
 STATUTORY INSTRUMENTS

1977 No. 142

PLANT BREEDERS' RIGHTS

**The Plant Breeders' Rights (Red Clover and White Clover)
Scheme 1977**

Made - - - - 31st January 1977

Laid before Parliament 10th February 1977

Coming into Operation 3rd March 1977

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Northern Ireland (being the Secretary of State concerned with agriculture in Northern Ireland), acting jointly, in exercise of the powers conferred on them by sections 1(1) and (5), 3(1) and 5(7) of the Plant Varieties and Seeds Act 1964(a), (extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(b) and to the Isle of Man by the Plant Varieties and Seeds (Isle of Man) Order 1969(c)) and of all other powers enabling them in that behalf, after consultation with the Controller of Plant Variety Rights and with representatives of such interests as appear to them to be concerned, hereby make the following Scheme:—

Citation and commencement

1. This Scheme may be cited as the Plant Breeders' Rights (Red Clover and White Clover) Scheme 1977 and shall come into operation on 3rd March 1977.

Interpretation

2.—(1) In this Scheme, unless the context otherwise requires—

“the Act” means the Plant Varieties and Seeds Act 1964;

“plant breeders' rights” means rights which may be granted in accordance with Part I of the Act;

“plant variety” means any clone, line, hybrid or genetic variant.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

Plant Varieties for which Plant Breeders' Rights may be granted

3. There are prescribed for the purposes of the grant of plant breeders' rights all plant varieties of red clover which conform with the characteristics of cultivated plant varieties of the species *Trifolium pratense* L., and all plant varieties of white clover which conform with the characteristics of cultivated plant varieties of the species *Trifolium repens* L.

Period for which rights are exercisable

4. The period for which plant breeders' rights shall be exercisable in respect of any of the plant varieties referred to in the last preceding paragraph shall be 20 years.

(a) 1964 c. 14.

(c) S.I. 1969/1829 (1969 III, p. 5701).

(b) S.I. 1964/1574 (1964 III, p. 3543).

(d) 1889 c. 63.

Class of plant varieties for the purposes of section 5(7) of the Act

5. In relation to any of the varieties referred to in paragraph 3 of this Scheme, the class of plant varieties prescribed for the purposes of section 5(7) of the Act (which enables a class of plant varieties to be prescribed in connection with the use of names likely to deceive or cause confusion) consists of all plant varieties of the species specified in the Schedule to the Scheme.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th January 1977.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

27th January 1977.

Bruce Millan,
Secretary of State for Scotland.

31st January 1977.

Roy Mason,
Secretary of State for Northern Ireland.

SCHEDULE

SPECIES OF WHICH PLANT VARIETIES ARE PRESCRIBED FOR THE PURPOSES OF SECTION 5(7)
OF THE ACT

| | |
|---------------------------------------|-----------------------------------|
| <i>Lupinus albus</i> L. | <i>Trifolium pratense</i> L. |
| <i>Lupinus angustifolius</i> L. | <i>Trifolium repens</i> L. |
| <i>Lupinus luteus</i> L. | <i>Trifolium alexandrinum</i> |
| <i>Medicago falcata</i> L. | <i>Trifolium hybridum</i> L. |
| <i>Medicago sativa</i> L. | <i>Trifolium incarnatum</i> L. |
| <i>Medicago lupulina</i> L. | <i>Vicia articulata</i> Hornemann |
| <i>Medicago</i> × <i>varia</i> Martyn | <i>Vicia pannonica</i> Crantz |
| <i>Ornithopus sativus</i> Brot. | <i>Vicia sativa</i> L. |
| <i>Onobrychis viciifolia</i> Scop. | <i>Vicia sepium</i> L. |
| <i>Spergula arvensis</i> L. | <i>Vicia villosa</i> Roth |

EXPLANATORY NOTE

(*This Note is not part of the Scheme.*)

This Scheme, made under the Plant Varieties and Seeds Act 1964, prescribes the varieties of red clover and white clover, in respect of which grants of plant breeders' rights may be made and also prescribes the period of 20 years as that during which the rights may be exercised.

The aforesaid Act, as read with this Scheme, provides that infringements of the rights in the registered name of a variety of red clover and white clover may be the subject of legal proceedings when committed in connection with a variety of a genus or species which is specified for that purpose in the Schedule to the Scheme.

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