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STATUTORY INSTRUMENTS

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**2005 No. 2726**

**PLANT BREEDERS' RIGHTS, ENGLAND  
PLANT BREEDERS' RIGHTS,  
NORTHERN IRELAND**

**The Plant Breeders' Rights (Discontinuation  
of Prior Use Exemption) Order 2005**

<i>Made</i>	- - - -	<i>3rd October 2005</i>
<i>Laid before Parliament</i>		<i>5th October 2005</i>
<i>Coming into force</i>	- -	<i>7th November 2005</i>

The Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Northern Ireland, acting jointly, in exercise of the powers conferred by section 9(6) of the Plant Varieties Act 1997<sup>(1)</sup> and now vested in them<sup>(2)</sup> after consultation with such organisations as appear to them to be representative of persons likely to be substantially affected, make the following Order:

**Title, commencement and application**

1. This Order applies in England and Northern Ireland, may be cited as the Plant Breeders' Rights (Discontinuation of Prior Use Exemption) Order 2005 and comes into force on 7th November 2005.

**Discontinuation of Prior Use Exemption**

2. Section 9(5) of the Plant Varieties Act 1997 ceases to have effect.

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(1) 1997 c. 66. *see* section 49(1) for a definition of "the Ministers".

(2) Under the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) the functions of the Secretary of State for Scotland and the Secretary of State for Wales under the Plant Varieties Act 1997 were, so far as they are exercisable in relation to England, transferred to the Minister of Agriculture, Fisheries and Food and under the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties Act 1997 were transferred to the Secretary of State for Environment, Food and Rural Affairs.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Plant Breeders' Rights (Discontinuation of Prior Use Exemption) Order 2005. (See end of Document for details)*

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2nd October 2005

*Bach*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

3rd October 2005

*Jeff Rooker*  
Minister of State Northern Ireland Office

## EXPLANATORY NOTE

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

This Order applies in England and Northern Ireland and comes into force on 7th November 2005.

The Order discontinues the prior use exemption in section 9(5) of the Plant Varieties Act 1997.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Plant Variety Rights Office and Seeds Division of the Department for Environment, Food and Rural Affairs, White House Lane, Huntingdon Road, Cambridge CB3 0LF.

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Breeders' Rights (Discontinuation of Prior Use Exemption) Order 2005.