
STATUTORY INSTRUMENTS

1992 No. 1940

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Miscellaneous Ornamental Plants) (Variation) Scheme 1992

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| <i>Made</i> | - - - - | <i>3rd August 1992</i> |
| <i>Laid before Parliament</i> | | <i>7th August 1992</i> |
| <i>Coming into force</i> | - - | <i>28th August 1992</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⁽¹⁾ as extended to Northern Ireland⁽²⁾ 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⁽³⁾, 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 (Miscellaneous Ornamental Plants) (Variation) Scheme 1992 and shall come into force on 28th August 1992.

Variation of the principal Scheme

2. The Schedule to the Plant Breeders' Rights (Miscellaneous Ornamental Plants) Scheme 1990⁽⁴⁾ (which specifies the genera or species of miscellaneous ornamental plants of which varieties may be the subject of plant breeders' rights) is hereby varied as follows—

- (i) in column 1, after “*Euphorbia Mili*” insert “*Galtonia candicans*”;
- (ii) in column 2, after “*Euphorbia Mili*” insert “*Galtonia candicans*”.

(1) 1964 c. 14; section 3 was amended by section 1 of the Plant Varieties Act 1983 (c. 17), and paragraph 1(1) of Schedule 3 was amended by section 2 of that Act; section 38(1) (as amended by S.I. 1978/272) contains a definition of 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. 1990/1594 amended by S.I. 1990/2634.

Status: This is the original version (as it was originally made).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

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th July 1992.

L.S.

Derek H. Andrews
Permanent Secretary, Ministry of Agriculture,
Fisheries and Food

3rd August 1992

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

31st July 1992

David Hunt
Secretary of State for Wales

3rd August 1992

Patrick Mayhew
Secretary of State for Northern Ireland

Home Office
31st July 1992

Kenneth Clarke
Secretary of State for the Home
Department (being the Secretary of State
concerned with matters relating to the Isle of
Man)

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme varies the Plant Breeders' Rights (Miscellaneous Ornamental Plants) Scheme 1990 by adding *Galtonia candicans* to the 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. The period prescribed as that during which rights may be exercised is 20 years. During that period infringements of the rights in the registered name of a variety of *Galtonia candicans* may be the subject of legal proceedings when committed in connection with any such variety.

This Scheme also provides (in paragraph 5) that a compulsory licence granted by the Controller of Plant Variety Rights in respect of varieties referred to in paragraph 2 shall not have effect during the period of three years from the date of the grant of rights in that variety.

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