

2020 No. 1294

EXITING THE EUROPEAN UNION

AGRICULTURE

SEEDS

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

Made - - - - *16th November 2020*
Laid before Parliament *17th November 2020*
Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8C(1) of the European Union (Withdrawal) Act 2018^(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seeds (Amendment etc.) (EU Exit) Regulations 2020.

(2) They come into force as follows—

- (a) as regards this regulation and regulation 4, immediately before IP completion day;
- (b) as regards regulations 2, 3 and 5, on IP completion day.

(3) Regulation 3 extends to England and Wales and Scotland.

(4) Regulation 5 extends to Northern Ireland.

The Seeds (National Lists of Varieties) (Fees) Regulations 1994

2.—(1) The Seeds (National Lists of Varieties) (Fees) Regulations 1994^(b) are amended as follows.

(2) In regulation 2(1)—

(a) after the definition of “the Act” insert—

““the appropriate authority” means the Secretary of State, the Welsh Ministers and the Scottish Ministers, acting jointly;

“DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

^(a) 2018 c. 16. Section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
^(b) S.I. 1994/676, relevant amending instruments are S.I. 1997/383, 1999/1090, 2001/3510.

- “GB Variety List” means a list of plant varieties prepared and published in accordance with the Seeds (National Lists of Varieties) Regulations 2001(a);”;
- (b) in the definition of “maintainer”, for “National List” substitute “GB Variety List or a NI Variety List”;
 - (c) omit the definitions of “the National Authorities”, “National List” and “the principal Regulations”;
 - (d) before the definition of “plant breeders rights” insert—
 - ““NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having effect corresponding to that of the Seeds (National Lists of Varieties) Regulations 2001;”;
 - (e) before the definition of “renewal fee” insert—
 - ““the relevant authority” means, in relation to Great Britain, the appropriate authority and, in relation to Northern Ireland, DAERA;
 - “the relevant legislation” means, in relation to Great Britain, the Seeds (National Lists of Varieties) Regulations 2001 and, in relation to Northern Ireland, any legislation having effect corresponding to that of the Seeds (National Lists of Varieties) Regulations 2001;”;
 - (f) in the definition of “renewal fee”, for “National List” substitute “GB Variety List or a NI Variety List”.
- (3) In regulation 3(1), for the words before sub-paragraph (a) substitute—
- “A person making an application under the relevant legislation must pay to the relevant authority in respect of matters arising under that legislation—”.
- (4) In Schedule 5, in the first column, for “National Authorities”, in both places where it occurs, substitute “relevant authority”.

The Seeds (National Lists of Varieties) Regulations 2001

3.—(1) The Seeds (National Lists of Varieties) Regulations 2001(b) 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;”;

(a) S.I. 2001/3510, amended by S.I. 2004/2949; 2007/1871; 2009/1273; 2010/1195; 2011/464, 1043; 2012/2897; 2013/2042; 2014/487; 2016/106 (W 52); 2018/942; and 2019/162; and S.S.I. 2015/395.

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

- (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”;
- (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 5, 6, 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)”;
- (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”.

The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019

4.—(1) The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019(a) are amended as follows.

(2) After regulation 1, insert—

“Extent

1A. Regulation 3 extends to England and Wales and Scotland.”.

(3) In regulation 3 (the Seeds (National Lists of Varieties) Regulations 2001)—

- (a) in paragraph (2)(a)
 - (i) in paragraph (ii), in the new paragraphs (i) and (ii) to be inserted by that paragraph, for “exit day”, in both places where it occurs, substitute “IP completion day”;
 - (ii) omit paragraph (iv);
- (b) omit paragraph (5);
- (c) in paragraph (8)(a)—
 - (i) in paragraphs (i)(aa) and (ii), for “National” substitute “GB Variety”;
 - (ii) in paragraph (i)(bb), for “National Authorities” substitute “appropriate authority”;
 - (iii) omit paragraph (iii);
- (d) omit paragraph (9);
- (e) in paragraph (11)—
 - (i) in sub-paragraph (a), for “National List” substitute “GB Variety List”;
 - (ii) in sub-paragraph (b), in the new sub-paragraph (3) inserted by that sub-paragraph, for “National List” substitute “GB Variety List”;
- (f) after paragraph (11), insert—

“(12) In Schedule 2, in Part 3, omit paragraph (c).”.

Revocation

5. The Seeds (National Lists of Varieties) Regulations 2001 are revoked in so far as they extend to Northern Ireland.

16th November 2020

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) to implement the Protocol on Ireland/Northern Ireland in the withdrawal agreement.

Regulations 2 to 4 make amendments to legislation relating to the marketing of seed.

(a) S.I. 2019/162, to which there is an amendment not relevant to these Regulations. S.I. 2019/162 comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

Regulation 5 revokes the Seeds (National Lists of Varieties) Regulations 2001 in relation to Northern Ireland.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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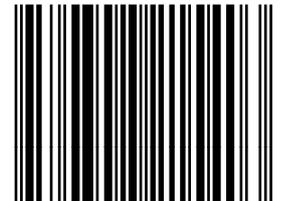
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