



Plant Varieties Act 1997

1997 CHAPTER 66

PART I

PLANT VARIETIES

Scope of plant breeders' rights

6 Protected variety

- (1) Plant breeders' rights shall have effect to entitle the holder to prevent anyone doing any of the following acts as respects the propagating material of the protected variety without his authority, namely—
 - (a) production or reproduction (multiplication),
 - (b) conditioning for the purpose of propagation,
 - (c) offering for sale,
 - (d) selling or other marketing,
 - (e) exporting,
 - (f) importing,
 - (g) stocking for any of the purposes mentioned in paragraphs (a) to (f) above, and
 - (h) any other act prescribed for the purposes of this provision.
- (2) The holder of plant breeders' rights may give authority for the purposes of subsection (1) above with or without conditions or limitations.
- (3) The rights conferred on the holder of plant breeders' rights by subsections (1) and (2) above shall also apply as respects harvested material obtained through the unauthorised use of propagating material of the protected variety, unless he has had a reasonable opportunity before the harvested material is obtained to exercise his rights in relation to the unauthorised use of the propagating material.
- (4) In the case of a variety of a prescribed description, the rights conferred on the holder of plant breeders' rights by subsections (1) and (2) above shall also apply as respects any product which—

Status: This is the original version (as it was originally enacted).

- (a) is made directly from harvested material in relation to which subsection (3) above applies, and
 - (b) is of a prescribed description,unless subsection (5) below applies.
- (5) This subsection applies if, before the product was made, any act mentioned in subsection (1) above was done as respects the harvested material from which the product was made and either—
 - (a) the act was done with the authority of the holder of the plant breeders' rights, or
 - (b) the holder of those rights had a reasonable opportunity to exercise them in relation to the doing of the act.
- (6) In this section—
 - (a) “prescribed” means prescribed by regulations made by the Ministers, and
 - (b) references to harvested material include entire plants and parts of plants.