

(029) Proposal to add an explanatory Note to Article 9.1

Shuai Liao, Li He, Ce Shang & Zhi-Xiang Zhang

Laboratory of Systematic Evolution and Biogeography of Woody Plants, College of Nature Conservation, Beijing Forestry University, Beijing 100083, People's Republic of China.

Author for correspondence: Zhi-Xiang Zhang, zxzhang@bjfu.edu.cn

DOI <http://dx.doi.org/10.12705/635.24>

Concerning designation of a holotype in the protologue of the name of a new species or infraspecific taxon, Art. 9 Note 1 of the *Melbourne Code* (McNeill & al. in Regnum Veg. 154. 2012) explains that: “Any designation made by the original author, if definitely expressed at the time of the original publication of the name of the taxon, is final ...”

Errors may occur when making such a designation, either because of personal inadvertence or typographical mistakes, such as in collecting number, herbarium code or other type details. Separate cases of this situation were encountered by Chen (in Ann. Bot. Fenn. 48: 34–36. 2011) and Chen & Zeng (in Türk Bot. Derg. [= Turkish J. Bot.] 37: 656–661. 2013), who both insisted that they had no choice but to accept the erroneous holotype designations in the respective protologues. They each published the name of a new taxon designating as holotype the specimen that the original author(s) had evidently intended to designate. The result was two names that were nomenclaturally superfluous when published and therefore illegitimate under Art. 52.

Such a treatment is based on a purely mechanical application of the *Code*, i.e., following the “letter of the law” at the expense of the “spirit of the law”. It seriously disrupts the nomenclature of the taxa concerned and departs from the intent of the original authors. Throughout the *Melbourne Code* we find the concept of correctable errors, such as in basionym citation (Art. 41.3, 41.6, 41.8), Latin terminations (Art. 16.3, 18.4, 19.7, 23.5, 32.2, 60.12) and the form of the name itself including typographical or orthographical errors (Art. 21.4, 23.7, 60, 61). These provisions for correcting errors extend to type designation, such as improper usage of terms (Art. 9.9), taxonomically heterogeneous types (Art. 9.14) and types comprising a single gathering but more than one specimen (Art. 9.17). Unfortunately, no rule in

the *Melbourne Code* explicitly permits us to correct other mistakes in the designation of a holotype.

Comparing the *Vienna Code* (McNeill & al. in Regnum Veg. 146. 2006) with the *Melbourne Code*, the latter only added, as Art. 9 Ex. 2, the practice of Yang & Wiersema (in Taxon 55: 511–512. 2006), who corrected the holotype designation of *Phoebe calcarea* S. K. Lee & F. N. Wei rather than publishing the name of a new species. In order to emphasize and encourage this laudable nomenclatural practice, we are proposing a new Note, as follows:

(029) Add an explanatory Note to Art. 9.1:

“*Note Ibis*. If a designation of holotype made in the protologue of the name of a taxon is later found to contain errors (e.g. in locality, date, collector, collecting number, herbarium code, specimen barcode or accession number), these errors are to be corrected provided that the intent of the original author(s) is not changed.”

In Art. 9 of the *Melbourne Code*, Ex. 2 should be moved to follow the new Note proposed here.

This proposal, if followed, would guide researchers to recognize holotype specimens without any hesitation even if the type details indicated in the protologue differ, because of error, from the actual facts and the intent of the original author(s). It will also avoid the unnecessary publication of names of new taxa.

Acknowledgements

We are indebted to advice from Lei Xie, Nicholas Turland, Sandra Knapp, Xian-Yun Mu, Xiang-Yun Zhu and Yong Yang. This study was funded by the National Natural Science Foundation of China (grant no. 31110103911).