Arts. 21.1, H.8.1 and H.9.1. Add "*" after 'subdivision of a genus' and add corresponding footnote
"* See Art. 4, Note 3'.
The Editorial Committee is invited to consider putting the new note before one or both of the others
in Art. 4.

To Arts. H.8.1 and H.9.1. Add footnotes at the places indicated in Prop. (323A), penultimate paragraph,
referring to the second footnote on page 10 of the Code.

(324) Proposal. In Art. 40, Ex. 7. Change the first part of the second line to read "* Agroelymus as
the name of a nothogenus, without . . .". This will bring it into line with the terminology now used
in Appendix I.

Heath's Numbered Proposals and Suggestions
Prop. 63. There may be obstacles to this change (for example, a typification could be overthrown
if the taxon whose name was the type was newly treated as a nothotaxon), but if it is accepted in
principle I think it should be worded as in the following proposal. This would avoid the looseness
involved in the meaning of the word 'hybrid' and would deal with Art. H.3, Note 1, at the same time.

(325) Proposal to add a new paragraph at the end of Art. 10: "The name of a genus (or a subdivision
of a genus) may not be lectotypified or neotypified by the type of the name of a nothospecies."
Prop. 74. The appearance of the word 'should' is objectionable in an example; I make an alternative
proposal:

(326) Proposal to Art. H.3, Note 1, Ex. 3. Add: "Rosa canina L., a polyploid believed to be of ancient
hybrid origin, is treated as a species."
Prop. 75. I see no need to name nothotaxa at a higher rank than genus. The second sentence of
the first paragraph shows that this would bring in its train a new complication with regard to names at
generic rank; I think the word 'valid' is incorrectly used in the first paragraph of the proposal.
Prop. 76. I agree that the present wording which it is proposed to delete represents an unenforceable
element in Art. H.6, but it is desirable that the custom is preserved. I here offer another proposal,
dependent on the acceptance of Prop. 76.

(327) Proposal to add: "Rec. H.6A. When a nothogeneric name is formed from the name of a person
by adding -ara, the person concerned should preferably be a collector, grower or student of the group."
Prop. 78 is acceptable.
Suggestion 4. I agree.
Suggestion 7. I agree, assuming the facts are correctly stated.
Suggestion 8. We need a selection of such examples but not all of the eight supplied. We might,
however, include an example from Orchidaceae, none having been supplied by Heath. This could be:
× Phragmipaphium hort. for Paphiopedilum × Phragmipedium (= × Phragmipaphiopedilum hort. ex
Airy-Shaw) [see also Index Kewensis, Suppl. 15, for × Phragmipaphium]. The Editorial Committee
will no doubt suitably alter the expressions 'invalid' and 'valid', in the explanatory wording offered
by Heath.
Suggestion 9. If one or both of the new examples are added, one or both of the existing examples
where the authority is 'hort.' could be thrown out.
Suggestion 10. This example would be a useful addition, suitably worded.
Suggestion 11. It hardly seems necessary to exemplify the principle of limitation of number of
syllables.
Suggestion 12. Addition of these examples is highly desirable.

Proposed by: P. F. Yeo, University Botanic Garden, Cambridge CB2 1JF, England.

(328)-(330) Proposals to amend Art. 69 of the Code.

Provision for the rejection of ambiguous names has been in the Code since the "First Edition", the
Vienna Code of 1906 (Briquet, 1906), where everyone was enjoined to "refuse to admit a name . . .
when it becomes a permanent source of confusion or error.” Up until 1975 this ambiguity was not clearly related to the type method and the change at Leningrad was to go from rejecting a name that had been “used in different senses and so . . . become a long-persistent source of error” to the present wording that requires wide and persistent use in a sense that does not include the type, before a name can be rejected. The other change at Leningrad was to introduce the requirement that rejected names be placed on a list of *nomena reicienda*. This was formalized at the Sydney Congress in 1981 so that the procedures for admission to the list would correspond to those already in use for *nomena conservanda*.

Very many names have been rejected over the years by competent botanists following the rules of nomenclature then applicable. In many cases the criteria for this rejection were essentially the same as those provided in the present wording of Article 69: These rejected names have tended to drop out of use and so the persistency of their misuse can be called into question. It would be intolerably disruptive to nomenclature if such a name, properly rejected under the rules then in force, had now to be reinstated just because it had not recently been “used for a taxon not including its type”—because it had, in fact, not been used at all.

There are two aspects to this, addressed in two separate proposals. The first is concerned with the desirability of keeping these names out of use until (and if) their status is reassessed under the current wording of Article 69. A new Note to achieve this is proposed.

(328) Proposal to add a note to Article 69 to read:

“Note 1. Names rejected under the equivalent Articles of previous editions of the International Code, whether explicitly or implicitly, are not to be reinstated unless a proposal to list them as rejected names under Article 69 has been rejected by the General Committee.”

The other aspect is to confirm that names of this type can still be rejected under Art. 69, even although they have dropped out of both misuse and use in recent years. The present wording of Article 69.1 can be construed to cover a name that was “widely and persistently” misused up to the time of its rejection, so that, if it meets those requirements, it might now be considered for placing on the list of rejected names for which clear procedures were established only in 1981. Nevertheless, it seems desirable to spell this out more specifically in the Code. This, with the previous proposal, will prevent the taking up of long-abandoned names under the mistaken impression that the Code requires them to be used.

(329) Proposal to add a new paragraph in Article 69:

69.3. Names rejected, formally or informally, under previous provisions of the Code, and which met, at the time of their rejection, the present requirements of Art. 69.1, may also be proposed for inclusion on the list of rejected names.”

The Sydney Congress changed the wording of Article 69 from “A name must be rejected if it has been widely and persistently used for a taxon not including its type.” to “A name may be ruled as rejected if it has been widely and persistently used . . . .” This change was made because of problems encountered by the nomenclatural committees (notably the Committee for Spermatophyta) in determining their role in the process when the Code said that a name *must* be rejected. For example, did rejection occur at the time of publication of the proposal or only after the Committee had made a ruling. Webber and Ball (1979) clearly took the former view, publishing the new name *Carex sylvicola* as a replacement for *C. radiata* (Wahlenb.) Small that they had rejected under Article 69. An evident problem would ensue if, as happened in this case, the proposal did not gain the support of the Committee (Brummitt, 1983b). The view favoured by the Committee, and confirmed by the amendment at Sydney, was that rejection only took place after the International Botanical Congress had made its decision and so Webber and Ball’s new name was an illegitimate superfluous name under Article 63.

The Leningrad wording was clearly unworkable. It is essential that the relevant committees have the power to adjudicate as to whether a name is, or is not, to be rejected. I believe, however, that the Congress made a serious mistake in changing the word “must” to “may”, a change made on the basis of an amendment from the floor. Article 69, unlike Article 14 on conservation of names, is not dealing
primarily with nomenclatural stability. The thrust of this article is on confusion in the application of names. For a name to have to change is troublesome and tends to bring nomenclature into disrepute. But even a change as serious as calling common soft wheat Triticum hybernum instead of T. aestivum can eventually be accommodated. The system of synonymy handles this well, whether in taxonomy itself, or in literature retrieval etc. Confused names, coming under the provision of Article 69, are quite different. There is no way that the general user of botanical literature can be made aware of the usage to which the name applies. Generally, he will not even be aware that there is more than one usage. Even for sophisticated taxonomists who understand what something like “Solanum sodomeum auctt. plur. non L.” means, there would still be the problem of knowing whether a later author was using S. sodomeum L. in its correct sense (=S. indicum auctt. non L.) or in the traditional sense, for which there may not be a legitimate name (cf. Hepper, 1978; Brummitt, 1983a). Our literature retrieval and synonymy systems have really no way to cope with this situation. I believe, therefore, that the Code’s traditional use in this situation of the words “must be rejected”, which goes back to Article 64 of the Cambridge Rules (Briquet, 1935), is essential for unambiguous communication in botany.

The role of nomenclatural review committees is not threatened by this change. They must judge whether or not the name has been “widely and persistently used for a taxon or taxa not including its type”. If the Committee judges that this is the case, the name is then rejected. Proposal 330 is designed to restore the requirement, that was in the Code for 50 years, to reject a name whose correct use is judged to be confusing.

(330) Proposal to alter the first line of Art. 69.1 to read:

“A name must be ruled as rejected if it is judged to have been widely and persistently . . .”.

Literature Cited

Proposed by: J. McNeill, Department of Biology, University of Ottawa, Ottawa K1N 6N5, Canada.

(331)–(334) Proposals to standardize the nomenclature in flagellate groups currently treated by both the Botanical and Zoological Codes of Nomenclature.

Certain groups of protists are claimed as plants (algae—protophyta) by botanists and as animals (protozoa) by zoologists. This is not just to be regarded as an amusing anachronism, for it is a cause of problems for practising taxonomists. The groups concerned can be loosely termed “phytoflagellates”, being those flagellates with at least some photosynthetic members, as opposed to “zooflagellates”, which are wholly non-photosynthetic and are claimed only by zoologists. The flagellate groups concerned are the following:

<table>
<thead>
<tr>
<th>Botanical class</th>
<th>Zoological order</th>
</tr>
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<tbody>
<tr>
<td>Dinophyceae</td>
<td>Dinoflagellida</td>
</tr>
<tr>
<td>Cryptophyceae</td>
<td>Cryptomonadida</td>
</tr>
<tr>
<td>Raphidophyceae</td>
<td>Chloromonadida</td>
</tr>
<tr>
<td>the flagellated Xanthophyceae</td>
<td>Heterochlorida</td>
</tr>
<tr>
<td>Chrysophyceae</td>
<td>Chrysomonadida and Silicoflagellida</td>
</tr>
<tr>
<td>Prymnesiophyceae (=Haptiphyceae)</td>
<td>Prymnesiomonadida (=Haptomonadida)</td>
</tr>
<tr>
<td>Eustigmatophyceae</td>
<td>Eustigmatida</td>
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</tbody>
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