

[^{F1}SCHEDULE 2

Regulation 5(3)(b) and (c)

DISTINCTNESS, STABILITY, SUFFICIENT UNIFORMITY
AND SATISFACTORY VALUE FOR CULTIVATION AND USE

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)

Part I

Distinctness, stability and sufficient uniformity

Distinctness

1.—(1) A plant variety shall be regarded as distinct if, whatever the origin, artificial or natural, of the initial variation from which it has resulted, it is clearly distinguishable in one or more important characteristics from any other variety known in the [^{F2}United Kingdom or accepted onto an official register of plant varieties corresponding to a GB Variety List in a country outside the United Kingdom with similar growing conditions] at the time when the application for acceptance of the variety is duly made.

(2) The characteristics of a variety must be capable of precise recognition and precise definition.

[^{F3}(3) Where, at the time when an application for acceptance of a variety is duly made, a variety is known in the United Kingdom (or accepted onto an official register of plant varieties corresponding to a GB Variety List in a country outside the United Kingdom with similar growing conditions), but when that application is determined the variety is no longer known in the United Kingdom (or accepted onto that official register), that variety must be disregarded for the purpose of determining distinctness as part of that application.]

F2 Words in Sch. 2 Pt. 1 para. 1(1) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(11)(a)** (as amended by [S.I. 2020/1294](#), regs. 1(2)(a), 4(2)(3)(e)(i)); 2020 c. 1, Sch. 5 para. 1(1)

F3 Sch. 2 Pt. 1 para. 1(3) substituted (E.W.S.) (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/162\)](#), regs. 1(2)(b), **3(11)(b)** (as amended by [S.I. 2020/1294](#), regs. 1(2)(a), 4(2)(3)(e)(ii)); 2020 c. 1, Sch. 5 para. 1(1)

[^{F4}**1A.**—(1) A plant variety of a conservation variety is regarded as distinct if it satisfies the characteristics referred to in—

- (a) the technical questionnaires associated with the test protocols listed in Annex I to Directive 2003/90 or Directive 2003/91 applicable to the species in question, or
- (b) the technical questionnaires of the test guidelines listed in Annex II to those Directives, applicable to the species in question.

(2) In this paragraph—

- (a) “Directive 2003/90” means Commission Directive 2003/90/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species, as amended from time to time, and

Changes to legislation: There are currently no known outstanding effects for the *The Seeds (National Lists of Varieties) Regulations 2001, SCHEDULE 2.* (See end of Document for details)

- (b) “Directive 2003/91” means Commission Directive 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/55/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of vegetable species, as amended from time to time.]

F4 Sch. 2 Pt. 1 para. 1A substituted (1.4.2011) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2011 \(S.I. 2011/464\)](#), regs. 1, **2(7)**

Stability

2. A variety shall be regarded as stable if, after successive propagation or multiplications, or, where the applicant has defined a particular cycle of propagations or multiplications, at the end of each cycle, it remains true to the description of its essential characteristics.

Sufficient uniformity

3. A plant variety shall be regarded as sufficiently uniform if, apart from a very few aberrations, the plants of which it is composed are, account being taken of the distinctive features of the reproductive system of the plants, similar or genetically identical as regards the characteristics, taken as a whole, considered by the [^{F5}appropriate authority] for the purpose of determining whether the variety is sufficiently uniform.

F5 Words in Sch. 2 Pt. 1 para. 3 substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(14)(a)**

Part II

Satisfactory value for cultivation and use

Satisfactory value for cultivation and use

1.—(1) The value of a variety for cultivation or use shall be regarded as satisfactory if compared to other varieties accepted in a [^{F6}GB Variety List] its qualities taken as a whole offer, at least as far as production in any given region is concerned, a clear improvement either for cultivation or as regards the uses which can be made of the crops or the products derived from the crops.

(2) Where other superior characteristics are present individual inferior characteristics may be disregarded.

F6 Words in Sch. 2 Pt. 2 para. 1(1) substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(14)(b)**

Satisfactory value for cultivation and use of component varieties of varietal associations

2.—(1) Where a variety is intended solely for use as a component of a varietal association the value of the variety for cultivation or use shall be regarded as satisfactory if compared to other varieties accepted in a [^{F7}GB Variety List] the qualities of the varietal association taken as a whole offer, at least as far as production in any given region is concerned, a clear improvement either for

cultivation or as regards the uses which can be made of the crops or the products derived from the crops resulting from the varietal association.

(2) Where other superior characteristics are present in the varietal association individual inferior characteristics in it may be disregarded.

F7 Words in Sch. 2 Pt. 2 para. 2(1) substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(14)(b)**

Part III

Varieties [^{F8}the appropriate authority] do not need to be satisfied are of satisfactory value for cultivation and use

F8 Words in Sch. 2 Pt. 3 heading substituted (E.W.S.) (31.12.2020) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(b), **3(14)(c)**

Part II of this Schedule does not apply to—

- (a) varieties of vegetables;
- (b) varieties of grasses not intended for the production of fodder plants if the applicant declares that the seed of the variety is not intended for the production of fodder plants;
- ^{F9}(c)
- (d) any variety intended for use only as a component of a final plant variety; [^{F10}or
- (e) any conservation variety].]

F9 Sch. 2 Pt. 3 para. (c) omitted (E.W.S.) (31.12.2020) by [S.I. 2019/162](#), **reg. 3(12)** (as inserted by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(a), **4(3)(f)**); 2020 c. 1, Sch. 5 para. 1(1)

F10 Words in Sch. 2 Pt. 3 inserted (30.6.2009) by [The Seeds \(National Lists of Varieties\) \(Amendment\) Regulations 2009 \(S.I. 2009/1273\)](#), regs. 1, **8(2)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) Regulations 2001, SCHEDULE 2.