

1969 No. 1024

PLANT BREEDERS' RIGHTS
**The Plant Breeders' Rights
(Trees, Shrubs and Woody Climbers) Scheme 1969**

Made - - - - - 23rd July 1969

Laid before Parliament 6th August 1969

Coming into Operation 7th August 1969

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for the Home Department (being the Secretary of State concerned with agriculture in Northern Ireland), acting jointly, in exercise of the powers conferred on them by sections 1, 3, 5 and 7 of, and paragraph 1 of Schedule 3 to, the Plant Varieties and Seeds Act 1964(a), as extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(b), and of all other powers enabling them in that behalf, after consultation with the Controller of Plant Variety Rights and with representatives of such interests as appear to them to be concerned, hereby make the following Scheme:—

Citation and Commencement

1. This Scheme may be cited as the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1969 and shall come into operation on 7th August 1969.

Interpretation

2.—(1) In this Scheme, unless the context otherwise requires—

“the Act” means the Plant Varieties and Seeds Act 1964 as extended to Northern Ireland;

“the Controller” means the Controller of Plant Variety Rights;

“plant breeders' rights” means rights which may be granted in accordance with Part I of the Act;

“plant variety” means any clone, line, hybrid or genetic variant.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

Plant Varieties for which Plant Breeders' Rights may be granted

3. There are prescribed for the purposes of the grant of plant breeders' rights all plant varieties of trees, shrubs and woody climbers which conform with the characteristics of cultivated plant varieties of any of the genera or species specified in column 1 of the Schedule to this Scheme.

(a) 1964 c. 14.
(c) 1889 c. 63.

(b) S.I. 1964/1574 (1964 III, p. 3543).

Period for which Rights are Exercisable

4. The period for which plant breeders' rights shall be exercisable in respect of any of the plant varieties referred to in the last preceding paragraph shall be the period of years specified in column 2 of the said Schedule opposite the genus or species to which that plant variety belongs.

Classes of Plant Varieties for the Purposes of Section 5(7) of the Act

5. In relation to any of the varieties referred to in paragraph 3 of this Scheme, the class of plant varieties prescribed for the purposes of section 5(7) of the Act (which enables classes of plant varieties to be prescribed in connection with the use of names likely to deceive or cause confusion) consists of all plant varieties of the genus or species specified in column 3 of the said Schedule opposite the genus or species to which that plant variety belongs.

Periods prescribed for Purposes of Section 7(2) of the Act

6. In relation to any of the plant varieties referred to in paragraph 3 of this Scheme the period, if any, prescribed for the purposes of section 7(2) of the Act (which enables a provision to be made whereby a compulsory licence granted by the Controller as respects a plant variety of a species or group specified in a scheme shall not have effect for a prescribed period after the grant of rights in that plant variety) shall be the period of years specified in column 4 of the said Schedule opposite the genus or species to which that plant variety belongs.

Additional Rights

7. Plant breeders' rights exercisable in respect of any of the plant varieties referred to in paragraph 3 of this Scheme shall, where the word "included" appears in column 5 of the said Schedule opposite the genus or species to which that plant variety belongs, include the exclusive right to produce or propagate and to authorise others to produce or propagate that plant variety for the purpose of selling cut blooms, foliage or stems thereof.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th July 1969.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 21st July 1969.

(L.S.)

William Ross,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department 23rd July 1969.

James Callaghan,
Secretary of State for the Home Department.

SCHEDULE

Paragraphs 3,4,5,6, and 7

Column 1 Genus or Species	Column 2 Period of years for which Rights are exercisable	Column 3 Classes of plant varieties prescribed for purposes of section 5(7)	Column 4 Period of years prescribed for purposes of section 7(2)	Column 5 Additional Rights
<i>Abelia</i> R. Br.	15	<i>Abelia</i>	2	
<i>Abutilon megapotamicum</i> St. Hil. & Naud.	15	<i>Abutilon</i>	2	
<i>Abutilon</i> × <i>milleri</i> Hort.	15	<i>Abutilon</i>	2	
<i>Abutilon ochsenii</i> (Phil.) Philippi	15	<i>Abutilon</i>	2	
<i>Abutilon vitifolium</i> Presl	15	<i>Abutilon</i>	2	
<i>Acer</i> L.	25	<i>Acer</i>	3	
<i>Actinidia</i> Lindl.	15	<i>Actinidia</i>	2	
<i>Aesculus</i> L. excluding <i>Aesculus parviflora</i> Walt.	25	<i>Aesculus</i>	3	
<i>Aesculus parviflora</i> Walt.	15	<i>Aesculus</i>	2	
<i>Alnus</i> Mill.	25	<i>Alnus</i>	3	
<i>Amelanchier</i> Medik.	15	<i>Amelanchier</i>	2	
<i>Ampelopsis</i> Hort.	15	<i>Ampelopsis</i> and <i>Parthenocissus</i>	2	
<i>Andromeda</i> L.	20	<i>Andromeda</i> , <i>Leucothoe</i> and <i>Pieris</i>	2	
<i>Aralia chinensis</i> L.	25	<i>Aralia</i>	5	
<i>Aralia elata</i> (Miq.) Seem.	25	<i>Aralia</i>	5	
<i>Aralia spinosa</i> L.	25	<i>Aralia</i>	5	
<i>Arbutus</i> L.	25	<i>Arbutus</i>	5	
<i>Arctostaphylos</i> Adans.	25	<i>Arctostaphylos</i>	5	
<i>Aronia</i> Medik.	15	<i>Aronia</i>	2	
<i>Aucuba</i> Thunb.	20	<i>Aucuba</i>	3	Included
<i>Berberis</i> L.	15	<i>Berberis</i>	2	
<i>Betula</i> L.	25	<i>Betula</i>	5	
<i>Buddleia</i> L. excluding <i>B. asiatica</i> Lour., <i>B. auriculata</i> Benth., <i>B. madagascariensis</i> Lam. and <i>B. officinalis</i> Maxim.	15	<i>Buddleia</i>	2	
<i>Buxus</i> L.	20	<i>Buxus</i>	3	Included

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<i>Callicarpa</i> L. excluding <i>C. purpurea</i> Juss. and <i>C. rubella</i> Lindl.	15	<i>Callicarpa</i>	2	
<i>Calluna</i> Salisb.	20	<i>Calluna</i> , <i>Erica</i> and <i>Daboecia</i>	3	Included
<i>Camellia japonica</i> L.	25	<i>Camellia</i>	5	Included
<i>Camellia reticulata</i> Lindl.	25	<i>Camellia</i>	5	Included
<i>Camellia saluenensis</i> Stapf ex Bean	25	<i>Camellia</i>	5	Included
<i>Camellia saluenensis</i> Stapf ex Bean × <i>C. reticulata</i> Lindl.	25	<i>Camellia</i>	5	Included
<i>Camellia sasanqua</i> Thunb.	25	<i>Camellia</i>	5	Included
<i>Camellia</i> × <i>williamsii</i> W.W. Sm.	25	<i>Camellia</i>	5	Included
<i>Campsis</i> Lour. (<i>Tecoma</i>)	25	<i>Campsis</i>	5	
<i>Caragana</i> Fabr.	25	<i>Caragana</i>	5	
<i>Carpinus</i> L.	25	<i>Carpinus</i>	5	
<i>Caryopteris</i> Bunge	15	<i>Caryopteris</i>	2	
<i>Cassiope</i> D. Don	20	<i>Cassiope</i>	3	
<i>Castanea</i> Mill.	25	<i>Castanea</i>	3	
<i>Catalpa</i> v. Wolf	25	<i>Catalpa</i>	5	
<i>Ceanothus</i> L.	15	<i>Ceanothus</i>	2	
<i>Ceratostigma</i> Bunge excluding <i>C. plumbaginoides</i> Bunge	15	<i>Ceratostigma</i>	2	
<i>Cercidiphyllum</i> Sieb. & Zucc.	25	<i>Cercidiphyllum</i>	3	
<i>Cercis</i> L.	25	<i>Cercis</i>	3	
<i>Chaenomeles</i> Lindl. (<i>Cydonia</i>)	15	<i>Chaenomeles</i> and <i>Cydonia</i>		
<i>Chimonanthus</i> Lindl.	25	<i>Chimonanthus</i>	5	
<i>Cistus</i> L.	15	<i>Cistus</i>	2	
<i>Clematis</i> L. excluding <i>C. heracleifolia</i> DC.	15	<i>Clematis</i>	2	
<i>Clethra acuminata</i> Michx.	15	<i>Clethra</i>	2	
<i>Clethra alnifolia</i> L.	15	<i>Clethra</i>	2	
<i>Clethra barbinervis</i> Sieb. & Zucc.	15	<i>Clethra</i>	2	

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<i>Clethra fargesii</i> Franch.	15	<i>Clethra</i>	2	
<i>Clethra tomentosa</i> Lam.	15	<i>Clethra</i>	2	
<i>Cornus alba</i> L.	15	<i>Cornus</i>	2	
<i>Cornus controversa</i> Hemsl.	25	<i>Cornus</i>	5	
<i>Cornus florida</i> L.	25	<i>Cornus</i>	5	
<i>Cornus kousa</i> (Buerger ex Miq.) Hance	25	<i>Cornus</i>	5	
<i>Cornus mas</i> L.	25	<i>Cornus</i>	5	
<i>Cornus nuttallii</i> Audubon	25	<i>Cornus</i>	5	
<i>Corylopsis</i> Sieb. & Zucc.	20	<i>Corylopsis</i>	3	
<i>Cotinus</i> Mill. (<i>Rhus</i> L. in part)	15	<i>Cotinus</i> and <i>Rhus</i>	2	
<i>Cotoneaster</i> [B. Ehrh.] Medik.	15	<i>Cotoneaster</i>	2	Included
<i>Crataegus</i> L.	25	<i>Crataegus</i>	3	
<i>Cydonia</i> (see <i>Chaenomeles</i>)				
<i>Cytisus</i> L. excluding <i>C. canariensis</i> Steud. and <i>C. fragrans</i> Lam.	15	<i>Cytisus</i> , <i>Genista</i> and <i>Spartium</i>	2	Included
<i>Daboecia</i> D. Don	20	<i>Daboecia</i> , <i>Calluna</i> and <i>Erica</i>	3	
<i>Daphne</i> L.	25	<i>Daphne</i>	5	
<i>Deutzia</i> Thunb.	15	<i>Deutzia</i>	2	Included
<i>Diervilla</i> Mill.	15	<i>Diervilla</i>	2	Included
<i>Elaeagnus</i> L.	20	<i>Elaeagnus</i>	3	
<i>Embothrium</i> J. R. & G. Forst.	25	<i>Embothrium</i>	5	
<i>Enkianthus</i> Lour.	25	<i>Enkianthus</i>	5	
<i>Erica arborea</i> L.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica australis</i> L.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica carnea</i> L.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica ciliaris</i> L.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica cinerea</i> L.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included

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<i>Erica</i> × <i>darleyensis</i> Bean	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica lusitanica</i> Rudolfi	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica mackaiana</i> Bab.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica mediterranea</i> Hort.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica</i> × <i>praegeri</i> Ostenf.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica scoparia</i> L.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica terminalis</i> Salisb.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica tetralix</i> L.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica vagans</i> L.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica</i> × <i>veitchii</i> Bean	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica</i> × <i>watsonii</i> Benth.	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica</i> × <i>williamsii</i> Druce	20	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Escallonia</i> Mutis ex L.f.	15	<i>Escallonia</i>	2	
<i>Eucalyptus</i> L'Hérit.	25	<i>Eucalyptus</i>	5	Included
<i>Eucryphia cordifolia</i> Cav.	25	<i>Eucryphia</i>	5	
<i>Eucryphia glutinosa</i> (Poepp. & Endl.) Baill.	25	<i>Eucryphia</i>	5	
<i>Eucryphia</i> × <i>intermedia</i> Bausch	25	<i>Eucryphia</i>	5	
<i>Eucryphia</i> × <i>nymansensis</i> Bausch	25	<i>Eucryphia</i>	5	
<i>Euonymus</i> L.	15	<i>Euonymus</i>	2	
<i>Exochorda</i> Lindl.	15	<i>Exochorda</i>	2	
<i>Fagus</i> L.	25	<i>Fagus</i>	5	
× <i>Fatschedera</i> Guillaumin	25	× <i>Fatschedera</i> , <i>Fatsia</i> and <i>Hedera</i>	5	
<i>Forsythia</i> Vahl.	15	<i>Forsythia</i>	2	Included

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<i>Fraxinus</i> L.	25	<i>Fraxinus</i>	3	
<i>Fuchsia magellanica</i> Lam. var. <i>macrostemma</i> (Ruiz & Pavon) Munz	15	<i>Fuchsia</i>	2	
<i>Fuchsia magellanica</i> Lam. var. 'Riccartonii'	15	<i>Fuchsia</i>	2	
<i>Garrya elliptica</i> Douglas ex Lindl.	20	<i>Garrya</i>	3	
<i>Garrya</i> × <i>thuretii</i> Carr.	20	<i>Garrya</i>	3	
× <i>Gaulnettya</i> W. J. Marchant	20	× <i>Gaulnettya</i> and <i>Gaultheria</i>	3	
<i>Gaultheria</i> Kalm ex L.	20	<i>Galutheria</i> and × <i>Gaulnettya</i>	3	
<i>Gaya</i> (see <i>Hoheria</i>)				
<i>Genista</i> L.	15	<i>Genista</i> , <i>Cytisus</i> and <i>Spartium</i>	2	
<i>Gleditsia</i> L.	25	<i>Gleditsia</i>	3	
<i>Halesia</i> J. Ellis ex L.	15	<i>Halesia</i>	2	
<i>Hamamelis</i> L.	25	<i>Hamamelis</i>	3	Included
<i>Hebe</i> Comm. ex Juss. excluding <i>H. speciosa</i> (Cunn.) Cockayne & Allan	15	<i>Hebe</i>	2	
<i>Hedera</i> L.	15	<i>Hedera</i> , <i>Fatsia</i> and × <i>Fatshedera</i>	2	
<i>Helianthemum</i> Mill.	15	<i>Helianthemum</i>	2	
<i>Hibiscus sinosyrriacus</i> Bailey	20	<i>Hibiscus</i>	3	
<i>Hibiscus syriacus</i> L.	20	<i>Hibiscus</i>	3	
<i>Hoheria</i> A. Cunn. (<i>Plagianthus</i> , <i>Gaya</i>)	25	<i>Hoheria</i>	5	
<i>Hydrangea</i> L.	15	<i>Hydrangea</i>	2	Included
<i>Hypericum</i> L.	15	<i>Hypericum</i>	2	
<i>Ilex</i> × <i>altaclarensis</i> (Loudon) Dallim.	25	<i>Ilex</i>	5	Included
<i>Ilex aquifolium</i> L.	25	<i>Ilex</i>	5	Included
<i>Indigofera amblyantha</i> Craib	15	<i>Indigofera</i>	2	
<i>Indigofera gerardiana</i> (Wall.) Bak.	15	<i>Indigofera</i>	2	

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<i>Indigofera hebeptala</i> Benth. ex Baker	15	<i>Indigofera</i>	2	
<i>Indigofera incarnata</i> (Willd.) Nakai	15	<i>Indigofera</i>	2	
<i>Indigofera kirilowi</i> Maxim. ex Palibin	15	<i>Indigofera</i>	2	
<i>Indigofera potaninii</i> Craib	15	<i>Indigofera</i>	2	
<i>Indigofera pseudotinctoria</i> Matsum.	15	<i>Indigofera</i>	2	
<i>Jasminum beesianum</i> Forr. & Diels	15	<i>Jasminum</i>	2	
<i>Jasminum grandiflorum</i> L.	15	<i>Jasminum</i>	2	
<i>Jasminum humile</i> L. (including <i>J. wallichianum</i> Lindl.)	15	<i>Jasminum</i>	2	
<i>Jasminum nudiflorum</i> Lindl.	15	<i>Jasminum</i>	2	
<i>Jasminum officinale</i> L.	15	<i>Jasminum</i>	2	
<i>Jasminum</i> × <i>stephanense</i> Lemoine	15	<i>Jasminum</i>	2	
<i>Kalmia</i> L.	25	<i>Kalmia</i>	5	
<i>Kerria</i> DC.	15	<i>Kerria</i>	2	Included
<i>Kolkwitzia</i> Graebn.	15	<i>Kolkwitzia</i>	2	
<i>Laburnum</i> Fabr.	25	<i>Laburnum</i>	3	
<i>Lavandula officinalis</i> Chaix ex Villars	15	<i>Lavandula</i>	2	Included
<i>Lavandula spica</i> Cav.	15	<i>Lavandula</i>	2	Included
<i>Leptospermum scoparium</i> Forst.	15	<i>Leptospermum</i>	2	
<i>Leucothoe</i> D. Don	20	<i>Leucothoe</i> , <i>Andromeda</i> and <i>Pieris</i>	3	
<i>Ligustrum</i> L.	15	<i>Ligustrum</i>	2	Included
<i>Liquidambar</i> L.	25	<i>Liquidambar</i>	3	
<i>Liriodendron</i> L.	25	<i>Liriodendron</i>	3	
<i>Lithospermum</i> L.	15	<i>Lithospermum</i>	2	
<i>Lonicera</i> L.	15	<i>Lonicera</i>	2	
<i>Lupinus</i> L.	20	<i>Lupinus</i>	3	
<i>Magnolia</i> L.	25	<i>Magnolia</i>	5	Included

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× <i>Mahoberberis</i> C.K. Schneider	20	× <i>Mahoberberis</i> , <i>Berberis</i> and <i>Mahonia</i>	3	
<i>Mahonia aquifolium</i> (Pursh) Nutt.	20	<i>Mahonia</i>	3	
<i>Mahonia acanthifolia</i> G. Don	20	<i>Mahonia</i>	3	
<i>Mahonia bealei</i> (Fortune) Carr.	20	<i>Mahonia</i>	3	
<i>Mahonia japonica</i> (Thunb.) DC.	20	<i>Mahonia</i>	3	
<i>Mahonia lomariifolia</i> Takeda	20	<i>Mahonia</i>	3	
<i>Mahonia pumila</i> (Greene) Fedde	20	<i>Mahonia</i>	3	
<i>Mahonia repens</i> (Lindl.) G. Don	20	<i>Mahonia</i>	3	
<i>Malus</i> Mill. excluding <i>M. domestica</i> Borkh. and all varieties of apple rootstocks of <i>Malus</i> spp.	25	<i>Malus</i> excluding <i>M. domestica</i> and all varieties of apple rootstocks of <i>Malus</i> spp.	3	Included
<i>Menziesia</i> Sm.	20	<i>Menziesia</i>	3	
<i>Nothofagus</i> Blume.	25	<i>Nothofagus</i>	3	
<i>Olearia albida</i> (Hook. f.) Hook.f.	15	<i>Olearia</i>	2	
<i>Olearia</i> × <i>haastii</i> Hook.f.	15	<i>Olearia</i>	2	
<i>Olearia ilicifolia</i> Hook.f.	15	<i>Olearia</i>	2	
<i>Olearia macrodonta</i> Baker	15	<i>Olearia</i>	2	
<i>Olearia moschata</i> Hook.f.	15	<i>Olearia</i>	2	
<i>Olearia numulariifolia</i> (Hook.f.) Hook.f.	15	<i>Olearia</i>	2	
<i>Osmanthus heterophyllus</i> (G. Don) P. S. Green (syn. <i>O. aquifolium</i> Sieb., <i>O. ilicifolius</i> Mouillef.)	15	<i>Osmanthus</i>	2	
<i>Paeonia</i> L.	20	<i>Paeonia</i>	3	
<i>Parrotia</i> C. A. Mey.	25	<i>Parrotia</i>	5	
<i>Parthenocissus</i> Planch.	15	<i>Parthenocissus</i> and <i>Ampelopsis</i>	2	
<i>Passiflora coerulea</i> L.	15	<i>Passiflora</i>	2	
<i>Pernettya</i> Gaudich.	20	<i>Pernettya</i>	3	
<i>Perovskia</i> Karelin.	15	<i>Perovskia</i>	2	
<i>Philadelphus</i> L.	15	<i>Philadelphus</i>	2	Included

Column 1 Genus or Species	Column 2 Period of years for which Rights are exercisable	Column 3 Classes of plant varieties prescribed for purposes of section 5(7)	Column 4 Period of years prescribed for purposes of section 7(2)	Column 5 Additional Rights
<i>Phillyrea</i> L.	15	<i>Phillyrea</i>	2	
<i>Phlomis fruticosa</i> L.	15	<i>Phlomis</i>	2	
<i>Phormium</i> J. R. & G. Forst.	20	<i>Phormium</i>	3	
<i>Photinia</i> Lindl.	25	<i>Photinia</i>	3	
<i>Pieris</i> D. Don	25	<i>Pieris</i> , <i>Leucothoe</i> and <i>Andromeda</i>	5	
<i>Pittosporum</i> Banks ex Soland. apud Gaertn.	15	<i>Pittosporum</i>	2	Included
<i>Plagianthus</i> (see <i>Hoheria</i>)				
<i>Platanus</i> L.	25	<i>Platanus</i>	3	
<i>Populus</i> L.	25	<i>Populus</i>	3	
<i>Potentilla fruticosa</i> L.	15	<i>Potentilla</i>	2	
<i>Potentilla fruticosa</i> L. var. <i>davurica</i> (Nestl.) Seringe (<i>P. glabra</i> Loddiges)	15	<i>Potentilla</i>	2	
<i>Potentilla fruticosa</i> L. var. <i>rigida</i> (Wall. ex Lehm.) T. H. Wolf (<i>P. arbuscula</i> D. Don)	15	<i>Potentilla</i>	2	
<i>Prunus</i> L. excluding <i>P. domestica</i> L., <i>P. cerasifera</i> Ehrh. and <i>P. insititia</i> L., all plant varieties of plum and damson rootstocks of the species <i>P. domestica</i> , <i>P. cerasifera</i> or <i>P. insititia</i> including hybrids derived from any two or all of these species and those <i>Prunus</i> species detailed below.	25	<i>Prunus</i> excluding <i>P. domestica</i> , <i>P. cerasifera</i> and <i>P. insititia</i> , all plant varieties of plum and damson rootstocks of the species <i>P. domestica</i> , <i>P. cerasifera</i> or <i>P. insititia</i> including hybrids derived from any two or all of these species.	3	Included
<i>Prunus</i> × <i>amygdalopersica</i> (Weston) Rehd.	25	<i>Prunus</i>	3	Included
<i>Prunus</i> × <i>cistena</i> N. E. Hansen	15	<i>Prunus</i>	2	
<i>Prunus concinna</i> Koehne	15	<i>Prunus</i>	2	
<i>Prunus glandulosa</i> Thunb.	15	<i>Prunus</i>	2	
<i>Prunus laurocerasus</i> L.	15	<i>Prunus</i>	2	Included
<i>Prunus lusitanica</i> L.	15	<i>Prunus</i>	2	Included

Column 1 Genus or Species	Column 2 Period of years for which Rights are exercisable	Column 3 Classes of plant varieties prescribed for purposes of section 5(7)	Column 4 Period of years prescribed for purposes of section 7(2)	Column 5 Additional Rights
<i>Prunus maritima</i> Wangenh.	15	<i>Prunus</i>	2	
<i>Prunus prostrata</i> Labill.	15	<i>Prunus</i>	2	
<i>Prunus tenella</i> Batsch.	15	<i>Prunus</i>	2	
<i>Prunus triloba</i> Lindl.	15	<i>Prunus</i>	2	Included
<i>Pyracantha</i> M. Roem.	15	<i>Pyracantha</i>	2	Included
<i>Pyrus</i> L. excluding <i>P. communis</i> L. and all varieties of pear rootstocks of <i>Pyrus</i> spp.	25	<i>Pyrus</i> excluding <i>P. communis</i> and all varieties of pear rootstocks of <i>Pyrus</i> spp.	3	
<i>Quercus</i> L.	25	<i>Quercus</i>	5	Included
<i>Rhamnus</i> L.	25	<i>Rhamnus</i>	3	
<i>Rhus</i> L.	15	<i>Rhus</i> and <i>Cotinus</i>	2	
<i>Ribes</i> L. excluding <i>R. nigrum</i> L., <i>R. ussuriense</i> Jancz., <i>R. dikuscha</i> Fisch. ex Turcz. and <i>R. sativum</i> (Reichenb.) Syme	15	<i>Ribes</i> excluding <i>R. nigrum</i> , <i>R. ussuriense</i> , <i>R. dikuscha</i> and <i>R. sativum</i>	2	
<i>Robinia</i> L.	25	<i>Robinia</i>	3	
<i>Romneya</i> Harv.	15	<i>Romneya</i>	2	
<i>Rosmarinus officinalis</i> L.	15	<i>Rosmarinus</i>	2	
<i>Rubus</i> L. excluding <i>R. idaeus</i> L., <i>R. occidentalis</i> L. and <i>R. strigosus</i> Michx.	15	<i>Rubus</i> excluding <i>R. idaeus</i> , <i>R. occidentalis</i> and <i>R. strigosus</i>	2	
<i>Ruta</i> L.	15	<i>Ruta</i>	2	
<i>Salix</i> L.	25	<i>Salix</i>	3	Included
<i>Salvia officinalis</i> L.	15	<i>Salvia</i>	2	Included
<i>Sambucus</i> L.	15	<i>Sambucus</i>	2	
<i>Sarcococca</i> Lindl. excluding <i>S. saligna</i> Muell.	15	<i>Sarcococca</i>	2	
<i>Senecio laxifolius</i> Buch.	15	<i>Senecio</i>	2	
<i>Skimmia</i> Thunb.	20	<i>Skimmia</i>	3	
<i>Sophora</i> L.	25	<i>Sophora</i>	3	
<i>Sorbus</i> L.	25	<i>Sorbus</i>	3	Included

Column 1 Genus or Species	Column 2 Period of years for which Rights are exercisable	Column 3 Classes of plant varieties prescribed for purposes of section 5(7)	Column 4 Period of years prescribed for purposes of section 7(2)	Column 5 Additional Rights
<i>Spartium</i> L.	15	<i>Spartium</i> , <i>Cytisus</i> and <i>Genista</i>	2	
<i>Spiraea</i> L.	15	<i>Spiraea</i>	2	Included
<i>Stachyurus</i> Sieb. & Zucc.	20	<i>Stachyurus</i>	3	
<i>Staphylea</i> L.	15	<i>Staphylea</i>	2	
<i>Stephanandra</i> Sieb. & Zucc.	15	<i>Stephanandra</i>	2	
<i>Stewartia</i> L.	25	<i>Stewartia</i>	3	
<i>Stranvaesia</i> Lindl.	25	<i>Stranvaesia</i>	5	
<i>Styrax</i> L.	20	<i>Styrax</i>	3	
<i>Symphoricarpos</i> Duham.	15	<i>Symphoricarpos</i>	2	Included
<i>Syringa</i> L. excluding <i>S. velutina</i> Komar. (<i>S. palabiniiana</i> Nakai)	15	<i>Syringa</i>	2	Included
<i>Syringa velutina</i> Komar. (<i>S. palabiniiana</i> Nakai)	25	<i>Syringa</i>	5	
<i>Tamarix</i> L.	15	<i>Tamarix</i>	2	
<i>Tecoma</i> (see <i>Campsis</i>)				
<i>Teucrium fruticans</i> L.	15	<i>Teucrium</i>	2	
<i>Tilia</i> L.	25	<i>Tilia</i>	3	
<i>Ulex</i> L.	15	<i>Ulex</i>	2	
<i>Ulmus</i> L.	25	<i>Ulmus</i>	3	
<i>Vaccinium</i> L. excluding <i>V. corymbosum</i> L.	25	<i>Vaccinium</i>	5	
<i>Viburnum</i> L.	15	<i>Virburnum</i>	2	
<i>Vinca major</i> L.	15	<i>Vinca</i>	2	
<i>Vinca minor</i> L.	15	<i>Vinca</i>	2	
<i>Vitis</i> L.	15	<i>Vitis</i>	2	
<i>Weigela</i> Thunb.	15	<i>Weigela</i>	2	Included
<i>Wisteria</i> Nutt.	25	<i>Wisteria</i>	5	
<i>Yucca</i> L. excluding <i>Y. aloifolia</i> L., <i>Y. baccata</i> Torr., and <i>Y. whipplei</i> Torr.	25	<i>Yucca</i>	5	
<i>Zelkova</i> Spach.	25	<i>Zelkova</i>	3	

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme, made under the Plant Varieties and Seeds Act 1964, prescribes the varieties of trees, shrubs and woody climbers, which belong to the genera or species which are specified in column 1 of the Schedule, in respect of which grants of plant breeders' rights may be made and also prescribes the periods of years, which are specified in column 2 of the Schedule, as those during which the rights may be exercised.

The aforesaid Act, as read with this Scheme, provides that infringements of the rights in the registered name of a variety of tree, shrub or woody climber may be the subject of legal proceedings when committed in connection with the class of variety which is specified for that purpose in column 3 of the Schedule.

This Scheme also provides that a compulsory licence granted by the Controller of Plant Variety Rights in respect of a variety of tree, shrub or woody climber shall not have effect during the period of years, if any, specified for that purpose in column 4 of the Schedule.

Plant breeders' rights in respect of certain varieties of tree, shrub or woody climber to which the Scheme applies are extended, where so indicated in column 5 of the Schedule, to the production and propagation of the varieties for the purpose of selling cut blooms, foliage or stems.