

## STATUTORY INSTRUMENTS

1985 No. 1095

## PLANT BREEDERS' RIGHTS

## The Plant Breeders' Rights (Cactaceae) Scheme 1985

*Made* - - - 10th July 1985

*Laid before Parliament* 25th July 1985

*Coming into Operation* 16th August 1985

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) as extended to Northern Ireland(b) and now vested in them(c), and the said Minister and the Secretary of State, acting jointly, in exercise of the said powers as extended to the Isle of Man(d), 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, and in exercise of all other powers enabling them in that behalf, hereby make the following scheme:—

*Title and commencement*

1. This scheme may be cited as the Plant Breeders' Rights (Cactaceae) Scheme 1985 and shall come into operation on 16th August 1985.

*Plant varieties for which plant breeders' rights may be granted*

2. There are prescribed for the purposes of the grant of plant breeders' rights all plant varieties of cacti which conform with the characteristics of cultivated plant varieties of any of the taxa specified in Column 1 of the Schedule to this scheme or of cultivated plant varieties which are the products of hybridization between members of any of those taxa.

*Period for which rights are exercisable*

3. 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; section 3 was amended by the Plant Varieties Act 1983 (c.17), section 1.

(b) By the Plant Varieties and Seeds (Northern Ireland) Order 1964 (S.I. 1964/1574).

(c) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.

(d) By the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829).

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

4. In relation to plant varieties of any of the taxa specified in Column 1 of the Schedule to this scheme the class of plant varieties prescribed for the purposes of section 5(7) of the Plant Varieties and Seeds Act 1964 (which enables classes of plant varieties to be prescribed in connection with the use of names likely to deceive or cause confusion) consists of all classes of plant varieties specified in Column 2 of the said Schedule.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th July 1985.



*Michael Jopling,*  
Minister of Agriculture,  
Fisheries and Food.

*George Younger,*  
Secretary of State for Scotland.

27th June 1985.

*Nicholas Edwards,*  
Secretary of State for Wales.

3rd July 1985.

*Douglas Hurd,*  
Secretary of State for Northern Ireland.

5th July 1985.

*Leon Brittan,*  
Secretary of State for the Home Department  
(being the Secretary of State concerned  
with matters relating to the Isle of Man).

Home Office.  
28th June 1985.

Paragraphs 2 and 4

## SCHEDULE

Column 1 Taxa	Column 2 Class of plant varieties prescribed for the purposes of section 5(7)
<i>Epiphyllopsis</i> (Berger) Backeb. & Knuth.	<i>Epiphyllopsis</i>
<i>Rhipsalidopsis</i> Br. & Rose.	<i>Rhipsalidopsis</i>
<i>Schlumbergera</i> Lem. ( <i>Zygocactus</i> K. Schum.)	<i>Schlumbergera</i> ( <i>Zygocactus</i> )

## EXPLANATORY NOTE

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

This scheme prescribes (in paragraph 2) the varieties of cactus, being those which belong to the taxa specified in Column 1 to the Schedule to the scheme, in respect of which grants of plant breeders' rights may be made, and also prescribes (in paragraph 3) the period of twenty years as that during which the rights may be exercised.

The Plant Varieties and Seeds Act 1964 as read with this scheme, provides that infringements of the rights in the registered name of a variety of the cacti specified in paragraph 2 of this scheme may be the subject of legal proceedings when committed in connection with the class of variety which is specified for that purpose in paragraph 4 of this scheme.

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