

1971 No. 1091

PLANT BREEDERS' RIGHTS**The Plant Breeders' Rights (Runner Beans) Scheme 1971**

<i>Made</i>	6th July 1971
<i>Laid before Parliament</i>	14th July 1971
<i>Coming into Operation</i>	15th July 1971

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for the Home Department (being the Secretary of State concerned with agriculture in Northern Ireland), acting jointly, in exercise of the powers conferred on them by sections 1, 3, 5 and 7 of the Plant Varieties and Seeds Act 1964(a) (extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(b) and to the Isle of Man by the Plant Varieties and Seeds (Isle of Man) Order 1969(c)), and of all other powers enabling them in that behalf, after consultation with the Controller of Plant Variety Rights and with representatives of such interests as appear to them to be concerned, hereby make the following Scheme :—

Citation and Commencement

1. This Scheme may be cited as the Plant Breeders' Rights (Runner Beans) Scheme 1971 and shall come into operation on 15th July 1971.-

Interpretation

2.—(1) In this Scheme, unless the context otherwise requires—

“the Act” means the Plant Varieties and Seeds Act 1964 ;

“the Controller” means the Controller of Plant Variety Rights ;

“plant breeders' rights” means rights which may be granted in accordance with Part I of the Act ;

“plant variety” means any clone, line, hybrid or genetic variant.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

Plant Varieties for which Plant Breeders' Rights may be Granted

3. There are prescribed for the purposes of the grant of plant breeders' rights all plant varieties of runner beans which conform with the characteristics of cultivated plant varieties of the species *Phaseolus coccineus* L.

Period for which Rights are Exercisable

4. The period for which plant breeders' rights shall be exercisable in respect of the plant varieties referred to in the last preceding paragraph shall be 15 years.

(a) 1964 c. 14.

(c) S.I. 1969/1829 (1969 III, p. 5701).

(b) S.I. 1964/1574 (1964 III, p. 3543).

(d) 1889 c. 63.

Class of Plant Varieties for the Purposes of Section 5(7) of the Act

5. In relation to the plant varieties referred to in paragraph 3 of this Scheme, the class of plant varieties prescribed for the purposes of section 5(7) of the Act (which enables a class of plant varieties to be prescribed in connection with the use of names likely to deceive or cause confusion) consists of all varieties of runner beans and French beans.

Period Prescribed for the Purposes of Section 7(2) of the Act

6. In relation to the plant varieties referred to in paragraph 3 of this Scheme, the period prescribed for the purposes of section 7(2) of the Act (which enables a provision to be made whereby a compulsory licence granted by the Controller as respects a plant variety of a species or group specified in a scheme shall not have effect for a prescribed period after the grant of rights in that plant variety) shall be 3 years.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th June 1971.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

2nd July 1971.

Gordon Campbell,
Secretary of State for Scotland.

6th July 1971.

R. Maudling,
Secretary of State for the Home Department.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme, made under the Plant Varieties and Seeds Act 1964, prescribes the varieties of runner beans in respect of which grants of plant breeders' rights may be made and also prescribes the period of 15 years as that during which the rights may be exercised.

The aforesaid Act, as read with this Scheme, provides that infringements of the rights in the registered name of a variety of runner bean may be the subject of legal proceedings when committed in connection with any other variety of runner bean or any variety of French bean.

This Scheme also provides that a compulsory licence granted by the Controller of Plant Variety Rights in respect of a variety of runner bean shall not have effect during a period of 3 years from the date of the grant of rights in that variety.