

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Plant Varieties Act 1983 (repealed 8.5.1998). (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 4.

AMENDMENTS OF THE 1964 ACT

- 1 (1) In subsection (1) of section 4 of the 1964 Act (the nature of plant breeders' rights) after the word "sell" there shall be inserted the words " or offer or expose for sale ".
- (2) In subsection (2) of that section after the word "sale" there shall be inserted the words " or offer or exposure for sale " and after the word "sold", in the first place where it occurs, there shall be inserted the words " or offered or exposed for sale ".
- (3) In subsection (5) of that section after the word "sell" there shall be inserted the words " or offer or expose for sale ".
- 2 (1) In subsection (1) of section 5A of the 1964 Act (requirement to use registered names on sale of reproductive material) after the word "offering" there shall be inserted the words " or exposing ".
- (2) In subsection (4) of that section the words "in connection with the registered name of a plant variety" shall be omitted and for the words from "other than" onwards there shall be substituted the words "if—
 - (a) that mark or name and the registered name are juxtaposed; and
 - (b) the registered name is easily recognisable."
- (3) In subsection (5) of that section the words "or to imprisonment for a term not exceeding three months, or to both" shall cease to have effect.
- 3 In subsections (1) and (2) of section 13 of the 1964 Act (false representations as to rights and false information) the words ("or to imprisonment for a term not exceeding three months, or to both" shall cease to have effect.
- 4 (1) In subsection (1) of section 15 of the 1964 Act (interpretation of Part I), in paragraph (d) for the words "ornamental plants and parts of ornamental plants when" there shall be substituted the words " plants or parts of plants of any ornamental variety when plants or parts of plants of that variety are ".
- (2) After that subsection there shall be inserted the following subsection—

"(1A) References in this Part of this Act to offering or exposing for sale plants or materials of any description include references to publishing, or causing to be published, any advertisement likely to be understood as conveying that the advertiser has plants or material of that description in his possession for the purpose of sale."

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- 5 In subsection (1) of section 38 of the 1964 Act (interpretation) in the definition of “plant variety” for the word “means” there shall be substituted the word “ includes ”.
- 6 In subsection (3)(b) of section 39 of the 1964 Act (extension of Act to Northern Ireland) the word “and” immediately following head (iv) shall cease to have effect and after head (v) there shall be inserted the words “and
 (vi) in paragraph 9(3) of Schedule 4, after the words ”this Act’ there were inserted the words ”or the Seeds Act (Northern Ireland) 1965”.
- 7 In paragraph 1(3) of Schedule 1 to the 1964 Act (protection of applicant for rights while application is pending) after the word “offer” there shall be inserted the words “ or exposure ” and the words from “or the exposure” onwards shall cease to have effect.
- 8 (1) In paragraph 1(1) of Part I of Schedule 2 to the 1964 Act (priorities between applicants for rights) after the words “those persons” there shall be inserted the words “ (and any successors in title of theirs) ” and for the words from “in the form” to “section 9 of” there shall be substituted the word “ under ”.
- (2) In subparagraph (3) of paragraph (2) of that Part of that Schedule for the words from “in the form” to “being a form” there shall be substituted the words “ being an application ”.
- 9 (1) In paragraph 1(1) of Part II of Schedule 2 to the 1964 Act (rules for grant of rights) for the words “morphological, physiological or other characteristics” there shall be substituted the words “ characteristics which are capable of precise description ”.
- (2) In subparagraphs (1) and (2) of paragraph 2 of that Part of that Schedule after the word “offered” there shall be inserted the words “ or exposed ”.
- (3) For the proviso to subparagraph (2) of that paragraph there shall be substituted the following proviso—
- “Provided that the restriction imposed by this subparagraph shall not apply to sales or offers or exposures for sale made outside the United Kingdom—
- (a) in the case of fruit, forest and ornamental trees and their rootstocks and grapevines and their rootstocks, during the period of six years ending with the date of the application;
- (b) in any other case, during the period of four years ending with that date.”
- (4) In subparagraphs (4)(a) and (5) of that paragraph after the word “offer” there shall be inserted the words “ or exposure ”.

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SCHEDULE 2

Section 6.

REPEALS

Chapter	Short title	Extent of repeal
1964 c. 14.	The Plant Varieties and Seeds Act 1964.	<p>In section 3, subsections (5) and (8) and, in subsection (9), the words “or subsection (8)”.</p> <p>In section 5A, in subsection (4) the words “in connection with the registered name of a plant variety” and in subsection (5) the words “or to imprisonment for a term not exceeding three months, or to both”.</p> <p>In section 13, in subsections (1) and (2) the words “or to imprisonment for a term not exceeding three months, or to both”.</p> <p>In section 39, in subsection (3)(b) the word “and” immediately following head (iv).</p> <p>In Schedule 1, in paragraph 1(3) the words from “or the exposure” onwards.</p>

The above repeals have effect subject to section 1(5) above.

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