



Plant Varieties Act 1997

1997 CHAPTER 66

PART I

PLANT VARIETIES

Proceedings before the Controller

24 Right to be heard: general

The Ministers shall by regulations make provision for any decision of the Controller against which an appeal lies to the Tribunal to be made only after an opportunity of making representations to him, and of being heard by him or by a person appointed by him for the purpose, has been afforded—

- (a) to the person entitled to appeal to the Tribunal against that decision, and
- (b) to persons of such other descriptions as may be prescribed by the regulations.

25 Right to be heard: applications for compulsory licences

(1) This section applies to an application for the grant of a licence under section 17 above if the holder of the plant breeders' rights to which the application relates is, or includes, or is represented by, a society or other organisation falling within subsection (2) below.

(2) A society or other organisation falls within this subsection if it has as its main object, or one of its main objects, the negotiation or granting of licences to exercise plant breeders' rights, either as the holder of the rights or as agent for holders.

(3) If—

- (a) any organisation or person applies to the Controller for an opportunity of making representations concerning an application to which this section applies, and
- (b) the Controller is satisfied that the conditions mentioned in subsection (4) below are met,

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he shall afford to the organisation or person by whom the application under this subsection is made an opportunity of making representations to him and of being heard by him or by a person appointed by him for the purpose.

- (4) The conditions referred to in subsection (3) above are—
- (a) that the organisation or person has a substantial interest in the application for a licence under section 17 above,
 - (b) that that application involves issues which may affect other applicants for licences under that section, and
 - (c) where the application under subsection (3) above is made by an organisation, that the organisation is reasonably representative of the class of persons which it claims to represent.
- (5) The rights conferred by this section are in addition to any rights which may be conferred under section 24 above.

26 Appeals to the Tribunal

- (1) An appeal shall lie to the Tribunal against the following decisions of the Controller—
- (a) a decision to allow or refuse an application for the grant of plant breeders' rights,
 - (b) any decision preliminary to the determination of such an application as to the conditions laid down in section 4 above,
 - (c) a decision to allow or refuse an application under section 17(1) or (9) above,
 - (d) any decision under section 21 or 22(1)(a), (b) or (c) above,
 - (e) a decision to refuse an application under section 22(1)(d) above, and
 - (f) a decision to allow or refuse an application under section 23(1) or (2) above.
- (2) The Ministers may by regulations confer a right of appeal to the Tribunal against—
- (a) a decision of the Controller to refuse an application under section 25(3)(a) above, or
 - (b) any decision of the Controller under regulations made under section 18 above or section 28 or 29 below.