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STATUTORY INSTRUMENTS

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**1993 No. 430**

**PLANT BREEDERS' RIGHTS**

**The Plant Breeders' Rights (Fees)  
(Amendment) Regulations 1993**

<i>Made</i>	- - - -	<i>2nd March 1993</i>
<i>Laid before Parliament</i>		<i>10th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 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, in exercise of the powers conferred on them by section 9(1) and 36 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, with the approval of the Treasury in accordance with section 9(1) of that Act and after consultation with the Council on Tribunals in accordance with section 8(1) of the Tribunals and Inquiries Act 1992<sup>(4)</sup>, hereby make the following Regulations:

**Title and commencement**

1. These Regulations may be cited as the Plant Breeders' Rights (Fees) (Amendment) Regulations 1993 and shall come into force on 1st April 1993.

**Amendment of the Plant Breeders' Rights (Fees) Regulations 1990**

2. For the Schedule to the Plant Breeders' Rights (Fees) Regulations 1990<sup>(5)</sup> there shall be substituted the Schedule set out in the Schedule to these Regulations.

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(1) 1964 c. 14; see section 38(1) (as amended by S.I. 1978/272) for the definition of "the Ministers", section 39(3)(a)(ii) for an extension to include the Secretary of State concerned with agriculture in Northern Ireland and the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829), to which there are amendments not relevant to these Regulations, for the substitution of a definition of the Ministers including the Secretary of State concerned with matters relating to the Isle of Man.

(2) 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.

(4) 1992 c. 53.

(5) S.I. 1990/618 amended by S.I. 1991/655 and S.I. 1992/438.

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### Revocation

3. The Plant Breeders' Rights (Fees) (Amendment) Regulations 1991(6) and the Plant Breeders' Rights (Fees) (Amendment) Regulations 1992(7) are revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th February 1993.

L.S.

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

17th February 1993

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

24th February 1993

*David Hunt*  
Secretary of State for Wales

22nd February 1993

*Patrick Mayhew*  
Secretary of State for Northern Ireland

2nd March 1993

*Kenneth Clarke*  
Secretary of State for the Home  
Department (being the Secretary of State  
concerned with matters relating to the Isle of  
Man)

We approve,

22nd February 1993

*Gregory Knight*  
*Tim Kirkhope*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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(6) S.I. 1991/655.  
(7) S.I. 1992/438.

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## SCHEDULE

Regulation 2

PROVISIONS TO BE SUBSTITUTED FOR THE SCHEDULE TO  
THE PLANT BREEDERS' RIGHTS (FEES) REGULATIONS 1990

## “SCHEDULE

Regulation 3(1)

## FEES

## PART I

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

<i>Plant Variety</i>	<i>Amount</i>	
	<i>New fee</i> £	<i>Old fee</i> £ <sup>(*)</sup>
1. A rose variety	50	(50)
2. A chrysanthemum variety	270	(260)
3. Any other decorative variety	135	(130)
4. Any other variety	270	(260)

Note

(\*) Note: The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1990 (S.I. 1990/618) as amended by the Plant Breeders' Rights (Fees) (Amendment) Regulations 1992 (S.I. 1992/438) before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1993 (S.I. 1993/430) on 1st April 1993.

## 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

<i>Plant Variety</i>	<i>Test or examination for which payable</i>	<i>Amount</i>	
		<i>New fee</i> £	<i>Old fee</i> £ <sup>(*)</sup>
1. A cereal (excluding maize) variety	Tests in any one year	830	(800)
2. A maize variety	Tests in any one year	515	(500)

Note

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<i>Plant Variety</i>	<i>Test or examination for which payable</i>	<i>Amount</i>	
		<i>New fee</i> £	<i>Old fee</i> £ <sup>(*)</sup>
<b>3.</b> A potato variety	Tests in any one year	775	(750)
<b>4.</b> A beetroot, Brussels sprout, cabbage, fenugreek, turnip or fodder variety	Tests in any one year	725	(700)
<b>5.</b> A herbage variety	Tests in any one year	515	(500)
<b>6.</b> A field pea, vegetable pea, bean or broad bean variety	Tests in any one year	620	(600)
<b>7.</b> An oil and fibre (including oilseed rape) variety	Tests in any one year	515	(500)
<b>8.</b> A rose variety	Tests in any one year	95	(90)
<b>9.</b> A year-round perennial chrysanthemum variety	Tests in each flowering season	205	(200)
<b>10.</b> Any other chrysanthemum variety	Tests in any one year	205	(200)
<b>11.</b> A cymbidium variety	Each examination	260	(250)
<b>12.</b> A fruit variety	Tests in any one year	205	(200)
<b>13.</b> Any other variety	Tests in any one year	260	(250)

Note

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### PART III RENEWAL FEES

<i>Plant Variety</i>	<i>Amount each year</i>	
	<i>New fee</i> £	<i>Old fee</i> £ <sup>(*)</sup>
1. A rose variety	50	(50)
2. A chrysanthemum variety	325	(315)
3. Any other decorative variety	170	(165)
4. A vegetable variety (excluding a vegetable pea or broad bean variety)	165	(160)
5. A fruit variety	325	(315)
6. Any other variety (including a vegetable pea or broad bean variety)	435	(420)

Note

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### PART IV FEES PAYABLE IN RESPECT OF OTHER MATTERS

<i>Matter</i>	<i>When payable</i>	<i>Amount</i>	
		<i>New fee</i> £	<i>Old fee</i> £ <sup>(*)</sup>
1. Application for a compulsory licence.	On making the application	50	(50)
2. Application to extend, limit, vary or revoke a compulsory licence.	On making the application	50	(50)
3. Making representations writing to the Controller in connection with any application, or in	On delivering the representations in	25	(25)

Note

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<i>Matter</i>	<i>When payable</i>	<i>Amount</i>	
		<i>New fee</i> £	<i>Old fee</i> £ <sup>(*)</sup>
connection with a proposal to terminate any plant breeders' rights or to revoke or terminate any extension of such rights.			
4. Attending to be heard by the Controller or by a person appointed by him for the purpose.	Before the hearing	50	(50)
5. Grant of plant breeders' rights in—	Before the issue of the document constituting evidence of the grant		
(a) a variety referred to in item 1 in Part I of this Schedule		35	(35)
(b) a variety referred to in item 3 in Part I of this Schedule		105	(100)
(c) a variety referred to in item 2 or item 4 in Part I of this Schedule.		130	(125)
6. Giving protective direction.	a Before the issue of the document constituting evidence of the giving of the protective direction	25	(25)
7. Payment of a renewal fee after the expiration of 7 days from the date when it fell due, except in a case where an	On payment of the renewal fee	25	(25)

Note

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<i>Matter</i>	<i>When payable</i>	<i>Amount</i>	
		<i>New fee</i> £	<i>Old fee</i> £ <sup>(*)</sup>
application has been made for the period for payment to be extended.			
<b>8.</b> Application for the approval of a substituted name for a plant variety.	On making the application	25	(25)
<b>9.</b> 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	25	(25)
<b>10.</b> Purchase of a report from a testing authority in another country.	Within 14 days of demand by the Controller	165	(140) <sup>''</sup>
Note			
(*) Note: The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) Regulations 1990 as amended by the Plant Breeders' Rights (Fees) (Amendment) Regulations 1992 (S.I. 1992/438) before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1993 (S.I. 1993/430) on 1st April 1993.			

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Plant Breeders' Rights (Fees) Regulations 1990 by prescribing revised fees in respect of matters arising under the Plant Breeders' Rights Regulations 1978 (as amended) (regulation 2).

The matters in respect of which the revised fees are prescribed are listed in the Schedule to these Regulations, and the fees which were chargeable before these Regulations came into force are printed in italics beside the revised fees.

Most application, test, grant and renewal fees have been increased by approximately 3½ per cent. The fee for the purchase of a report from a testing authority in another country has been increased to accord with the international charge of 350 Swiss Francs. Fees payable in respect of other matters remain unchanged.