

appears on a single line with one of various abbreviations for its habit, the flower colour, and the duration of the flowers plant, and a translation into the English name of the specific epithet are given in tabular form. In many cases, the same abbreviations are listed for more than one species in a genus—genera the flower colour and duration may be identical for all species and clearly their mention is not intended as a validating description or diagnosis. Names of new taxa appearing in that work are not therefore validly published, except in some those cases where reference is made to an earlier validating descriptions or diagnoses description or diagnosis. This voted Example is limited to Don's publication and other similar catalogues."

The *Shenzhen Code* uses the term "validating description" in numerous places without defining it. See, e.g., Art. 38 Note 1, Art. 7.8 and 46.2. A review of these provisions makes it clear that the validating description is either the description in the protologue or the previously and effectively published description referenced in the

protologue. We propose the following amendment to Art. 38 to define it.

(324) Add a new sentence to Art. 38.1 (new text in bold):

"38.1. In order to be validly published, a name of a new taxon (see Art. 6.9) must (a) be accompanied by a description or diagnosis of the taxon (see also Art. 38.7 and 38.8) or, if none is provided in the protologue, by a reference (see Art. 38.13) to a previously and effectively published description or diagnosis (except as provided in Art. 13.4 and H.9; see also Art. 14.9 and 14.14); and (b) comply with the relevant provisions of Art. 32–45 and F.4–F.5. **The description or diagnosis in the protologue (or referenced in the protologue) is the validating description or diagnosis.**"

Acknowledgements

We thank Nicholas J. Turland and Dr. John H. Wiersema for their comments and suggestions, which significantly improved these proposals.

(325) Proposal to amend Article 38.4, to extend its application to a reference to a previously and effectively published description or diagnosis

Andriy Kovalchuk

Department of Forest Sciences, University of Helsinki, P.O. Box 27, 00014 Helsinki, Finland
Address for correspondence: Andriy Kovalchuk, andriy.kovalchuk@helsinki.fi

DOI <https://doi.org/10.1002/tax.13021>

First published as part of this issue. See online for details.

Article 38 of *Shenzhen Code* ("Code"; Turland & al. in *Regnum Veg.* 159. 2018) outlines the requirements for the valid publication of names of new taxa. Article 38.1 specifies two options for providing a validating descriptive statement for a name of a new taxon: "In order to be validly published, a name of a new taxon (see Art. 6.9) must (a) be accompanied by a description or diagnosis of the taxon (see also Art. 38.7 and 38.8) or, if none is provided in the protologue, by a reference (see Art. 38.13) to a previously and effectively published description or diagnosis (except as provided in Art. 13.4 and H.9; see also Art. 14.9 and 14.14) [...]" Articles 38.2 and 38.3 further specify the requirements for a diagnosis or a description. However, no minimal requirements for a description are specified in the *Code*, and certain descriptive statements have been a matter of debate of taxonomists and nomenclaturists for a long time. Since the *Melbourne Code* (McNeill & al. in *Regnum Veg.* 154. 2012), there has been a possibility of submitting requests for rulings on whether or not a descriptive statement satisfies the requirement for a "description or diagnosis" for valid publication of the name of a new taxon, as outlined in Art. 38.4. This option allows resolution of longstanding nomenclatural conflicts and contributes to the stability of botanical nomenclature. Over 60 such requests have been submitted since this option became available. A proposal was made to extend the application of

Art. 38.4 to decisions on illustrations with analysis (Pastore & al. in *Taxon* 70: 456. 2021), further emphasizing the demand for this kind of ruling in the botanical community.

Article 38.4 provides an option for requests to be made on descriptive statements included in a potential protologue of a new taxon. However, the current redaction of the *Code* does not provide the option for ruling on whether a reference to a previously published description satisfies the requirements for a valid publication. Requirements for reference to a previously and effectively published description are specified in Art. 38.13 and 38.14. They are well defined for names published on or after 1 January 1953. However, for names published before that date, both direct and indirect references are acceptable and the only formal requirement for an indirect reference is for it to be "clear" as specified in Art. 38.14: "An indirect reference is a clear (if cryptic) indication, by an author citation or in some other way, that a previously and effectively published description or diagnosis applies." It allows for various interpretations of the same reference by different authors, potentially leading to different opinions on the validity of a given name. It is therefore proposed to amend Art. 38.4 to extend its application to a reference to a previously and effectively published description or diagnosis.

(325) Amend Art. 38.4 as follows (new text in bold):

“38.4. When it is doubtful whether a descriptive statement satisfies the requirement of Art. 38.1(a) for a “description or diagnosis”, **or whether a reference to a previously and effectively published description or diagnosis satisfies the requirements of Art. 38.13 and 38.14**, a request for a decision may be submitted to the General Committee, which will refer it for examination to the specialist

committee for the appropriate taxonomic group (see Div. III Prov. 2.2, 7.9, and 7.10). A Committee recommendation as to whether or not the name concerned is validly published may then be put forward to an International Botanical Congress and, if ratified, will become a binding decision with retroactive effect. These binding decisions are listed in App. VI.”

(326) Proposal to make clearer what details are needed to indicate or designate a type (Article 40 Note 2)

Michael A. Wisnev¹ & Jefferson Prado²

¹ Los Angeles, California 90068, U.S.A.

² Instituto de Pesquisas Ambientais (IPA), Herbário SP, Av. Miguel Estéfano, 3687, 04301-012, São Paulo, São Paulo, Brazil

Address for correspondence: Michael A. Wisnev, miwisne@gmail.com

DOI <https://doi.org/10.1002/tax.13022>

First published as part of this issue. See online for details.

Article 40.1 of the *Shenzhen Code* (Turland & al. in Regnum Veg. 159, 2018) requires that the type of the name be indicated to validly publish the name of a new taxon. The second sentence of Art. 40.3 adds that “For the purpose of Art. 40.1, mention of a single specimen or gathering (Art. 40.2) or illustration, even if that element is not explicitly designated as type, is acceptable as indication of the type of the name of a new species or infraspecific taxon (but see Art. 40.6).”

Article 40 Note 2 follows Art. 40.3 and states “Mere citation of a locality does not constitute mention of a single specimen or gathering. Concrete reference to some detail relating to the actual type is required, such as the collector’s name, collecting number or date, or unique specimen identifier.” A reference to the herbarium is not addressed, and this should also be sufficient, at least in cases where there is only one specimen at that herbarium that predates the protologue. We also think this provision should not be limited to mention of a single specimen but should also apply for purposes of indicating the type.

It would also be helpful to apply these same rules for the purposes of designating a type in Art. 7.11 and indicating a holotype under Art. 9.1. Rather than make this same statement in three places, we propose that this be added to Art. 40 Note 2 with appropriate cross-references.

Finally, Note 2 should be converted to an Article because it contains provisions not covered by other Articles and, as explained in the Preface of the *Shenzhen Code* (p. xxiv), “Notes have binding effect but, unlike Articles, do not introduce any new provision or concept.” This Note appears to introduce a new concept.

(326) Convert Art. 40 Note 2 to an Article and amend it as follows (new text in bold, deleted text in strikethrough) and add cross-references to it in Art. 9.1 and Art. 7.11:

“40.n. Mere citation of a locality does not constitute mention of a single specimen or gathering, **nor does it constitute an indication of the type**. Concrete reference to some detail relating to the actual type is required, such as the collector’s name, collecting number or date, ~~or~~ **unique specimen identifier, or the herbarium, collection, or institution in which the type is conserved. A similar detail is required to indicate a holotype under Art. 9.1 or designate a type (lectotype, neotype, or epitype) under Art. 7.11.**”

Acknowledgements

We thank Nicholas J. Turland and Dr. John H. Wiersema for their comments and suggestions.