

## SCHEDULE

Article 2

### Amendments to the Plant Varieties and Seeds (Isle of Man) Order 2016

1. Schedule 2 to the Plant Varieties and Seeds (Isle of Man) Order 2016 is amended as follows.
2. In paragraph 2—
  - (1) before paragraph (a) insert—
    - “(za) in subsection (3), after “liable”, insert “(subject to any contractual agreement entered into between the farmer and the holder of the plant breeders’ rights)”;
    - (zb) in subsection (4), for the words from “considered to be” to the end substitute “a small farmer for the purposes of this section”;
  - (2) after paragraph (a) insert—
    - “(aa) for subsection (10) substitute—
      - “(10) In this section, “small farmer” means—
        - (a) in a case where the material referred to in subsection (3) is used for propagating potatoes, a farmer who grows potatoes in an area no bigger than that which would be needed to produce 185 tonnes of potatoes per harvest, and
        - (b) in a case where material referred to in subsection (3) is used for propagating any other variety specified for the purpose of subsection (1), a farmer who grows that variety in an area no bigger than that which would be needed to produce 92 tonnes of cereals per harvest.”;
      - (ab) omit subsection (12);”.
3. For paragraph 4 substitute—
  - “4. In section 11 (duration)—
    - (a) in subsection (2), for “The Ministers” substitute “The Department”;
    - (b) omit subsection (3)(a).”.
4. After paragraph 12 insert—
  - “12A. In section 38 (interpretation of Part 1), omit the definition of “the Council Regulation”.”.