

1971 No. 1092

**PLANT BREEDERS' RIGHTS**  
**The Plant Breeders' Rights (Cymbidiums) Scheme 1971**

<i>Made</i> - - -	<i>6th July 1971</i>
<i>Laid before Parliament</i>	<i>14th July 1971</i>
<i>Coming into Operation</i>	<i>15th July 1971</i>

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 and 3 of, and paragraph 1 of Schedule 3 to, the Plant Varieties and Seeds Act 1964(a) (extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(b) and to the Isle of Man by the Plant Varieties and Seeds (Isle of Man) Order 1969(c)) 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 (Cymbidiums) Scheme 1971 and shall come into operation on 15th July 1971.

*Interpretation*

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

“the Act” means the Plant Varieties and Seeds Act 1964 ;

“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(d) 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 cymbidiums which conform with the characteristics of cultivated plant varieties of the genus *Cymbidium* Sw.

*Period for which Rights are Exercisable*

4. The period for which plant breeders' rights shall be exercisable in respect of the plant varieties referred to in the last preceding paragraph shall be 15 years.

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(a) 1964 c. 14.

(c) S.I. 1969/1829 (1961 III, p. 5701).

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

(d) 1889 c. 63.

*Additional Rights*

5. Plant breeders' rights exercisable in respect of the plant varieties referred to in paragraph 3 of this Scheme shall include the exclusive right to produce or propagate and to authorise others to produce or propagate any such plant variety for the purpose of selling cut blooms of that variety.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th June 1971.

(L.S.)

*J. M. L. Prior,*  
Minister of Agriculture, Fisheries and Food.

2nd July 1971.

*Gordon Campbell,*  
Secretary of State for Scotland.

6th July 1971.

*R. Maudling,*  
Secretary of State for the Home Department.

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## 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 cymbidiums in respect of which grants of plant breeders' rights may be made and also prescribes the period of 15 years as that during which the rights may be exercised.

Plant breeders' rights in respect of any variety of cymbidium to which the Scheme applies are extended to the production and propagation of the variety for the purpose of selling cut blooms.

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