

Because the second sentence of Art. 48.1 addresses a name with an apparent basionym that excludes its type, Note 2 might be incorrectly read to suggest that these names also need to be conserved.

(402) Amend Art. 48 Note 2 as follows (new text in bold, deleted text in strikethrough):

“Note 2. Retention of a ~~name~~ **later homonym as a legitimate (as opposed to illegitimate) name in a sense that excludes its origi-**

~~nal type, or its type designated under Art. 7–10,~~ can be effected only by conservation (see Art. 14.9).”

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(403–406) Proposals to clarify the meaning of rejected and rejected name (Articles 51, 52.1, 53.1 and the Glossary)

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The Glossary of the *Shenzhen Code* (Turland & al. in *Regnum Veg.* 159. 2018) defines a rejected name as “A name ruled as not to be used, either by formal action under Art. 14, 56, or F.7 overriding other provisions of the *Code* [...] or because it was nomenclaturally superfluous when published (Art. 52) or a later homonym (Art. 53 and 54).”

While this definition suggests that a name is rejected only if the applicable provision rules that it is not to be used, Art. 14, 52, 53 and 54 do not state that the name is not to be used. The phrase “not to be used” also suggests that the name may have no nomenclatural status. However, rejected names are often cited as synonyms and in some cases can serve as replaced synonyms, and are “used” in those ways. Based on Art. 11.3, which states that illegitimate names and names rejected under Art. 14 or 56 cannot be correct names for a given taxon, it would be more accurate to state that a rejected name is not to be used as the correct name of a taxon.

The term “rejected name” is not even used in Art. 52–54, which address illegitimate names (although Art. 52 uses “rejected”). The Appendices to the *Shenzhen Code* state that they list all rejected names but in fact list only those rejected by formal action. It would be preferable to limit the definition of rejected names to those rejected by formal action. This change would not impact the operation of illegitimate names under Art. 52–54.

It is also worth noting that a rejected name may be restored under Art. 14.6 “if it is considered the name of a taxon at the same rank distinct from that of the conserved name”. In this case, the name may be used; this exception is noted in the proposed change.

(403) Amend the definition of “rejected name” in the Glossary as follows (new text in bold, deleted text in strikethrough):

“rejected name. **Subject to Art. 14.6, a** ~~A name ruled as that is~~ **not to be used as the correct name of a taxon (Art. 11),** either by formal action under Art. 14, 56, or F.7 overriding other provisions of the

Code (see *nomen rejiciendum*, *nomen utique rejiciendum*) ~~or because it was nomenclaturally superfluous when published (Art. 52) or a later homonym (Art. 53 and 54).~~ A name treated as rejected under Art. F.7 may become eligible for use by conservation under Art. 14.”

Article 52.1 states that a nomenclaturally superfluous name is “illegitimate and is to be rejected”. As noted above, this might incorrectly be interpreted as stating the name has no nomenclatural standing. Rather than requiring the reader to refer to the meaning of rejected in the Glossary, it would be preferable to state the name cannot be used as a correct name.

In contrast to Art. 52.1, Art. 53.1 states that homonyms are illegitimate but does not add that they are to be rejected. There is no reason for the disparate treatment.

(404) Amend Art. 52.1 as follows (new text in bold, deleted text in strikethrough):

“52.1. A name, unless conserved (Art. 14), protected (Art. F.2), or sanctioned (Art. F.3), is illegitimate **(and is not to be used as the correct name of a taxon)** ~~rejected~~ if it was nomenclaturally superfluous when published, [...]”

(405) Amend Art. 53.1 as follows (new text in bold):

“53.1. A name of a family, genus, or species, unless conserved (Art. 14), protected (Art. F.2), or sanctioned (Art. F.3), is illegitimate **(and is not to be used as the correct name of a taxon)** if it is a later homonym, [...]”

Article 51.1 states that “A legitimate name must not be rejected merely because it, or its epithet, is inappropriate or disagreeable, or because another is preferable or better known (but see Art. 56.1 and F.7.1), or because it has lost its original meaning.” The Examples

under Art. 51 use rejected in the sense of unilateral disregard of the name by a later author, as opposed to the definition of rejected name in the Glossary.

(406) Amend Article 51.1 as follows (new text in bold, deleted text in strikethrough):

“51.1. A legitimate name ~~must~~ may not be rejected or otherwise disregarded by later authors merely because it, or its epithet, is in-

appropriate or disagreeable, or because another is preferable or better known (but see Art. 14, 56.1, and F.7.1), or because it has lost its original meaning. **None of these reasons affects the valid publication, legitimacy, and priority of a name.**”

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(407–410) Proposals to clarify nomenclaturally superfluous names (Articles 52.1, 52 Note 2 and 6.4)

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Article 52.1 of the *Shenzhen Code* (Turland & al. in Regnum Veg. 159. 2018) states that a name is “nomenclaturally superfluous when published, [...] if the taxon to which it was applied, as circumscribed by its author, definitely included the type (as qualified in Art. 52.2) of a name that ought to have been adopted, or of which the epithet ought to have been adopted, under the rules (but see Art. 52.4 and F.8.1)”. This appears to require readers to make a taxonomic assessment of the author’s circumscription of the newly described taxon. In fact, the only question is whether the author cited certain elements or names in the protologue. It is worth noting that Art. 48.1 was previously amended to eliminate a reference to “circumscription” for this reason. See Nicolson (in Taxon 26: 569. 1977).

The placement of “but see Art. 52.4 and F.8.1” at the end of Art. 52.1 suggests that they are exceptions to the definition of nomenclaturally superfluous; in fact, they provide that certain nomenclaturally superfluous names are not illegitimate.

(407) Amend Art. 52.1 as follows (new text in bold, deleted text in strikethrough):

“52.1. A name, unless conserved (Art. 14), protected (Art. F.2), or sanctioned (Art. F.3), is illegitimate **(but see Art. 52.4 and F.8.1)** and is to be rejected if it ~~is was~~ nomenclaturally superfluous when published, ~~i.e. if the taxon to which it was applied, as circumscribed by its author.~~ **A name is nomenclaturally superfluous if its protologue (including the protologue of names of simultaneously adopted subordinate taxa)** definitely included the type (as qualified in Art. 52.2) of a name that ought to have been adopted, or of which the epithet ought to have been adopted, under the rules ~~(but see Art. 52.4 and F.8.1).~~”

While the rules consistently use “nomenclaturally superfluous”, Art. 6.4 uses “superfluous”.

(408) Amend Art. 6.4 by adding the word “nomenclaturally” before “superfluous”.

Article 52 Note 2 provides that the “inclusion, in a new taxon, of an element that was subsequently designated as the type of a name that, so typified, ought to have been adopted, [...] does not in itself make *the name of the new taxon illegitimate*” (emphasis added). It is not clear if the quoted language is meant to limit the application of this Note to the almost identical similar term “name of a new taxon”, and thereby exclude new combinations, names at a new rank and replacement names. In addition, because a nomenclaturally superfluous name with a basionym is not illegitimate (Art. 52.4), it is more appropriate to state that a subsequent designation does not make the new name nomenclaturally superfluous.

(409) Amend Art. 52 Note 2 as follows (new text in bold, deleted text in strikethrough):

“Note 2. The ~~citation inclusion~~, in the protologue of a new ~~name taxon~~, of an element that was subsequently designated as the type of a name that, so typified, ought to have been adopted, or of which the epithet ought to have been adopted, does not in itself make the ~~new name of the new taxon~~ **nomenclaturally superfluous illegitimate.**”

It may also be helpful to address the treatment of a type that is included if that type is later superseded.

(410) Add the following sentence at the end of Art. 52 Note 2:

“Note 2. [...]. In addition, if the included type that caused the name to be superfluous is subsequently replaced or superseded in accordance with the rules, the name remains nomenclaturally superfluous.”

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