



Plant Varieties and Seeds Act 1964

1964 CHAPTER 14

PART I

PLANT BREEDERS' RIGHTS

1 Grant of plant breeders' rights

- (1) Rights, to be known as plant breeders' rights, may be granted in accordance with this Part of this Act in respect of plant varieties of such species or groups as may be prescribed by a scheme made by the Ministers under this Part of this Act.
- (2) Subject to this Part of this Act, plant breeders' rights shall be granted to an applicant by the Controller of the Plant Variety Rights Office established under this Part of this Act (hereafter in this Act referred to as "the Controller ") on being satisfied that the conditions laid down in the next following section are fulfilled.
- (3) Schedule 1 to this Act shall have effect for the protection of an applicant pending the decision to allow or refuse his application for the grant of plant breeders' rights.
- (4) An appeal shall lie to the Tribunal established under this Part of this Act (hereafter in this Act referred to as "the Tribunal") against the decision of the Controller to allow or refuse an application for the grant of plant breeders' rights.
- (5) Before making a scheme under this Part of this Act the Ministers shall consult the Controller and representatives of such interests as appear to the Ministers to be concerned, and any scheme under this Part of this Act—
 - (a) may make different provision for different species or groups of plant varieties,
 - (b) may contain such supplemental, incidental and transitional provisions as appear to the Ministers to be appropriate, and
 - (c) may be varied or revoked by a subsequent scheme,so, however, that the variation or revocation of a scheme shall not prejudice a grant of plant breeders' rights made before the variation or revocation takes effect.
- (6) A scheme under this Part of this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.