
STATUTORY INSTRUMENTS

1993 No. 1733

PLANT BREEDERS' RIGHTS

**The Plant Breeders' Rights (Trees, Shrubs and
Woody Climbers) (Variation) Scheme 1993**

| | | |
|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>8th July 1993</i> |
| <i>Laid before Parliament</i> | | <i>9th July 1993</i> |
| <i>Coming into force</i> | - - | <i>1st August 1993</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, as respects the United Kingdom, in exercise of the powers conferred on them by sections 1(1) and (5), 3(1), 5(7), 7(2) and 38(1) of the Plant Varieties and Seeds Act 1964⁽¹⁾ as extended to Northern Ireland⁽²⁾ 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⁽³⁾, 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 (Trees, Shrubs and Woody Climbers) (Variation) Scheme 1993 and shall come into force on 1st August 1993.

Variation of the principal Scheme

2. The Schedule to the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1969⁽⁴⁾ (which specifies the genera or species of trees, shrubs and woody climbers of which varieties may be the subject of plant breeders' rights) is hereby varied by the insertion immediately after the item relating to *Lavandula spica* Cav. of the following item:

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- (1) 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 the Scheme is 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, amended by S.I. 1987/2210).
- (4) S.I. 1969/1024, amended by S.I. 1971/1093, 1985/1091 and 1990/1596 and by section 1(4) of the Plant Varieties Act 1983.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| 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 |
| Lavatera L. | 30 | Lavatera | 5 | |

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st July 1993.

L.S.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

6th July 1993

Hector Monro
Parliamentary Under Secretary of State, Scottish Office

1st July 1993

John Redwood
Secretary of State for Wales

8th July 1993

Patrick Mayhew
Secretary of State for Northern Ireland

Home Office
5th July 1993

Michael Howard
Secretary of State for the Home Department (being the Secretary of State concerned with matters relating to the Isle of Man)

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme varies the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1969 by extending (in paragraph 2) the Schedule of 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 to cover all species of the genus *Lavatera* L., thirty years being prescribed as the period during which the rights may be exercised. During that period infringements of the rights in the registered name of a variety of *Lavatera* L. may be the subject of legal proceedings when committed in connection with any variety of *Lavatera*.

This Scheme also provides (in paragraph 2) that a compulsory licence granted by the Controller of Plant Variety Rights in respect of a variety of *Lavatera* shall not have effect during the period of five years from the date of the grant of rights in that variety.

Plant breeders' rights in respect of varieties of *Lavatera* are not extended to the production or propagation of the varieties for the purpose of selling cut blooms, foliage or stems thereof.