

*Status: Point in time view as at 08/05/1998.*

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

## SCHEDULES

### SCHEDULE 3

#### THE PLANT VARIETIES AND SEEDS TRIBUNAL

##### Modifications etc. (not altering text)

**C1** Sch. 3 applied (1.12.2001) by S.I. 2001/3510, reg. 17(2)

##### *Chairman*

- 2 (1) The Lord Chancellor shall appoint a person to be chairman of the Tribunal for the purpose of proceedings brought before them in England and Wales.
- (2) A person may only be appointed under this paragraph if he has a seven year general qualification, within the meaning of section 71 of the <sup>M1</sup>Courts and Legal Services Act 1990.

##### Marginal Citations

**M1** 1990 c. 41.

- 3 (1) The Lord President of the Court of Session shall appoint a person to be chairman of the Tribunal for the purpose of proceedings brought before them in Scotland.
- (2) A person may only be appointed under this paragraph if he is an advocate or solicitor in Scotland of at least 7 years' standing.
- 4 (1) The Lord Chief Justice of Northern Ireland shall appoint a person to be chairman of the Tribunal for the purpose of proceedings brought before them in Northern Ireland.
- (2) A person may only be appointed under this paragraph if he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing.
- 5 (1) Subject to sub-paragraph (2) below, a person's appointment under paragraph 2, 3 or 4 above shall be for such term as the appointing authority may determine before the person's appointment.
- (2) No appointment of a person under paragraph 2, 3 or 4 above shall be such as to extend beyond the day on which he attains the age of 70.
- (3) A person who ceases to hold office under paragraph 2, 3 or 4 above shall be eligible for re-appointment.
- (4) A person may resign his appointment under paragraph 2, 3 or 4 above by notice in writing to the appointing authority.

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- (5) The appointing authority may revoke a person's appointment under paragraph 2, 3 or 4 above if satisfied that the person is unfit to continue in office or incapable of discharging his duties.
- (6) Sub-paragraph (2) above is subject to section 26(4) to (6) of the <sup>M2</sup>Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).

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**Marginal Citations**

**M2** 1993 c. 8.

- 6 (1) In the case of the temporary absence or inability to act of a person appointed under paragraph 2, 3 or 4 above, the appointing authority may appoint another person to act as deputy for that person.
- (2) A person may only be appointed to act as deputy for a person appointed under paragraph 2, 3 or 4 above if he has the qualification required for appointment under that paragraph.
- (3) A person appointed under sub-paragraph (1) above shall, when acting as deputy for a person appointed under paragraph 2, 3 or 4 above, have all the functions of that person.

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