



Plant Varieties Act 1997

1997 CHAPTER 66

PART I

PLANT VARIETIES

Discharge of the Controller's functions

27 Ministerial guidance.

The Controller shall, in exercising his functions, act under the general direction of the Ministers, except in relation to the taking of a decision from which an appeal lies to the Tribunal.

28 Regulations.

- (1) The Ministers may by regulations make such provision as they think fit as respects the manner in which the Controller is to discharge his functions under this Part of this Act, in particular as respects applications for the grant of plant breeders' rights and other applications to the Controller under this Part of this Act.
- (2) Regulations under subsection (1) above may, in particular—
 - (a) make provision for restricting the making of repeated applications on the same subject,
 - (b) prescribe the circumstances in which representations may be made regarding any decision on an application or in connection with the charging of fees,
 - (c) make provision as to the keeping of registers and records by the Controller and their rectification, and prescribe the circumstances in which they may be inspected by members of the public,
 - (d) make provision for the publication or service of notice of applications and of the Controller's decisions,
 - (e) prescribe the manner of dealing with objections to applications.

Changes to legislation: There are currently no known outstanding effects for the Plant Varieties Act 1997, Cross Heading: Discharge of the Controller's functions. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 28: power to make regulations extended (1.3.2002) by [The Patents and Plant Variety Rights \(Compulsory Licensing\) Regulations 2002 \(S.I. 2002/247\)](#), **reg. 21**

29 Fees.

- (1) The Ministers may make regulations as respects the charging of fees by the Controller, including periodical fees payable by persons holding plant breeders' rights.
- (2) Regulations under subsection (1) above may authorise the Controller—
- (a) in the case of a failure to pay any fees payable in connection with any application to him under this Part of this Act, to refuse the application, and
 - (b) in the case of a failure by a holder of plant breeders' rights to pay any fees payable in connection with those rights, to terminate the period for which the grant of those rights has effect;
- and may provide for the restoration of the application or the rights if the failure to pay fees is made good.

Modifications etc. (not altering text)

- C2** S. 29: power to make regulations extended (1.3.2002) by [The Patents and Plant Variety Rights \(Compulsory Licensing\) Regulations 2002 \(S.I. 2002/247\)](#), **reg. 21**

30 Use of outsiders.

The Controller may use the services of persons who are not appointed as officers or servants of the Plant Variety Rights Office—

- (a) in carrying out the tests and trials which he considers expedient for the purposes of this Part of this Act, and
- (b) in assessing the results of any tests and trials (whether carried out by him or not) which he considers relevant for those purposes.

Changes to legislation:

There are currently no known outstanding effects for the Plant Varieties Act 1997, Cross
Heading: Discharge of the Controller's functions.