
STATUTORY INSTRUMENTS

1991 No. 655

PLANT BREEDERS' RIGHTS

**The Plant Breeders' Rights (Fees)
(Amendment) Regulations 1991**

| | | |
|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>12th March 1991</i> |
| <i>Laid before Parliament</i> | | <i>22nd March 1991</i> |
| <i>Coming into force</i> | - - | <i>12th April 1991</i> |

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 9(1) and 36 of the Plant Varieties and Seeds Act 1964⁽¹⁾ as extended to Northern Ireland⁽²⁾, and the said Minister and the Secretary of State, acting Jointly, as respects the Isle of Man, in exercise of the said powers as extended to the Isle of Man⁽³⁾, and in exercise of all other powers enabling them in that behalf, with the approval of the Treasury in accordance with section 9(1) of that Act and after consultation with the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971⁽⁴⁾, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Plant Breeders' Rights (Fees) (Amendment) Regulations 1991 and shall come into force on 12th April 1991.

Amendment of the Plant Breeders' Rights (Fees) Regulations 1990

2. For the Schedule to the Plant Breeders' Rights (Fees) Regulations 1990⁽⁵⁾ there shall be substituted the Schedule set out in the Schedule to these Regulations.

(1) 1964 c. 14; see section 38(1) (as amended by S.I. 1978/1272) for the definition of "the Ministers", section 39(3)(a)(ii) for an extension to include the Secretary of State concerned with agriculture in Northern Ireland and the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829), to which there are amendments not relevant to these Regulations, for the substitution of a definition of the Ministers including the Secretary of State concerned with matters relating to the Isle of Man.
(2) By the Plant Varieties and Seeds (Northern Ireland) Order 1964 (S.I. 1964/1574).
(3) By the Plant Varieties and Seeds (Isle of Man) Order 1969.
(4) 1971 c. 62.
(5) S.I. 1990/618.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

7th March 1991. *John Selwyn Gummer*
Minister of Agriculture, Fisheries and Food

5th March 1991 *Strathclyde*
Parliamentary Under Secretary of State, Scottish
Office

6th March 1991 *David Hunt*
Secretary of State for Wales

8th March 1991 *Peter Brooke*
Secretary of State for Northern Ireland

5th March 1991 *Kenneth Baker*
Secretary of State for the Home
Department (being the Secretary of State
concerned with matters relating to the Isle of
Man)

We approve,

12th March 1991 *Thomas Sackville*
Gregory Knight
Two of the Lords Commissioners of Her
Majesty's Treasury

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SCHEDULE

Regulation 2

PROVISIONS TO BE SUBSTITUTED FOR THE SCHEDULE TO
THE PLANT BREEDERS' RIGHTS (FEES) REGULATIONS 1990

"SCHEDULE

Regulation 3(1)

FEES

PART I

FEES PAYABLE ON AN APPLICATION FOR
A GRANT OF PLANT BREEDERS' RIGHTS

| Plant variety | Amount | |
|---------------------------------|--------------|-----------------------------|
| | New fee £ | Old fee £ ^(*) |
| 1. A rose variety | 45 | (45) |
| 2. A chrysanthemum variety | 250 | (250) |
| 3. Any other decorative variety | 125 | (125) |
| 4. Any other variety | 250 | (250) |

Note:

(*) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1990 (S.I.1990/618) before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1991 (S.I. 1991/655) on 12th April 1991.

PART II

FEES PAYABLE IN RESPECT OF TESTS OR EXAMINATION
OF A PLANT VARIETY WHICH IS THE SUBJECT OF AN
APPLICATION FOR A GRANT OF PLANT BREEDERS' RIGHTS

| Plant variety | Test or examination for which payable | Amount | |
|---------------------------------------|--|--------------|-----------------------------|
| | | New fee £ | Old fee £ ^(*) |
| 1. A cereal variety (excluding maize) | Tests in any one year | 800 | (850 or 900) |
| 2. A maize variety | Tests in any one year | 500 | (850) |
| 3. A potato variety | Tests in any one year | 750 | (750) |

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| Plant variety | Test or examination for which payable | Amount | |
|--|---------------------------------------|--------------|-----------------------------|
| | | New fee £ | Old fee £ ^(*) |
| 4. A beetroot, Brussels sprout, cabbage, celery, fenugreek, turnip or fodder variety | Tests in any one year | 700 | (700) |
| 5. A herbage, field pea, vegetable pea, field bean or broad bean variety | Tests in any one year | 600 | (700 or 800) |
| 6. An oil and fibre (including oilseed rape) variety | Tests in any one year | 500 | (700 or 750) |
| 7. A rose variety | Tests in any one year | 90 | (90) |
| 8. A year-round perennial chrysanthemum variety season | Tests in each flowering season | 200 | (250) |
| 9. Any other chrysanthemum variety | Tests in any one year | 200 | (250) |
| 10. A cymbidium variety | Each examination | 250 | (250) |
| 11. A fruit variety | Tests in any one year | 200 | (250) |
| 12. Any other variety | Tests in any one year | 250 | (250 or 700) |

Note:

(*) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1990 before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1991 (S.I. 1991/655) on 12th April 1991.

PART III RENEWAL FEES

| Plant variety | Amount each year | |
|-------------------|------------------|-----------------------------|
| | New fee £ | Old fee £ ^(*) |
| 1. A rose variety | 45 | (45) |

Note:

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| Plant variety | Amount each year | |
|--|------------------|-----------------------------|
| | New fee £ | Old fee £ ^(*) |
| 2. A chrysanthemum variety | 300 | (300) |
| 3. Any other decorative variety | 155 | (155) |
| 4. A vegetable variety (excluding a vegetable pea or broad bean variety) | 150 | (400) |
| 5. Any other variety (including a vegetable pea or broad bean variety) | 400 | (400) |

Note:

(*) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1990 before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1991 (S.I. 1991/655) on 12th April 1991.

PART IV

FEES PAYABLE IN RESPECT OF OTHER MATTERS

| Matter | When payable | Amount | |
|--|-----------------------------------|--------------|-----------------------------|
| | | New fee £ | Old fee £ ^(*) |
| 1. Application for a compulsory licence | On making the application | 50 | (50) |
| 2. Application to extend, limit, vary or revoke a compulsory licence | On making the application | 50 | (50) |
| 3. Making representations in writing to the Controller in connection with any application, or in connection with a proposal to terminate any plant breeders' rights or to revoke or terminate any extension of such rights | On delivering the representations | 25 | (25) |

Note:

(*) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1990 before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1991 (S.I. 1991/655) on 12th April 1991.

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| Matter | When payable | Amount New fee £ | Old fee £ ^(*) |
|--|--|------------------------|-----------------------------|
| 4. Attending to be heard by the Controller or by a person appointed by him for the purpose | Before the hearing | 50 | (50) |
| 5. Grant of plant breeders' rights in— | Before the issue of the document constituting evidence of the grant | | |
| (a) a variety referred to in item 1 in Part 1 of this Schedule | | 35 | (35) |
| (b) a variety referred to in item 3 in Part I of this Schedule | | 100 | (100) |
| (c) a variety referred to in item 2 or item 4 in Part I of this Schedule | | 125 | (125) |
| 6. Giving a protective direction | Before the issue of the document constituting evidence of the giving of the protective direction | 25 | (25) |
| 7. Payment of a renewal fee after the expiration of 7 days from the date when it fell due, except in a case where an application has been made for the period for payment to be extended | On payment of the renewal fee | 25 | (25) |
| 8. Application for the approval of a | On making the application | 25 | (25) |

Note:

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| Matter | When payable | Amount New fee £ | Old fee £ ^(*) |
|--|--|------------------------|-----------------------------|
| substituted name for a plant variety | | | |
| 9. Registration of title and amendment of the register of plant varieties on a transfer of plant breeders' rights or a share in such rights | On making the application for registration | 25 | (25) |
| 10. Purchase of a report from a testing authority in another country | Within 14 days of demand by the Controller | 140 | (135) ^{**} |

Note:

(*) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1990 before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1991 (S.I. 1991/655) on 12th April 1991.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Breeders' Rights (Fees) Regulations 1990 by prescribing revised fees in respect of matters arising under the Plant Breeders' Rights Regulations 1978 (as amended) (regulation 2).

The matters in respect of which the revised fees are prescribed are listed in the Schedule to these Regulations, and the fees which were chargeable before these Regulations came into force are printed in italics beside the revised fees.