



# Plant Varieties Act 1997

## CHAPTER 66

### PLANT VARIETIES ACT 1997

#### PART I

##### PLANT VARIETIES

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- 2 The Plant Variety Rights Office.

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- 3 Grant on application.
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- 5 Rights in relation to application period.

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- 7 Dependent varieties.

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- 9 Farm saved seed.
- 10 Exhaustion of rights.

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- 11 Duration.
- 12 Transmission.

*Changes to legislation: There are currently no known outstanding effects for the Plant Varieties Act 1997. (See end of Document for details)*

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### *Remedies for infringement*

- 13 Remedies for infringement.
- 14 Presumptions in proceedings relating to harvested material.
- 15 Presumptions in proceedings relating to products made from harvested material.

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- 18 Selection and registration of names.
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- 24 Right to be heard: general.
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- 37 Jurisdiction in relation to offences.
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- 42 The Tribunal.  
43 Jurisdiction under arbitration agreements.  
44 Statutory jurisdiction: regulations.  
45 Appeals from the Tribunal.  
46 Interpretation of Part II.

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of seeds regulations.

*General*

- 48 Regulations and orders.  
49 General interpretation.  
50 Receipts.  
51 Consequential amendments.  
52 Repeals.  
53 Extent.  
54 Short title and commencement.

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**SCHEDULES**

SCHEDULE 1 — The Plant Variety Rights Office

*Staff*

- 1 The Ministers may appoint a deputy controller and such other...

*Remuneration*

- 2 There shall be paid to the Controller and any other...

*Authority of officers*

- 3 Any act or thing directed to be done by or...

*Proof of documents*

- 4 Prima facie evidence, or in Scotland sufficient evidence, of any...  
5 Any document purporting to be certified in accordance with paragraph...

SCHEDULE 2 — Conditions for the grant of plant breeders' rights

Part I — CRITERIA FOR GRANT OF RIGHTS

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*Distinctness*

- 1 The variety shall be deemed to be distinct if it...

*Uniformity*

- 2 The variety shall be deemed to be uniform if, subject...

*Stability*

- 3 The variety shall be deemed to be stable if those...

*Novelty*

- 4 (1) The variety shall be deemed to be new if...  
 Part II — PRIORITIES BETWEEN APPLICANTS FOR RIGHTS  
 5 (1) If a variety is bred, or discovered and developed,...  
 6 (1) If the following conditions are met, an application for...  
 7 (1) Any priority which an application for the grant of...

SCHEDULE 3 — The Plant Varieties and Seeds Tribunal

*Constitution of the Tribunal*

- 1 In any case, the jurisdiction of the Tribunal shall be...

*Chairman*

- 2 (1) The Lord Chancellor shall appoint a person to be...  
 3 (1) The Lord President of the Court of Session shall...  
 4 (1) The Northern Ireland Judicial Appointments Commission shall  
 appoint a...  
 5 (1) Subject to sub-paragraph (2) below, a person's appointment under...  
 6 (1) In the case of the temporary absence or inability...

*The two panels*

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

*Selection from the panels*

- 8 (1) The members of the panels who are to deal...

*Sittings of the Tribunal*

- 9 The Tribunal may, for the purpose of hearing proceedings brought...

*Decisions of the Tribunal*

- 10 (1) Any decision of the Tribunal in exercise of their...

*Costs*

- 11 (1) In any proceedings brought before the Tribunal in England...  
 12 In any proceedings brought before the Tribunal in Scotland under...

*Rules*

- 13 (1) The Lord Chancellor may make rules as to the...

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*Remuneration of Tribunal members*

14 The Ministers may pay to members of the Tribunal such...

*Officers and servants*

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

*Interpretation*

16 In this Schedule— “appointing authority” means— in relation to an...

SCHEDULE 4 — Repeals

**Changes to legislation:**

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