(163-164) Two proposals to amend Art. 48.1 of the Code

It is not obvious from the wording of Art. 48.1 whether or not an author who adopts an existing name and explicitly excludes the element subsequently designated as the type of the name (but not all its syntypes) should, following that lectotypification, be considered to have published a later homonym. The subject of retroactivity is controversial and is presently being studied by a Special Committee on Lectotypification. Consideration of Art. 48 was not, however, specifically included in the mandate of that Committee. I am presenting alternative proposals to amend Art. 48.1 so that the Nomenclature Section may have the opportunity to discuss the effect of retroactivity of lectotypification on the publication of a later homonym.

(163) In Art. 48.1, omit the word “original” in lines 1-2 and insert the words “as determined by application of the Code” after the word “type” in lines 2 and 4.

(164) In Art. 48.1, replace the words “its original type” in lines 1-2 and “its type” in line 4 with “its holotype or all its syntypes or its previously designated lectotype”.

When a name is published with syntypes, the lectotype “must be chosen from among the syntypes” (Art. 7.4). Therefore, an author who adopts an existing name but explicitly excludes all its syntypes thereby excludes all possible lectotypes and must be considered to have published a later homonym, even without retroactivity of lectotypification.

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