
STATUTORY INSTRUMENTS

2001 No. 3510

The Seeds (National Lists of Varieties) Regulations 2001

[^{F1}Revocations and savings and transitional provisions

24.—(1) Subject to the savings and transitional provisions in the following provisions of this regulation—

- (a) the Seeds (National Lists of Varieties) Regulations 1982(1) (“the 1982 Regulations”) shall be revoked;
- (b) the following provisions of the Seeds (National Lists of Varieties) (Fees) Regulations 1994 shall be revoked: sub-paragraphs (a), (b), (c) and (d) of regulation 3(1), paragraphs (2), (2A) and (4) of that regulation, regulation 4, Schedules 1, 2, 3 and 4 and paragraphs 1, 4, 5 and 6 of Schedule 5; and
- (c) the following provisions of the Seeds (National Lists of Varieties) (Fees) Regulations 1994 shall be amended—
 - (i) in regulation 2(1), for the definition of “the Ministers”, there shall be substituted—

““the National Authorities” means the Secretary of State, the National Assembly for Wales, the Scottish Ministers and the Department of Agriculture and Rural Development, acting jointly;”;
 - (ii) in paragraphs 2 and 3 of Schedule 5, for the words “the Ministers” there shall be substituted the words “the National Authorities”.

(2) Any application—

- (a) lawfully entertained in accordance with regulation 5(1) of the 1982 Regulations but not determined at the coming into force of these Regulations; or
- (b) referred to in regulation 5A of the 1982 Regulations (inserted by the Seeds (National Lists of Varieties) (Amendment) Regulations 1998(2)), and treated as being lawfully entertained in accordance with regulation 5(1) of those Regulations, but not determined at the coming into force 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 force of these Regulations in relation to the application by or on behalf of the applicant) and shall be determined in accordance with these Regulations.

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

- (a) made in respect of an application referred to in regulation 5(1) of 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; or
- (c) renewed under regulation 14 of those Regulations,

(1) S.I.1982/844; amended by S.I. 1985/1529, S.I. 1989/1314, S.I. 1990/1353, S.I. 1992/1615 and S.I. 1998/2726.

(2) S.I. 1998/2726.

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

(4) Any test or trial being conducted at the coming into force of these Regulations for the purpose of regulation 11(1) of the 1982 Regulations shall have effect as if it were an official measure for the purposes of these Regulations.

(5) Any arrangement under regulation 11(1) of the 1982 Regulations having effect at the coming into force of these Regulations shall have effect as if it were an arrangement for an official measure entered into under regulation 9 of these Regulations.

(6) Any licence to conduct a trial referred to in regulation 11A(1) of the 1982 Regulations, issued under that regulation and having effect at the coming into force of these Regulations, shall have effect as if it were an arrangement for an official measure entered into under regulation 9 of these Regulations.

(7) Any provision of a contract, entered into by the Minister of Agriculture, Fisheries and Food in connection with a trial referred to in regulation 11A(1) of the 1982 Regulations and having effect at the coming into force of these Regulations, shall have effect as if it were a provision of an arrangement entered into under regulation 9 of these Regulations.

(8) For the purposes of these Regulations the tests and trials referred to in regulation 11AA of the 1982 Regulations (inserted by the Seeds (National Lists of Varieties) (Amendment) Regulations 1998) shall continue to be taken to be tests and trials required by those Regulations, as provided by that regulation 11AA, notwithstanding the failure of compliance referred to in that regulation.

(9) Any period specified in a notice published in the Gazette under paragraph (3) of regulation 16 of the 1982 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 force 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 11(4) of these Regulations.

(10) Any acceptance of a name of a variety under regulation 17 of the 1982 Regulations having effect at the coming into force of these Regulations, shall have effect as an acceptance of that name under regulation 6 of these Regulations.

(11) Any acceptance of a maintainer of a variety under regulation 18 of the 1982 Regulations having effect at the coming into force of these Regulations, shall have effect as an acceptance of that maintainer under regulation 7 of these Regulations.

(12) Any proposal for a decision referred to in paragraphs (1) or (2) of regulation 21 of the 1982 Regulations, in respect of which the decision has not been taken under those Regulations at the coming into force of these Regulations, shall have effect as a proposal for a relevant decision under these Regulations.

(13) Any oral or written representations made in accordance with Part III of the 1982 Regulations, in respect of a decision—

(a) proposed but not taken under those Regulations at the coming into force of these Regulations; or

(b) proposed and taken under those Regulations at the coming into force of these Regulations, shall have effect as if they were oral or written representations made in accordance with regulation 16 of these Regulations.

(14) Any appeal referred to in regulation 30 of the 1982 Regulations which, at the coming into force 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 17 of these Regulations.

(15) Any fee payable under regulation 3 of the fees Regulations in respect of a matter mentioned in that regulation, arising under the 1982 Regulations but not paid at the coming into force of these Regulations, shall be treated as a fee charged under, and recoverable as a debt in accordance with, regulation 10 of these Regulations.]

Textual Amendments

F1 Regulations revoked (N.I.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **5** (with savings and transitional provisions in [S.R. 2020/302](#), reg. 25)

Changes to legislation:

There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) Regulations 2001, Section 24.