

1989 No. 276

PLANT BREEDERS' RIGHTS

**The Plant Breeders' Rights (Fees) (Amendment)
Regulations 1989**

Made - - - - - 27th February 1989

Laid before Parliament 10th March 1989

Coming into force 1st April 1989

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, as respects the United Kingdom, in exercise of the powers conferred on them by sections 9(1), 36 and 38(1) of the Plant Varieties and Seeds Act 1964(a) as extended to Northern Ireland(b), and the said Minister and the Secretary of State, acting jointly, as respects the Isle of Man, in exercise of the said powers as extended to the Isle of Man(c), and in exercise of all other powers enabling them in that behalf, with the approval of the Treasury in accordance with section 9(1) of the said Act of 1964 and after consultation with the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971(d), hereby make the following Regulations:—

Title and commencement

1. These Regulations may be cited as the Plant Breeders' Rights (Fees) (Amendment) Regulations 1989 and shall come into force on 1st April 1989.

Amendment of principal Regulations

2. For the Schedule to the Plant Breeders' Rights (Fees) Regulations 1987(e) there shall be substituted the provisions set out in the Schedule to these Regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th February 1989.



John MacGregor
Minister of Agriculture, Fisheries and Food

20th February 1989

Sanderson of Bowden
Minister of State, Scottish Office

(a) 1964 c.14; section 38(1) (as amended by S.I. 1978/272) contains a definition of "the Ministers" relevant to the exercise of the statutory powers under which these Regulations are made.

(b) By section 39(3) of the Plant Varieties and Seeds Act 1964 and 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), to which there are amendments not relevant to these Regulations.

(d) 1971 c.62.

(e) S.I. 1987/189, amended by S.I. 1988/356.

21st February 1989

Peter Walker
Secretary of State for Wales

23rd February 1989

Tom King
Secretary of State for Northern Ireland

20th February 1989

Douglas Hurd
Secretary of State for the Home Department
(being the Secretary of State concerned
with matters relating to the Isle of Man)

We approve,

27th February 1989

David MacLean
Kenneth Carlisle
Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE

Regulation 2

PROVISIONS TO BE SUBSTITUTED FOR THE SCHEDULE TO THE
PLANT BREEDERS' RIGHTS (FEES) REGULATIONS 1987

"SCHEDULE

Regulation 3(1)

FEES

PART I

FEES PAYABLE ON AN APPLICATION FOR A GRANT OF PLANT BREEDERS' RIGHTS

<i>Plant variety</i>	<i>Amount</i>	
	<i>New fee</i>	<i>Old fee</i>
	£	£(*)
1. A wheat (excluding durum wheat and spelt wheat) or barley variety	565	(540)
2. A durum wheat, spelt wheat, rye, oat, oilseed rape, ryegrass, timothy, white clover, fescue or potato variety	435	(415)
3. A maize variety	525	(500)
4. A field pea or field bean variety	340	(325)
5. Any other herbage, fodder (including fenugreek), oil and fibre, cereal or vegetable variety	205	(195)
6. Any other variety not mentioned above (including a decorative or fruit variety)	125	(120)

Note

(*) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1989 (S.I. 1989/276).

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

<i>Plant variety</i>	<i>Tests or examination for which payable</i>	<i>Amount</i>	
		<i>New fee</i>	<i>Old fee</i>
1. A wheat (excluding durum wheat and spelt wheat), barley or maize variety	Tests in any one year	£ 745	£(*) (710)
2. A durum wheat, spelt wheat, rye, oat, oilseed rape, ryegrass, timothy, white clover, fescue, potato, field pea or field bean variety	Tests in any one year	505	(480)
3. Any other herbage, fodder (including fenugreek), oil and fibre, cereal or vegetable variety	Tests in any one year	285	(270)
4. A year-round perennial chrysanthemum variety	Tests in each flowering season	235	(225)
5. A cymbidium variety	Each examination	235	(225)
6. Any other variety not mentioned above (including a decorative or fruit variety)	Tests in any one year	235	(225)

Note

(*) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1989.

PART III RENEWAL FEES

<i>Plant variety</i>	<i>Renewal fees during the years of the exercise of plant breeders' rights indicated below</i>			
	<i>Second to fifth year – each year</i>		<i>Sixth and each subsequent year</i>	
	<i>New fee</i>	<i>Old fee</i>	<i>New fee</i>	<i>Old fee</i>
1. A wheat (excluding durum wheat and spelt wheat) or barley variety	£ 495	£(*) (475)	£ 660	£(*) (630)
2. A durum wheat, spelt wheat, rye, oat, oilseed rape, ryegrass, timothy, white clover, fescue, potato, maize, field bean or field pea variety	350	(335)	595	(570)
3. Any other herbage, fodder (including fenugreek), oil and fibre, cereal or vegetable variety	205	(195)	265	(255)
4. A rose variety	100	(95)	130	(125)
5. Any other variety not mentioned above (including a decorative or fruit variety)	130	(125)	170	(160)

Note

(*) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1989.

PART IV
FEES PAYABLE IN RESPECT OF OTHER MATTERS

<i>Matter</i>	<i>When payable</i>	<i>Amount</i>	
		<i>New fee</i>	<i>Old fee</i>
		£	£(*)
1. Application for a compulsory licence	On making the application	21	(21)
2. Application to extend, limit, vary or revoke a compulsory licence	On making the application	21	(21)
3. Application to amend a document in any application or proceeding	On making the application	3	(3)
4. Application to rectify an error or omission in the register of plant varieties	On making the application	3	(3)
5. 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	(3)
6. Making representations in writing to the Controller, by any person other than the applicant, in connection with any application	On delivering the representations	3	(3)
7. 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 extension of such rights	On delivering the representations	3	(3)
8. Attending to be heard by the Controller, or by a person appointed by him for the purpose	Before the hearing	21	(21)
9. Grant of plant breeders' rights in—	Before the issue of the document constituting evidence of the grant		
(a) a variety referred to in items 1 to 4 in Part I of this Schedule		155	(150)
(b) a variety referred to in item 5 in Part I of this Schedule		145	(140)
(c) a variety referred to in item 6 in Part I of this Schedule		95	(90)
10. Giving a protective direction	Before the issue of the document constituting evidence of the giving of the protective direction	21	(21)
11. Application for an extension of the period for payment of a renewal fee	On making the application	21	(21)
12. 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	21	(21)

PART IV
FEES PAYABLE IN RESPECT OF OTHER MATTERS

<i>Matter</i>	<i>When payable</i>	<i>Amount</i>	
		<i>New fee</i>	<i>Old fee</i>
13. Application for the approval of a substituted name for a plant variety	On making the application	21	(21)
14. 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	(3)
15. 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	21	(21)
16. Inspection of the register of plant varieties or of a document in the possession of the Controller	Before the inspection	1	(1)
17. Supplying copies of documents, per page	Before the delivery of the copies	0.30	(0.30)
18. Supplying a duplicate of a document constituting evidence of a grant of plant breeders' rights or protective direction	On ordering the duplicate	6	(6)
19. Purchase of a report from a testing authority in another country	Within 14 days of demand by the Controller	140	(140)

Note

(*) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1989."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Breeders' Rights (Fees) Regulations 1987 by substituting a new Schedule for the Schedule to those Regulations (Regulation 2). The new Schedule prescribes an overall increase of fees for the matters for which fees were previously charged. The majority of fees payable in respect of other matters (Part IV of the Schedule), however, remain at their former levels.