

*Changes to legislation:* There are currently no known outstanding effects for the Plant Varieties Act 1997, Cross Heading: Chairman. (See end of Document for details)

## SCHEDULES

### SCHEDULE 3

#### THE PLANT VARIETIES AND SEEDS TRIBUNAL

##### Modifications etc. (not altering text)

- C1** Sch. 3 applied (1.12.2001) by [S.I. 2001/3510, reg. 17\(2\)](#)
- C1** Sch. 3 applied (in part) (31.12.2020) by [The Seeds \(Variety Lists\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/302\), regs. 1, 18\(2\)](#)

##### *Chairman*

- 2 (1) The Lord Chancellor shall appoint a person to be chairman of the Tribunal for the purpose of proceedings brought before them in England and Wales.
- (2) A person may only be appointed under this paragraph if he has a seven year general qualification, within the meaning of section 71 of the <sup>M1</sup>Courts and Legal Services Act 1990.

##### Marginal Citations

- M1** 1990 c. 41.

- 3 (1) The Lord President of the Court of Session shall appoint a person to be chairman of the Tribunal for the purpose of proceedings brought before them in Scotland.
- (2) A person may only be appointed under this paragraph if he is an advocate or solicitor in Scotland of at least 7 years' standing.
- 4 (1) The [<sup>F1</sup>Northern Ireland Judicial Appointments Commission] shall appoint a person to be chairman of the Tribunal for the purpose of proceedings brought before them in Northern Ireland.
- (2) A person may only be appointed under this paragraph if he is a member of the Bar of Northern Ireland or [<sup>F2</sup>solicitor of the Court of Judicature of Northern Ireland] of at least 7 years' standing.

##### Textual Amendments

- F1** Words in Sch. 3 para. 4(1) substituted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\), s. 5\(7\), Sch. 4 para. 27\(2\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2010/812, art. 2](#)
- F2** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 5](#); [S.I. 2009/1604, art. 2\(d\)](#)

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- 5 (1) Subject to sub-paragraph (2) below, a person's appointment under paragraph 2, 3 or 4 above shall be for such term as the appointing authority may determine before the person's appointment.
- [<sup>F3</sup>(1A) For an appointment under paragraph 4 above, the term mentioned in sub-paragraph (1) above is to be determined with the agreement of the [<sup>F4</sup>Department of Justice].]
- (2) No appointment of a person under paragraph 2, 3 or 4 above shall be such as to extend beyond the day on which he attains the age of [<sup>F5</sup>75].
- (3) A person who ceases to hold office under paragraph 2, 3 or 4 above shall be eligible for re-appointment.
- (4) A person may resign his appointment under paragraph 2, 3 or 4 above by notice in writing to the appointing authority.
- (5) The appointing authority may revoke a person's appointment under [<sup>F6</sup>paragraph 2 or 3] above if satisfied that the person is unfit to continue in office or incapable of discharging his duties.
- [<sup>F7</sup>(5A) Where the appointing authority is the Lord Chancellor, the power conferred by sub-paragraph (5) may be exercised only with the concurrence of the Lord Chief Justice of England and Wales.]
- <sup>F8</sup>(6) .....

#### Textual Amendments

- F3** Sch. 3 para. 5(1A) inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 27(3)**(with Sch. 5 para. 16); S.I. 2010/812, art. 2
- F4** Words in Sch. 3 para. 5(1A) substituted (N.I.) (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), s. 3(2), **Sch. para. 11**; S.R. 2010/147, art. 2(2)
- F5** Word in Sch. 3 para. 5(2) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 29(a)** (with Sch. 1 para. 43)
- F6** Words in Sch. 3 para. 5(5) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 269(3)(a)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F7** Sch. 3 para. 5(5A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 269(3)(b)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F8** Sch. 3 para. 5(6) omitted (10.3.2022) by virtue of Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 29(b)** (with Sch. 1 para. 43)

- 6 (1) In the case of the temporary absence or inability to act of a person appointed under paragraph 2, 3 or 4 above, the appointing authority may appoint another person to act as deputy for that person.
- (2) A person may only be appointed to act as deputy for a person appointed under paragraph 2, 3 or 4 above if he has the qualification required for appointment under that paragraph.
- (3) A person appointed under sub-paragraph (1) above shall, when acting as deputy for a person appointed under paragraph 2, 3 or 4 above, have all the functions of that person.

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