

# Detailed guide: Add a new plant variety to the national list

*Updated:* Content updated – September 2018 gazette now available.

You must add your new plant varieties to the UK's national lists if you want to market it. You could be prosecuted if you don't.

The national lists are maintained by the Plant Variety Rights and Seeds Office (PVS), which is part of the Animal and Plant Health Agency (APHA).

Details are published every month in the [Plant Varieties and Seeds Gazette](#). See the September 2018 edition and the Special edition 2018/2.

PVS will also add your variety to the European Commission's list, known as the [common catalogue](#) which means it could be marketed throughout the EU.

You will be asked if you wish to continue marketing the variety every 10 years or your variety will be removed from the list.

[Find out how to get plant breeders' rights](#)

## **Check it's a new variety**

To get on the list, your variety must be:

- distinct – it has different characteristics to other varieties
- uniform – all plants in the variety must share the same characteristics
- stable – it remains unchanged after 'repeated propagation', eg reproduction from seeds, cuttings, bulbs or other plant parts

## **Before your variety is listed**

You must name your variety and choose someone who'll maintain your variety.

### **Name your variety**

You must think of a name for your variety. The same name will usually be used in all member states of the EU if the variety is accepted for listing.

Choose a name that:

- isn't already used by a variety of the same species
- can't be confused with the name of another variety or other goods
- doesn't cause problems with recognition or production
- accurately represents the variety or its characteristics, eg the name must not suggest that a variety has particular attributes

You can use a trade mark or trade name when you sell seeds of the plant, but the name registered on the national lists must be clearly shown on the packaging.

## **Choose a 'maintainer'**

You must arrange for someone to maintain your variety before it is added to the national lists.

Your maintainer must:

- keep records of all the generations of the varieties
- produce these if requested
- allow authorised officers to inspect or examine any plants or plant material
- provide samples if required

Anyone can [apply to maintain a plant variety](#), or you can find someone to be your maintainer by contacting the PVS.

PVS will delete your variety from the list if nobody can maintain it. They'll write to you 2 years before your listing expires to ask if you want to keep the listing.

## **Special cases**

There are additional rules for genetically modified plants, food and agricultural crops.

## **Genetically modified plants**

You must get at least one of the following consents:

- marketing consent for food and animal feed – contact the Food Standards Agency on 020 7276 8829 or [helpline@foodstandards.gsi.gov.uk](mailto:helpline@foodstandards.gsi.gov.uk)
- marketing consent for things that aren't food or animal feed – contact Defra on 020 7238 2051 or [gm-regulation@defra.gsi.gov.uk](mailto:gm-regulation@defra.gsi.gov.uk)
- consent to do research trials, contact Defra on 020 7238 2051 or [gm-regulation@defra.gsi.gov.uk](mailto:gm-regulation@defra.gsi.gov.uk)

Include a copy of your consent with your application.

You must also tell the Plant Variety Rights Office if you're applying for national listing for a genetically modified plant variety. Call 0208 026 5993 or email [pvshelpdesk@apha.gsi.gov.uk](mailto:pvshelpdesk@apha.gsi.gov.uk).

## Food

You must get all the necessary food and feedstuffs authorisations. Contact the GM Policy and Regulation team at [gm-regulation@defra.gsi.gov.uk](mailto:gm-regulation@defra.gsi.gov.uk) to find out which authorisations you need.

You must also tell Defra about any authorisations you have.

## Agricultural crops

You can only add agricultural varieties to the national lists if they improve the cultivation or quality of its crops or products.

PVS will tell you if you need to pay for a test to prove this.

## Conservation varieties

You can choose to register plants for:

- agricultural conservation, eg a variety that is naturally found locally and is threatened by genetic erosion
- vegetable conservation, eg a variety that has been traditionally grown locally and is threatened by genetic erosion

## National list conservation varieties: make an application

Write to APHA with:

- your name, address and contact details
- a cheque payable to APHA for £175
- the species and proposed variety name – the variety name will normally be that under which the variety is historically known
- a description of the variety using the [DUS \(Distinctness, Uniformity and Stability\) criteria](#) – if you can't describe your variety, contact [APHA](#) for advice
- a brief history of the variety including information from your experience during its cultivation, reproduction and use
- evidence of the variety's conservation status and regional adaptation as well as its region of origin, ie where it has historically been grown and is naturally adapted
- include information on when the variety was removed from the national list if it was previously listed – if you're unsure, please ask APHA, who'll check as part of the application process

If your application is successful you must send a representative sample of the seed to:

Plant Varieties and Seeds

Animal and Plant Health Agency

Eastbrook

Shaftesbury Road

Cambridge

CB2 8DR

## **Amateur varieties**

You can register amateur vegetables, eg a variety developed with no commercial value, for sale in small packets.

Apply to [add an amateur vegetable to the national list](#).

## **Apply to be on the national list**

You can apply yourself or you can get an agent to apply for you.

To use an agent, [complete the 'authorisation of agent' form](#) and send it to PVS with the application.

All applications and documents must be in English or include an English translation.

## **Send your application**

You need to send PVS:

- [your application form](#)
- completed [technical questionnaire](#) for the correct species of the plant variety
- any authorisations you've got, eg marketing consent

Send to [NLPR-Applications@apha.gsi.gov.uk](mailto:NLPR-Applications@apha.gsi.gov.uk) or to:

Plant Varieties and Seeds

Animal and Plant Health Agency

Eastbrook

Shaftesbury Road

Cambridge

CB2 8DR

PVS will send you an email within 5 working days telling you if your application has been accepted.

## Fees

Send payment of the administration fee and remittance advice slip within 2 weeks of sending your application.

You'll be invoiced later for:

- testing costs
- an annual charge, for herbage, potatoes and swede
- a technical management fee for agricultural crops

[Read the costs for different varieties](#) to calculate the total amount.

Complete one of the following forms:

- [remittance advice slip for payments in sterling](#)
- [remittance advice slip for payments in euro](#)

## Pay by credit card or bank transfer

Contact Shared Services Connected Ltd on 01633 631 800 to pay by credit card.

Then send your completed remittance advice slip to [income.aph@sscl.gse.gov.uk](mailto:income.aph@sscl.gse.gov.uk).

## Pay by cheque

Send your cheque, payable to 'the Animal and Plant Health Agency', to:

Shared Services Connected Ltd

Moorside

Monks Cross Drive

Huntington

York

YO32 9GZ

## After you've applied

The organiser of the value for cultivation and use (VCU) trials will usually ask you to send them seed or plant material for testing. They'll tell you how much material to send and when.

## Get your seed and plant materials tested

Testing takes:

- 4 years for herbage varieties
- 2 years for other species

Extra tests of parental species might be needed if you're registering hybrid varieties.

The methods of testing are approved by PVS, and the testing is done by:

- [the National Institute of Agricultural Botany](#) (England and Wales)
- [Science and Advice for Scottish Agriculture](#) (Scotland)
- [the Agri-Food and Biosciences Institute](#) (Northern Ireland)
- [the British Society of Plant Breeders](#)

PVS will send you copies of the results of your tests when a decision on listing has been made.

## **Get a published decision**

The PVS will then publish the proposed decision on whether to accept or refuse the variety in its monthly gazette.

Varieties will be added to the national list if:

- you've passed the tests
- nobody has objected
- no new evidence shows that the proposed decision is wrong

New listed varieties are published in the gazette, together with their maintainer and any agents.

## **Change the name**

You need to pay if you want to change the name after it has been approved.

## **If your national list application is refused**

### **Object a refusal**

You can object to a decision if you've been refused addition to the national lists. This is known as 'making a representation'.

You must do this by email or by post within 14 days of the decision being published in the gazette, you should include extra information in your representation.

### **Appeal against a refusal**

You'll receive a letter from PVS if the original decision isn't overturned.

You can then make an appeal to the Plant Varieties and Seeds Tribunal. Write to the address given in the letter.

## Application records

The PVS keeps records of all applications for the national list. Anyone can access these records on request.

PVS will record information on you, your plant variety and your application following whether application is under consideration or has been added to the national list. This information might include:

- when the application was received and its reference number
- when the application was published in the gazette
- the name and address of the applicant
- a description of the characteristics of the plant variety provided by the applicant
- the proposed name of the variety, as published in the gazette
- any other information that the Secretary of State may ask you to provide

For varieties that have been added to a national list, the PVS will record:

- the species, name and a description of the variety
- when the variety was accepted onto the list
- a summary of all the facts on which the acceptance was based
- the reference number under which the variety was accepted for marketing (for genetically modified varieties and foods)
- when the listing will expire
- the name and address of the maintainer
- details of 10-year renewals