

(426–433) Miscellaneous proposals to amend the *Shenzhen Code*

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Ever since the publication of the *Shenzhen Code* (Turland & al. in *Regnum Veg.* 159. 2018), ideas for proposals to amend it have been accumulating and gestating in the Rapporteurs' files, affectionately dubbed the "Madrid Crate". Some of these proposals have been published separately by other authors, while others have been abandoned as unworkable. The remainder is published here.

The first proposal is almost editorial. Articles 3 and 4 list the principal and secondary ranks in both English and Latin, e.g. "form (forma)" in Art. 4.1. Abbreviations for those ranks are recommended in Rec. 5A.1, which cites the unabbreviated ranks in English, except for "forma", which is in Latin. For consistency, this should be replaced by the English "form".

(426) In Rec. 5A.1 change "f. (forma)" to "f. (form)".

Editorially, in Art. 24 Ex. 1 change "subforma" to "subform" and in Art. 36 Ex. 13 change "second forma" to "second form".

A recently noted article by Stafleu (in *Taxon* 6: 150. 1957) indicates that some conserved fossil names were omitted from both the 1952 *Stockholm Code* (Lanjouw & al. in *Regnum Veg.* 3. 1952) and the 1961 *Paris Code* (Lanjouw & al. in *Regnum Veg.* 8. 1956), first appearing only in the 1966 *Montreal Code* (Lanjouw & al. in *Regnum Veg.* 23: 324. 1961), despite having been approved at the 1950 *Stockholm Congress* (see *Proceedings of the Seventh International Botanical Congress*: 548. 1953, <https://archive.org/details/in.ernet.dli.2015.351670/page/n565>; also in *Regnum Veg.* 1: 548. 1953). The effective date of conservation of these, which dates before the origin of the General Committee, is not accounted for in Art. 14 Note 4, but would be the same as those of the Special Committee for Fungi, thereby requiring the following modification to the Note:

(427) Amend Art. 14 Note 4 clause (c) as follows (new text in bold, deleted text in strikethrough):

"(c) Conservation of names ~~in~~ **for** the 1952 *Stockholm Code* include: (1) those of the Special Committee for Phanerogamae and Pteridophyta, which became effective on 1 June 1940 under the authority of the VI IBC held in Amsterdam in 1935 (see *Bull. Misc. Inform. Kew* 1940: 81–134); (2) those of the Special Committee for Fungi, which became effective on 20 July 1950 at the VII IBC in Stockholm (see *Regnum Veg.* 1: 549–550. 1953); (3) **those of the Special Committee on Palaeobotanical Nomenclature, which also became effective on 20 July 1950 at the VII IBC in Stockholm (see *Regnum Veg.* 1: 548. 1953), but were omitted from both the *Stockholm Code* and the 1961 *Paris Code*.**"

Concerning the effective publication of electronic material, a particular electronic publication could have: (1) an evidently

preliminary version, which is not effectively published (Art. 30.2); (2) a version whose content is considered by the publisher to be final, which is effectively published (also Art. 30.2); and (3) a version as in (2) that is later altered, in which case the alterations are not themselves effectively published (Art. 30.4). Under case (3), the original version, whose content is considered final, should remain effectively published and not be retroactively treated as a preliminary version. In addition, alteration of an electronic publication could logically extend to retraction of that publication, which was already addressed by a proposed new Note in Art. 30 (Prop. 159, Prado & al. in *Taxon* 71: 711. 2022): "Note n. Electronic material that has been effectively published remains effectively published even if retracted by its publisher." So that Art. 30.4 is more explicit with regard to these issues, the following amendments are proposed.

(428) Amend Art. 30.4 as follows (new text in bold, deleted text in strikethrough):

"30.4. The content of a particular electronic publication ~~must~~ **may** not be altered **or retracted** after it is effectively published. Any such alterations are not themselves effectively published **and have no effect on the original publication**. Corrections or revisions must be issued separately to be effectively published."

There is a problem relating to the incongruity of dates appearing in Art. 33.1 and some other Articles. The second sentence of Art. 33.1 states: "A name published *on or after 1 January 1973* for which the various conditions for valid publication are not simultaneously fulfilled is not validly published unless full and direct reference (Art. 41.5) is given to the place(s) where these requirements were previously fulfilled (but see Art. 41.7)" (emphasis added). This provision first entered the *Seattle Code* (Stafleu & al. in *Regnum Veg.* 82. 1972) in then Art. 45 in essentially identical form. The conditions for valid publication that might require referencing for such a name would include provision of a Latin or English description or diagnosis or a reference to one (Art. 38, 39, 43.1, 44.1), designation or indication of a type (Art. 40), reference to a basionym or replaced synonym (Art. 41) and, for fossil-taxa or algae, provision of or reference to an illustration (Art. 43.2, 44.2). The implication of Art. 33.1 could be that a "full and direct reference" to the place where these requirements were fulfilled is not required *before 1973*, yet one of these requirements, established after 1972, requires that a full and direct reference be provided after an earlier date.

For example, Art. 38.13, which first appeared in the *Berlin Code* (Greuter & al. in *Regnum Veg.* 118. 1988) in then Art. 32.3, states in part: "For names published *on or after 1 January 1953* [it [reference to a previously and effectively published description or diagnosis] must,

however, be full and direct as specified in Art. 41.5.” One could read Art. 33.1 to imply that a name of a new taxon published between 1953 and 1973 that at publication lacks a description or diagnosis and a full and direct reference to a previously published description or diagnosis would nonetheless be validly published without any, or with only indirect, reference to such, in seeming conflict with Art. 38.13.

Indeed, there are many such names that have been considered validly published between 1953 and 1973 owing to Art. 33.1. For example, Quézel & Contandriopoulos (in Taxon 16: 239–240. 1967) designated types for seventeen species and infraspecies names they had described in three previous publications in 1964 and 1965 but failed to indicate the types, as required after 1958. While each of the three publications was cited with its full pagination, this was not in conjunction with the names and so lacked the page references required by Art. 41.5 and thus Art. 38.13. These names would be validly published under Art. 33.1, but not under Art. 38.13. Because these names were originally published with descriptions, not with references to them, Art. 38.13 need not apply to these and other similar cases if some adjustment is made to Art. 33.1.

(429) Amend Art. 33.1 as follows (new text in bold, deleted text in strikethrough):

“33.1. The date of a name is that of its valid publication. When the various conditions for valid publication are not simultaneously fulfilled, the date is that on which the last is fulfilled. However, the name must always be explicitly accepted in the place of its valid publication. ~~A name published on or after 1 January 1973 for which~~ When the various conditions for valid publication are not simultaneously fulfilled, ~~a name~~ **a name** is not validly published unless ~~full and direct reference (Art. 41.5)~~ **this reference must be full and direct (Art. 41.5) on or after 1 January 1973** (but see also Art. 41.7).”

The next proposal concerns Art. 36.3, which reads as follows: “36.3. When, on or after 1 January 1953, two or more different names based on the same type are accepted simultaneously for the same taxon by the same author and accepted as alternatives by that author in the same publication (so-called alternative names), none of them, if new, is validly published.” There are three issues.

Superfluous wording. The words “and accepted as alternatives by that author” are superfluous. If the names are “accepted simultaneously for the same taxon by the same author” they must be “accepted as alternatives by that author”.

Multiple authors. It is also possible that two or more different names based on the same type are accepted simultaneously for the same taxon by different sets of authors in the same publication. If the sets of authors are mutually exclusive, the names are not alternative names and may be validly published. But it seems desirable that if even one author is common to the sets of authors, the names should be alternative names and those that are new should not be validly published. This could be achieved by adding the words in italics: “When, [...], two or more different names based on the same type are accepted simultaneously for the same taxon by *any one and the same author* in the same publication [...].”

Suprageneric names. The last sentence of Art. 36.3 states that the rule “does not apply in those cases where the same combination is simultaneously used at different ranks, either for infraspecific taxa or for subdivisions of a genus”. However, there is no parallel exception for suprageneric names formed from the same generic name, and therefore based on the same type, simultaneously used at different ranks.

The following amendments are therefore proposed.

(430) Amend Art. 36.3 as follows (new text in bold, deleted text in strikethrough):

“36.3. When, on or after 1 January 1953, two or more different names based on the same type are accepted simultaneously for the same taxon by **any one and the same author** ~~and accepted as alternatives by that author~~ in the same publication (so-called alternative names), none of them, if new, is validly published. This rule does not apply in those cases where the same combination is simultaneously used at different ranks, either for infraspecific taxa or for subdivisions of a genus (see Rec. 22A.1, 22A.2, and 26A.1–3), **nor where suprageneric names formed from the same generic name are simultaneously used at different ranks (see Rec. 19A.1 and 19A.2)**, nor to names provided for in Art. F.8.1.”

In Art. 54.1 clause (b), the wording of subclause (2) is strange: “becomes a homonym of an algal, fungal, or plant name when the taxon to which it applies is first treated as an alga, fungus, or plant”. Homonyms are homonyms regardless of their taxonomic application, even when two *Codes* are involved, and *becoming* a homonym when *first* applied to an alga, fungus or plant seems to imply a nomenclatural act. The wording also fails to specify that it is a *later* homonym that is illegitimate (see Art. 53.1).

(431) Reword Art. 54.1 clause (b) as follows (new text in bold, deleted text in strikethrough):

“54.1. [...] (b) A name applied to an organism covered by this *Code* and validly published under it (Art. 32–45) but originally published for a taxon other than an alga, fungus, or plant, i.e. under another *Code*, is illegitimate if it (1) is unavailable for use under the provisions of the other *Code*¹, usually because of homonymy, or (2) ~~becomes~~ **is a later** homonym of an algal, fungal, or plant name ~~when the taxon to which it applies is first treated as an alga, fungus, or plant~~ (see also Art. 45.1).”

At the Shenzhen Congress of 2017, there were two Recorders (Lindon & al. in PhytoKeys 150: 5. 2020), and there will again be two at the Madrid Congress of 2024, but Div. III Prov. 4.5 and 4.10 imply that there is only one Recorder. While more than one Recorder is not explicitly forbidden, it would be better if this were explicitly allowed.

(432) Amend Div. III Prov. 4.5 and 4.10 as follows (new text in bold, deleted text in strikethrough):

“4.5. The Bureau of Nomenclature of the International Botanical Congress comprises the following officers: President of the Nomenclature Section; up to five Vice-presidents; the Rapporteur-général; the Vice-rapporteur; ~~the Recorder~~ **one or more Recorders**. The Bureau of Nomenclature defines the sequence and timing of debates; appoints Tellers to collect and count voting cards in the event of a card vote (see Prov. 5.10); and advises the President on procedural matters.”

“4.10. ~~The Recorder is~~ **Recorders are** appointed by the Organizing Committee of the International Botanical Congress in consultation with the Rapporteur-général. ~~The Recorder is~~ **Recorders are** responsible for all local facilities needed by the Nomenclature Section, such as the venue and its equipment, and in particular for the detailed recording of the proceedings of the Section and for facilitating the voting.”

According to Div. III Prov. 7.5, “The Committee on Institutional Votes comprises six members, each to represent a different continent, plus the Rapporteur-général, who serves as its chair.” However, after the Shenzhen Congress, the Committee took on another member as its “Advisor for Fungi” (see Ulloa Ulloa & al. in Taxon 72: 701–703. 2023) because none of the seven members elected in Shenzhen was a mycologist. The possibility to take on additional members for such purposes should be explicitly allowed.

(433) Amend Div. III Prov. 7.5 as follows (new text in bold):

“7.5. The Committee on Institutional Votes comprises six members, each to represent a different continent, plus the Rapporteur-

général, who serves as its chair, **plus any additional members that the Committee considers are required.**”

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