
STATUTORY INSTRUMENTS

2006 No. 648

The Plant Breeders' Rights (Naming and Fees) Regulations 2006

Payment of fees

4.—(1) The Controller may charge any person a fee in respects of costs the Controller reasonably incurs in—

- (a) carrying out tests on or examination of a plant variety which is the subject of an application for a grant of plant breeders' rights or having such tests or examinations carried out on his behalf; or
- (b) purchasing a report of a test or examination for such a plant variety from an authority in another country whose functions include the testing of plant varieties.

(2) The Controller may charge any person a fee in respect of costs the Controller reasonably incurs in the administration of plant breeders' rights for a plant variety including in relation to—

- (a) an application for the grant of plant breeders' rights;
- (b) an application for a compulsory licence;
- (c) an application to extend, limit, vary or revoke a compulsory licence;
- (d) making representations to the Controller as provided for in the 1997 Act or in the 1998 Regulations;
- (e) attending to be heard by the Controller or by a person appointed by him; and
- (f) the examination or inspection of any documents, records or material.

(3) The Controller shall specify the date on which a fee shall be due.

(4) If a fee has not been paid by the date specified under paragraph (3), the Controller is not obliged to take any further steps in relation to the matter in respect of which the fee is payable until the fee has been paid.

(5) If a fee payable under regulation 4(1)(a) or 4(2)(a) remains unpaid after the expiry of 28 days beginning with the date of service by the Controller on the applicant of a notice informing him that continued failure to pay the fee may result in his application being refused, the Controller may refuse the application.

Changes to legislation:

There are currently no known outstanding effects for the The Plant Breeders' Rights (Naming and Fees) Regulations 2006, Section 4.