

1990 No. 1593

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Festulolium) Scheme 1990

<i>Made</i> - - - -	30th July 1990
<i>Laid before Parliament</i>	7th August 1990
<i>Coming into force</i>	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, as respects the United Kingdom, in exercise of the powers conferred on them by sections 1(1) and (5), 3(1), 5(7), and 38(1) of the Plant Varieties and Seeds Act 1964(a) as extended to Northern Ireland(b) 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(c), 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, commencement and interpretation

1.—(1) This Scheme may be cited as the Plant Breeders' Rights (Festulolium) Scheme 1990 and shall come into force on 28th August 1990.

(2) In this Scheme "the Act" means the Plant Varieties and Seeds Act 1964.

Plant varieties for which plant breeders' rights may be granted

2. There are prescribed for the purposes of the grant of plant breeders' rights all plant varieties of *Festulolium* which conform with the characteristics of cultivated plant varieties of *x. Festulolium* spp..

Period for which rights are exercisable

3. The period for which plant breeders' rights shall be exercisable in respect of any of the plant varieties referred to in paragraph 2 of this Scheme shall be 25 years.

Class of plant varieties for the purposes of section 5(7) of the Act

4. In relation to *x. Festulolium* spp. 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) consist of all plant varieties of the species specified in the Schedule to this Scheme.

(a) 1964 c.14; section 3 was amended by section 1 of the Plant Varieties Act 1983 (c.17); 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 this Scheme is made.

(b) 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).

(c) By the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829, amended by S.I. 1987/2210).

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

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)

SCHEDULE

Paragraph 4

SPECIES OF WHICH PLANT VARIETIES ARE PRESCRIBED FOR THE PURPOSES OF SECTION 5(7) OF THE ACT

<i>Name</i>	<i>Common Name</i>
<i>Agrostis canina</i> L. ssp. <i>montana</i> (Hartm.) Hartm.	Brown Bent
<i>Agrostis canina</i> L. <i>canina</i>	Velvet bent
<i>Agrostis gigantea</i> Roth	Red top
<i>Agrostis stolonifera</i> L.	Creeping bent
<i>Agrostis capillaris</i> L.	Brown top
<i>Alopecurus pratensis</i> L.	Meadow foxtail
<i>Arrhenatherum elatius</i> (L.) P. Beauv. ex. J. S. et K. B. Presl.	Tall oatgrass
<i>Bromus catharticus</i> Vahl.	Rescue grass
<i>Bromus inermis</i> Lesser	Smooth brome, Awnless brome
<i>Bromus sitchensis</i> Trin	Alaska brome-grass
<i>Cynosurus cristatus</i> L.	Crested dogstail
<i>Dactylis glomerata</i> L.	Cocksfoot
<i>Festuca arundinacea</i> Schreber	Tall fescue
<i>Festuca ovina</i> L. <i>sensu lato</i>	Sheep's fescue, fine-leaved sheep's fescue, hard fescue
<i>Festuca pratensis</i> Hudson	Meadow fescue
<i>Festuca rubra</i> L.	Red fescue, Chewings fescue
<i>Lolium multiflorum</i> Lam.	Italian and Westerwolds ryegrass
<i>Lolium perenne</i> L.	Perennial ryegrass
<i>Lolium x boucheanum</i> Kunth	Hybrid ryegrass
<i>Phalaris arundinacea</i> L.	Reed canarygrass
<i>Phelum pratense</i> L. and <i>Phelum bertolonii</i> DC.	Timothy
<i>Poa annua</i> L.	Annual meadowgrass
<i>Poa nemoralis</i> L.	Wood meadowgrass
<i>Poa palustris</i> L.	Swamp meadowgrass
<i>Poa pratensis</i> L.	Smooth Stalked meadowgrass
<i>Poa trivialis</i> L.	Rough Stalked meadowgrass
<i>Trisetum flavescens</i> (L.) P. Beauv.	Golden oatgrass, Yellow oatgrass
x. <i>Festulolium</i> spp.	Festulolium hybrids

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme, made under the Plant Varieties and Seeds Act 1964 prescribes all varieties of Festulolium as varieties in respect of which grants of plant breeders' rights may be made and also prescribes the period of twenty-five years as that during which the rights may be exercised (paragraphs 2 and 3).

The Plant Varieties and Seeds Act 1964, as read with this Scheme, provides that infringements of the rights in the registered name of a variety of Festulolium may be the subject of legal proceedings when committed in connection with a class of that variety which is specified for that purpose in the Schedule to this Scheme (paragraph 4 and Schedule).

95p net

ISBN 0 11 004593 9

Printed in the United Kingdom for HMSO

845 WO1467 C12 8/90 452 7102 O/N 88174