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 STATUTORY INSTRUMENTS
 

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1985 No. 1090

## PLANT BREEDERS' RIGHTS

**The Plant Breeders' Rights (Herbaceous Perennials) (Variation)  
Scheme 1985**

<i>Made - - - -</i>	10th July 1985
<i>Laid before Parliament</i>	25th July 1985
<i>Coming into Operation</i>	16th August 1985

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 1(1) and (5), 3(1), 5(7) and 7(2) of, and paragraph 1(1) of Schedule 3 to, the Plant Varieties and Seeds Act 1964(a) as extended to Northern Ireland(b) and now vested in them(c), and the said Minister and the Secretary of State, acting jointly, in exercise of the said powers as extended to the Isle of Man(d), after consultation in accordance with section 1(5) of the said Act with the Controller of Plant Variety Rights and with representatives of such interests as appear to them to be concerned, and in exercise of all other powers enabling them in that behalf, hereby make the following scheme:—

*Title and commencement*

1. This scheme may be cited as the Plant Breeders' Rights (Herbaceous Perennials) (Variation) Scheme 1985 and shall come into operation on 16th August 1985.

*Variation of the principal scheme*

2. The Schedule to the Plant Breeders' Rights (Herbaceous Perennials) Scheme 1969(e) (which specifies the genera or species of herbaceous perennials of which varieties may be the subject of plant breeders' rights) is hereby varied by—

- (a) the insertion immediately after the item relating to *Cortaderia* Stapf of the following items—

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(a) 1964 c. 14; section 3 was amended by the Plant Varieties Act 1983 (c. 17), section 1 and paragraph 1(1) of Schedule 3 was amended by section 2 of that Act.

(b) By the Plant Varieties and Seeds (Northern Ireland) Order 1964 (S.I. 1964/1574).

(c) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.

(d) By the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829).

(e) S.I. 1969/1023, amended by the Plant Varieties Act 1983, section 1(4).

Column 1	Column 2	Column 3	Column 4	Column 5
Genus or Species	Period of years for which rights are exercisable	Classes of plant varieties prescribed for purposes of section 5(7)	Period of years prescribed for purposes of section 7(2)	Additional rights
" <i>Crocoshia</i> Planch.	25	{ <i>Crocoshia</i> <i>Curtonus</i>	3	Included
<i>Curtonus</i> N.E. Brown	25		3	Included

"; and

(b) the insertion immediately after the item relating to *Euphorbia* L. of the following item—

Column 1	Column 2	Column 3	Column 4	Column 5
" <i>Fragaria</i> L.	20	<i>Fragaria</i>	—	—

"

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th July 1985.



*Michael Jopling,*  
Minister of Agriculture,  
Fisheries and Food.

*George Younger,*  
Secretary of State for Scotland.

27th June 1985.

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3rd July 1985.

*Nicholas Edwards,*  
Secretary of State for Wales.

5th July 1985.

*Douglas Hurd,*  
Secretary of State for Northern Ireland.

Home Office.  
28th June 1985.

*Leon Brittan,*  
Secretary of State for the Home  
Department (being the Secretary of State  
concerned with matters relating to the Isle  
of Man).

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#### EXPLANATORY NOTE

*(This Note is not part of the Scheme.)*

This scheme varies the Plant Breeders' Rights (Herbaceous Perennials) Scheme 1969 by adding *Crocasmia* Planch., *Curtonus* N.E. Brown and *Fragaria* L. to the genera and species of which plant varieties may be the subject of plant breeders' rights under Part I of the Plant Varieties and Seeds Act 1964. The period prescribed as that during which rights may be exercised is twenty-five years in relation to varieties of *Crocasmia* and *Curtonus* and twenty years in relation to *Fragaria*. The 1969 Scheme, as read with the 1964 Act and as varied by paragraph 2 of this scheme, provides that infringements of the rights in the registered name of a variety of *Crocasmia*, *Curtonus* or *Fragaria* may be the subject of legal proceedings when committed in connection with any such variety.

The scheme also provides that a compulsory licence granted by the Controller of Plant Variety Rights in respect of a variety of *Crocasmia* or *Curtonus* shall not have effect during the period of three years from the date of the grant of the rights in that variety and extends plant breeders' rights in respect of varieties of *Crocasmia* and *Curtonus* to the production or propagation of those varieties for the purpose of selling cut blooms thereof (paragraph 2(a)).

SI 1985/1090  
ISBN 0-11-057090-1



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