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## EXPLANATORY NOTE

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

These Regulations, which extend to the whole of the United Kingdom, revoke and replace the Seeds (National Lists of Varieties) Regulations 1982, S.I.1982/844 as amended. The Regulations give effect to Council Directives [70/457/EEC](#) (OJNo. L225, 12.10.1970, p. 1) on the common catalogue of varieties of agricultural plant species and those elements of Council Directive [70/458/EEC](#) (OJ No. L225, 12.10.1970, p. 7) on the marketing of vegetable seed which require member States to establish national lists of vegetable varieties. These directives were last amended by Council Directive [98/95/EC](#) (OJNo. L25, 1.2.1999, p. 1) in respect of the consolidation of the internal market, genetically modified plant varieties and plant genetic resources and Council Directive [98/96/EC](#) (OJ No. L25, 1.2.1999, p. 27) as regards naming of plant varieties. The amending directives also amended directives in respect of the marketing of seeds.

Certain requirements of Council Directive [98/95/EC](#) have not been transposed in full in these Regulations where there is existing provision in the Environmental Protection Act 1990 (c. 43). Part VI of that Act makes general provision for preventing damage to the environment from the release of genetically modified organisms. Relevant provisions include carrying out environmental risk assessments for genetically modified plant varieties, imposition of conditions appropriate for their cultivation and prohibition of their use where their cultivation could be harmful.

Regulation 1 provides the title of the Regulations and the coming into force date of 1st December 2001. Regulation 2 defines expressions used in the Regulations and provides that expressions in the Regulations not so defined and which appear in Council Directives [70/457/EEC](#) and [70/458/EEC](#) have the same meaning in the Regulations as they have in those directives. Regulation 3 makes provision in relation to National Lists of plant varieties prepared and published in the Plant Varieties and Seeds Gazette.

Regulation 4 provides for applications in relation to national lists, regulation 5 provides for acceptance of plant varieties and regulation 6 makes provision for the naming of plant varieties. The National Authorities must be satisfied of the matters referred to in regulation 5(3) for acceptance on to National Lists of plant varieties of the species specified in Schedule 1. These include matters relating to genetically modified organisms; distinctness, stability and sufficient uniformity described in Part I of Schedule 2; and, in respect of the species of plant varieties other than the species described in Part III of Schedule 2, value for cultivation and use as described in Part II of Schedule 2.

Regulation 7 makes provision in relation to maintainers of plant varieties. Regulation 8 makes provision in relation to official measures and regulation 9 makes provision for arrangements for official measures. Regulation 10 makes provision for the charging of fees. National Authorities and persons with whom arrangements are made under regulation 9 may charge reasonable fees to cover the costs they reasonably incur in carrying out official measures. National Authorities may also charge persons concerned in matters connected with the Regulations reasonable fees to cover the costs the National Authorities reasonably incur in relation to the administration of official measures for the purposes of these Regulations; for example the administration and determination of applications for acceptance of plant varieties on to the National Lists.

Regulation 11 makes provision for marketing prohibition notices. Regulation 12 makes provision for maintenance of plant varieties accepted on to national lists. Regulation 13 provides that acceptance of plant varieties is initially for a period of 10 years and provides the conditions for renewal of acceptance. Regulation 14 provides for revocation of acceptance of plant varieties and maintainers of plant varieties and regulation 15 makes provision for records. Regulation 16 makes provision

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for representations and hearings in respect of proposed relevant decisions and regulation 17 makes provision for appeals against relevant decisions, except those in respect of naming of plant varieties. Regulation 18 makes provision for obstruction and regulation 19 for offences and penalties. Regulation 20 makes provision for offences due to the fault of another person and the defence of due diligence, regulation 21 applies provisions of the Plant Varieties and Seeds Act 1964 and the Seeds Act (Northern Ireland) 1965 for the purposes of the Regulations, regulation 22 makes provision for enforcement and regulation 23 for service of notices etc. Regulation 24 revokes the Seeds (National Lists of Varieties) Regulations 1982, and the provisions of the Seeds (National Lists of Varieties) (Fees) Regulations 1994 replaced by regulation 10 of these Regulations, with consequential amendments, savings and transitional provisions. Regulation 25 amends Seeds Marketing Regulations.

A regulatory impact assessment has been prepared for these Regulations and placed in the library of each House of Parliament. Copies of the assessment can be obtained from the Plant Variety Rights Office and Seeds Division of the Department for Environment, Food and Rural Affairs, White House Lane, Huntingdon Road, Cambridge CB3 0LF.

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