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STATUTORY INSTRUMENTS

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**1993 No. 2776**

**PLANT BREEDERS' RIGHTS**

**The Plant Breeders' Rights (Trees, Shrubs  
and Woody Climbers) Scheme 1993**

*Made - - - - 10th November 1993*  
*Laid before Parliament 10th November 1993*  
*Coming into force - - 1st December 1993*

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, commencement and interpretation**

1.—(1) This Scheme may be cited as the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1993 and shall come into force on 1st December 1993.

(2) In this Scheme—

“the Act” means the Plant Varieties and Seeds Act 1964 as extended to Northern Ireland;

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

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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.

### **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 trees, shrubs and woody climbers which conform with the characteristics of cultivated plant varieties of any of the genera or species specified in column 1 of the Schedule to this Scheme.

### **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 the period of years specified in column 2 of the said Schedule opposite the genus or species to which that plant variety belongs.

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

4. 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 classes 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 genus or species specified in column 3 of the said Schedule opposite the genus or species to which that plant variety belongs.

### **Periods specified for the purposes of section 7(2) of the Act**

5. In relation to any of the plant varieties referred to in paragraph 3 of this Scheme the period, if any, prescribed for the purposes of section 7(2) of the Act (which enables a provision to be made whereby a compulsory licence granted by the Controller as respects a plant variety of a species or group specified in a Scheme shall not have effect for a prescribed period after the grant of rights in that plant variety) shall be the period of years specified in column 4 of the said Schedule opposite the genus or species to which that plant variety belongs.

### **Additional rights**

6. Plant breeders' rights exercisable in respect of any of the plant varieties referred to in paragraph 3 of this Scheme shall, where the word "included" appears in column 5 of the said Schedule opposite the genus or species to which that plant variety belongs, include the exclusive right to produce or propagate that plant variety for the purpose of selling cut blooms, foliage or stems thereof.

### **Revocations**

7. The Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1969(4), the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) (Amendment) Scheme 1971(5), the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) (Variation) Scheme 1985(6), the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) (Variation) Scheme 1990(7) and the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) (Variation) Scheme 1993(8) are hereby revoked.

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(4) S.I. 1969/1024.  
(5) S.I. 1971/1093.  
(6) S.I. 1985/1091.  
(7) S.I. 1990/1596.  
(8) S.I. 1993/1733.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th November 1993.

L.S.

*Gillian Shephard*  
Minister of Agriculture, Fisheries and Food

8th November 1993

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

4th November 1993

*John Redwood*  
Secretary of State for Wales

10th November 1993

*Patrick Mayhew*  
Secretary of State for Northern Ireland

Home Office  
5th November 1993

*Michael Howard*  
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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## SCHEDULE

Paragraphs 3, 4, 5, 6 and 7

<b>Column 1</b> <i>Genus or Species</i>	<b>Column 2</b> <i>Period of years for which Rights are exercisable</i>	<b>Column 3</b> <i>Classes of plant varieties prescribed for puposes of section 5(7)</i>	<b>Column 4</b> <i>Period or years prescribed for purposes of section 7(2)</i>	<b>Column 5</b> <i>Additional Rights</i>
<i>Abelia</i> R. Br.	20	<i>Abelia</i>	2	
<i>Abutilon megapotamicum</i> St. Hil & Naud.	20	<i>Abutilon</i>	2	
<i>Abutilon x milleri</i> Hort.	20	<i>Abutilon</i>	2	
<i>Abutilon ochsenii</i> (Phil.) Philippi	20	<i>Abutilon</i>	2	
<i>Abutilon vitifolium</i> Presl.	20	<i>Abutilon</i>	2	
<i>Acer</i> L.	30	<i>Acer</i>	2	
<i>Actinidia</i> Lindl.	20	<i>Actinidia</i>	2	
<i>Aesculus</i> L. excluding <i>Aesculus parviflora</i> Walt.	30	<i>Aesculus</i>	3	
<i>Aesculus parviflora</i> Walt.	20	<i>Aesculus</i>	2	
<i>Alnus</i> Mill.	30	<i>Alnus</i>	3	
<i>Amelanchier</i> Medik.	20	<i>Amelanchier</i>	2	
<i>Ampelopsis</i> Hort.	20	<i>Ampelopsis</i> and <i>Particlenocissus</i>		
<i>Andromeda</i> L.	25	<i>Amdromeda,</i> <i>Leucothoe</i> and <i>Pieris</i>	2	
<i>Aralia chinensis</i> L.	30	<i>Aralia</i>	5	
<i>Aralia elata</i> (Miq.) Seem.	30	<i>Aralia</i>	5	
<i>Aralia spinosa</i> L.	30	<i>Aralia</i>	5	
<i>Arbutus</i> L.	30	<i>Arbutus</i>	5	
<i>Arctostaphylos</i> Adans.	30	<i>Arctostaphylos</i>	5	
<i>Aronia</i> Medik.	20	<i>Aronia</i>	2	
<i>Aucuba</i> Thunb.	25	<i>Aucuba</i>	3	Included

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<i>Berberis</i> L.	20	<i>Berberis</i>	2	
<i>Betula</i> L.	30	<i>Betula</i>	5	
<i>Brachyglottis</i> Forst. & Forst. f.		<i>Brachyglottis</i>	5	
<i>Buddleia</i> L. excluding <i>B. asiatica</i> Lour., <i>B. auriculata</i> Benth., <i>B. madagascariensis</i> Lam. and <i>B. officinalis</i> Maxim.	20	<i>Buddleia</i>	2	
<i>Buxus</i> L.	25	<i>Buxus</i>	3	Included
<i>Callicarpa</i> L. excluding <i>C. purpurea</i> Juss. and <i>C. rubella</i> Lindl.	20	<i>Callicarpa</i>	2	
<i>Calluna</i> Salisb.	25	<i>Calluna</i> , <i>Erica</i> and <i>Daboecia</i>	3	Included
<i>Camellia japonica</i> L.	30	<i>Camellia</i>	5	Included
<i>Camellia reticulata</i> Lindl.	30	<i>Camellia</i>	5	Included
<i>Camellia saluenensis</i> Stapf. ex Bean	30	<i>Camellia</i>	5	Included
<i>Camellia saluenensis</i> Stapf. ex Bean x <i>C. reticulata</i> Lindl.	30	<i>Camellia</i>	5	Included
<i>Camellia sasanqua</i> Thunb.	30	<i>Camellia</i>	5	Included

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<i>Camellia x williamsii</i> W. W. Sm.	30	<i>Camellia</i>	5	Included
<i>Campsis</i> Lour.( <i>Tecoma</i> )	30	<i>Campsis</i>	5	
<i>Caragana</i> Fabr.	30	<i>Caragana</i>	5	
<i>Carpinus</i> L.	30	<i>Carpinus</i>	5	
<i>Caryopteris</i> Bunge	20	<i>Caryopteris</i>	2	
<i>Cassiope</i> D.Don	25	<i>Cassiope</i>	3	
<i>Castanea</i> Mill.	30	<i>Castanea</i>	3	
<i>Catalpav.</i> Wolf.	30	<i>Catalpa</i>	5	
<i>Caenothus</i> L.	20	<i>Ceanothus</i>	2	
<i>Ceratostigma</i> Bunge excluding <i>C. plumbaginoides</i> Bunge	20	<i>Ceratostigma</i>	2	
<i>Cercidiphyllum</i> Siebold & Zucc.	30	<i>Cercidiphyllum</i>	3	
<i>Cercisa</i> L.	30	<i>Cercis</i>	3	
<i>Chaenomeles</i> Lindl. ( <i>Cydonia</i> )	20	<i>Chaenomeles</i> and <i>Cydonia</i>		
<i>Chimonanthus</i> Lindl	30	<i>Chimonanthus</i>	5	
<i>Choisya</i> Kunth.	25	<i>Choisya</i>	3	
<i>Cistus</i> L.	20	<i>Cistus</i>	2	
<i>Clematis</i> L. excluding <i>C. heracleifolia</i> DC.	20	<i>Clematis</i>	2	
<i>Clethra acuminata</i> Michx.	20	<i>Clethra</i>	2	
<i>Clethra alnifolia</i> L.	20	<i>Clethra</i>	2	
<i>Clethra barbinervis</i> Sieb. & Zucc.	20	<i>Clethra</i>	2	
<i>Clethra fargesii</i> Franch.	20	<i>Clethra</i>	2	

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<i>Clethra tomentosa</i> Lam.	20	<i>Clethra</i>	2	
<i>Clianthus puniceus</i> (G. Don) Sol.ex Lindl.	25	<i>Clianthus</i>	5	
<i>Coprosma</i> Forst.	25	<i>Coprosma</i>	2	
<i>Cordyline australis</i> (Forst.) Endl.	25	<i>Cordyline</i>	2	
<i>Cordyline banksii</i> Hook.	25	<i>Cordyline</i>	2	
<i>Cordyline indivisa</i> (Forst.) Steud.	25	<i>Cordyline</i>	2	
<i>Cordyline kaspar</i> W.R.B Oliv.	25	<i>Cordyline</i>	2	
<i>Cordyline pumilio</i> Hook.f.	25	<i>Cordyline</i>	2	
<i>Cornus</i> L.	30	<i>Cornus</i>	5	
<i>Corokia</i> Cinn.	30	<i>Corokia</i>	2	
<i>Corylopsis</i> Sieb. & Zucc.	25	<i>Corylopsis</i>	3	
<i>Corynocarpus laevigata</i> J.R. Forst. et G. Forst.	25	<i>Corynocarpus</i>	5	
<i>Cotinus</i> Mill. ( <i>Rhus</i> L. in part)	20	<i>Cotinus</i> and <i>Rhus</i>	2	
<i>Cotoneaster</i> (B. Ehrh.) Medik.	20	<i>Cotoneaster</i>	2	Included
<i>Crataegus</i> L.	30	<i>Crataegus</i>	3	
<i>Cydonia</i> (see <i>Chaenomeles</i> )				

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<i>Cytisus</i> L. excluding <i>C. canariensis</i> Steud. and <i>C. fragrans</i> Lam.	20	<i>Cytisus</i> , <i>Genista</i> and <i>Spartium</i>	2	Included
<i>Daboecia</i> D. Don	25	<i>Daboecia</i> , <i>Calluna</i> and <i>Erica</i>	3	
<i>Daphne</i> L.	30	<i>Daphne</i>	5	
<i>Deutzia</i> Thunb.	20	<i>Deutzia</i>	2	Included
<i>Diervilla</i> Mill.	20	<i>Diervilla</i>	2	Included
<i>Podonaea viscosa</i> (L.) Jacq.	30	<i>Dodonaea</i>	5	
<i>Elaeagnus</i> L.	25	<i>Elaeagnus</i>	3	
<i>Embothrium</i> J. R. & G. Forst.	30	<i>Embothrium</i>	5	
<i>Enkianthus</i> Lour.	30	<i>Enkianthus</i>	5	
<i>Erica arborea</i> L.	25	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica australis</i> L.	25	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica carnea</i> L.	25	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica ciliaris</i> L.	25	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica cinerea</i> L.	25	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica x darleyensis</i> Bean	25	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica lusitanica</i> Rudolfi	25	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica mackaiana</i> Bab.	25	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included
<i>Erica mediterranea</i> Hort.	25	<i>Erica</i> , <i>Calluna</i> and <i>Daboecia</i>	3	Included



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<i>Ericaxpraegeri</i> Ostenf.	25	<i>Erica, CallunaandDaboecia</i>	3	Included
<i>Erica scoparia</i> L.	25	<i>Erica, CallunaandDaboecia</i>	3	Included
<i>Erica terminalis</i> Salisb.	25	<i>Erica, CallunaandDaboecia</i>	3	Included
<i>Erica tetralix</i> L.	25	<i>Erica, CallunaandDaboecia</i>	3	Included
<i>Erica vagans</i> L.	25	<i>Erica, CallunaandDaboecia</i>	3	Included
<i>Ericaxveitchii</i> Bean	25	<i>Erica, CallunaandDaboecia</i>	3	Included
<i>Ericaxwatsonii</i> Bentl.	25	<i>Erica, CallunaandDaboecia</i>	3	Included
<i>Ericaxwilliamsii</i> Drude	25	<i>Erica, CallunaandDaboecia</i>	3	Included
<i>Escallonia</i> Mutis ex L.f.	20	<i>Escallonia</i>	2	
<i>Eucalyptus</i> L'Herit	30	<i>Eucalyptus</i>	5	Included
<i>Eucryphia cordifolia</i> Cav.	30	<i>Eucryphia</i>	5	
<i>Eucryphia glutinosa</i> (Poepp. & Endl.) Baill.	30	<i>Eucryphia</i>	5	
<i>Eucryphiaxintermedia</i> Bausch	30	<i>Eucryphia</i>	5	
<i>Eucryphiaxnymansensis</i> Bausch	30	<i>Eucryphia</i>	5	
<i>Euonymus</i> L.	20	<i>Euonymus</i>	2	
<i>Exochorda</i> Lindl.	20	<i>Exochorda</i>	2	
<i>Fagus</i> L.	30	<i>Fagus</i>	5	
<i>xFatshedera</i> Guillaumin	30	<i>xFatshedera, FatsiaandHedera</i>	5	
<i>Forsythia</i> Vahl.	30	<i>Forsythia</i>	2	Included
<i>Fraxinus</i> L.	30	<i>Fraxinus</i>	3	

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<i>Fuchsia magellanica</i> Lam. var. <i>macrostemma</i> (Ruiz & Pavon) Munz	20	<i>Fuchsia</i>	2	
<i>Fuchsia magellanica</i> Lam. var. ' <i>Riccartonii</i> '	20	<i>Fuchsia</i>	2	
<i>Garrya elliptica</i> Douglas ex Lindl.		<i>Garrya</i>	3	
<i>Garryaxthuretii</i> Car25		<i>Garrya</i>	3	
<i>xGaulnettya</i> W.J.	Marchant	25	<i>xGaulnettya</i> and <i>Gaultheria</i>	3
<i>Gaultheria</i> Kalm ex L. <i>Gaya</i> (see Hoheria)	25	<i>Gaultheria</i> and <i>xGaulnettya</i>	3	
<i>Genista</i> L.	20	<i>Genista</i> , <i>Cytisus</i> and <i>Spartium</i>	5	
<i>Gleditsia</i> L.	30	<i>Gleditsia</i>	3	
<i>Griselinia littoralis</i> Raoul.	30	<i>Griselinia</i>	5	
<i>Griselinia lucida</i> Forst. f.	30	<i>Griselinia</i>	5	
<i>Halesia</i> J. Ellis ex L.	20	<i>Halesia</i>	2	
<i>Hamamelis</i> L.	30	<i>Hamamelis</i>	3	Included
<i>Hebe</i> Comm. ex Juss. excluding <i>H. speciosa</i> (Cunn.) Cockayne & Allan	20	<i>Hebe</i>	2	

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<i>Hedera</i> L.	20	<i>Hedera,</i> <i>Fatsia</i> andx <i>Fatshedera</i>	2	
<i>Helianthemum</i> Mill.	20	<i>Helianthemum</i>	2	
<i>Hibiscus</i> L.	25	<i>Hibiscus</i>	3	
<i>Hoheria</i> A Cunn. ( <i>Plagianthus,</i> <i>Gaya</i> )	30	<i>Hoheria</i>	5	
<i>Hydrangea</i> L.	20	<i>Hydrangea</i>	2	Included
<i>Hypericum</i> L.	20	<i>Hypericum</i>	2	
<i>Ilex</i> xaltaclarensis (Loudon) Dallim.	30	<i>Ilex</i>	5	Included
<i>Ilex aquifolium</i> L.	30	<i>Ilex</i>	5	Included
<i>Indigofera amblyantha</i> Craib.	20	<i>Indigofera</i>	2	
<i>Indigofera gerardiana</i> (Wall.) Bak.	20	<i>Indigofera</i>	2	
<i>Indigofera hebetata</i> Benth. ex Baker	20	<i>Indigofera</i>	2	
<i>Indigofera incarnata</i> (Willd.) Nakai	20	<i>Indigofera</i>	2	
<i>Indigofera kirilowi</i> Maxim. ex Palibin	20	<i>Indigofera</i>	2	
<i>Indigofera potaninii</i> Craib	20	<i>Indigofera</i>	2	
<i>Indigofera pseudotinctoria</i> Matsum.	20	<i>Indigofera</i>	2	

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<i>Jasminum beesianum</i> Forr. & Diels	20	<i>Jasminum</i>	2	
<i>Jasminum grandiflorum</i> L.	20	<i>Jasminum</i>	2	
<i>Jasminum Humile</i> L. (including <i>J. wallichianum</i> Lindl.)	20	<i>Jasminum</i>	2	
<i>Jasminum nudiflorum</i> Lindl.	20	<i>Jasminum</i>	2	
<i>Jasminum officinale</i> L.	20	<i>Jasminum</i>	2	
<i>Jasminum xstephanos</i> L.	20	<i>Jasminum</i>	2	
<i>Kalmia</i> L.	30	<i>Kalmia</i>	5	
<i>Kerria</i> DC.	30	<i>Kerria</i>	2	Included
<i>Kolkwitzia</i> Graebn.	20	<i>Kolkwitzia</i>	2	
<i>Laburnum</i> Fabr.	30	<i>Laburnum</i>	3	
<i>Lavandula officinalis</i> Chaix ex Villars	20	<i>Lavandula</i>	2	Included
<i>Lavandula spica</i> Cav.	20	<i>Lavandula</i>	2	Included
<i>Lavatera</i> L.	30	<i>Lavatera</i>	5	
<i>Leptospermum ericoides</i> A. Rich.	20	<i>Leptospermum</i>	2	
<i>Leptospermum sinclairii</i> Kirk	20	<i>Leptospermum</i>	2	
<i>Leptospermum scoparium</i> Forst.	20	<i>Leptospermum</i>	2	
<i>Leucothoe</i> D. Don	25	<i>Leucothoe</i> , <i>Andromeda</i> and <i>Pieris</i>	3	

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<i>Ligustrum</i> L.	20	<i>Ligustrum</i>	2	Included
<i>Liquidambar</i> L.	30	<i>Liquidambar</i>	3	
<i>Liriodendron</i> L.	30	<i>Liriodendron</i>	3	
<i>Lithospermum</i> L.	20	<i>Lithospermum</i>	2	
<i>Lonicera</i> L.	20	<i>Lonicera</i>	2	
<i>Lophomyrtus</i> Burret	25	<i>Lophomyrtus</i>	2	
<i>Lupinus</i> L.	25	<i>Lupinus</i>	3	
<i>Magnolia</i> L.	30	<i>Magnolia</i>	5	Included
x <i>Mahoberberis</i> C.K.25 Schneider		x <i>Mahoberberis</i> , <i>Berberis</i> and <i>Mahonia</i>	3	
<i>Mahonia aquifolium</i> (Pursh) Nutt.	25	<i>Mahonia</i>	3	
<i>Mahonia acanthifolia</i> G. Don	25	<i>Mahonia</i>	3	
<i>Mahonia Bealei</i> (Fortune) Carr.	25	<i>Mahonia</i>	3	
<i>Mahonia japonica</i> (Thunb.) DC.	25	<i>Mahonia</i>	3	
<i>Mahonia lomariifolia</i> Takeda	25	<i>Mahonia</i>	3	
<i>Mahonia pumila</i> (Greene) Fedde	25	<i>Mahonia</i>	3	
<i>Mahonia repens</i> (Lindl.) G. Don	25	<i>Mahonia</i>	3	
<i>Malus</i> Mill. excluding <i>M. domestica</i> Borkh. and all	23	<i>Malus</i> excluding <i>M. domestica</i> and all varieties of apple rootstocks of <i>Malus</i> spp.	3	Included

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varieties of apple rootstocks of <i>Malus</i> spp.				
<i>Melicope simplex</i> A. Cunn.	30	<i>Melicope</i>	5	
<i>Melicope ternata</i> J.R. Forst. et G. Forst.	30	<i>Melicope</i>	5	
<i>Menziesia</i> Sm.	25	<i>Menziesia</i>	3	
<i>Meryta sinclairii</i> (Hook. f.) Seem.	30	<i>Meryta</i>	5	
<i>Metrosideros albiflora</i> Soland. ex Gaertn.	30	<i>Metrosideros</i>	5	
<i>Metrosideros carminea</i> Oliv.	30	<i>Metrosideros</i>	5	
<i>Metrosideros colensoi</i> Hook. f.	30	<i>Metrosideros</i>	5	
<i>Metrosideros diffusus</i> Forst. f.	30	<i>Metrosideros</i>	5	
<i>Metrosideros excelsus</i> Sol. ex Gaertn.	30	<i>Metrosideros</i>	5	
<i>Metrosideros kermadecensis</i> Oliv.	30	<i>Metrosideros</i>	5	
<i>Metrosideros parkinsonii</i> Buch.	30	<i>Metrosideros</i>	5	
<i>Metrosideros perforata</i> (Forst. & Forst. f.)	30	<i>Metrosideros</i>	5	
<i>Metrosideros robustus</i> A. Cunn.	30	<i>Metrosideros</i>	5	
<i>Metrosideros scandens</i>	30	<i>Metrosideros</i>	5	

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(Forst & Forst. f.) Druce				
<i>Metrosideros umbellatus</i> Cav.	30	<i>Metrosideros</i>	5	
<i>Myrsine australis</i> (A. Rich.) Allan	30	<i>Myrsine</i>	5	
<i>Myrsine chathamica</i> F. Muell.	30	<i>Myrsine</i>	5	
<i>Myrsine coxii</i> Cockayne	30	<i>Myrsine</i>	5	
<i>Myrsine divaricata</i> A. Cunn.	30	<i>Myrsine</i>	5	
<i>Myrsine kermadecensis</i> Cheesem.	30	<i>Myrsine</i>	5	
<i>Myrsine montana</i> Hook. f.	30	<i>Myrsine</i>	5	
<i>Myrsine nummularia</i> Hook. f.	30	<i>Myrsine</i>	5	
<i>Myrsine oliveri</i> Allan.	30	<i>Myrsine</i>	5	
<i>Myrsine salicina</i> Heward	30	<i>Myrsine</i>	5	
<i>Nothofagus</i> Blume.	30	<i>Nothofagus</i>	3	
<i>Olearia albida</i> (Hook. f.) Hook. f.	20	<i>Olearia</i>	2	
<i>Olearia xhaastii</i> Hook. f.	20	<i>Olearia</i>	2	
<i>Olearia ilicifolia</i> Hook. f.	20	<i>Olearia</i>	2	
<i>Olearia macrodonta</i> Baker	20	<i>Olearia</i>	2	

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<i>Olearia moschata</i> Hook. f.	20	<i>Olearia</i>	2	
<i>Olearia nummulariifolia</i> (Hook. f.) Hook. f.	20	<i>Olearia</i>	2	
<i>Osmanthus heterophyllus</i> (G. Don) P.S. Green (syn. <i>O.aquifolium</i> Sieb. <i>O. ilicifolius</i> Mouillef.)	20	<i>Osmanthus</i>	2	
<i>Paeonia</i> L.	25	<i>Paeonia</i>	3	
<i>Parahebe</i> W.R.B. Oliv.	25	<i>Parahebe</i>	5	
<i>Parrotia</i> C. A. Mey	30	<i>Parrotia</i>	5	
<i>Parthenocissus</i> Planche	20	<i>Parthenocissus and Ampelopsis</i>	2	
<i>Passiflora caerulea</i> L.	20	<i>Passiflora</i>	2	
<i>Pernettya</i> Gaudich.	25	<i>Pernettya</i>	3	
<i>Perovskia</i> Karelin.	20	<i>Perovskia</i>	2	
<i>Philadelphus</i> L.	20	<i>Philadelphus</i>	2	Included
<i>Phillyrea</i> L.	20	<i>Phillyrea</i>	2	
<i>Phlomis fruticosa</i> L.	20	<i>Phlomis</i>	2	
<i>Phormium</i> J. R. & G. Forst.	25	<i>Phormium</i>	3	
<i>Photinia</i> Lindl.	30	<i>Photinia</i>	3	
<i>Physocarpus opalifolius</i> (L.) Maxim	25	<i>Physocarpus</i>	3	
<i>Pieris</i> D. Don	30	<i>Pieris, Leucothoe and Andromeda</i>	5	
<i>Pittosporum</i> Banks ex Soland apud. Gaertn.	20	<i>Pittosporum</i>	2	Included



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<i>Plagianthus</i> (see <i>Holboellia</i> )		<i>Platanus</i>	3	
<i>Platanus</i> L.	30	<i>Platanus</i>	3	
<i>Populus</i> L.	<i>Populus</i>	3		
<i>Potentilla fruticosa</i> L.	20	<i>Potentilla</i>	2	
<i>Potentilla fruticosa</i> L. var. <i>davurica</i> (Nestle.) Seringe ( <i>P. glabra</i> Loddiges)	20	<i>Potentilla</i>	2	
<i>Potentilla fruticosa</i> L. var. <i>rigida</i> (Wall. ex Lehm.) T.H. Wolf ( <i>P. arbuscula</i> D. Don)	20	<i>Potentilla</i>	2	
<i>Prunus</i> L. (decorative varieties only)	30	<i>Prunus</i>	3	Included
<i>Prunus amygdalopurpurea</i> (Weston) Rehd.	30	<i>Prunus</i>	3	Included
<i>Prunus cistena</i> N. E. Hansen	20	<i>Prunus</i>	2	
<i>Prunus concinna</i> Koehne	20	<i>Prunus</i>	2	
<i>Prunus glandulosa</i> Thunb.	20	<i>Prunus</i>	2	
<i>Prunus laurocerasus</i> L.	20	<i>Prunus</i>	2	Included
<i>Prunus lusitanica</i> L.	20	<i>Prunus</i>	2	Included
<i>Prunus maritima</i> Wangenh.	20	<i>Prunus</i>	2	
<i>Prunus prostrata</i> Labill.	20	<i>Prunus</i>	2	
<i>Prunus tenella</i> Batsch.	20	<i>Prunus</i>	2	

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<i>Prunus triloba</i> Lindl.	20	<i>Prunus</i>	2	Included
<i>Pseudopanax chathamicus</i> T. Kirk.	30	<i>Pseudopanax</i>	5	
<i>Pseudopanax crassifolius</i> (Sol. ex A. Cunn.)	30	<i>Pseudopanax</i>	5	
<i>Pseudopanax discolor</i> Kirk	30	<i>Pseudopanax</i>	5	
<i>Pseudopanax edgerleyi</i> C. Koch.	30	<i>Pseudopanax</i>	5	
<i>Pseudopanax ferox</i> T. Kirk	30	<i>Pseudopanax</i>	5	
<i>Pseudopanax gilliesii</i> T. Kirk	30	<i>Pseudopanax</i>	5	
<i>Pseudopanax lessonii</i> (DC.)	30	<i>Pseudopanax</i>	5	
<i>Pseudopanax linearis</i> (Hook.f.) K. Koch	30	<i>Pseudopanax</i>	5	
<i>Pyracantha</i> M. Roem.	20	<i>Pyracantha</i>	2	Included
<i>Pyrus</i> L. (decorative varieties only)	30	<i>Pyrus</i>	3	
<i>Quercus</i> L.	30	<i>Quercus</i>	5	Included
<i>Rhamnus</i> L.	30	<i>Rhamnus</i>	3	
<i>Rhus</i> L.	20	<i>Rhus</i> and <i>Cotinus</i>	2	
<i>Ribes</i> L. (decorative varieties only)	20	<i>Ribes</i>	2	
<i>Robinia</i> L.	30	<i>Robinia</i>	3	
<i>Romneya</i> Harv.	20	<i>Romneya</i>	2	
<i>Rosmarinus officinalis</i> L.	20	<i>Rosmarinus</i>	2	

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<i>Rubus</i> L. (decorative varieties only)	20	<i>Rubus</i>	2	
<i>Ruscus</i> L.	25	<i>Ruscus</i>	2	
<i>Ruta</i> L.	20	<i>Ruta</i>	2	
<i>Salix</i> L.	30	<i>Salix</i>	3	Included
<i>Salvia officinalis</i> L.	20	<i>Salvia</i>	2	Included
<i>Sambucus</i> L.	20	<i>Sambucus</i>	2	
<i>Sarcococca</i> Lindl. excluding <i>S. saligna</i> Muell.	20	<i>Sarcococca</i>	2	
<i>Senecio laxifolius</i> Buch.	20	<i>Senecio</i>	2	
<i>Skimmia</i> Thunb.	25	<i>Skimmia</i>	3	
<i>Sophora</i> L.	30	<i>Sophora</i>	3	
<i>Sorbus</i> L.	30	<i>Sorbus</i>	3	Included
<i>Spartium</i> L.	20	<i>Spartium</i> <i>Cytisus</i> and <i>Genista</i>	2	
<i>Spiraea</i> L.	20	<i>Spiraea</i>	2	Included
<i>Stachyurus</i> Sieb. & Zucc.	25	<i>Stachyurus</i>	3	
<i>Staphylea</i> L.	20	<i>Staphylea</i>	2	
<i>Stephanandra</i> Sieb. & Zucc.	20	<i>Stephanandra</i>	2	
<i>Stewartia</i> L.	30	<i>Stewartia</i>	3	
<i>Stranvaesia</i> Lindl.	30	<i>Stranvaesia</i>	5	
<i>Styrax</i> L.	25	<i>Styrax</i>	3	
<i>Symphoricarpos</i> Dunlopam.	20	<i>Symphoricarpos</i>	2	Included
<i>Syringa</i> L. excluding <i>S. velutina</i> Komar. ( <i>S. palibiniana</i> Nakai)	20	<i>Syringa</i>	2	
<i>Syringa velutina</i> Komar.	30	<i>Syringa</i>	5	

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( <i>S. palibiniana</i> Nakai)				
<i>Tamarix</i> L.	20	<i>Tamarix</i>	2	
<i>Tecoma</i> (see <i>Campsis</i> )				
<i>Teucrium fruticans</i> L.	20	<i>Teucrium</i>	2	
<i>Tilia</i> L.	30	<i>Tilia</i>	3	
<i>Ulex</i> L.	20	<i>Ulex</i>	2	
<i>Ulmus</i> L.	30	<i>Ulmus</i>	3	
<i>Vaccinium</i> L. (decorative varieties only)	30	<i>Vaccinium</i>	5	
<i>Viburnum</i> L.	20	<i>Viburnum</i>	2	
<i>Vinca major</i> L.	20	<i>Vinca</i>	2	
<i>Vinca minor</i> L.	20	<i>Vinca</i>	2	
<i>Vitis</i> L.	20	<i>Vitis</i>	2	
<i>Weigela</i> Thunb.	20	<i>Weigela</i>	2	Included
<i>Weinmannia racemosa</i> L.f.	30	<i>Weinmannia</i>	5	
<i>Weinmannia silvicola</i> Sol. ex A. Cunn.	30	<i>Weinmannia</i>	5	
<i>Wisteria</i> Nutt.	30	<i>Wisteria</i>	5	
<i>Yucca</i> L. excluding <i>Y. aloifolia</i> L., <i>Y. baccata</i> Torr. and <i>Y. whipplei</i> Torr.	30	<i>Yucca</i>	5	
<i>Zelkova</i> Spach.	30	<i>Zelkova</i>	3	

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## EXPLANATORY NOTE

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

This Scheme supersedes the Plant Breeders' Rights (Trees, Shrubs and Woody Climbers) Scheme 1969 as amended. It prescribes the varieties of trees, shrubs and woody climbers, which belong to the genera or species which are specified in column 1 of the Schedule, in respect of which grants of plant breeders' rights may be made and also prescribes the periods of years, which are specified in column 2 of the Schedule, as those 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 tree, shrub or woody climber may be the subject of legal proceedings when committed in connection with the class of variety which is specified for that purpose in column 3 of the Schedule.

This Scheme also provides that a compulsory licence granted by the Controller of Plant Variety Rights in respect of a variety of tree, shrub or wood climber shall not have effect during the period of years, if any, specified for that purpose in column 4 of the Schedule.

Plant breeders' rights in respect of certain varieties of tree, shrub or woody climber to which the Scheme applies are extended, where so indicated in column 5 of the Schedule, to the production and propagation of the varieties for the purpose of selling cut blooms, foliage or stems.