
STATUTORY INSTRUMENTS

2020 No. 1294

The Seeds (Amendment etc.) (EU Exit) Regulations 2020

The Seeds (National Lists of Varieties) Regulations 2001

- 3.—(1) The Seeds (National Lists of Varieties) Regulations 2001(1) are amended as follows.
- (2) In regulation 2—
- (a) in paragraph (1)—
- (i) after the definition of “the 1990 Directive” insert—
- ““the appropriate authority” means—
- (a) in relation to England, the Secretary of State;
- (b) in relation to Scotland, the Scottish Ministers;
- (c) in relation to Wales, the Welsh Ministers; and
- (d) in relation to the acceptance of a plant variety onto a GB Variety List, the Secretary of State, the Welsh Ministers and the Scottish Ministers, acting jointly;”;
- (ii) in the definition of “authorised officer” from “, the Scottish Ministers” to the end substitute “or the Scottish Ministers”;
- (iii) omit the definitions of “a Common Catalogue”, “the National Authorities” and “the National Lists”;
- (iv) after the definition of “the Gazette” insert—
- ““the GB Variety Lists” means the lists of varieties of species of agricultural plants and varieties of species of vegetables, prepared and published in accordance with regulation 3, and “GB Variety List” means any one of those lists;”;
- (v) in the definitions of “maintainer”, “region of origin”, “relevant decision” and “varietal association”, for “National List”, in each place where it occurs, substitute “GB Variety List”;
- (vi) before the definition of “the Novel Foods Regulation” insert—
- ““the NI Variety Lists” means the lists of varieties of species of agricultural plants and varieties of species of vegetable, prepared and published by the Department of Agriculture and Rural Development in accordance with legislation having effect corresponding to that of regulation 3(1)(a) and (2) to (5);”;
- (vii) in the definitions of “person affected”, “region of origin” and “relevant decision”, for “National Authorities”, in each place where it occurs, substitute “appropriate authority”;
- (viii) in the definitions of “the Seeds Marketing Regulations” and “standard seed”, omit paragraph (d) and the preceding “and”;

(1) See footnote at regulation 2(2)(a).

- (ix) for the definition of “a variety known in the European Union” substitute—
 - ““a variety known in Great Britain” is any variety—
 - (a) accepted onto—
 - (i) a GB Variety List; or
 - (ii) a NI Variety List; or
 - (b) in respect of which an application for acceptance onto a GB Variety List or a NI Variety List has been submitted and has not been determined, and “a variety not known in Great Britain” shall be construed accordingly; and;”;
- (b) in paragraph (4)—
 - (i) in the words before sub-paragraph (a), for “National Authorities” substitute “appropriate authority”;
 - (ii) omit sub-paragraph (c) and the preceding “and”.
- (3) In regulations 3 and 4 and their headings, regulations 5, 6 (except paragraphs (3)(b) and (d)), 7, 8, 10 to 12, 14, 15 and 17—
 - (a) for “National List”, in each place where it occurs, substitute “GB Variety List”; and
 - (b) for “National Lists”, in each place where it occurs, substitute “GB Variety Lists”.
- (4) In regulations 3 to 7, 9 and 10 to 17, for “National Authorities”, in each place where it occurs, substitute “appropriate authority”.
- (5) In regulation 3(2), omit the words from “, and as respects Northern Ireland” to the end.
- (6) In regulation 5—
 - (a) in paragraph (1), omit the words from “or by” to the end;
 - (b) after paragraph (1), insert—

“(1A) The appropriate authority may base acceptance of a variety onto a GB Variety List on the results of official growing trials conducted by competent authorities outside of Great Britain if the appropriate authority is satisfied that those growing trials are of equivalent standards to those carried out by or on behalf of the appropriate authority.”;
 - (c) in paragraph (3A)—
 - (i) in sub-paragraph (a), for “Common Catalogue” substitute “GB Variety List”;
 - (ii) in sub-paragraph (b)—
 - (aa) for “Catalogue”, in the first place where it occurs, substitute “GB Variety List”;
 - (bb) for the words from “the Welsh Ministers” to “in accordance with” substitute “or the Welsh Ministers consistently with”;
 - (iii) in sub-paragraph (c), omit the words from “a Community” to “by”;
 - (d) after paragraph (3A), insert—

“(3B) For the purposes of paragraph (3A)(b)—

 - (a) Article 15(2) of the Common Catalogue Directive is to be read as if—
 - (i) in the first subparagraph, for “Member States” there were substituted “The appropriate authority (within the meaning given in regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001)”;
 - (ii) the reference to “their own territory” were a reference to the territory in relation to which the appropriate authority has responsibility; and

- (iii) the second subparagraph were omitted;
- (b) Article 15(2) of the Vegetable Seed Marketing Directive is to be read as if—
 - (i) in the first subparagraph, for “Member States” there were substituted “The appropriate authority (within the meaning given in regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001)”; and
 - (ii) the reference to “their own territory” were a reference to the territory in relation to which the appropriate authority has responsibility; and
 - (iii) the second subparagraph were omitted;”;
- (e) for paragraph (5) substitute—

“(5) The appropriate authority may determine that the acceptance of a variety in Northern Ireland onto a NI Variety List is equivalent to acceptance for inclusion on a GB Variety List and, where they so determine, may accept the variety onto a GB Variety List.”.
- (7) In regulation 6(3)—
 - (a) in sub-paragraphs (b) and (d) for “National List” substitute “GB Variety List or NI Variety List”;
 - (b) after sub-paragraph (c)(ii), insert—

“(iii) which has been granted equivalence by an appropriate authority; or”.
- (8) In regulations 11(3) and 16(4)(a), for “the United Kingdom” substitute “Great Britain”.
- (9) In regulation 12(2), for sub-paragraphs (a) and (b) substitute—
 - “(a) in the United Kingdom;
 - (b) in a country referred to in the Equivalence Decision; or
 - (c) in a country granted equivalence by an appropriate authority.”.
- (10) In regulation 17(3)—
 - (a) immediately preceding sub-paragraph (b), omit the word “and”;
 - (b) after sub-paragraph (a), insert—

“(aa) the reference in regulation 9(1) to “the United Kingdom” shall be construed as a reference to “Great Britain”; and”.
- (11) In regulation 21, omit paragraph (2).
- (12) In regulation 22, omit paragraph (1)(d), and the word “and” immediately preceding it.
- (13) In Schedule 1—
 - (a) in the heading to the Schedule and in the heading to Part 1, for “National Lists” substitute “GB Variety Lists”;
 - (b) in Part 2, in the headings before paragraphs 1 and 2, for “national list” substitute “GB Variety List”.
- (14) In Schedule 2—
 - (a) in Part 1, in paragraph 3, for “National Authorities” substitute “appropriate authority”;
 - (b) in Part 2, in paragraphs 1(1) and 2(1), for “National List” substitute “GB Variety List”;
 - (c) in Part 3, in the heading, for “National Authorities” substitute “the appropriate authority”.