

## SCHEDULE 8

### CONTROLLER OF PLANT VARIETY RIGHTS PLANT VARIETIES AND SEEDS TRIBUNAL PLANT VARIETY RIGHTS OFFICE

## PART II

### MODIFICATIONS

#### **Modification of functions in relation to the Office, the Controller and the Tribunal**

**2.**—(1) Any function which is—

- (a) specifically exercisable in relation to the Office, the Controller or the Tribunal; and
- (b) exercisable by the Secretary of State for Scotland acting jointly with other Ministers of the Crown,

shall instead be exercisable by the Scottish Ministers and those other Ministers acting jointly.

(2) This paragraph shall not apply to any function to which paragraph 3 or 4 applies.

**3.**—(1) This paragraph applies to any function of making regulations under sections 17(8), 18, 22(2), 24, 26(2), 28, 29, 44 and 48 of the 1997 Act.

(2) The Secretary of State for Scotland is to cease to be among the Ministers who, acting jointly, may exercise any function to which this paragraph applies.

(3) Any function to which this paragraph applies shall be exercisable only with the consent of the Scottish Ministers, and section 88(2) of the Act shall not apply in relation to any such function.

**4.**—(1) This paragraph applies to the function of making rules under paragraph 13 of Schedule 3 to the 1997 Act.

(2) The function to which this paragraph applies shall be exercisable in relation to Scotland by the Scottish Ministers instead of by the Lord Chancellor, and section 88(2) of the Act shall not apply in relation to any such function.