

**2001 No. 3630**

**PLANT BREEDERS' RIGHTS**

**The Plant Breeders' Rights (Fees) (Amendment)  
Regulations 2001**

*Made* - - - - - *8th November 2001*

*Laid before Parliament* *9th November 2001*

*Coming into force* - - - *1st December 2001*

The Minister of Agriculture, Fisheries and Food, the National Assembly 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), and now vested in them(b), and with the consent of the Scottish Ministers(c), 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 2001 and shall come into force on 1st December 2001.

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

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

8th November 2001 *Whitty*  
Parliamentary Under-Secretary  
Department for Environment, Food and Rural Affairs

Signed on behalf of the National Assembly for Wales

8th November 2001 *Elis Thomas*  
Presiding Officer

8th November 2001 *Jane Kennedy*  
Minister of State Northern Ireland Office

We consent

8th November 2001 *Ross Finnie*  
A member of the Scottish Executive

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(a) 1997 c. 66; see section 49(1) for the definition of "the Ministers".

(b) In respect of the National Assembly for Wales, by virtue of article 2 as read with Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), which transferred the functions of the Secretary of State for Wales to the National Assembly for Wales.

(c) By article 3 of, and paragraph 3 of Schedule 8 to, the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747), it was provided, in respect of, *inter alia*, the function exercisable under sections 29 and 48 of the Plant Varieties Act 1997 (c. 66) by a Minister of the Crown of making regulations as respects the charging of fees by the Controller of Plant Variety Rights, that the Secretary of State for Scotland should cease to be among those who may exercise the function and that any such function should instead be exercisable with the consent of the Scottish Ministers. Under the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I. 1999/1319), the Controller of Plant Variety Rights was specified as a cross-border public authority for the purposes of that Act.

(d) S.I. 1998/1021 as amended by S.I. 1999/1089.

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	80	(75)
2. A chrysanthemum variety	285	(275)
3. Any other decorative variety	140	(135)
4. Any other variety	285	(275)

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 2001 (S.I. 2001/ ) on 1st December 2001.

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	775	(745)
2. A maize variety	Tests in any one year	470	(455)
3. A potato variety	Tests in any one year	720	(695)
4. A beetroot, Brussels sprout, cabbage, celery, funugreek, leek, turnip or fodder variety	Tests in any one year	670	(645)
5. A carrot, curly kale, onion or radish variety	Tests in any one year	670	(645)
6. A field pea, vegetable pea, field bean or broad bean variety	Tests in any one year	575	(555)
7. A herbage variety	Tests in any one year	470	(455)
8. An oil and fibre (including oilseed rape) variety	Tests in any one year	470	(455)
9. A sugar beet or fodder beet variety	Tests in any one year	185	(180)
10. A rose variety	Tests in any one year	125	(120)
11. A year-round perennial chrysanthemum variety	Tests in each flowering season	190	(185)
12. Any other chrysanthemum variety	Tests in any one year	190	(185)
13. A cymbidium variety	Each examination	240	(230)
14. A fruit variety	Tests in any one year	190	(185)
15. Any other variety	Tests in any one year	240	(230)

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 2001 (S.I. 2001/ ) on 1st December 2001.

PART III  
RENEWAL FEES

<i>Plant Variety</i>	<i>New standard fee</i>	<i>Amount each year</i>		
		<i>New Reduced fee</i>	<i>Old standard fee</i>	<i>Old reduced fee</i>
	<i>£</i>	<i>£</i>	<i>£(*)</i>	<i>£(*)</i>
1. A rose variety	75	35	(70)	(35)
2. A chrysanthemum variety	340	175	(330)	(170)
3. Any other decorative variety	180	95	(175)	(90)
4. A vegetable variety (excluding a vegetable pea or broad bean variety)	175	90	(170)	(85)
5. A fruit variety	340	175	(330)	(170)
6. Any other variety (including a vegetable pea or broad bean variety)	450	230	(435)	(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 2001 (S.I. 2001/ ) on 1st December 2001.

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>
		<i>£</i>	<i>£(*)</i>
1. Application for a compulsory licence	On making the application	60	(60)
2. Application to extend, limit, vary or revoke a compulsory licence	On making the application	60	(60)
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	(60)
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	(60)
(b) a variety referred to in item 3 in Part I of this Schedule		125	(120)
(c) a variety referred to in item 2 or item 4 in Part I of this Schedule		150	(145)
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	165	(160)

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 2001 (S.I. 2001/ ) on 1st December 2001."

## EXPLANATORY NOTE

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

These Regulations amend the Plant Breeders' Rights (Fees) Regulations 1998. They prescribe revised fees in respect of various matters relating to plant breeders' rights arising under the Plant Varieties Act 1997, including also matters arising under the Plant Breeders' Rights Regulations 1998 which are made under the 1997 Act (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 in Parts I, II and III of the Schedule (other than reduced renewal fees for roses which remain unchanged) have been increased by 3.75 per cent., rounded to the nearest £5. Grant and other fees in Part IV of the Schedule have been similarly increased in respect of items 5(b), 5(c) and 9; all other fees in relation to items in Part IV 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 Department for Environment, Food and Rural Affairs, White House Lane, Huntingdon Road, Cambridge CB3 0LF.

£1.75

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