

“indicated here” or “delineated here”? As pointed out by Turland & al. (in Taxon 69: 626–627. 2020) the *Code* itself makes a distinction between a type designation and a type indication, the latter lacking the explicit nature of the former, so should these be equivalent phrases? And what about active phrases having slightly different meaning, such as “accepted here”, or in the case of a second- or later-step typification a phrase like “restricted here” or “narrowed here”, or when a previous typification was imprecise: “clarified here” or “detailed here”? Or phrases like “altered here”, “corrected here”, “modified here” or “superseded here” when the previous typification was ineffective or improper?

Given the plausible acceptability of many alternative phrases that might not be considered equivalent to “designated here”, what seems to be necessary in order to determine if a type designation has been achieved on or after 1 January 2001 is the author’s usage of some expression that will demonstrate their clear intent to carry

out an act of typification in that place. This reflects the Rapporteurs’ comment (Greuter & Hawksworth in Taxon 48: 75. 1999) on the original proposal that it “would eliminate for the future the risk of ‘incidental type designations’ which has often caused difficulties in the past”. We therefore propose the following amendment:

(253) Amend Art. 7.11 as follows (new text in bold, deleted text in strikethrough):

“7.11. For purposes of priority (Art. 9.19, 9.20, and 10.5), designation of a type is achieved only if the type is definitely accepted as such by the typifying author, if the type element is clearly indicated by direct citation including the term “type” (typus) or an equivalent, and, on or after 1 January 2001, if the typification statement includes the phrase “designated here” (*hic designatus*) or ~~an equivalent~~ **a similar expression demonstrating the author’s intent to designate a type there.**”

(254) Proposal to add a new Recommendation 7A.2 to suggest deposition of holotypes in herbaria, collections or institutions within the native geographical distribution of any new taxon

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The *Code* strongly recommends that material upon which new taxa are based be placed in public collections to enable examination by future generations of researchers (Rec. 7A.1, Turland & al. in *Regnum Veg.* 159. 2018). National regulations post-Convention on Biological Diversity (<https://www.cbd.int/>) and Nagoya Protocol often require types of new taxa to be placed in national collections, but recent work has shown that this is far from the case (Nicholson & al. in *Plants, People, Planet*, in press).

National requirements for permission to collect and export material are often silent on any requirement for deposition of types. For example, Brazilian law states that export of collected material is only allowed with a Material Transfer Agreement (MTA) with a registered institution, the consequence being that after 2015 material must be left in a Brazilian institution (Decreto nº 8.772, de 11 de Maio de 2016; <https://www2.camara.leg.br/legin/fed/decret/2016/decreto-8772-11-maio-2016-783077-norma-pe.html>). The MTA associated with export of biological material in Indonesia specifies that material remains the property of an Indonesian institution (<https://jdih.maritim.go.id/en/peraturan-menteri-lingkungan-hidup-dan-kehutanan-no-p2menlhksetjenkum112018-tahun-2018>).

Nevertheless, permits issued by some nations (in this example Peru, with permit number 084-2012-AG-DGFFS-DGEFFS to Sandra Knapp & al. in 2012) stipulate that all unicate material and holotypes are only allowed to be exported as loans (“Los ejemplos únicos de los grupos taxonómicos colectados y holotipos, sólo podrán ser exportados en calidad de préstamo”). This effectively requires the describer of a new taxon to deposit the holotype in the country issuing the permit if the type gathering has been collected by that person under the auspices of that particular permit.

When a new taxon is described from older material or from material not collected by the describer, it can be difficult to find information about specimens in relevant herbaria. It is also worth recognizing that searching for specimens in herbaria where foreign collectors leave duplicates, sometimes without the resources to mount, file and digitize, can be time consuming and a burden on curators. This should not, however, deter researchers from making the effort to find duplicates deposited in national collections to designate as holotypes (see Aubriot & Knapp in *PhytoKeys* 198: 182–183. 2022; Knapp in *PhytoKeys* 209: 65. 2022). There is a fine balance to be struck, but we feel it is important to at least try to place holotype specimens near

where taxa natively occur, even when not stipulated by national requirements.

To explicitly recommend best practice that is increasingly becoming national legislation, we propose a new Recommendation as follows:

(254) Add a new Recommendation to Rec. 7A:

“7A.2. Insofar as possible the herbarium, collection, or institution in which the holotype is deposited should be within the native geographical distribution of the taxon.”

(255–257) Proposals to clarify the meaning of “author” in Article 9.4 and exempt Article 7.8 from applying to names untypified before 2026

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While the definition of “original material” in Art. 9.4 of the *Shenzhen Code* (Turland & al. in *Regnum Veg.* 159. 2018) is relatively easy to apply if the author of the name is also the author of the description and/or diagnosis of the taxon, it is quite difficult if they are different. Article 9.4 states: “For the purposes of this *Code*, original material comprises the following elements: (a) those specimens and illustrations (both unpublished and published prior to publication of the protologue) that **the author** associated with the taxon, and that were available to **the author prior to, or at the time of, preparation of the description, diagnosis, or illustration with analysis** (Art. 38.7 and 38.8) validating the name; (b) any illustrations published as part of the protologue; (c) the holotype and those specimens which, even if not seen by **the author of the description or diagnosis validating the name**, were indicated as types (syntypes or paratypes) of the name at its valid publication; and (d) the isotypes or isosyntypes of the name irrespective of whether such specimens were seen by **either the author of the validating description or diagnosis or the author of the name** (but see Art. 7.8, 7.9, and F.3.9)” [emphasis added].

Whereas Art. 9.4(c) and (d) refer explicitly to the author of the description or diagnosis or of the name, Art. 9.4(a) does not specify which author is meant when it states “that **the author** associated with the taxon, and that were available to **the author prior to, or at the time of, preparation of the description or diagnosis**” [emphasis added]. This seemingly leaves us to assume that “the author” means the author of the name, as would be determined in accordance with Art. 46. However, as recently as the *Melbourne Code* (McNeill & al. in *Regnum Veg.* 154. 2012), this portion read: “(a) those specimens and illustrations (both unpublished and published either prior to or together with the protologue) upon which it can be shown that the description or diagnosis validating the name was based”, a passage that made no mention of an author and had remained unchanged through four *Codes* from its first inclusion in a footnote to Art. 9 of the *Tokyo Code* (Greuter & al. in *Regnum Veg.* 131. 1994).

The change in this wording in the *Shenzhen Code* came about as a result of Prop. 367 (McNeill & al. in *Taxon* 65: 1189. 2016), which sought to remove what was perceived as a faulty interpretation that “only if such a specimen also exhibits some character included in the description or diagnosis can it be ‘shown’ to be part of the basis for that description or diagnosis” and therefore be original material. There was clearly no intent in that proposal to eliminate from being original material any specimens that had been used in the preparation of the description or diagnosis, yet the ambiguous usage of “the author” has done just that in cases where the author of the name differs from that of the description or diagnosis. We are left with the absurd situation that if a name was validly published solely by reference to a description or diagnosis **in an earlier publication**, its original material would mostly consist only of material available to the earlier author under Art. 7.8, but if the description or diagnosis validating the name **in the same publication** was prepared by and ascribed to someone different from the publishing author, any specimens used to prepare the description or diagnosis but not available to the publishing author would not be original material.

In our view, the unfortunate and ambiguous reference to “the author” in Art. 9.4(a) of the *Shenzhen Code* has unwittingly altered the delineation of original material from its previous content. A specimen used in the preparation of the description or diagnosis that was unquestionably original material before the *Shenzhen Code* is no longer always so. To address this situation, we propose that the specimens and illustrations used by either person be treated as original material. Given the recentness of this change to the rules, little disruption to nomenclature is expected from this proposal, and any neotypes designated under the *Shenzhen Code* from specimens used in preparing the validating description or diagnosis could instead become lectotypes under Art. 9.10 (see Kirkbride & Wiersema in *Taxon* 71: 1306. 2022).

There are other related concerns. Article 9.4 does not currently address the possibility that the author of the publication may not be