

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”.”.