
DRAFT STATUTORY INSTRUMENTS

2002 No.

**Northern Ireland Act 1998 (Modification
of Enactments) Order 2002**

Plant Varieties Act 1997

8.—(1) In this Article—

“the 1997 Act” means the Plant Varieties Act 1997(1),

“the Office” means the Plant Variety Rights Office continued under section 2 of the 1997 Act;

“the Controller” means the Controller of Plant Variety Rights constituted under section 2 of the 1997 Act; and

“the Tribunal” means the Plant Varieties and Seeds Tribunal continued under section 42 of the 1997 Act.

(2) Subject to paragraph (3), any function under the 1997 Act which is—

(a) exercisable in relation to the Office, the Controller or the Tribunal; and

(b) exercisable by the Secretary of State for Northern Ireland acting jointly with one or more of the following, namely another Minister of the Crown, the Scottish Ministers and the National Assembly for Wales,

shall instead be exercisable by the Northern Ireland Department acting jointly with such other person or persons.

(3) Paragraph (2) shall not apply to any function of making regulations or orders under sections 6(6), 9(7), 9(12), 11(2), 14(5), 15(6), 17(8), 18, 22(2), 24, 26(2), 28, 29, 44 and 48 of the 1997 Act.

(4) The Secretary of State for Northern Ireland shall cease to be amongst the Ministers who, acting jointly, may exercise the functions referred to in paragraph (3), but any such functions shall only be exercisable with the consent of the Northern Ireland Department.

(5) The Secretary of State for Northern Ireland shall cease to be amongst the Ministers who, acting jointly, may by order designate any country or territory for the purposes of paragraph 6(2) or Schedule 2 to the 1997 Act, but no such designation order may be made without the consent of the Northern Ireland Department.

(a) (6) (a) The function of making rules under paragraph 13 of Schedule 3 to the 1997 Act shall be exercisable in relation to Northern Ireland by the Northern Ireland Department instead of by the Lord Chancellor, and the rules shall be laid before and subject to annulment in pursuance of a resolution of the Northern Ireland Assembly instead of either House of Parliament.

(b) Any such rules made by the Northern Ireland Department shall not be exercisable by statutory instrument, but shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(2).

(1) 1997 c. 66.

(2) S.I.1979/1573 (NI 12).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory
Instrument: The Northern Ireland Act 1998 (Modification of Enactments) Order 2002 No. 2843
