
STATUTORY INSTRUMENTS

1993 No. 2779

PLANT BREEDERS' RIGHTS

**The Plant Breeders' Rights (Sainfoin
and Birdsfoot Trefoil) 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) 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, commencement and interpretation

1.—(1) This Scheme may be cited as the Plant Breeders' Rights (Sainfoin and Birdsfoot Trefoil) 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.

Plant varieties for which plant breeders' rights may be granted

2.—(1) There are prescribed for the purposes of the grant of plant breeders' rights all plant varieties of Sainfoin which conform with the characteristics of cultivated plant varieties of *Onobrychis viciifolia* Scop.

(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.

(2) There are prescribed for the purposes of the grant of plant breeders' rights all plant varieties of Birdsfoot Trefoil which conform with the characteristics of cultivated plant varieties of *Lotus corniculatus* L.

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 paragraph 2 of this Scheme shall be 25 years.

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

4. In relation to the plant varieties prescribed in paragraph 2, 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 species specified in the Schedule to this Scheme.

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

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

8th November 1993

John Redwood
Secretary of State for Wales

4th November 1993

Patrick Mayhew
Secretary of State for Northern Ireland

10th 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)

Home Office
5th November 1993

SCHEDULE

Paragraph 4

SPECIES OF WHICH PLANT VARIETIES ARE PRESCRIBED
FOR THE PURPOSES OF SECTION 5(7) OF THE ACT

<i>Lotus corniculatus</i> L.	Birdsfoot Trefoil
<i>Lotus uliginosus</i> Schk.	Greater Birdsfoot Trefoil
<i>Medicago falcata</i> L.	Sickle Medick
<i>Medicago sativa</i> L.	Lucerne
<i>Medicago lupulina</i> L.	Black Medick or Trefoil
<i>Medicago x varia</i> T. Martyn	Sand lucerne
<i>Ornithopus sativus</i> Brot.	Serradella
<i>Onobrychis viciifolia</i> Scop.	Sainfoin
<i>Trifolium pratense</i> L.	Red Clover
<i>Trifolium repens</i> L.	White Clover
<i>Trifolium alexandrinum</i> L.	Berseem, Egyptian Clover
<i>Trifolium hybridum</i> L.	Alsike Clover
<i>Trifolium incarnatum</i> L.	Crimson Clover

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme, made under the Plant Varieties and Seeds Act 1964 prescribes all varieties of Sainfoin and Birdsfoot Trefoil as varieties in respect of which grants of plant breeders' rights may be made and also prescribes the period of twenty-five years as that during which the rights may be exercised (paragraphs 2 and 3).

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