



# Plant Varieties and Seeds Act 1964

## 1964 CHAPTER 14

### PART I

#### PLANT BREEDERS' RIGHTS

#### **9 Regulations as to applications, fees, etc.**

(1) Regulations may be made under this section by the Ministers as respects the manner in which the Controller is to discharge his functions under this Part of this Act, and in particular as respects—

- (a) applications for the grant of plant breeders' rights and other applications to the Controller under this Part of this Act, and
- (b) the charging of fees, including periodical fees payable by persons holding plant breeders' rights,

and regulations concerning fees charged by the Controller shall be separate regulations made with the approval of the Treasury.

(2) Regulations under this section may authorise the Controller—

- (a) in the case of a failure to pay any fees payable in connection with any application to him under this Part of this Act, to refuse the application, and
- (b) in the case of a failure by a holder of plant breeders' rights to pay any fees payable in connection with those rights, to terminate the period for which the rights are exercisable,

with or without, in any case, a right of appeal against the Controller's decision, and may provide for the restoration of the application or the rights if the failure to pay fees is made good.

(3) The regulations shall provide for affording, before the Controller makes a decision to which this subsection applies, both to the person entitled to appeal to the Tribunal against that decision, and to persons of such other descriptions as may be prescribed by the regulations, an opportunity of making representations to the Controller and of being heard by the Controller or by a person appointed by the Controller for the purpose.

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*Status: This is the original version (as it was originally enacted).*

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This subsection applies to any decision of the Controller against which, under the provisions contained in this Part of this Act, an appeal lies to the Tribunal.

- (4) The regulations may, in addition to the rights of appeal conferred by the provisions contained in this Part of this Act, confer a right of appeal to the Tribunal against any decision of the Controller under regulations made under section 5 of this Act or this section.
- (5) Regulations under this section may in particular—
  - (a) prescribe the information and facilities to be afforded by an applicant and the reproductive material and other plant material to be submitted at the time of the application or subsequently,
  - (b) prescribe the tests, trials, examinations and other steps to be taken by the applicant or the Controller before any application is granted, and the time within which any such steps are to be taken,
  - (c) restrict the making of repeated applications on the same subject,
  - (d) prescribe the circumstances in which representations may be made regarding any decision on any application,
  - (e) make provision as to the keeping of registers and records by the Controller and their rectification, and prescribe (the circumstances in which they may be inspected by members of the public,
  - (f) make provision for the publication or service of notice of applications and of the Controller's decisions,
  - (g) prescribe the manner of dealing with objections to applications.
- (6) Subject to the provisions of this section requiring the approval of the Treasury for regulations concerning fees, any regulations under this section shall be made by the Ministers by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.