
STATUTORY INSTRUMENTS

1995 No. 528

PLANT BREEDERS' RIGHTS

**The Plant Breeders' Rights (Trees, Shrubs and
Woody Climbers) (Variation) Scheme 1995**

Made - - - - 28th February 1995
Laid before Parliament 3rd March 1995
Coming into force - - 24th March 1995

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), 4(1), 5(7), 7(2), and 38(1) of, and paragraph 1(1) of Schedule 3 to, 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 1995 and shall come into force on 24th March 1995.

Variation of paragraph 1 of the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1993

2. In paragraph 1(2) of the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1993⁽⁴⁾ for the definition of “the Act” there shall be substituted the following—

““the Act” means the Plant Varieties and Seeds Act 1964 (including that Act as extended to Northern Ireland and as extended to the Isle of Man);”

(1) 1964 c. 14; section 3 was amended by section 1 of the Plant Varieties Act 1983 (c. 17); section 4 was amended by section 4 of that Act; paragraph 1(1) of Schedule 3 was amended by section 2 of that Act; 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.
(2) By section 39(3) of the Plant Varieties and Seeds Act 1964 and by S.I. 1964/1574.
(3) S.I. 1969/1829, amended by S.I. 1987/2210.
(4) S.I. 1993/2776.

Variation of Schedule to the 1993 Scheme

3.—(1) The Schedule to the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1993 shall be varied in accordance with the following provisions of this paragraph.

(2) In the heading of column 4 for the word “or” there shall be substituted the word “of”.

(3) In the entry in column 2 corresponding to the entry “*Brachyglottis*Forst. & Forst. f.” in column 1 there shall be inserted the number “20”.

(4) In the entry in column 2 corresponding to the entry “*Forsythia*Vahl.” in column 1 for the number “30” there shall be substituted the number “20”.

(5) In the entry in column 2 corresponding to the entry “*Garrya elliptica*Douglas ex Lindl.” in column 1 there shall be inserted the number “25”.

(6) In the entry in column 4 corresponding to the entry “*Genista*L.” in column 1 for the number “5” there shall be substituted the number “2”.

(7) In the entry in column 2 corresponding to the entry “*Malus*Mill. excluding *M. domestica*Borkh. and all varieties of apple rootstocks of *Malus*spp.” for the number “23” there shall be substituted the number “30”.

(8) In the entry in column 5 corresponding to the entry “*Syringa*L. excluding *S. velutina*Komar. (*S. palibiniana*Nakai)” in column 1 there shall be inserted the word “Included”.

13th February 1995

Howe
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

14th February 1995

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

14th February 1995

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

28th February 1995

Denton of Wakefield
Parliamentary Under Secretary of State for
Northern Ireland

14th February 1995

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

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

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme, which comes into force on 24th March 1995, varies the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1993.

The definition of “the Act” in paragraph 1(2) of that Scheme is varied to make clear that the Plant Varieties and Seeds Act 1964 has been extended to both Northern Ireland and the Isle of Man (paragraph 2).

Several variations are made to the Schedule to the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1993 (paragraph 3). The periods for which plant breeders' rights shall be exercisable in respect of plant varieties of *Brachyglottis* Forst. & Forst. f., *Forsythia* Vahl., *Garrya elliptica* Douglas ex Lindl. and *Malus* Mill. (excluding *M. domestica* Borkh. and all varieties of apple rootstocks of *Malus* spp.) are varied.

The period prescribed in relation to *Genista* L. for the purposes of section 7(2) of the Plant Varieties and Seeds Act 1964 (which enables a provision to be made whereby a compulsory licence granted by the Controller as respects a plant variety of a species or group specified in a Scheme shall not have effect for a prescribed period after the grant of rights in that plant variety) is reduced to two years.

Plant breeders' rights in respect of varieties of *Syringa* L. excluding *S. velutina* Komar. (*S. palibiniana* Nakai) are extended to the production or propagation of the varieties for the purpose of selling cut blooms, foliage or stems.

A minor drafting error is also corrected in the heading of the Schedule.