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STATUTORY INSTRUMENTS

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**1991 No. 657**

**SEEDS**

**The Seeds (National Lists of Varieties)  
(Fees) (Amendment) Regulations 1991**

<i>Made</i>	- - - -	<i>8th March 1991</i>
<i>Laid before Parliament</i>		<i>22nd March 1991</i>
<i>Coming into force</i>	- -	<i>12th April 1991</i>

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 on them by sections 16(1), (1A)(e) and (8) and 36 of the Plant Varieties and Seeds Act 1964<sup>(1)</sup> as extended to Northern Ireland<sup>(2)</sup> 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 that Act, hereby make the following Regulations:

**Title and commencement**

**1.** These Regulations may be cited as the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1991 and shall come into force on 12th April 1991.

**Amendment of the Seeds (National Lists of Varieties) (Fees) Regulations 1990**

**2.—(1)** The Seeds (National Lists of Varieties) (Fees) Regulations 1990<sup>(3)</sup> shall be amended in accordance with the provisions of this regulation.

(2) In regulation 3 (payment of fees)—

(a) in paragraph (1)—

(i) for the words “Subject to paragraphs (2) and (3) below” there shall be substituted the words “Subject to paragraph (2) below”;

(ii) sub-paragraph (c) shall be omitted;

(iii) for sub-paragraph (d) there shall be substituted the following sub-paragraph—

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(1) 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); see section 38(1) (as amended by S.I. 1978/272) for the definition of “the Ministers” and section 39(3)(a) (ii) for an extension to include the Secretary of State concerned with agriculture in Northern Ireland.  
(2) By the Plant Varieties and Seeds (Northern Ireland) Order 1973 (S.I. 1973/609).  
(3) S.I. 1990/617.

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- “(d) a renewal fee, being the new fee set out in the second column of Part III of the Schedule in relation to a year of retention of a plant variety in a National List opposite the reference in the first column of the said Part III 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 year of retention in the National List;”;
- (iv) in sub-paragraph (e) “Part IV” shall be substituted for “Part V” in each of the three places in which it occurs;
- (b) paragraph (3) shall be omitted.
- (3) In paragraph (2) of regulation 4 (renewal fees) “Part III” shall be substituted for “Part IV”.
- (4) For the Schedule there shall be substituted the Schedule set out in the Schedule to these Regulations.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

7th March 1991. *John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

5th March 1991 *Strathclyde*  
Parliamentary Under Secretary of State, Scottish  
Office

6th March 1991 *David Hunt*  
Secretary of State for Wales

8th March 1991 *Peter Brooke*  
Secretary of State for Northern Ireland

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## SCHEDULE

Regulation 2(4)

PROVISIONS TO BE SUBSTITUTED FOR THE SCHEDULE TO THE  
SEEDS (NATIONAL LISTS OF VARIETIES) (FEES) REGULATIONS 1990

## “SCHEDULE

Regulation 3

## FEES

## PART I

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

Plant Variety	Amount	
	New fee £	Old fee £ <sup>(*)</sup>
1. Any variety	250	(170 to 440)

(\*) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1990 (S.I.1990/617) before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1991 (S.I. 1991/657) on 12th April 1991.

## 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

Plant Variety	Amount	
	New fee £	Old fee £ <sup>(*)</sup>
1. A cereal (excluding maize) variety	800	(850 or 900)
2. A maize variety	500	(850)
3. A potato variety	750	(750)
4. A beetroot, Brussels sprout, cabbage, carrot, celery, curly kale, leek, onion radish, turnip or fodder variety	700	(700)
5. A herbage, field pea, vegetable pea, field bean or broad bean variety	600	(700 or 800)

(\*) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1990 before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1991 (S.I. 1991/657) on 12th April 1991.

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Plant Variety	Amount	
	New fee £	Old fee £ <sup>(*)</sup>
<b>6.</b> An oil and fibre (including oilseed rape) variety	500	(700 or 750)
<b>7.</b> Any other variety	250	(700)

(\*) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1990 before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1991 (S.I. 1991/657) on 12th April 1991.

### PART III RENEWAL FEES

Plant Varieties	Amount each year	
	New fee £	Old fee £ <sup>(*)</sup>
<b>1.</b> A vegetable variety (excluding a vegetable pea or broad bean variety)	150	(135 to 255)
<b>2.</b> Any other variety (including a vegetable pea or broad bean variety)	250	(160 to 460)

(\*) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1990 before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1991 (S.I. 1991/657) on 12th April 1991.

### PART IV FEES PAYABLE IN RESPECT OF OTHER MATTERS

Matter	When Payable	Amount	
		New fee £	Old fee £ <sup>(*)</sup>
<b>1.</b> Application for the substitution of a name in a National List	On making the application	25	(25)
<b>2.</b> Making written representation to Ministers	On delivering the representations	25	(25)
<b>3.</b> Attending to be heard by a person	Before the hearing	50	(50)

(\*) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1990 before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1991 (S.I. 1991/657) on 12th April 1991.

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Matter	When Payable	Amount New fee £	Old fee £ <sup>(*)</sup>
appointed by the Ministers			
<b>4.</b> Purchase of a report from a testing authority in another country	Within 14 days of demand by the Minister	140	(135)
<b>5.</b> Observation plot—trials for value for cultivation and use	Within 14 days of demand by the Minister	115	(110)
<b>6.</b> Entry in a National List	Before entry in a National List	100	(100) <sup>**</sup>

(\*) The figures in italics are the fees which were charged under the Seeds (National Lists of Varieties) (Fees) Regulations 1990 before the coming into force of the Seeds (National Lists of Varieties) (Fees) (Amendment) Regulations 1991 (S.I. 1991/657) on 12th April 1991.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Seeds (National Lists of Varieties) (Fees) Regulations 1990 by prescribing revised fees in respect of matters arising under the Seeds (National Lists of Varieties) Regulations 1982 (S.I. 1982/844) (as amended) (regulation 2(4)).

The matters in respect of which the revised fees are prescribed are listed in the Schedule to these Regulations, and the fees which were chargeable before these Regulations came into force are printed in italics beside the revised fees.

These Regulations also amend the Seeds (National Lists of Varieties) (Fees) Regulations 1990 so as to—

- (a) remove the requirement that a fee be paid in respect of trials for value for cultivation and use of a plant variety on application for entry in a National List (regulation 2(2)(a)(i) and (ii) and 2(2)(b));
- (b) require the payment of the same renewal fee for each year of the retention of a plant variety in the National List (regulation 2(2)(a)(iii)).