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STATUTORY INSTRUMENTS

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**1993 No. 2781**

**PLANT BREEDERS' RIGHTS**

**The Plant Breeders' Rights (Quince Rootstocks) Scheme 1993**

*Made* - - - - *10th November 1993*  
*Laid before Parliament* *10th November 1993*  
*Coming into force* - - *1st December 1993*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland, acting jointly, as respects the United Kingdom, in exercise of the powers conferred on them by sections 1(1) and (5), 3(1), 5(7), 7(2) and 38(1) of the Plant Varieties and Seeds Act 1964<sup>(1)</sup> as extended to Northern Ireland<sup>(2)</sup> and the said Minister and the Secretary of State, acting jointly, as respects the Isle of Man, in exercise of the said powers as extended to the Isle of Man<sup>(3)</sup>, after consultation in accordance with section 1(5) of the said Act with the Controller of Plant Variety Rights and with representatives of such interests as appear to them to be concerned, and in exercise of all other powers enabling them in that behalf, hereby make the following Scheme:

**Title, commencement and interpretation**

1.—(1) This Scheme may be cited as the Plant Breeders' Rights (Quince Rootstocks) Scheme 1993 and shall come into force on 1st December 1993.

(2) In this Scheme “the Act” means the Plant Varieties and Seeds Act 1964.

**Plant varieties for which plant breeders' rights may be granted**

2. There are prescribed for the purposes of the grant of plant breeders' rights all plant varieties of quince rootstock belonging to the genus *Cydonia*.

**Period for which rights are exercisable**

3. The period for which plant breeders' rights shall be exercisable in respect of any of the plant varieties referred to in paragraph 2 of this Scheme shall be 30 years.

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(1) 1964 c. 14; section 3 was amended by section 1 of the Plant Varieties Act 1983 (c. 17); and paragraph 1(1) of Schedule 3 was amended by section 2 of that Act; section 38(1) (as amended by S.I. 1978/272) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which the Scheme is made.  
(2) By section 39(3) of the Plant Varieties and Seeds Act 1964 and by the Plant Varieties and Seeds (Northern Ireland) Order 1964 (S.I. 1964/1574).  
(3) By the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829), amended by S.I. 1987/2210.

**Class of plant varieties for the purpose of section 5(7) of the Act**

4. In relation to *Cydonia* L. the class of plant varieties prescribed for the purposes of section 5(7) of the Act (which enables classes of plant varieties to be prescribed in connection with the use of names likely to deceive or cause confusion) consists of all plant varieties of quince rootstocks.

**Periods specified for purposes of section 7(2) of the Act**

5. In relation to any of the plant varieties referred to in paragraph 2 of this Scheme the period prescribed for the purposes of section 7(2) of the Act (which enables a provision to be made whereby a compulsory licence granted by the Controller as respects a plant variety of a species or group specified in a Scheme shall not have effect for a prescribed period after the grant of rights) shall be 3 years.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th November 1993.

L.S.

*Gillian Shephard*  
Minister of Agriculture, Fisheries and Food

8th November 1993

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

4th November 1993

*John Redwood*  
Secretary of State for Wales

10th November 1993

*Patrick Mayhew*  
Secretary of State for Northern Ireland

5th November 1993

*Michael Howard*  
Secretary of State for the Home  
Department (being the Secretary of State  
concerned with matters relating to the Isle of  
Man)

## EXPLANATORY NOTE

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

This Scheme, made under the Plant Varieties and Seeds Act 1964, prescribes the varieties of quince rootstocks in respect of which grants of plant breeders' rights may be made and also prescribes the period of 30 years as that during which the rights may be exercised (paragraphs 2 and 3).

The Act, as read with this Scheme, provides that infringements of the rights in the registered name of a variety of quince rootstock may be the subject of legal proceedings when committed in connection with any other variety of quince rootstock (paragraph 4).

The Scheme also provides that a compulsory licence granted by the Controller of Plant Variety Rights in respect of a variety of quince rootstock shall not have effect during a period of three years from the date of the grant of rights in that variety (paragraph 5).