

1999 No. 1089

PLANT BREEDERS' RIGHTS

**The Plant Breeders' Rights (Fees) (Amendment)
Regulations 1999**

| | |
|-------------------------------|------------------------|
| <i>Made - - - -</i> | <i>8th April 1999</i> |
| <i>Laid before Parliament</i> | <i>8th April 1999</i> |
| <i>Coming into force</i> | <i>30th April 1999</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 sections 29(1) and (2) and 48(1) of the Plant Varieties Act 1997^(a), after consultation with such organisations as appear to them to be representative of persons likely to be substantially affected, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Plant Breeders' Rights (Fees) (Amendment) Regulations 1999 and shall come into force on 30th April 1999.

Amendment of the Plant Breeders' Rights (Fees) Regulations 1998

2. For Schedule 1 to the Plant Breeders' Rights (Fees) Regulations 1998^(b) there shall be substituted the Schedule set out in the Schedule to these Regulations.

1st April 1999

Jeff Rooker
Minister of State,
Ministry of Agriculture, Fisheries and Food

1st April 1999

Sewel
Parliamentary Under Secretary of State,
Scottish Office

^(a) 1997 c. 66; see section 49(1) for the definition of "the Ministers".
^(b) S.I. 1998/1021.

Signed by authority of the Secretary of State for Wales

7th April 1999

Peter Hain
Parliamentary Under Secretary of State,
Welsh Office

8th April 1999

Paul Murphy
Minister of State, Northern Ireland Office

SCHEDULE

Regulation 2

**SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 1 TO THE PLANT
BREEDERS' RIGHTS (FEES) REGULATIONS 1998****“SCHEDULE 1**

Regulation 3

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> |
| | | £ | £(*) |
| 1. | A rose variety | 75 | (70) |
| 2. | A chrysanthemum variety | 275 | (260) |
| 3. | Any other decorative variety | 135 | (130) |
| 4. | Any other variety | 275 | (260) |

Note:

(*) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1999 (S.I. 1999/1089) on 30th April 1999.

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> |
| | | | £ | £(*) |
| 1. | A cereal (excluding maize) variety | Tests in any one year | 745 | (710) |
| 2. | A maize variety | Tests in any one year | 455 | (435) |
| 3. | A potato variety | Tests in any one year | 695 | (660) |
| 4. | A beetroot, Brussels sprout, cabbage, celery, fenugreek, leek, turnip or fodder variety | Tests in any one year | 645 | (615) |
| 5. | A carrot, curly kale, onion or radish variety | Tests in any one year | 645 | (615) |
| 6. | A field pea, vegetable pea, field bean or broad bean variety | Tests in any one year | 555 | (530) |
| 7. | A herbage variety | Tests in any one year | 455 | (435) |
| 8. | An oil and fibre (including oilseed rape) variety | Tests in any one year | 455 | (435) |
| 9. | A sugar beet or fodder beet variety | Tests in any one year | 180 | (170) |
| 10. | A rose variety | Tests in any one year | 120 | (115) |
| 11. | A year-round perennial chrysanthemum variety | Tests in each flowering season | 185 | (175) |
| 12. | Any other chrysanthemum variety | Tests in any one year | 185 | (175) |
| 13. | A cymbidium variety | Each examination | 230 | (220) |
| 14. | A fruit variety | Tests in any one year | 185 | (175) |
| 15. | Any other variety | Tests in any one year | 230 | (220) |

Note:

(*) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1999 (S.I. 1999/1089) on 30th April 1999.

PART III

RENEWAL FEES

| <i>Plant Variety</i> | <i>Amount each year</i> | | | |
|--|-------------------------|----------------|-----------------|----------------|
| | <i>New</i> | <i>New</i> | <i>Old</i> | <i>Old</i> |
| | <i>standard</i> | <i>reduced</i> | <i>standard</i> | <i>reduced</i> |
| | <i>fee</i> | <i>fee</i> | <i>fee</i> | <i>fee</i> |
| | £ | £ | £(*) | £(*) |
| 1. A rose variety | 70 | 35 | (70) | (35) |
| 2. A chrysanthemum variety | 330 | 170 | (315) | (160) |
| 3. Any other decorative variety | 175 | 90 | (165) | (85) |
| 4. A vegetable variety (excluding a vegetable pea or broad bean variety) | 170 | 85 | (160) | (80) |
| 5. A fruit variety | 330 | 170 | (315) | (160) |
| 6. Any other variety (including a vegetable pea or broad bean variety) | 435 | 220 | (415) | (210) |

Note:

(*) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1999 (S.I. 1999/1089) on 30th April 1999.

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> |
| | | £ | £(*) |
| 1. Application for a compulsory licence | On making the application | 60 | (55) |
| 2. Application to extend, limit, vary or revoke a compulsory licence | On making the application | 60 | (55) |
| 3. Making representations in writing to the Controller as provided in the Act or the principal Regulations | On delivering the representations | 30 | (30) |
| 4. Attending to be heard by the Controller or by a person appointed by him for the purpose | Before the hearing | 60 | (55) |
| 5. Grant of plant breeders' rights in— | Before the issue of the plant breeders' certificate | | |
| (a) a variety referred to in item 1 in Part I of this Schedule | constituting evidence of the grant | 60 | (55) |
| (b) a variety referred to in item 3 in Part I of this Schedule | | 120 | (115) |
| (c) a variety referred to in item 2 or item 4 in Part I of this Schedule | | 145 | (140) |
| 6. Payment of a renewal fee after the expiration of 7 days from the date when it fell due (having regard to any extension granted under these Regulations) | On payment of the renewal fee | 30 | (30) |
| 7. Application for the approval of a substituted name for a plant variety | On making the application | 30 | (30) |
| 8. Amendment of the record of plant varieties on a transfer of plant breeders' rights | On making the application for amendment | 30 | (30) |
| 9. Purchase of a report from a testing authority in another country | Within 14 days of demand by the Controller | 160 | (150) |

Note:

(*) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1999 (S.I. 1999/1089) on 30th April 1999."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Breeders' Rights (Fees) Regulations 1998 so as to prescribe revised fees in respect of various matters relating to plant breeders' rights arising under the Plant Varieties Act 1997 or the Plant Breeders' Rights Regulations 1998 (regulation 2 and the Schedule).

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 come into force are printed in italics beside the revised fees.

Application, test and renewal fees (other than renewal fees for roses which remain unchanged) have been increased by 5 per cent., rounded to the nearest £5. Grant and other fees in Part IV of the Schedule have been similarly increased apart from the fees for items 3, 6, 7 and 8 which remain unchanged.

A Regulatory Impact Assessment has been prepared and placed in the libraries of both Houses of Parliament. Copies can be obtained from the Plant Variety Rights Office and Seeds Division of the Ministry of Agriculture, Fisheries and Food, White House Lane, Huntingdon Road, Cambridge CB3 0LF.

1999 No. 1089

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Fees) (Amendment)
Regulations 1999

£2.00

© Crown copyright 1999

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

WO 4714 5/99 ON (MFK)