



Plant Varieties Act 1997

1997 CHAPTER 66

PART I

PLANT VARIETIES

Preliminary

1 Plant breeders' rights

- (1) Rights, to be known as plant breeders' rights, may be granted in accordance with this Part of this Act.
- (2) Plant breeders' rights may subsist in varieties of all plant genera and species.
- (3) For the purposes of this Act, “variety” means a plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of plant breeders' rights (which are laid down in section 4 below) are met, can be—
 - (a) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes,
 - (b) distinguished from any other plant grouping by the expression of at least one of those characteristics, and
 - (c) considered as a unit with regard to its suitability for being propagated unchanged.

2 The Plant Variety Rights Office

- (1) The office known as the Plant Variety Rights Office shall continue in being for the purposes of this Part of this Act under the immediate control of an officer appointed by the Ministers and known as the Controller of Plant Variety Rights (“the Controller”).
- (2) Schedule 1 to this Act (which makes further provision about the Plant Variety Rights Office) shall have effect.