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STATUTORY INSTRUMENTS

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**1990 No. 1592**

**PLANT BREEDERS' RIGHTS**

**The Plant Breeders' Rights (Amendment) Regulations 1990**

*Made* - - - - - *30th July 1990*  
*Laid before Parliament* *7th August 1990*  
*Coming into force* - - - *28th August 1990*

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 9(1) and (5), 36 and 38(1) of the Plant Varieties and Seeds Act 1964<sup>(1)</sup> as extended to Northern Ireland<sup>(2)</sup> and the said Minister and the Secretary of State, acting jointly, as respects the Isle of Man, in exercise of the said powers as extended to the Isle of Man<sup>(3)</sup>, 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 (Amendment) Regulations 1990 and shall come into force on 28th August 1990.

**Amendment of principal regulations**

2. Schedule 3 of the Plant Breeders' Rights Regulations 1978<sup>(4)</sup> (reproductive and other plant material to be delivered to the controller) shall be amended as follows—

(a) In Part III (fodder plants)—

(i) insert in sub-paragraph 1(1) below the entry “for a swede variety” the following entry—

“For a festulolium variety 2 kilograms”;

(ii) insert in the table in paragraph 3 below the entry “Swede” the following entry—

“Festulolium 82—961.5”;

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(1) 1964 c. 14; section 38(1) (as amended by S.I. 1978/272) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) By section 39(3) of the Plant Varieties and Seeds Act 1964 and by the Plant Varieties and Seeds (Northern Ireland) Order 1964 (S.I. 1964/1574).

(3) By the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829), to which there are amendments not relevant to these Regulations.

(4) S.I. 1978/294; relevant amending instruments are S.I. 1982/1101, 1985/1092.

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(iii) insert in the table in paragraph 4 below the entry “Swede” the following entry—  
 “Festulolium600(b)200.30.5—1.0”.

(b) In Part IV (oil and fibre plants)—

(i) insert in sub-paragraph 1(1) below the entry “For a brown or black mustard variety” the following entries—

“For a coriander variety	500 grams
For a borage variety	20 grams
For a sunflower variety	1 kilogram and 5,000 seeds of each parental line and each restorer line
For a turnip rape variety	1 kilogram.”

(ii) for the table in sub-paragraph 3(1) there shall be substituted the following table—

(iii) for the table in sub-paragraph 3(2) there shall be substituted the following table—

(c) In Part XII (decoratives), after item (21) insert the following items—

“(22) *Kalanchoe* Twenty young plants, not cut back, in peat blocks.

(23) *Impatiens* Twenty young plants, of good commercial quality, not cut back, in peat blocks.

(24) *Euphorbia milii* Twenty, three month old plants.

(25) *Scaevola aemula* Twenty young plants.”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

23rd July 1990.

*John Selwyn Gummer*  
 Minister of Agriculture, Fisheries and Food

23rd July 1990

*Sanderson of Bowden*  
 Minister of State, Scottish Office

20th July 1990

*David Hunt*  
 Secretary of State for Wales

30th July 1990

*Peter Brooke*  
 Secretary of State for Northern Ireland

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Home Office  
27th July 1990

*David Waddington*  
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 Regulations)*

These Regulations amend the Plant Breeders' Rights Regulations 1978.

Schemes have been made to enable plant breeders' rights to be granted in respect of *Festulolium*, coriander, borage, sunflower, turnip rape, *Kalanchoe*, *Impatiens*, *Euphorbia milii* and *Scaevola aemula*. Parts III, IV and XII of Schedule 3 to the 1978 Regulations (which Schedule was inserted into the 1978 Regulations by the Plant Breeders' Rights (Amendment) Regulations 1982 and amended by S.I. 1985/1092) have been amended so as to specify the reproductive and other material which must be delivered to the Controller when an application is made for a grant of plant breeders' rights in respect of varieties of those kinds (regulation 2(a) and (b)(i)).

The amendment made to sub-paragraph 3(i) of Part IV of Schedule 3 to the 1978 Regulations reduces the maximum content by number of seeds of *Rumex* ssp in varieties of swede rape including oilseed rape, white mustard and brown and black mustard from 20 to 5.