



# Plant Varieties Act 1997

## 1997 CHAPTER 66

### PART I

#### PLANT VARIETIES

##### *Termination and suspension of plant breeders' rights*

#### 21 Nullity

- (1) The Controller shall declare the grant of plant breeders' rights null and void if it is established—
  - (a) that when the rights were granted the protected variety did not meet the criterion specified in paragraph (a) or (d) of section 4(2) above,
  - (b) where the grant of the rights was essentially based upon information and documents furnished by the applicant, that when the rights were granted the protected variety did not meet the criterion specified in paragraph (b) or (c) of that provision, or
  - (c) that the person to whom the rights were granted was not the person entitled to the grant of the rights and the rights have not subsequently been transferred to him, or his successor in title.
- (2) If, because of paragraph 6 of Schedule 2 to this Act, priority is established for an application for the grant of plant breeders' rights after such rights have been granted in pursuance of an application against which priority is established, subsection (1)(c) above shall only apply to the grant if the Controller decides that the application for which priority is established should be granted.
- (3) Where the grant of plant breeders' rights is declared null and void under this section, it shall be deemed never to have had effect.