



# Plant Varieties Act 1997

## 1997 CHAPTER 66

### PART II

#### THE PLANT VARIETIES AND SEEDS TRIBUNAL

#### **42 The Tribunal**

- (1) There shall continue to be a tribunal known as the Plant Varieties and Seeds Tribunal (“the Tribunal”).
- (2) Schedule 3 to this Act (which makes provision about the Tribunal) shall have effect.

#### **43 Jurisdiction under arbitration agreements**

- (1) The Tribunal shall hear and determine any matters agreed to be referred to the Tribunal by any arbitration agreement relating to the infringement of plant breeders' rights, or to matters which include the infringement of plant breeders' rights.
- (2) The fees payable to the Tribunal for acting under any arbitration agreement shall be such as the Tribunal may determine.
- (3) Nothing in section 4 of the Arbitration (Scotland) Act 1894 (power to name oversman) shall be taken as applying to the Tribunal.
- (4) In the application of this section to England and Wales or Northern Ireland, “arbitration agreement” has the same meaning as in Part I of the Arbitration Act 1996.

#### **44 Statutory jurisdiction: regulations**

The Ministers may, as respects appeals to the Tribunal under their statutory jurisdiction, by regulations—

- (a) make provision for determining in which part of the United Kingdom an appeal is to be heard,

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*Status: This is the original version (as it was originally enacted).*

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- (b) make provision authorising persons other than the person by whom an appeal is made and the authority whose decision is appealed against to appear and be heard as parties to the appeal,
- (c) make provision for suspending, or authorising or requiring the suspension of, the operation of a decision pending final determination of an appeal against it, or
- (d) make provision for the publication of notices or the taking of other steps for securing that the persons affected by the suspension of the operation of a decision appealed against will be informed of its suspension.

#### **45 Appeals from the Tribunal**

- (1) In relation to any decision of the Tribunal on an appeal under their statutory jurisdiction, section 11 of the Tribunals and Inquiries Act 1992 (appeal on point of law) shall apply as if the Tribunal were included among the tribunals mentioned in subsection (1) of that section.
- (2) Subject to any right of appeal by virtue of subsection (1) above, any decision of the Tribunal on an appeal under their statutory jurisdiction shall be final and conclusive.

#### **46 Interpretation of Part II**

In this Part of this Act, references to the statutory jurisdiction of the Tribunal are to any jurisdiction of the Tribunal under Part I of this Act, Part II of the Plant Varieties and Seeds Act 1964 or the Seeds Act Northern Ireland) 1965.