(112–117) Proposals to amend the Code by a clearer wording of Article 41

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My proposal is in accordance with Art. 41 Ex. 5, i.e., names fulfilling the conditions for valid publication as a new combination, name at new rank, or replacement name cannot be names of new taxa, and with the praxis introduced by nomenclature gurus of treating names according to Art. 41.8(c).

(112) Change Art. 41.1 as follows (new text in bold):

“41.1. In order to be validly published, a new combination, name at new rank, or replacement name (see Art. 6.10 and 6.11), must be accompanied by a reference to the basionym or replaced synonym. If so, it is not the name of a new taxon regardless of whether the conditions for valid publication as such are otherwise fulfilled.”

(113) Change Art. 41.3 as follows (new text in bold):

“41.3. Before 1 January 1953 an indirect reference (see Art. 38.14) to a basionym or replaced synonym is sufficient for valid publication of a new combination, name at new rank, or replacement name. Thus, errors in the citation of the basionym or replaced synonym, or in author citation (Art. 46), do not affect valid publication of such names. If so, these are not the names of new taxa regardless of whether the conditions for valid publication as such are otherwise fulfilled.”

(114) Change Art. 41 Ex. 5 as follows (new text in bold):

“Ex. 5. Miller (1768), in the preface to The gardeners dictionary, ed. 8, stated that he had “now applied Linnaeus’s method entirely except in such particulars ...”, of which he gave examples. In the main text, he often referred to Linnaean genera under his own generic headings, e.g. to Cactus L. [pro parte] under Opuntia Mill. Therefore an implicit reference to a Linnaean binomial may be assumed when this is appropriate, and Miller’s binomials are accepted as new combinations (e.g. O. ficus-indica (L.) Mill., based on C. ficus-indica L.) or replacement names (e.g. O. vulgaris Mill., based on C. opuntia L.: both names have the reference to “Opuntia vulgaris herbariorum” of Bauhin & Cherler in common) despite Miller having provided diagnoses and otherwise fulfilling the conditions for the valid publication of names of new taxa.”
(115) Change Art 41.5 as follows (new text in bold):

“41.5. On or after 1 January 1953, a new combination, name at new rank, or replacement name is not validly published unless its basionym or replaced synonym is clearly indicated and a full and direct reference given to its author and place of valid publication, with page or plate reference and date (but see Art. 41.6 and 41.8). On or after 1 January 2007, a new combination, name at new rank, or replacement name is not validly published unless its basionym or replaced synonym is cited. **If so, it is not the name of a new taxon regardless of whether the conditions for valid publication as such are otherwise fulfilled.**”

(116) Change Art. 41.6 as follows (new text in bold):

“41.6. For names published on or after 1 January 1953, errors in the citation of the basionym or replaced synonym, including incorrect author citation (Art. 46), but not omissions (Art. 41.5), do not preclude valid publication of a new combination, name at new rank, or replacement name. **If so, these are not the names of new taxa regardless of whether the conditions for valid publication as such are otherwise fulfilled.**”

(117) Change Art. 41.8 as follows (new text in bold):

“41.8. On or after 1 January 1953, in any of the following cases, a full and direct reference to a work other than that in which the basionym or replaced synonym was validly published is treated as an error to be corrected, not affecting the valid publication of a new combination, name at new rank, or replacement name:

(a) when the name cited as the basionym or replaced synonym was validly published earlier than in the cited publication, but in that cited publication, in which all conditions for valid publication are again fulfilled, there is no reference to the actual place of valid publication;

(b) when the failure to cite the place of valid publication of the basionym or replaced synonym is explained by the later nomenclatural starting-point for the group concerned, or by the backward shift of the starting date for some fungi;

(c) when an intended new combination or name at new rank would otherwise be validly published as a (legitimate or illegitimate) replacement name of at least one of the synonyms cited; or

(d) when an intended new combination, name at new rank, or replacement name would otherwise be the validly published name of a new taxon.

If so, it is not the name of a new taxon regardless of whether the conditions for valid publication as such are otherwise fulfilled.”