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STATUTORY INSTRUMENTS

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**1990 No. 1596**

**PLANT BREEDER' RIGHTS**

**The Plant Breeders' Rights (Trees, Shrubs and  
Woody Climbers) (Variation) Scheme 1990**

<i>Made</i>	- - - -	<i>30th July 1990</i>
<i>Laid before Parliament</i>		<i>7th August 1990</i>
<i>Coming into force</i>	- -	<i>28th August 1990</i>

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, as respects the United Kingdom, in exercise of the powers conferred on them by sections 1(1) and (5), 3(1), 5(7), 7(2) and 38(1) of the Plant Varieties and Seeds Act 1964<sup>(1)</sup> as extended to Northern Ireland<sup>(2)</sup> and the said Minister and the Secretary of State, acting jointly, as respects the Isle of Man, in exercise of the said powers as extended to the Isle of Man<sup>(3)</sup>, 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 (Trees, Shrubs and Woody Climbers) (Variation) Scheme 1990 and shall come into force on 28th August 1990.

**Variation of the principal Scheme**

2. The Schedule to the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1969<sup>(4)</sup> (which specifies the genera or species of trees, shrubs and woody climbers of which varieties may be the subject of plant breeders' rights), is hereby varied by substituting for the items relating to the genera *Cornus alba* L., *Cornus controversa* Hemsl., *Cornus florida* L., *Cornus kousa* (Buerger ex Miq.) Hance, *Cornus mas* L. and *Cornus nuttallii* Audubon set out in columns 1 to 5 inclusive the following item —

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- (1) 1964 c. 14; section 3 was amended by section 1 of the Plant Varieties Act 1983 (c. 17); section 38(1) (as amended by S.I. 1978/272) contains a definition of "the Ministers" relevant to the exercise of the statutory powers under which the Scheme is made.
- (2) By section 39(3) of the Plant Varieties and Seeds Act 1964 and by the Plant Varieties and Seeds (Northern Ireland) Order 1964 (S.I. 1964/1574).
- (3) By the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829, amended by S.I. 1987/2210).
- (4) S.I. 1969/1024, amended by S.I. 1971/1093 and 1985/1091 and by section 1(4) of the Plant Varieties Act 1983.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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“Column 1 Genus or Species	Column 2 Period of years for which rights are exercisable	Column 3 Classes of plant varieties prescribed for purposes of section 5(7)	Column 4 Period of years prescribed for purposes of section 7(2)	Column 5 Additional rights
<i>Cornus L.</i>	30	<i>Cornus</i>	5”	

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1990.

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

23rd July 1990

*Sanderson of Bowden*  
Minister of State, Scottish Office

20th July 1990

*David Hunt*  
Secretary of State for Wales

30th July 1990

*Peter Brooke*  
Secretary of State for Northern Ireland

Home Office  
27th July 1990

*David Waddington*  
Secretary of State for the Home  
Department (being the Secretary of State  
concerned with matters relating to the Isle of  
Man)

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## EXPLANATORY NOTE

*(This note is not part of the Scheme)*

This Scheme varies the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1969 by extending (in paragraph 2) the schedule of genera and species of which plant varieties may be the subject of plant breeders' rights under Part I of the Plant Varieties and Seeds Act 1964 to cover all species of the genus *Cornus* L., thirty years being prescribed as the period during which the rights may be exercised. During that period infringements of the rights in the registered name of a variety of *Cornus* L. may be the subject of legal proceedings when committed in connection with any variety of *Cornus*.

This Scheme also provides (in paragraph 2) that a compulsory licence granted by the Controller of Plant Variety Rights in respect of a variety of *Cornus* shall not have effect during the period of five years from the date of the grant of rights in that variety.

Plant breeders' rights in respect of varieties of *Cornus* are not extended to the production or propagation of the varieties for the purpose of selling cut blooms, foliage or stems thereof.