

1970 No. 1991

SEEDS

**The Plant Varieties (Performance Trials) (Amendment)
Regulations 1970**

<i>Made - - - -</i>	<i>21st December 1970</i>
<i>Laid before Parliament</i>	<i>31st December 1970</i>
<i>Coming into Operation</i>	<i>1st January 1971</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for the Home Department (being the Secretary of State concerned with agriculture in Northern Ireland), acting jointly, in exercise of the powers vested in them by section 22(10) of the Plant Varieties and Seeds Act 1964(a) as extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(b), and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Plant Varieties (Performance Trials) (Amendment) Regulations 1970 and shall come into operation on 1st January 1971.

Amendment of principal Regulations

2. The Plant Varieties (Performance Trials) Regulations 1969(c) are hereby amended as follows:—

(a) At the end of paragraph (1) of Regulation 4 there shall be added the following sub-paragraph:

“(c) ryegrass.”

(b) At the end of paragraph (4) of Regulation 4 there shall be added the following proviso:

“Provided that where the application relates to a plant variety of one of the classes of ryegrass referred to in Column 1 of the said Schedule it may also be made at a time not later than the 1st February 1971.”

(c) For sub-paragraph (b) of paragraph (1) of Regulation 9 there shall be substituted the following sub-paragraph:

“(b) where the application is one for the submission of a plant variety for performance trials, deliver to the Ministers the reproductive material of the plant variety to which the application relates, in the quantity and of the description and quality specified and packed and in the condition also specified in the section appropriate to the plant variety set out in Schedule 2 to these

(a) 1964 c. 14.

(c) S.I. 1969/1028 (1969 II, p. 3041).

(b) S.I. 1964/1574 (1964 III, p. 3543).

Regulations and within the time also so specified, and also such further reproductive material in such quantity and of such description and quality as shall appear to the Ministers to be required to replace any such material already delivered as may have been damaged in transit, as may have developed symptoms of infection with any disease which would render the material unsuitable for planting or test or as may have been damaged or lost in the course of tests and trials or which is, or has in the course of tests and trials been shown to be, unhealthy or otherwise unsuitable.”.

(d) At the end of Regulation 13 there shall be added the following paragraph:

“(4) If the commencement of the performance trials of a plant variety shall have been deferred in accordance with paragraph (3) of this Regulation, the time within or at which any reproductive or other material is to be delivered in accordance with Regulation 9(1)(b) of these Regulations shall be deemed to have been deferred for a corresponding period.”.

(e) At the end of Schedule 1 there shall be added the following Section:

“ SECTION 3

Ryegrass

Particulars must be given of the matters enumerated below:—

1. Type: whether diploid or tetraploid and whether
 - (a) Italian
 - (b) Perennial
 - (c) Westerwolds
 - (d) Hybrid between Italian ryegrass and perennial ryegrass in which characteristics of Italian ryegrass predominate.
 - (e) Hybrid between Italian ryegrass and perennial ryegrass in which characteristics of perennial ryegrass predominate.
 - (f) Hybrid intermediate between Italian ryegrass and perennial ryegrass in which characteristics of neither parent predominate.
2. Uses for which the variety is intended.
3. Origin and breeding history.
4. Details of subsequent stages in selection and multiplication.
5. Existing variety or varieties which the new variety most closely resembles in performance.
6. Performance characteristics of the new variety in which it differs from those listed in accordance with paragraph 5.
7. Special merit or merits claimed for the new variety.
8. Date and place of any independently conducted performance trials or tests, by whom carried out and the type of management employed and date and place of the performance trials or tests carried out by the applicant or the breeder or discoverer, together in every case with copies of the relevant reports.

9. Results of those trials or tests (expressed relative to named control varieties and relating to yield, quality, persistence and winter hardiness under specified managements or any other relevant characteristics).”

(f) At the end of Schedule 2 there shall be added the following Section:

“
SECTION 3
Ryegrass

Quantity and description

1. Seed shall be delivered according to the type and kind of the variety during the periods and in the quantities mentioned below:

(a) Italian ryegrass varieties and hybrids between Italian ryegrass and perennial ryegrass in which characteristics of Italian ryegrass predominate.

<i>Period</i>	<i>Quantity</i>	
	<i>Diploids</i>	<i>Tetraploids</i>
During the year beginning with the making of the application and, if so required by the Ministers, during any subsequent year until the issue of the report on the performance trials.	2,000 grams	3,000 grams

(b) Perennial and Westerwolds ryegrass varieties and hybrids between Italian ryegrass and perennial ryegrass in which characteristics of perennial ryegrass predominate.

<i>Period</i>	<i>Quantity</i>	
	<i>Diploids</i>	<i>Tetraploids</i>
During the year beginning with the making of the application and during the immediately succeeding year and, if so required by the Ministers, during any subsequent year until the issue of the report on the performance trials.	1,000 grams	1,500 grams

(c) Hybrids intermediate between Italian ryegrass and perennial ryegrass in which characteristics of neither parent predominate.

<i>Period</i>	<i>Quantity</i>	
	<i>Diploids</i>	<i>Tetraploids</i>
During the year beginning with the making of the application	3,000 grams	4,500 grams
During the immediately succeeding year and, if so required by the Ministers, during any subsequent year until the issue of the report on the performance trials.	1,000 grams	1,500 grams

2. The seed delivered shall be in all respects typical of the variety and accompanied by a declaration in writing stating the generation to which it belongs.

3. The seed delivered shall not be from a seed lot from which seed has been delivered in a previous year.

4. The seed delivered shall be from the same seed lot as any seed delivered during the same year for trials in connection with an application for the addition of the name of the variety to the Index.

Packing

5. The seed shall be supplied in suitable containers of sufficient strength to withstand mechanical damage during transit.

Quality

6. Purity and germination

Each quantity of seed shall be accompanied by a report of a test made at an official seed testing station established under the Seeds Act 1920(a) or a seed testing station licensed under that Act and made within 3 months immediately preceding the delivery of the seed stating that in a sample of 2 oz.

(a) the percentage of analytical purity was not less than 97,

(b) the percentage of germination was not less than 80, and

(c) in a purity test there were no seeds of injurious weeds and not more than 0.5% by weight of any other weed seeds.

7. Dressings and treatments

The seed shall not have been subjected to any fungicidal or insecticidal treatment.

8. (a) Subject to sub-paragraph (b) of this paragraph the seed to be delivered during the year beginning with the making of the application shall be delivered during the period of 45 days, beginning with the 2nd December and ending with the 15th January, which next follows the making of the application. The seed to be delivered during any subsequent year shall be delivered during the appropriate corresponding period.

(b) Where the application is made at a time not later than the 1st February 1971 the seed to be delivered during the year beginning with the making of the application shall be delivered not later than the 15th February 1971. The seed to be delivered during any subsequent year shall be delivered during the appropriate period referred to in sub-paragraph (a) of this paragraph."

(g) In Schedule 4 there shall be added in the columns numbered 1 to 4 the following respective items (the headings of the said columns being included below for clarification only):

(a) 1920 c. 54.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Class of plant varieties</i>	<i>Last date for submission of application for performance trials</i>	<i>Date of commencement of performance trials</i>	<i>Time limit for publication of reports</i>
Westerwolds ryegrass	1st December	1st March	2 years, 4 months
Italian ryegrass varieties and hybrids between Italian ryegrass and perennial ryegrass in which characteristics of Italian ryegrass predominate.	1st December	1st March	3 years, 4 months
Perennial ryegrass varieties and hybrids between Italian ryegrass and perennial ryegrass in which characteristics of perennial ryegrass predominate.	1st December	1st July	3 years
Hybrids intermediate between Italian ryegrass and perennial ryegrass in which characteristics of neither parent predominate.	1st December	1st March	3 years, 4 months

(h) For Schedule 5 there shall be substituted the following Schedule:

“ Regulation 16

SCHEDULE 5

Matter	When Payable	Amount
		£ s. d.
Performance trials of a plant variety being—	Within 14 days of demand made by the Ministers before the commencement of the performance trials for the particular year.	
(a) a cereal variety		
(i) for the first year		60 0 0
(ii) for a subsequent year		130 0 0
(b) a potato variety		
(i) for the first year		45 0 0
(ii) for a subsequent year		70 0 0
(c) a Westerwolds ryegrass variety		
(i) for the first year		75 0 0
(ii) for a subsequent year		75 0 0
(d) an Italian ryegrass variety and a hybrid between Italian ryegrass and perennial ryegrass in which characteristics of Italian ryegrass predominate		
(i) for the first year	80 0 0	
(ii) for a subsequent year	140 0 0	

Matter	When Payable	Amount
		£ s. d.
(e) a perennial ryegrass variety and a hybrid between Italian ryegrass and perennial ryegrass in which characteristics of perennial ryegrass predominate		
(i) for the first year		80 0 0
(ii) for a subsequent year		140 0 0
(f) a hybrid intermediate between Italian ryegrass and perennial ryegrass in which characteristics of neither parent predominate		
(i) for the first year		80 0 0
(ii) for a subsequent year		140 0 0 "

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th December 1970.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 15th December 1970.

(L.S.)

Gordon Campbell,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 18th December 1970.

R. Maudling,
Secretary of State for the Home Department.

Approved on 21st December 1970.

Bernard Weatherill,
V. H. Goodhew,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Plant Varieties (Performance Trials) Regulations 1969 (S.I. 1969, No. 1028). Provision is made for the carrying out of performance trials of new varieties of ryegrass, section 22 of the Plant Varieties and Seeds Act 1964 having been applied to ryegrass varieties by the Performance Trials (No. 2) Order 1970 (S.I. 1970 No. 1978).

The fees payable for these trials, and increased fees for the performance trials of cereal and potato varieties, are set out in a revised Schedule 5 to the principal Regulations.

These Regulations also provide for the further supply of reproductive material for performance trials where the material previously supplied has been lost or damaged or has proved to be unhealthy or otherwise unsuitable.

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