
S T A T U T O R Y I N S T R U M E N T S

1981 No. 357

PLANT BREEDERS' RIGHTS**Plant Breeders' Rights (Fees) (Amendment)
Regulations 1981***Made - - - - 10th March 1981**Laid before Parliament 16th March 1981**Coming into Operation 6th April 1981*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 9(1) and 36 of the Plant Varieties and Seeds Act 1964(a), extended to Northern Ireland(b) and to the Isle of Man(c) and now vested in them(d) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Plant Breeders' Rights (Fees) (Amendment) Regulations 1981 and shall come into operation on 6th April 1981.

Amendment

2. For the Schedule to the Plant Breeders' Rights (Fees) Regulations 1980(e) there shall be substituted the Schedule to these regulations.

(a) 1964 c. 14.

(b) By the Plant Varieties and Seeds (Northern Ireland) Order 1964 (S.I. 1964/1574).

(c) By the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829).

(d) By the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

(e) S.I. 1980/351.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th February 1981.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

2nd March 1981.

George Younger,
Secretary of State for Scotland.

4th March 1981.

Michael Roberts,
Parliamentary Under Secretary of State for Wales.

5th March 1981.

Humphrey Atkins,
Secretary of State for Northern Ireland.

We approve,

10th March 1981.

John Wakeham,
Robert Boscawen,
Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE

Regulation 2

SCHEDULE TO BE SUBSTITUTED FOR THE SCHEDULE
TO THE PLANT BREEDERS' RIGHTS (FEES) REGULATIONS 1980.

"SCHEDULE

Regulation 4

PART I

Fees payable on an application for a grant of plant breeders' rights.

No.	Plant Variety	Amount
1	A cereal or potato variety	£ 220.00
2	A fodder, oil and fibre or vegetable (including a field bean or field pea) plant variety	165.00
3	Any other plant variety	70.00

PART II

Fees payable in respect of tests or examination of a plant variety which is the subject of an application for a grant of plant breeders' rights.

No.	Plant Variety	Tests or examination for which payable	Amount
1	A cereal or potato variety	(a) Tests in the first year of a testing cycle	£ 385.00
		(b) Tests in any one subsequent year of a testing cycle	350.00
2	A fodder (excluding a field bean or field pea) plant variety, an oil and fibre plant variety or a fenugreek plant variety	Tests in any one year	300.00
3	A vegetable (including a field bean or field pea) plant variety	Tests in any one year	160.00
4	A year-round perennial chrysanthemum variety	Tests in each flowering season	160.00
5	A perennial chrysanthemum variety flowered in its natural season under glass	Tests in any one year	160.00
6	A perennial chrysanthemum variety other than a variety specified at items 4 and 5 above	Tests in any one year	45.00
7	A soft fruit variety	Tests in any one year	160.00

PART II—(continued)

Fees payable in respect of tests or examination of a plant variety which is the subject of an application for a grant of plant breeders' rights.

No.	Plant Variety	Tests or examination for which payable	Amount
8	A rhubarb, hop, apple rootstock, pear rootstock, plum rootstock, damson rootstock or cherry rootstock variety	Tests in any one year	£ 160.00
9	A perpetual flowering carnation variety	Tests in any one year	160.00
10	A rose variety	Tests in any one year	110.00
11	An apple, pear, plum, damson or cherry variety	(a) Tests in any one year before one or more of the trees undergoing tests comes into fruit	45.00
		(b) Tests in any one subsequent year	160.00
12	A conifer, taxad, tree, shrub or woody climber variety	Tests in any one year	100.00
13	A cymbidium variety	Each examination	45.00
14	A rhododendron, perennial delphinium, narcissus, freesia, gladiolus, border carnation, pink, dahlia, pelargonium, streptocarpus, herbaceous perennial or lily variety	Tests in any one year	45.00

PART III
Fees payable for the continued exercise of plant breeders' rights in a plant variety.

No.	Plant Variety	Fees payable for the continued exercise of plant breeders' rights during the years of the exercise of plant breeders' rights indicated below				
		Second year	Third year	Fourth year	Fifth year	Sixth and each subsequent year
1	A cereal or potato variety	£ 165.00	£ 190.00	£ 210.00	£ 235.00	£ 250.00
2	A fodder (including a field bean or field pea) plant variety, an oil and fibre plant variety or a fenugreek plant variety	90.00	125.00	160.00	190.00	225.00
3	A vegetable (excluding a field bean or field pea) plant variety	80.00	90.00	100.00	115.00	125.00
4	A soft fruit variety, a year-round perennial chrysanthemum, a perennial chrysanthemum flowered in its natural season under glass, rhubarb, hop, apple rootstock, pear rootstock, plum rootstock, damson rootstock, cherry rootstock, perpetual flowering carnation, rose, apple, pear, plum, damson, cherry, conifer, taxad, tree, shrub or woody climber variety	70.00	80.00	90.00	100.00	115.00
5	A perennial chrysanthemum variety other than a variety specified at item 4, cymbidium, rhododendron, perennial delphinium, narcissus, freesia, gladiolus, border carnation, pink, dahlia, pelargonium, streptocarpus, herbaceous perennial or lily variety	35.00	45.00	55.00	55.00	80.00

PART IV

Fees payable in respect of other matters.

No.	Matter	When payable	Amount
1	Application for an extension of the period for which plant breeders' rights are exercisable	On making the application	£ 25.00
2	Application for a compulsory licence	On making the application	15.00
3	Application to extend, limit, vary or revoke a compulsory licence	On making the application	15.00
4	Application to amend a document in any application or proceeding	On making the application	3.00
5	Application to rectify an error or omission in the register of plant varieties	On making the application	3.00
6	Application for extension of time for the service or delivery of a document or thing or for the doing of an act	On making the application	3.00
7	Making representations in writing to the Controller, by any person other than the applicant, in connection with any application	On delivering the representations	2.00
8	Making representations in writing to the Controller, by any person other than the holder of plant breeders' rights, in connection with a proposal to terminate those rights or to revoke or terminate any extensions of such rights	On delivering the representations	2.00
9	Attending to be heard by the Controller or by a person appointed by him for the purpose	Before the hearing	15.00
10	Grant of plant breeders' rights in respect of (a) a cereal or potato variety (b) any other plant variety	Before the issue of the document constituting evidence of the grant	85.00 55.00
11	Grant of an extension of the period for which plant breeders' rights are exercisable	Before the issue of the document constituting evidence of the extension	25.00

PART IV—(continued)

Fees payable in respect of other matters.

No.	Matter	When payable	Amount
12	Giving a protective direction	Before the issue of the document constituting evidence of the giving of the protective direction	£ 17.00
13	Application for an extension of the period for payment of a renewal fee	On making the application	15.00
14	Payment of a renewal fee after the expiration of 7 days from the date when it fell due, except in a case where an application has been made for the period for payment to be extended	On payment of the renewal fee	10.00
15	Application for approval of a substituted name for a plant variety	On making the application	15.00
16	Application for the amendment of the register of plant varieties, except in a case where the plant breeders' rights are transferred to another person	On making the application	3.00
17	Registration of title and amendment of the register of plant varieties on a transfer of plant breeders' rights or a share in such rights	On making the application for registration	15.00
18	Inspection of the register of plant varieties or of a document in the possession of the Controller	Before the inspection	1.00
19	Supplying copies of documents, per page	Before the delivery of the copies	0.30
20	Supplying a duplicate of a document constituting evidence of a grant of plant breeders' rights or protective direction or of an extension of the period for which plant breeders' rights are exercisable	On ordering the duplicate	5.00

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Plant Breeders' Rights (Fees) Regulations 1980 by substituting for the Schedule to those Regulations the Schedule to these Regulations. In addition to minor changes, Parts I, II and III of the new Schedule prescribe increased fees for all matters for which fees were previously charged; Part IV of the Schedule prescribes increased fees for item numbers 10 and 12, the fees for the remaining items in Part IV being unchanged.

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