mentioned above.

Plums and Damsons

(4) Three trees on St. Julien A rootstocks shall be delivered.The trees shall not be less than two and not more than three years old. Alternatively, if the Controller shall so allow, scion or bud wood sufficient to produce four trees may be delivered instead of the three trees as mentioned above.

Cherries

(5) Three trees on F12/1 or Colt rootstocks.The trees shall be not less than two and not more than three years old.

Apple rootstocks, Pear rootstocks, Plum and Damson rootstocks, Cherry rootstocks and Quince rootstocks.

(6) Twenty-five well-rooted rootstocks of not less than 7mm in diameter selected from the stool or layer bed.

Health

2

Complete trees and rootstocks

(1)

(a) The trees and rootstocks shall not show symptoms of any virus disease.

(b) The trees and rootstocks shall be healthy.They shall not be lacking in vigour, or affected by any pests or diseases.

Scion or bud wood or graftwood

(2) Scion or bud wood or graftwood shall be the produce either of a tree of the variety growing on its own roots or of a tree of the variety which satisfies the requirements set out in paragraph 2(1) (a) and (b) above.

PART VII

SOFT FRUIT

Quantity

1.—(1) The following shall be delivered:

Black Currants

(2) Twelve visually healthy two-year old bushes.

Gooseberries

(3) Five visually healthy two-year old bushes.

Raspberries

(4) Forty visually healthy canes.

Rubus (other than raspberries)

(5) Six visually healthy young plants

Strawberries

(6) Forty visually healthy plants.

Red Currants

(7) Four vigorous healthy plants with at least three strong shoots.The plants shall not be more than two years old.

PART VIII

RHUBARB

Quantity

1. Four plants of the parent stock sufficient to provide 12 single bud roots.

Health

2. The plant material shall be visibly healthy and shall not be lacking in vigour or affected by pests or diseases.

PART IX

HOPS

Quantity

1. Six one year bedded sets shall be delivered.

Health

(a) The sets shall not show symptoms of any virus disease.

(b) The sets shall be healthy.They shall not be lacking in vigour or affected by pests or diseases.

PART X

CONIFERS AND TAXADS

Quantity

Four visually healthy vegetatively reproduced trees or shrubs typical of the variety, each at least two but not more than five years old, shall be delivered.

PART XI

TREES, SHRUBS AND WOODY CLIMBERS

Quantity

There shall be delivered, in the numbers indicated in respect of varieties of the genera or species specified below, visually healthy, vegetatively reproduced trees, shrubs, or woody climbers, as the case may be, typical of the variety and each at least two but not more than four years old.

Genera or species	*Number of trees, shrubs or woody climbers to be delivered*
Calluna Salisb.	12
Daboecia D. Don	12
Erica carnea L., *Erica ciliarisa* L., *Erica cinerea* L., *Erica x darleyensis* Bean, *Erica mackaiana* Bab., *Erica mediterranea* Hort., *Erica x praegeri* Ostenf., *Erica tetralix* L., *Erica vagans* L., *Erica x watsonii* Benth., *Erica williamsii* Druce	12
Brachyglottis Forst. & Forst.	5
Clianthus puniceus (G. Don) Sol. ex Lindl.	5
Coprosma Forst	5
Cordyline australis (Forst.) Endl. *Cordyline banksii* Hook., *Cordyline indivisa* (Forst.) Steud., *Cordyline kaspar* W.R.B. Oliv., *Cordyline pumilio* Hook. f.	
Corokia A. Cunn.	5
Corynocarpus laevigata J. R. Forst et G. Forst.	5
Dodonaea viscosa (L.) Jacq.	5

Genera or species	*Number of trees, shrubs or woody climbers to be delivered*
Griselinia littoralis Raoul. *Griselinia lucida* Forst. f.	5
Hoheria A. Cunn.	5
Leptospermum ericoides A. Rich. *Leptospermum sinclairii* Kirk	5
Lophomyrtus Burret.	5
Melicope simplex A. Cunn. *Melicope ternata* J.R. Forst. et G. Forst.	5
Meryta sinclairii (Hook. f.) Seem.	5
Metrosideros albiflora Soland. ex Gaertn. *Metrosideros carminea* Oliv., *Metrosideros colensoi* Hook. f., *Metrosideros diffusa* Forst. f., *Metrosideros excelsus* Sol. ex Gaertn., *Metrosideros kermadecensis* Oliv., *Metrosideros parkinsonii* Buch., *Metrosideros perforata* (Forst. & Forst. f), *Metrosideros robustus* A. Cunn., *Metrosideros scandens* (Forst. et Forst. f.) Druce., *Metrosideros umbellatus* Cav.	5
Myrsine australis (A. Rich.) Allan *Myrsine chathamica* F. Muell., *Myrsine coxii* Cockayne, *Myrsine divaricata* A. Cunn., *Myrsine kermadecensis* Cheesem. *Myrsine montana* Hook f., *Myrsine nummularia* Hook. f., *Myrsine oliveri* Allan, *Myrsine salicina* Heward	5
Parahebe W.R.B. Oliv.	5
Pseudopanax chathamicus T. Kirk *Pseudopanax crassifolius* (Sol. ex. A. Cunn.), *Pseudopanax discolor* T. Kirk, *Pseudopanax edgerleyi* C. Koch., *Pseudopanax ferox* T. Kirk, *Pseudopanax gilliesii* T. Kirk, *Pseudopanax lessonii* (D.C.), *Pseudopanax lineare* (Hook. f.) K Koch.	5
Weinmannia racemosa L. f. *Weinmannia silvicola* Sol. ex A. Cunn.	5
Erica arborea L., *Erica australis* L., *Erica lusitanica* Rudolfi, *Erica scoparia* L., *Erica terminalis* Salisb., *Erica x veitchii* Bean	4
Menziesia Sm.	4
Andromeda L.	3
Buxus L.	3
Caryopteris Bunge	3

Genera or species	*Number of trees, shrubs or woody climbers to be delivered*
Cassiope D. Don	3
Ceratostigma Bunge excluding C. *plumbaginoides* Bunge	3
x Gaulnettya W. J. Marchant	3
Gaultheria Kalm ex L.	3
Helianthemum Mill.	3
Lavendula L.	3
Pernettya Gaudich	3
Ruta L.	3
Salvia officinalis L.	3
Sarcococca Lindl. excluding S. *saligna* Muell.	3
Teucrium fruticans L.	3
Vaccinium L. excluding V.*corymbosum* L.	3
Vinca major L.	3
Vinca minor L.	3
All others not specified above	2

PART XII

DECORATIVES

Quantity

1.—(1) The following shall be delivered:

Carnations

(2)

(a) *Border carnations and pinks*

Ten visually healthy young plants, typical of the variety.

(b) *Perpetual flowering carnations*

Seventy-five unrooted, visually healthy cuttings, each furnished with at least four but notmore than five clearly visible internodes.

Perennial Chysanthemums

(3)

(a) *Year round varieties*

Fifty visually healthy cuttings of normal commercial standard.

(b) *Other varieties*

Twenty-five visually healthy cuttings of normal commercial standard.

Dahlias

(4) Four plants of each disbudded variety and seven plants of each dwarf bedding variety shall bedelivered.The plants shall be typical of the variety and young, visually healthy, green plants.

Perennial Delphiniums

(5) Six well-rooted cuttings, or fifteen young plants ex-microprop.

Freesias

(6) Twenty-five visually healthy corms of flowering size, typical of the variety.

Gladioli

(7) Twelve visually healthy corms of flowering size, typical of the variety, shall be delivered each year.

Narcissi

(8) Ten visually healthy single nosed bulbs, typical of the variety.

Rhododendrons

(9)

(a) *Varieties to be flowered outdoors*

Three plants each with at least three flower buds.

(b) *Pot plant varieties*

Thirty plants, twice pinched.

Roses

(10) In the case of a miniature variety six trees, in the case of a bush variety four trees, in the case of a shrub variety three trees and in the case of a climbing variety or ground cover variety two trees. The trees shall be first quality visually healthy maiden trees typical of the variety.If the Controller is satisfied that maiden trees cannot be supplied, two-year-old trees may be delivered.

Herbaceous perennials

(11) Four visually healthy vegetatively reproduced plants typical of the variety, each one year old.

Cymbidiums

(12) One mature plant in full flower.

Pelargoniums

(13) Ten rooted or unrooted cuttings.

Streptocarpus

(14) Five full grown plants.

Lilies.

(15) Ten visually healthy bulbs of flowering size.

Elatior begonias

(16) Thirty healthy young plants with no visible evidence of flower buds.The plants shall not have been treated with a growth regulator.

Saintpaulia

(17) Twenty healthy young plants.

Nerine

(18) Fifteen dormant bulbs.

Poinsettia

(19) Ten rooted cuttings.

Cacti

(20) Twenty unrooted cuttings.

Gerbera

(21) Twelve young plants of normal commercial standard.

Kalanchoe

(22) Twenty young plants, not cut back, in peat blocks.

Impatiens

(23) Twenty young plants, of good commercial quality, not cut back, in peak blocks.

Euphorbia milii

(24) Twenty, three month old plants.

Scaevola aemula

(25) Twenty young plants.

Osteospermum

(26) Twenty young plants, of good commercial quality, not cut back, in peak blocks.

Galtonia candicans

(27) Six visually healthy bulbs.

Agapanthus

(28) Four visually healthy plants.

Cheiranthus

(29) Twenty young plants.

Erysimum

(30) Twenty young plants.

Festuca ovina Glauca

(31) Four young plants.

Petunia

(32) Ten grams of seed.

Trifolium arvense

(33) Twenty young plants.”

EXPLANATORY NOTE

(This note is not part of the Regulation)

These Regulations amend the Plant Breeders' Rights Regulations 1978.

Schemes having been made to enable Plant Breeders' Rights to be granted in respect of sainfoin, birdsfoot trefoil, tomatoes, quince rootstock, herbaceous perennials, trees, shrubs and woody climbers, and miscellaneous ornamentals, Schedule 3 has been superseded by a new Schedule which specifies the reproductive and other material which must be delivered to the Controller when an application is made for a grant of plant breeders' rights in respect of these species.