



# Plant Varieties and Seeds Act 1964

## CHAPTER 14

### PLANT VARIETIES AND SEEDS ACT 1964

#### PART I

##### PLANT BREEDERS' RIGHTS

- 1 Grant of plant breeders' rights.
- 2 Conditions for grant of rights.
- 3 Period for which rights are exercisable.
- 4 The nature of the rights.
- 5 Naming of protected plant varieties.
- 5A Requirement to use registered names on sale of reproductive material.
- 6 Maintenance of reproductive material.
- 7 Compulsory licences.
- 8 †Exclusion from Restrictive Trade Practices Act 1956.
- 9 Regulations, as to applications, fees, etc.
- 10 The Tribunal.
- 11 The Plant Variety Rights Office.
- 12 .....
- 13 False representations as to rights and false information.
- 14 Application of Part I to the Crown.
- 15 Interpretation of Part I.

#### PART II

##### SEEDS AND SEED POTATOES

##### *Regulation of sales*

- 16 Seeds regulations.
- 17 Civil liabilities of sellers of seeds.
- 18 Defences in proceedings for offences against seeds regulations.

*Status: Point in time view as at 01/01/2016.*

*Changes to legislation: Plant Varieties and Seeds Act 1964 is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- 19 Presumption as respects statutory statements under seeds regulations.  
20—23A .....

*Official testing stations*

- 24 Official testing stations and certificates of test.

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26 Use of samples in criminal proceedings.  
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28 Institution of criminal proceedings.  
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- 32 .....  
33 Measures to prevent injurious cross-pollination affecting crops of seeds.

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- 34 The gazette.  
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36 Supplemental provisions as to regulations.  
37 Departmental expenses and payments into Exchequer.  
38 Interpretation.  
39 Extension of Act to Northern Ireland.  
40 Extension of Act to Isle of Man and Channel Islands.  
41 Short title and commencement.

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**SCHEDULES**

**SCHEDULE 1 —**

- 1 (1) An applicant for the grant of plant breeders' rights...  
2 (1) While a protective direction is in force, anything which,...  
3 (1) The Controller may at any time, if in all...  
4 (1) If at any time the Controller is satisfied that...

**SCHEDULE 2 —**

**Part I — PRIORITIES BETWEEN APPLICANTS FOR RIGHTS**

- 1 (1) If the variety was independently bred or discovered by...  
2 (1) For the purposes of the foregoing paragraph an application...  
3 Regulations under section 9 of this Act may provide for...

**Part II — RULES FOR GRANT OF RIGHTS**

*Distinctness*

- 1 (1) The variety must be clearly distinguishable by one or...

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*Previous commercialisation*

- 2 (1) Subject to this Schedule, in the period before the...
- 3 (1) Where an application in the form prescribed for the...

*Uniformity*

- 4 The variety must be sufficiently uniform or homogeneous having regard...

*Stability*

- 5 The variety must be stable in its essential characteristics, that...

SCHEDULE 3 —

*Sale of cut blooms, fruit, etc.*

- 1 (1) If it appears to the Ministers that, in the...

*Use of reproductive material for production of certain other plant varieties*

- 2 Plant breeders' rights shall include the exclusive right to do,...

SCHEDULE 4 —

*The Chairman*

- 1 (1) The Lord Chancellor shall appoint a chairman for the...
- 2 In the case of the temporary absence or inability to...
- 3 In relation to proceedings before the Tribunal in Scotland—
- 4 .....

*The two panels*

- 5 (1) The Ministers shall draw up and from time to...

*Remuneration of members of Tribunal*

- 6 The Ministers may pay to members of the Tribunal such...

*Officers and servants*

- 7 (1) The Ministers may appoint such officers and servants of...

*Procedure*

- 8 (1) The jurisdiction of the Tribunal shall be exercised by...
- 9 (1) The Tribunal in exercising their statutory jurisdiction may order...

SCHEDULE 5 — . . .

SCHEDULE 6 — Repeals of Seeds Enactments

SCHEDULE 7 — Cross-Pollination Injuring Protected Crops

- 1 An application under section 33 of this Act seeking the...
- 2 Before deciding whether to issue a notice in accordance with...
- 3 The Minister shall, if requested within such time as may...

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#### 4 In deciding whether to issue a notice in accordance with...

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