
STATUTORY INSTRUMENTS

2019 No. 204

**The Plant Breeders' Rights (Amendment
etc.) (EU Exit) Regulations 2019**

PART 5

Other amendments

The 1997 Act

15.—(1) The 1997 Act is amended as follows.

(2) In section 9 (farm saved seed)—

- (a) in subsection (3), after “liable ” insert “(subject to any contractual agreement entered into between the farmer and the holder of the plant breeders’ rights)”;
- (b) in subsection (4), for the words from “considered to be” to the end substitute “a small farmer for the purposes of this section”;
- (c) for subsection (10) substitute—

“(10) In this section, “small farmer” means—

- (a) in a case where the material referred to in subsection (3) is used for propagating potatoes, a farmer who grows potatoes in an area no bigger than that which would be needed to produce 185 tonnes of potatoes per harvest, and
- (b) in a case where the material referred to in subsection (3) is used for propagating any other variety specified for the purpose of subsection (1), a farmer who grows that variety in an area no bigger than that which would be needed to produce 92 tonnes of cereals per harvest.”;

(d) omit subsection (12).

(3) In section 11 (duration), omit subsection (3)(a).

(4) In section 38 (interpretation of Part 1) omit the definition of “the Council Regulation”.