

**2002 No. 3198**

**SEEDS**

**The Plant Varieties and Seeds Tribunal (Amendment)  
(England and Wales) Rules 2002**

*Made* - - - - *18th December 2002*

*Laid before Parliament* *20th December 2002*

*Coming into force* - - *27th January 2003*

The Lord Chancellor, in exercise of the powers conferred on him by section 42 of and paragraph 13 of Schedule 3 to the Plant Varieties Act 1997(a), and having consulted the Council on Tribunals pursuant to section 8 of the Tribunals and Inquiries Act 1992(b) hereby makes the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Plant Varieties and Seeds Tribunal (Amendment) (England and Wales) Rules 2002, shall extend to England and Wales, and shall come into force on 27th January 2003.

**Amendment to the Plant Varieties and Seeds Tribunal Rules 1974**

2.—(1) The Plant Varieties and Seeds Tribunal Rules 1974(c) (“The Tribunal Rules”) shall be amended in accordance with paragraphs (2) to (6).

(2) In rule 2(1)—

(a) in the definition of “Part II regulations”; and

(b) in sub-paragraph (a) of the definition of “respondent authority”,

for “the Forest Reproductive Material Regulations 1973” there shall be substituted “the Forest Reproductive Material (Great Britain) Regulations 2002”(d).

(3) For “basic material” in rule 17(4), there shall be substituted “basic material or forest reproductive material”.

(4) For “basic material” in rule 18, there shall be substituted “basic material or forest reproductive material”.

(5) For references to “basic material” in the following forms in Schedule 1 there shall be substituted “basic material or forest reproductive material”:

(a) Form 3, paragraphs 3 and 6;

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(a) 1997, c. 66. Paragraph 9(2) of Schedule 4 to the Plant Varieties and Seeds Act 1964 (c. 14) provided for the creation of the Plant Varieties and Seeds Tribunal. Those provisions of the 1964 Act were revoked by the 1997 Act, section 42(1) of which provided for the continued existence of the Tribunal. These Rules take effect under paragraph 13 of Schedule 3 to the 1997 Act by virtue of section 17(2)(b) of the Interpretation Act 1978, c. 30. By virtue of regulation 32(2) of the Forest Reproductive Material (Great Britain) Regulations 2002 (S.I. 2002/3026), references in Schedule 3 to the 1997 Act to the statutory jurisdiction of the Tribunal shall be construed for the purposes of an appeal brought under regulation 32 as if including the Tribunal’s jurisdiction under those Regulations.

(b) 1992, c. 53.

(c) S.I. 1974/1136.

(d) S.I. 2002/3026.

- (b) Form 4, paragraph 3(d); and
  - (c) Form 5, paragraph 1.
- (6) In Form 8 of Schedule 1—
- (a) for paragraph 1(c) there shall be substituted:
    - “(c) the decision of the Forestry Commissioners—
      - (i) not to approve basic material;
      - (ii) to approve basic material in the form of clones or clonal mixtures subject to qualifications as to duration of approval or level of production;
      - (iii) to withdraw or amend approval of basic material;
      - (iv) not to issue a Master Certificate;
      - (v) not to enter a person’s name in the Register of Suppliers;
      - (vi) to remove a supplier’s name from the Register of Suppliers or impose conditions upon his continued registration;
      - (vii) not to grant a licence to market forest reproductive material;
      - (viii) that testing techniques used to obtain assessments necessary to provide the information required under regulation 19(2) of the Forest Reproductive Material Regulations 2002 are not, to the Commissioners’ satisfaction, internationally accepted techniques;
      - (ix) in respect of the following requirements of the Forest Reproductive Material Regulations 2002 in:
        - (aa) Schedule 4, paragraphs (1)(d) and 2(d) not to approve verification test methodology;
        - (bb) Schedule 5, paragraph 1(d)(ii) not to approve a statistical design, and
        - (cc) Schedule 5, paragraph 1(e)(i) not to approve a statistical methodology as being one that is internationally recognised.”; and
  - (b) in paragraph 3(d), for “(or basic material)”, substitute “(or basic material or forest reproductive material)”.
- (7) For references to “basic material” in the following forms in Schedule 1, there shall be substituted “basic material or forest reproductive material”:
- (a) Form 9, paragraph 3(c); and
  - (b) Form 10, paragraphs 4 and 5.
- (8) In Schedule 2, at item 3, in the column headed “Description of Proceeding”, for “basic material” in paragraph (b), there shall be substituted “basic material or forest reproductive material”.

Signed on behalf of the Lord Chancellor

*Rosie Winterton*  
Parliamentary Secretary  
Lord Chancellor’s Department

18th December 2002

## **EXPLANATORY NOTE**

*(This note does not form part of the Rules)*

These Rules amend the Plant Varieties and Seeds Tribunal Rules 1974 (S.I. 1974/1136) as they apply to England and Wales to reflect the making of the Forest Reproductive Material (Great Britain) Regulations 2002 (“the Regulations”) (S.I. 2002/3026). The latter provide for appeals to the Tribunal on a number of grounds.

The amendments update the prescribed forms used in the appeal process and update the references in the Rules to the Forest Reproductive Material Regulations 1977, which the Regulations replace. The amendments also allow for evidence in the form of forest reproductive material to be brought before the Tribunal.

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(England and Wales) Rules 2002**

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