

## SCHEDULE 2

Article 3

### Modifications in the extension of the Plant Varieties Act 1997 to the Isle of Man

1. In section 6(6)(a) (the making of regulations about protected varieties) for “the Ministers” substitute “the Department”.
2. In section 9 (farm saved seed)—
  - (a) omit subsections (5)(1) and (6);
  - (b) for “the Ministers” (in each place that expression occurs) substitute “the Department”.
3. In section 10(1)(a) (circumstances to which plant breeders’ rights do not extend) after “the United Kingdom” insert “or the Isle of Man”.
4. In section 11(2) (regulations extending period of plant breeders’ rights) for “the Ministers” substitute “the Department”.
5. In section 14(5) (regulations about presumptions in proceedings relating to harvested material) for “the Ministers” substitute “the Department”.
6. In section 15(6) (regulations about presumptions in proceedings relating to products made from harvested material) for “the Ministers” substitute “the Department”.
7. In section 17 (compulsory licences) at the end add—

“(10) If the Controller grants, varies or revokes a licence under this section, he shall notify the Department.”.
- 8.—(1) Section 19 (duty to use registered name) is modified as follows.
  - (2) In subsection (4) for “level 3 on the standard scale” substitute “£1,000”.
  - (3) At the end add—

“(6) In subsection (3) the reference to the Trade Marks Act 1994(2) includes a reference to that Act as extended to the Isle of Man(3).”.
9. In section 31(1) (offence of giving false information) for “level 3 on the standard scale” substitute “£1,000”.
10. In section 32(1) (offence of making false representation as to plant breeders’ rights) for “level 3 on the standard scale” substitute “£1,000”.
11. Omit section 36(2) (offences committed by Scottish partnerships).
12. Omit section 37 (jurisdiction in relation to offences in the United Kingdom).
- 13.—(1) Section 41 (varieties of recent creation) is modified as follows.
  - (2) In subsection (1)—
    - (a) for “comes into force” substitute “applies to the Isle of Man”;
    - (b) in paragraphs (a) and (b) for “the coming into force of this Part of this Act” substitute “the application of this Part of this Act to the Isle of Man”.
  - (3) In subsection (2) for “comes into force” substitute “applies to the Isle of Man”.

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(1) Section 9(5) was repealed in relation to England and Northern Ireland by [S.I. 2005/2726](#) and in relation to Wales by [S.I. 2006/1621](#). It remains in force in Scotland but its effect has been modified in relation to that jurisdiction by [S.S.I. 2005/460](#).

(2) [1994 c. 26](#).

(3) The Trade Marks Act 1994 was extended to the Isle of Man with modifications formerly prescribed by [S.I. 1996/729](#) (which was replaced by [S.I. 2013/2601](#)). By virtue of section 108(2), and subject to any Order in Council providing for the extension of that Act to the Isle of Man, references in that Act to the United Kingdom are to be construed as including the Isle of Man.

*Status: This is the original version (as it was originally made).*

(4) In subsection (4) after “the United Kingdom” insert “or the Isle of Man”.

**14.**—(1) Section 43 (jurisdiction under arbitration agreements) is modified as follows.

(2) Omit subsection (3).

(3) For subsection (4) substitute—

“(4) In the application of this section to the Isle of Man, “arbitration agreement” has the same meaning as in Part 1 of the Arbitration Act 1976 (an Act of Tynwald)(4).”.

**15.**—(1) Section 48 (regulations and orders) is modified as follows.

(2) In subsection (1) after “the Ministers” (in both places that expression occurs) insert “or the Department”.

(3) For subsection (2) substitute—

“(2) Any regulations or order under this Act made by the Department must be approved by Tynwald before coming into operation.”.

(4) Omit subsections (3), (4) and (6).

**16.** In section 49(1) (definitions) after the definition of “the Controller” insert—

““the Department” means the Department of Environment, Food and Agriculture of the Isle of Man;”.

**17.**—(1) Section 50 (receipts) is modified as follows.

(2) Renumber the existing text as subsection (1) of the section.

(3) At the end add—

“(2) Any fees received by virtue of this Act by the Department form part of the General Revenue of the Isle of Man.”.

**18.** Omit section 51 (consequential amendments).

**19.** For section 52 (repeals) substitute—

**“Repeal**

**52.** The Seeds Act 1921(5) and the Seeds (Amendment) Act 1939(6) (both Acts of Tynwald) are repealed.”.

**20.** Omit section 53 (extent).

**21.** In section 54 omit subsections (2) to (4) (the commencement of the Act in the United Kingdom).

**22.** In paragraph 4 of Schedule 1 (proof of documents in proceedings under the Act) omit “, or in Scotland sufficient evidence,”.

**23.**—(1) Schedule 2 (conditions for the grant of plant breeders’ rights)(7) is modified as follows.

(2) In paragraph 4(2) and (3) (circumstances in which a variety is deemed new) after “the United Kingdom” insert “or the Isle of Man”.

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(4) AT 24 of 1976.

(5) AT 2 of 1921.

(6) AT 9 of 1939.

(7) Schedule 2 was amended by [S.I. 2011/1043](#).

(3) In paragraph 6(2)(c) (orders designating countries or territories for the purposes of parallel applications for rights) for “the Ministers” substitute “the Department”.

**24.**—(1) Schedule 3 (the Plant Varieties and Seeds Tribunal)(**8**) applies to proceedings from the Isle of Man, as it applies to proceedings in England, and is modified as follows.

(2) Omit paragraphs 3 and 4 (appointment of a chairman of the Tribunal in Scotland and in Northern Ireland).

(3) In paragraph 5 (term of appointment of a chairman of the Tribunal)—

(a) omit sub-paragraph (1A);

(b) in sub-paragraph (5) omit “or 3”;

(c) for “paragraph 2, 3 or 4” (in each place that expression occurs) substitute “paragraph 2”.

(4) In paragraph 6 (deputy chairman) for “paragraph 2, 3 or 4” (in each place that expression occurs) substitute “paragraph 2”.

(5) In paragraph 9 (sittings of the Tribunal) for the words following “brought before them” substitute “from the Isle of Man, sit anywhere in England”.

(6) In paragraph 11 (costs)—

(a) in sub-paragraph (1) omit the words “or Northern Ireland”;

(b) omit sub-paragraph (3).

(7) Omit paragraph 12 (expenses in Scotland).

(8) In paragraph 16 (interpretation) omit paragraphs (b) and (c) of the definitions of “appointing authority” and “relevant chairman”.

**25.** Omit Schedule 4 (repeals).

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(**8**) Schedule 3 was amended by paragraph 269 of Part 1 of Schedule 4, and paragraph 5 of Part 3 of Schedule 11, to the Constitutional Reform Act 2005 (c. 4), paragraph 27 of Schedule 4 to the Northern Ireland Act 2009 (c. 3), paragraph 11 of the Schedule to the Department of Justice Act (Northern Ireland) 2010 (c. 3 N.I.), and paragraph 120 of Part 3 of Schedule 9 to the Crime and Courts Act 2013 (c. 22).