

## SCHEDULE 1

Regulations 2(1) and (2), 3(1), 5(5)(a) and  
12(1)

## Varieties of plant species on Variety Lists and derogated species

## PART 1

## Varieties of plant species on Variety Lists

**Agricultural crop varieties**

1. Plants conforming with the characteristics of cultivated plant varieties of the following species intended for agricultural production but not for ornamental use:

<i>Name</i>	<i>Common name</i>
<b>Cereals</b>	
<i>Avena nuda</i> L	Small naked oat, Hulless oat
<i>Avena Sativa</i> L (includes <i>A byzantia</i> Koch)	Oats and red oat
<i>Hordeum vulgare</i> L	Barley
<i>Secale cereale</i> L	Rye
<i>X Triticosecale</i> Wittm Ex A Camus	Triticale
Hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>	
<i>Triticum aestivum</i> L	Wheat
<i>Triticum durum</i> L	Durum wheat
<i>Triticum spelta</i> L	Spelt wheat
<i>Zea Mays</i> L (partim)	Maize (except popcorn and sweetcorn)
<b>Potatoes</b>	
<i>Solanum tuberosum</i> L, including any other tuber-forming species or hybrids of <i>Solanum</i>	Potato
<b>Beet</b>	
<i>Beta vulgaris</i> L	Sugar beet, fodder beet (including mangel)
<b>Fodder plants</b>	
(a) Grasses	
<i>Agrostis canina</i> L	Velvet bent
<i>Agrostis capillaris</i> L	Brown top
<i>Agrostis gigantea</i> Roth	Red top
<i>Agrostis stolonifera</i> L	Creeping bent grass
<i>Arrhenatherm elatius</i> (L) P Beauv ex J Presl & C Presl	Tall oatgrass

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<i>Name</i>	<i>Common name</i>
<i>Bromus catharticus</i> Vahl	Rescue grass
<i>Bromus sitchensis</i> trin	Alaska brome grass
<i>Dactylis glomerata</i> L	Cocksfoot
<i>Festuca arundinacea</i> Schreber	Tall fescue
<i>Festuca filiformis</i> Pourr	Fine leaved sheep's fescue
<i>Festuca ovina</i> L	Sheep's fescue
<i>Festuca pratensis</i> Huds	Meadow fescue
<i>Festuca rubra</i> L	Red fescue, Chewing's fescue
<i>Festuca trachyphylla</i> (Hack) Krajina	Hard fescue
<i>Lolium multiflorum</i> Lam	Italian ryegrass including Westerwold ryegrass
<i>Lolium perenne</i> L	Perennial ryegrass
<i>Lolium x boucheanum</i> Kunth	Hybrid ryegrass
<i>Phleum nodosum</i> L	Small timothy
<i>Phleum pratense</i> L	Timothy
<i>Poa annua</i> L	Annual meadowgrass
<i>Poa nemoralis</i> L	Wood meadowgrass
<i>Poa pratensis</i> L	Smooth-stalked meadowgrass
<i>Poa trivialis</i> L	Rough-stalked meadowgrass
<i>xFestulolium</i> Asch & Graebn	Festulolium
Hybrids resulting from the crossing of a species if the genus <i>Festuca</i> with a species of the genus <i>Lolium</i>	
(b) Legumes	
<i>Lotus corniculatis</i> L	Birdsfoot trefoil
<i>Lupinus albus</i> L	White lupin
<i>Lupinus angustifolius</i> L	Narrow leaved lupin (previously known as Blue lupin)
<i>Lupinus luteus</i> L	Yellow lupin
<i>Medicago lupulina</i> L	Black medick, Trefoil
<i>Medicago sativa</i> L	Lucerne
<i>Medicago x varia</i> T Martyn	Sand lucerne
<i>Onobrychis viciifolia</i> Scop	Sainfoin
<i>Pisum sativum</i> L (partim)	Field pea
<i>Trifolium hybridum</i> L	Alsike clover
<i>Trifolium pratense</i> L	Red clover

<i>Name</i>	<i>Common name</i>
<i>Trifolium repens</i> L	White clover
<i>Vicia faba</i> L (partim)	Field bean
<i>Vicia pannonica</i> (Crantz)	Hungarian vetch
<i>Vicia sativa</i> L	Common vetch
<i>Vicia villosa</i> Roth	Hairy vetch
(c) Other fodder plants	
<i>Brassica napus</i> L yar <i>napobrassica</i> (L) Rchb	Swede
<i>Brassica oleracea</i> L convar <i>acephala</i> (DC) Alef Var <i>medullosa</i> Thell + var <i>viridis</i> L	Fodder kale
<i>Raphanus sativus</i> L var <i>oleiformis</i> Pers	Fodder radish
<b>Oleaginous and fibrous plants</b>	
<i>Brassica juncea</i> (L) Czern	Brown mustard
<i>Brassica napus</i> L (partim)	Swede rape (including plants commonly known as fodder rape and oilseed rape)
<i>Brassicaria nigra</i> (L) WDJ Koch	Black mustard
<i>Brassica rapa</i> L yar <i>silvestris</i> (Lam) Briggs	Turnip rape
<i>Cannabis sativa</i> L	Hemp
<i>Glycine max</i> (L) Merr	Soya bean
<i>Helianthus annuus</i> L	Sunflower
<i>Linum usitatissimum</i> L	Flax, Linseed
<i>Sinapis alba</i> L	White mustard

**Vegetable varieties**

2.—(1) Plants conforming with the characteristics of cultivated plant varieties of the following species intended for agricultural or horticultural production but not for ornamental use:

<i>Name</i>	<i>Common name</i>
<i>Allium cepa</i> L	
—Cepa Group	Onion, Echalion
—Aggregatum Group	Shallot
<i>Allium fistulosum</i> L	Japanese bunching onion or Welsh onion
—all varieties	
<i>Allium porrum</i> L	Leek
—all varieties	
<i>Allium sativum</i> L	Garlic

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<i>Name</i>	<i>Common name</i>
—all varieties	
<i>Allium schoenoprasum</i> L	Chives
—all varieties	
<i>Apium graveolens</i> L	—
—Celery Group	—
—Celeriac Group	—
<i>Asparagus officinalis</i> L	Asparagus
—all varieties	
<i>Beta Vulgaris</i> L	
—Garden beet Group	Beetroot, including Cheltenham Beet
—Leaf beet Group	Spinach beet or Chard
<i>Brassica oleracea</i> L	
—Kale Group	—
—Cauliflower Group	—
—Capitata Group	Red cabbage and White cabbage
—Brussel Sprouts Group	—
—Kohlrabi Group	—
—Savoy Cabbage Group	—
—Broccoli Group	Calabrese type and Sprouting type
—Palm Kale Group	—
—Tronchuda Group	Portuguese cabbage
<i>Brassica rapa</i> L	
—Chinese Cabbage Group	—
—Vegetable Turnip Group	—
<i>Cichorium endivia</i> L	Endive
—all varieties	
<i>Cichorium intybus</i> L	Large leaved (Italian) chicory
<i>Cucumis melo</i> L	Melon
—all varieties	
<i>Cucumis sativus</i> L	
—Cucumber Group	—
—Gherkin Group	—
<i>Cucurbita maxima</i> Duchesne	Gourd

<i>Name</i>	<i>Common name</i>
—all varieties	
<i>Cucurbita pepo</i> L	Marrow, including mature pumpkin and scallop squash, or Courgette, including immature scallop squash
—all varieties	
<i>Daucus carota</i> L	Carrot, Fodder Carrot
—all varieties	
<i>Lactuca sativa</i> L	Lettuce
—all varieties	
<i>Solanum lycopersicum</i> L	Tomato
—all varieties	
<i>Petroselinum crispum</i> (Mill) Nyman ex A W Hill	
—Leaf parsley Group	—
—Root Parsley Group	—
<i>Phaseolus coccineus</i> L	Runner bean
—all varieties	
<i>Phaseolus vulgaris</i> L	
— Dwarf French Bean Group	—
— Climbing French Bean Group	—
<i>Pisum sativum</i> L (partim)	
— Round Pea Group	—
—Wrinkled Pea Group	—
—Sugar Pea Group	—
<i>Raphanus sativus</i> L	
—Radish Group	—
—Black radish Group	—
<i>Rheum rhabarbarum</i> L	Rhubarb
—all varieties	
<i>Spinacia oleracea</i> L	Spinach
—all varieties	
<i>Vicia faba</i> L (partim)	Broad bean
—all varieties	
<i>Zea mays</i> L (partim)	

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<i>Name</i>	<i>Common name</i>
—Sweetcorn Group	—
—Popcorn Group	—

## PART 2

### Derogated species

#### Derogation in respect of requirement to provide an NI Variety List

3. Plants conforming with the characteristics if cultivated plant varieties of the following species intended for agricultural or horticultural production but not for ornamental use:

##### Agricultural crop species

<i>Name</i>	<i>Common name</i>
None	

##### Vegetable species

<i>Name</i>	<i>Common name</i>
<i>Cichorium intybus</i> L	Wiltloof chicory

#### Derogation in respect of requirement to provide an NI Variety List or restrict marketing

4. Other plants conforming with the characteristics of cultivated plants of the following species intended for agricultural or horticultural production but not for ornamental use:

##### Agricultural crop species

<i>Name</i>	<i>Common name</i>
<i>Alopecurus pratensis</i> L	Meadow foxtail
<i>Arachis hypogaea</i> L	Groundnut (peanut)
<i>Avena strigosa</i> Schreb	Black oat, Bristle oat
<i>Biserrula</i>	Biserrula
<i>Carthamus tinctorius</i> L	Safflower
<i>Carum carvi</i> L	Caraway
<i>Cynodon dactylon</i> (L) Pers	Bermuda grass
<i>Galega orientalis</i> Lam	Fodder galega
<i>Gossypium spp</i>	Cotton
<i>Hedysarum coronarium</i> L	Sulla
<i>Lathyrus cicero</i>	Chickling vetch/Dwarf chickling vetch
<i>Medicago doliata</i>	Straight-spined medic

<i>Name</i>	<i>Common name</i>
<i>Medicago italica</i>	Disc medic
<i>Medicago littoralis</i>	Shore medic/Strand medic
<i>Medicago murex</i>	Sphere medic
<i>Medicago polymorpha</i>	Bur medic
<i>Medicago rugose</i>	Wrinkled medic/Gama medic
<i>Medicago scutellata</i>	Snail medic/Shield medic
<i>Medicago truncatula</i>	Barrel medic
<i>Ornithopus compressus</i>	Yellow serradella
<i>Ornithopus sativus</i>	Serradella
<i>Oryza sativa</i> L	Rice
<i>Papaver somniferum</i> L	Poppy
<i>Phacelia tanacetifolia</i> Benth	California bluebell
<i>Phalaris aquatic</i> L	Harding grass, Phalaris
<i>Phalaris canariensis</i> L	Canary grass
<i>Plantago lanceolata</i>	Ribwort plantain
<i>Poa palustris</i> L	Swamp meadowgrass
<i>Sorghum bicolor</i> (L) Moench	Sorghum
<i>Sorghum sudanese</i> (Piper) Stapf	Sudan grass
<i>Sorghum bicolor</i> (L) Moench x <i>Sorghum sudanese</i> (Piper) Stapf	Hybrids resulting from the crossing of <i>Sorghum bicolor</i> and <i>Sorghum sudanese</i>
<i>Trisetum flavescens</i> (L) P Beauv	Golden oatgrass
<i>Trifolium alexandrinum</i> L	Berseem, Egyptian clover
<i>Trifolium fragiferum</i>	Strawberry clover
<i>Trifolium glanduliferum</i>	Glandular clover
<i>Trifolium hirtum</i>	Rose clover
<i>Trifolium incarnatum</i> L	Crimson clover
<i>Trifolium isthmocarpum</i>	Moroccan clover
<i>Trifolium michelianum</i>	Balansa clover
<i>Trifolium resupinatum</i> L	Persian clover
<i>Trifolium squarrosum</i>	Squarrose clover
<i>Trifolium subterraneum</i>	Subterranean clover
<i>Trifolium vesiculosum</i>	Aroow-leaf clover
<i>Trigonella foenum-graecum</i> L	Fenugreek
<i>Vicia benghalensis</i>	Purple vetch

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### Vegetable species

<i>Name</i>	<i>Common name</i>
<i>Anthriscus cerefolium</i> (L) Hoffm	Chervil
<i>Capsicum annum</i> L	Chilli or Pepper
<i>Cichorium intybus</i> L	Industrial chicory
<i>Citrullus lanatus</i> (Thunb) Matsum et Nakai	Water melon
<i>Cynara cardunculus</i> L	Cardoon, Globe artichoke
<i>Foeniculum vulgare</i> Mill	Fennel
<i>Sconzonera hispanica</i> L	Scorzoneria or Black salsify
<i>Solanum melongena</i> L	Aubergine or egg plant
<i>Valerianella locusta</i> (L) Laterr	Corn salad or lamb's lettuce

### Vine species

<i>Name</i>	<i>Common name</i>
<i>Vitis</i>	Vine

### Derogation in respect of marketing restrictions

5. Other plants conforming with the characteristics of cultivated plant varieties of the following species intended for agricultural or horticultural production but not for ornamental use:

### Vegetable species

<i>Name</i>	<i>Common name</i>
<i>Allium cepa</i> L	
— <i>Aggregatum</i> Group	shallot
<i>Allium fistulosum</i> L	Japanese bunching onion or Welsh onion
<i>Allium sativum</i> L	Garlic
<i>Allium schoenoprasum</i> L	Chives
<i>Rheum rhabarbarum</i> L	Rhubarb



## SCHEDULE 2

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

Distinctness, stability, sufficient uniformity and satisfactory value for cultivation and use

### PART 1

#### 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 European Union or accepted onto an official register of plant varieties corresponding to an NI 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.

(3) Where a variety is known in the European Union at the time when an application of a variety is duly made, but is no longer known in the European Union when that application is determined, for the purpose of determining distinctness as part of that application the variety no longer known in the European Union shall be disregarded.

2.—(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
- (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.

##### **Stability**

3. 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**

4. 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

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reproductive system of the plants, similar or genetically identical as regards the characteristics, taken as a whole, considered by the Department for the purposes of determining whether the variety is sufficiently uniform.

## PART 2

### Satisfactory value for cultivation and use

#### **Satisfactory value for cultivation and use**

5.—(1) The values of a variety for cultivation or use shall be regarded as satisfactory if compared to other varieties accepted in an NI 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.

#### **Satisfactory values for cultivation and use of component varieties of varietal associations**

6.—(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 an NI 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.

## PART 3

### Varieties the Department does not need to be satisfied are of satisfactory value for cultivation and use

7. Part 2 does not apply to—

- (a) varieties of vegetables;
- (b) varieties of grasses not intended for production of fodder plants if the applicant declares that the seed of the variety is not intended for the production of fodder plants;
- (c) any plant variety whose seed is to be marketed in a member State which has already accepted it on to a list corresponding to an NI Variety List, having regard to its value for cultivation and use;
- (d) any variety intended for use only as a component of a final plant variety; or
- (e) any conservation variety.