
 STATUTORY INSTRUMENTS

1982 No. 1098

PLANT BREEDERS' RIGHTS

**The Plant Breeders' Rights (Oil and Fibre Plants) (Variation)
Scheme 1982**

<i>Made - - - -</i>	29th July 1982
<i>Laid before Parliament</i>	10th August 1982
<i>Coming into Operation</i>	31st August 1982

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for 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 now vested in them (d) and of all other powers enabling them in that behalf, after consultation in accordance with section 1(5) of the said Act 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:—

Title and Commencement

1. This scheme may be cited as the Plant Breeders' Rights (Oil and Fibre Plants) (Variation) Scheme 1982 and shall come into operation on 31st August 1982.

Variation of the principal scheme

2. The Plant Breeders' Rights (Oil and Fibre Plants) Scheme 1980(e) shall be varied as follows:—

- (a) in sub-paragraph (iii) of paragraph 5 the words “, white mustard, brown mustard and black mustard” shall be inserted immediately after the words “oilseed rape” in the first line thereof, and
- (b) the following items shall be added at the end of Schedule 1:—

(a) 1964 c.14.

(b) S.I. 1964/1574.

(c) S.I. 1969/1829.

(d) In the case of the Secretary of State for Wales by virtue of the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

(e) S.I. 1980/318.

Column 1		Column 2
Name	Genus or Species Common Name	Period of years for which Rights are exercisable
" <i>Sinapis alba</i> L.	White mustard	15
<i>Brassica juncea</i> (L.) Czern. et Coss. in Czern.	Brown mustard	15
<i>Brassica nigra</i> (L.) W. Koch	Black mustard	15"

(c) the following words shall be added at the end of the heading to Part III of Schedule 2:—

“, WHITE MUSTARD, BROWN MUSTARD AND BLACK MUSTARD”.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1982.



Peter Walker,
Minister of Agriculture, Fisheries
and Food.

26th July 1982.

George Younger,
Secretary of State for Scotland.

27th July 1982.

Nicholas Edwards,
Secretary of State for Wales.

29th July 1982.

James Prior,
Secretary of State for Northern
Ireland.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme varies the Plant Breeders' Rights (Oil and Fibre Plants) Scheme 1980 by adding white mustard, brown mustard and black mustard to the species, of which plant varieties may be the subject of plant breeders' rights under Part 1 of the Plant Varieties and Seeds Act 1964. Fifteen years is prescribed as the period during which the rights may be exercised.

The Scheme, as read with the 1964 Act, also provides that infringements of the rights in the registered name of a variety of white, brown or black mustard may be the subject of legal proceedings when committed in connection with a variety of the species specified in Part III of Schedule 2 of the 1980 Scheme.

SI 1982/1098
ISBN 0-11-027098-3



780110 270982