
 STATUTORY INSTRUMENTS

1986 No. 339

PLANT BREEDERS' RIGHTS**The Plant Breeders' Rights (Fees) (Amendment) Regulations 1986**

<i>Made - - - -</i>	<i>24th February 1986</i>
<i>Laid before Parliament</i>	<i>6th March 1986</i>
<i>Coming into Operation</i>	<i>1st April 1986</i>

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 by sections 9(1) and 36 of 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), with the approval of the Treasury in accordance with section 9(1) of the said Act, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Plant Breeders' Rights (Fees) (Amendment) Regulations 1986 and shall come into operation on 1st April 1986.

Amendment of principal regulations

2. For Schedule 2 to the Plant Breeders' Rights (Fees) Regulations 1985(e) there shall be substituted the provisions set out in the Schedule to these Regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th February 1986.



Michael Jopling,
Minister of Agriculture, Fisheries
and Food.

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- (a) 1964 c.14.
 (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. 1985/357.

18th February 1986.

Gray of Contin,
Minister of State, Scottish Office.

19th February 1986.

Nicholas Edwards,
Secretary of State for Wales.

24th February 1986.

Tom King,
Secretary of State for Northern Ireland.

18th February 1986.

Douglas Hurd,
Secretary of State for the Home Department
(being the Secretary of State concerned
with matters relating to the Isle of Man).

We approve,

19th February 1986.

Donald Thompson,
A. G. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE Regulation 2
 PROVISIONS TO BE SUBSTITUTED FOR SCHEDULE 2 TO THE PLANT BREEDERS' RIGHTS
 (FEES) REGULATIONS 1985

"SCHEDULE 2

Regulation 4

PART I

FEES PAYABLE ON AN APPLICATION FOR A GRANT OF PLANT
 BREEDERS' RIGHTS

No.	Plant Variety	Amount	
		New fee	Old fee
		£	£ (a)
1	A cereal, potato or oilseed rape variety	280	<i>(260)</i>
2	A fodder, oil and fibre (excluding oilseed rape) field bean or field pea variety	215	<i>(200)</i>
3	Any other variety	110	<i>(100)</i>

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1985 (S.I. 1985/357) before the coming into operation of these Regulations.

PART II

FEES PAYABLE IN RESPECT OF TESTS OR EXAMINATION OF A PLANT
 VARIETY WHICH IS THE SUBJECT OF AN APPLICATION FOR A GRANT
 OF PLANT BREEDERS' RIGHTS

No.	Plant Variety	Tests or examination for which payable	Amount	
			New fee	Old fee
			£	£(a)
1	A cereal, a potato or an oilseed rape variety	Tests in any one year	535	<i>(505)</i>
2	A fodder (including a field bean, field pea or fenugreek) variety, or an oil and fibre (excluding an oilseed rape) variety	Tests in any one year	360	<i>(340)</i>
3	A year-round perennial chrysanthemum variety	Tests in each flowering season	205	<i>(190)</i>
4	A cymbidium variety	Each examination	205	<i>(190)</i>
5	Any other variety	Tests in any one year	205	<i>(190)</i>

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1985 before the coming into operation of these Regulations.

PART III

FEES PAYABLE FOR THE CONTINUED EXERCISE OF PLANT BREEDERS' RIGHTS IN A PLANT VARIETY

No.	Plant Variety	Fees payable for the continued exercise of plant breeders' rights during the years of the exercise of plant breeders' rights indicated below			
		Second to fifth year —each year		Sixth and each subsequent year	
		New fee	Old fee	New fee	Old fee
		£	£ (a)	£	(a)
1	A cereal, a potato or an oilseed rape variety	245	(230)	325	(305)
2	A fodder (including a field bean, field pea or fenugreek) variety, or an oil and fibre (excluding an oilseed rape) variety	175	(165)	295	(275)
3	Any other variety	110	(100)	145	(135)

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1985 before the coming into operation of these Regulations.

PART IV

FEES PAYABLE IN RESPECT OF OTHER MATTERS

No.	Matter	When Payable	Amount	
			New fee	Old fee
			£	£ (a)
1	Application for a compulsory licence	On making the application	20	(19)
2	Application to extend, limit, vary or revoke a compulsory licence	On making the application	20	(19)
3	Application to amend a document in any application or proceeding	On making the application	3	(3)
4	Application to rectify an error or omission in the register of plant varieties	On making the application	3	(3)
5	Application for extension of time for the service or delivery of a document or thing or for the doing of an act	On making the application	3	(3)

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1985 before the coming into operation of these Regulations.

PART IV (*Contd.*)

FEES PAYABLE IN RESPECT OF OTHER MATTERS

No.	Matter	When Payable	Amount	
			New fee	Old fee
			£	£ (a)
6	Making representations in writing to the Controller, by any person other than the applicant, in connection with any application	On delivering the representations	3	(3)
7	Making representations in writing to the Controller, by any person other than the holder of plant breeders' rights, in connection with a proposal to terminate those rights or to revoke or terminate any extension of such rights	On delivering the representations	3	(3)
8	Attending to be heard by the Controller or by a person appointed by him for the purpose	Before the hearing	20	(19)
9	Grant of plant breeders' rights	Before the issue of the document constituting evidence of the grant	80	(75)
10	Giving a protective direction	Before the issue of the document constituting evidence of the giving of the protective direction	20	(19)
11	Application for an extension of the period for payment of a renewal fee	On making the application	20	(19)
12	Payment of a renewal fee after the expiration of 7 days from the date when it fell due, except in a case where an application has been made for the period for payment to be extended	On payment of the renewal fee	20	(19)
13	Application for the approval of a substituted name for a plant variety	On making the application	20	(19)

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1985 before the coming into operation of these Regulations.

PART IV (Contd.)

FEES PAYABLE IN RESPECT OF OTHER MATTERS

No.	Matter	When Payable	Amount	
			New fee	Old fee
14	Application for the amendment of the register of plant varieties, except in a case where the plant breeders' rights are transferred to another person	On making the application	£ 3	£ (a) (3)
15	Registration of title and amendment of the register of plant varieties on a transfer of plant breeders' rights or a share in such rights	On making the application for registration	20	(19)
16	Inspection of the register of plant varieties or of a document in the possession of the Controller	Before the inspection	1	(1)
17	Supplying copies of documents, per page	Before the delivery of the copies	0.30	(0.30)
18	Supplying a duplicate of a document constituting evidence of a grant of plant breeders' rights or protective direction	On ordering the duplicate	6	(6)
19	Purchase of a report from a testing authority in another country	Within 14 days of demand by the Controller	106	(100)

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1985 before the coming into operation of these Regulations."

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Plant Breeders' Rights (Fees) Regulations 1985 by substituting a new Schedule for Schedule 2 to those Regulations (Regulation 2). The new Schedule prescribes an overall increase of fees for the matters for which fees were previously charged with the exception of those fees of £6.00 or less which remain at their former levels.

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