

1987 No. 188

SEEDS

**The Seeds (National Lists of Varieties) (Fees)
Regulations 1987**

Made - - - - - *9th February 1987*

Laid before Parliament *20th February 1987*

Coming into Force *1st April 1987*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland, acting jointly, in exercise of the powers conferred by section 16(1), (1A) (e) and (8) of the Plant Varieties and Seeds Act 1964(a) as extended to Northern Ireland(b) and now vested in them(c), and of all other powers enabling them in that behalf, after consultation with representatives of such interests as appear to them to be concerned in accordance with section 16(1) of the said Act, hereby make the following Regulations:—

Title and commencement

1. These Regulations may be cited as the Seeds (National Lists of Varieties) (Fees) Regulations 1987 and shall come into force on 1st April 1987.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Plant Varieties and Seeds Act 1964;

“maintainer” means a person indicated in a National List as responsible for the maintenance of a plant variety;

“the Minister” means the Minister of Agriculture, Fisheries and Food, and “the Ministers” means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland acting jointly;

“National List” means a list of plant varieties prepared and published in accordance with the principal Regulations;

“plant breeders’ rights” means rights which may be granted in accordance with Part I of the Act, and “plant breeders’ rights scheme” means a scheme made under that Part of the Act to enable a grant of such rights;

“the principal Regulations” means the Seeds (National Lists of Varieties) Regulations 1982(d);

“renewal fee” means a fee payable in respect of the retention of a plant variety in a National List.

(a) 1964 c.14; section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 5(1), (2) and (3).

(b) By the Plant Varieties and Seeds (Northern Ireland) Order 1973 (S.I. 1973/609).

(c) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.

(d) S.I. 1982/844, amended by S.I. 1985/1529.

(2) Any reference in these Regulations to a numbered Schedule shall be construed as a reference to the Schedule bearing that number in these Regulations.

Payment of fees

3.—(1) Subject to paragraph (2) below, there shall be paid to the Minister in respect of matters arising under the principal Regulations—

- (a) a fee on making an application for the entry of a plant variety in a National List, being the fee set out in the second column of Part I of Schedule 1 opposite the reference in the first column of the said Part I to the plant variety of the kind to which the application relates, such fee being payable on making the application;
- (b) a fee payable in respect of tests for one year for distinctness, uniformity and stability of a plant variety which is the subject of an application for entry in a National List, being the new fee set out in the second column of Part II of Schedule 1 opposite the reference in the first column of the said Part II to the plant variety of the kind to which the tests relate, such fee being payable within 14 days of a demand made by the Minister;
- (c) a fee payable in respect of trials for value for cultivation and use of a plant variety which is the subject of an application for entry in a National List and is referred to in the first column of Part III of Schedule 1, being the new fee set out in the second column of the said Part III opposite that reference, such fee being payable in respect of each year of a trials cycle and so payable within 14 days of a demand made by the Minister;
- (d) a renewal fee, being the new fee set out in the second and third columns of Part IV of Schedule 1 in relation to the particular year of retention of a plant variety in a National List opposite the reference in the first column of the said Part IV to the plant variety of the kind retained in the National List, such fee being payable, subject to regulation 4(3) below, before the beginning of the particular year of retention in the National List;
- (e) the fees payable in respect of the matters referred to in the first column of Part V of Schedule 1, being the new fees set out in the third column of the said Part V opposite the respective references to those matters, such fees being payable at the times specified in respect of each such matter in the second column of the said Part V.

(2) The fees prescribed in Part II of Schedule 1 shall not be payable—

- (a) by an applicant who has paid the fees prescribed by regulations made under the Act in respect of tests carried out on his behalf for the purposes of a grant of plant breeders' rights in respect of the same variety, or
- (b) except as provided in paragraph (3) below, in respect of tests undertaken at a time when there is no plant breeders' rights scheme in operation in respect of the plant variety tested.

(3) If, while a plant variety in respect of which no plant breeders' rights scheme has operated is undergoing tests in connection with an application for its entry in a National List, a plant breeders' rights scheme comes into operation with respect to such variety, the person on whose behalf those tests are being carried out shall forthwith—

- (a) apply for plant breeders' rights in respect of the plant variety (and become liable to pay any fees which may become payable under regulations made under the Act in connection with such application), or
- (b) become liable to pay to the Minister the fees prescribed in Part II of Schedule 1 within 14 days of a demand made by the Minister.

(4) If the fee payable by a person in connection with tests of a plant variety shall not have been paid within 14 days of a demand made by the Minister or, as appropriate, in accordance with paragraph (3) above, the Minister shall not be obliged to take any further steps in relation to the tests until the fee shall have been paid.

Renewal fees

4.—(1) The renewal fee shall be paid by the maintainer who is indicated in the National List in compliance with regulation 18(1) of the principal Regulations.

(2) Where two or more maintainers are indicated in a National List as responsible for the maintenance of a plant variety there shall when the occasion arises be paid by each of them, in place of the renewal fee prescribed in Part IV of Schedule 1, a fee equal to one-half of such fee and if a fee so payable by a maintainer is not paid the Ministers shall remove from the National List the reference to such person as a maintainer of the plant variety.

(3) The Ministers may extend the time for the payment of a renewal fee if they consider that it is reasonable in all the circumstances to do so.

Revocation

5. The Regulations specified in Schedule 2 are revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 5th February 1987.



Michael Jopling
Minister of Agriculture, Fisheries and Food

5th February 1987

John J. Mackay
Parliamentary Under-Secretary of State, Scottish Office

9th February 1987

Nicholas Edwards
Secretary of State for Wales

9th February 1987

Tom King
Secretary of State for Northern Ireland

SCHEDULE 1

Regulation 3

FEES

PART I

FEES PAYABLE ON AN APPLICATION FOR ENTRY OF A PLANT VARIETY IN A NATIONAL LIST

<i>Plant variety</i>	<i>Fee</i>
	£
1. A wheat (excluding durum wheat and spelt wheat) or barley variety	385
2. A durum wheat, spelt wheat, rye, oat, oilseed rape, ryegrass, timothy, white clover, fescue or potato variety	310
3. A maize, sugar beet or fodder beet variety	340
4. A field pea or field bean variety	205
5. Any other herbage, fodder, oil and fibre or cereal variety	150
6. A vegetable variety subject to a plant breeders' rights scheme	150
7. Any other vegetable variety	110

PART II

FEES PAYABLE IN RESPECT OF TESTS FOR DISTINCTNESS, UNIFORMITY AND STABILITY OF A PLANT VARIETY WHICH IS THE SUBJECT OF AN APPLICATION FOR ENTRY IN A NATIONAL LIST

<i>Plant variety</i>	<i>Amount</i>	
	<i>New fee</i>	<i>Old fee</i>
	£	£(a)
1. A wheat (excluding durum wheat and spelt wheat), barley or maize variety	680	(535)
2. A durum wheat, spelt wheat, rye, oat, oilseed rape, ryegrass, timothy, white clover, fescue, potato, field pea or field bean variety	460	(360-535)
3. Any other herbage, fodder, oil and fibre, cereal or vegetable variety	260	(205-535)

Note

(a) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1986 (S.I. 1986/338) before the coming into force of these Regulations.

PART III

FEES PAYABLE IN RESPECT OF TRIALS FOR VALUE FOR CULTIVATION AND USE OF A PLANT VARIETY WHICH IS THE SUBJECT OF AN APPLICATION FOR ENTRY IN A NATIONAL LIST

<i>Plant variety</i>	<i>Amount</i>	
	<i>New fee</i>	<i>Old fee</i>
	£	£(a)
1. A wheat (excluding durum wheat and spelt wheat) or barley variety	2,090	(1,115)
2. A durum wheat, spelt wheat, rye, oat, oilseed rape, ryegrass, timothy, white clover, fescue, potato, maize, sugar beet, field bean, field pea, swede or fodder kale variety	720	(1,115)(b)

Notes

(a) The figures in italics are the fees which were charged for the first year of a trials cycle under the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1986 before the coming into force of these Regulations.

(b) Applied only to oat varieties.

PART IV

RENEWAL FEES

<i>Plant variety</i>	<i>Renewal fees during the years of retention in a National List</i>			
	<i>Second to fifth year — each year</i>		<i>Sixth and each subsequent year</i>	
	<i>New fee</i>	<i>Old fee</i>	<i>New fee</i>	<i>Old fee</i>
	£	£(a)	£	£(a)
1. A wheat (excluding durum wheat and spelt wheat) or barley variety	240	(130)	405	(220)
2. A durum wheat, spelt wheat, rye, oat, oilseed rape, ryegrass, timothy, white clover, fescue, potato, maize, sugar beet, fodder beet, field bean or field pea variety	225	(120-130)	345	(185-220)
3. Any other herbage, fodder, oil and fibre or cereal variety	140	(85-130)	225	(130-220)
4. A vegetable variety subject to a plant breeders' rights scheme	140	(85)	225	(130)
5. Any other vegetable variety	120	(85)	180	(130)

Note

(a) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1986 before the coming into force of these Regulations.

PART V

FEES PAYABLE IN RESPECT OF OTHER MATTERS

<i>Matter</i>	<i>When payable</i>	<i>Amount</i>	
		<i>New fee</i>	<i>Old fee</i>
1. Application for the substitution of a name in a National List	On making the application	£ 21	£(a) (20)
2. Making written representations to the Ministers	On delivering the representations	3	(3)
3. Attending to be heard by a person appointed by the Ministers	Before the hearing	21	(20)
4. Inspection of the National List record	Before the inspection	1	(1)
5. Inspection of the file maintained for a plant variety in a National List	Before the inspection	1	(1)
6. Purchase of a report from a testing authority in another country	Within 14 days of demand by the Minister	112	(106)
7. Observation plot trials for value for cultivation and use	Within 14 days of demand by the Minister	100	(—)
8. Entry in a National List—	Before entry in a National List		
(a) of a variety referred to in items 1 to 4 in Part I of this Schedule		110	(—)
(b) of a variety referred to in items 5 to 7 in Part I of this Schedule		60	(—)

Note

(a) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1986 before the coming into force of these Regulations. No fees were charged under those Regulations in respect of items 7 and 8 above.

REVOCATIONS

<i>Regulations revoked</i>	<i>References</i>
The Seeds (National Lists of Varieties) (Fees) Regulations 1980	S.I. 1980/330
The Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1981	S.I. 1981/342
The Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1983	S.I. 1983/293
The Seeds (National Lists of Varieties) (Fees) (Amendment No. 2) Regulations 1983	S.I. 1983/1500
The Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1984	S.I. 1984/243
The Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1985	S.I. 1985/356
The Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1986	S.I. 1986/338

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate with amendments the Seeds (National Lists of Varieties) (Fees) Regulations 1980, as amended. They prescribe fees in respect of various matters arising under the Seeds (National Lists of Varieties) Regulations 1982, as amended (regulation 3 and Schedule 1). The fees are payable to the Minister of Agriculture, Fisheries and Food.

The changes of substance are—

- (a) the introduction of fees on making an application for the entry of a plant variety in a National List (regulation 3(1)(a) and Part I of Schedule 1);
- (b) the introduction of fees in respect of trials for value for cultivation and use on an observation plot and in respect of entry of a plant variety in a National List (regulation 3(1)(e) and items 7 and 8 in Part V of Schedule 1);
- (c) the introduction of a fee in respect of trials for value for cultivation and use of additional plant varieties (regulation 3(1)(c) and item 2 in Part III of Schedule 1);
- (d) a general increase in fees payable in respect of tests and other trials of plant varieties, the retention of a plant variety in a National List and various miscellaneous matters (regulation 3(1)(b) to (e), Part II, item 1 in Part III and Parts IV and V of Schedule 1). Some fees remain the same and a few are reduced. Old fees are shown in Schedule 1 in italics.

The regulations continue to make provision for non-payment of fees for tests of a plant variety in certain circumstances (regulation 3(2) and (3)).

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