
STATUTORY INSTRUMENTS

1993 No. 2780

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Herbaceous Perennials) (Variation) Scheme 1993

Made - - - - *10th November 1993*
Laid before Parliament *10th November 1993*
Coming into force - - *1st December 1993*

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 1(1) and (5), 3(1), 5(7), 7(2) and 38(1) of the Plant Varieties and Seeds Act 1964⁽¹⁾ as extended to Northern Ireland⁽²⁾ 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⁽³⁾ after consultation in accordance with section 1(5) of the said Act with the Controller of Plant Variety Rights and with representatives of such interests as appear to them to be concerned, and in exercise of all other powers enabling them in that behalf, hereby make the following Scheme:

Title and commencement

1. This Scheme may be cited as the Plant Breeders' Rights (Herbaceous Perennials) (Variation) Scheme 1993 and shall come into force on 1st December 1993.

Variation of the principal Scheme

2. The Schedule to the Plant Breeders' Rights (Herbaceous Perennials) Scheme 1969⁽⁴⁾ (which specifies the genera or species of miscellaneous ornamental plants of which varieties may be the subject of plant breeders' rights) shall be varied as follows:

(a) immediately after the item relating to *Artemisia* L. there shall be inserted the following items—

(1) 1964 c. 14; section 3 was amended by section 1 of the Plant Varieties Act 1983 (c. 17); and paragraph 1(1) of Schedule 3 was amended by section 2 of that Act; 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 the Scheme is made.
(2) 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).
(3) By the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829), amended by S.I. 1987/2210).
(4) S.I. 1969/1023 varied by S.I. 1985/1090.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Column 1 <i>Genus of species</i>	Column 2 <i>Period of years for which rights are exercisable</i>	Column 3 <i>Class of plant varieties prescribed for purposes of section 5(7)</i>	Column 4 <i>Period of years prescribed for purposes of section 7(2)</i>	Column 5 <i>Additional rights</i>
<i>Astelia banksii</i>	25	Astelia	—	—
<i>Astelia chathamica</i>	25	Astelia	—	—
<i>Astelia fragrans</i>	25	Astelia	—	—
<i>Astelia graminea</i>	25	Astelia	—	—
<i>Astelia grandis</i>	25	Astelia	—	—
<i>Astelia linearis</i>	25	Astelia	—	—
<i>Astelia nervosa</i>	25	Astelia	—	—
<i>Astelia nivicola</i>	25	Astelia	—	—
<i>Astelia petriei</i>	25	Astelia	—	—
<i>Astelia skottsbergii</i>	25	Astelia	—	—
<i>Astelia solandri</i>	25	Astelia	—	—
<i>Astelia subulata</i>	25	Astelia	—	—
<i>Astelia trinervia</i>	25	Astelia	—	—”

and

- (b) immediately after the item relating to *Astilbe* Buch. Ham. there shall be inserted the following item—

Column 1	Column 2	Column 3	Column 4	Column 5
<i>Astrantia</i> L.	25	Astrantia	—	—

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th November 1993.

L.S.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

8th November 1993	<i>Hector Monro</i> Parliamentary Under Secretary of State, Scottish Office
4th November 1993	<i>John Redwood</i> Secretary of State for Wales
10th November 1993	<i>Patrick Mayhew</i> Secretary of State for Northern Ireland
Home Office 5th November 1993	<i>Michael Howard</i> Secretary of State for the Home Department (being the Secretary of State concerned with matters relating to the Isle of Man)

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EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme varies the Plant Breeders' Rights (Herbaceous Perennials) Scheme 1969 by adding the genera and species of *Astelia* and *Astrantia* specified in paragraph 2 to the genera and species of which plant varieties may be the subject of plant breeders' rights under Part I of the Plant Varieties and Seeds Act 1964. The period prescribed as that during which rights may be exercised is 25 years. During that period infringements of the rights in the registered names of varieties of *Astelia* and *Astrantia* may be the subject of legal proceedings when committed in connection with any variety of those genera.

The Scheme also provides in (paragraph 5) that a compulsory licence granted by the Controller of Plant Variety Rights in respect of varieties referred to in paragraph 2 shall not have effect during the period of three years from the date of the grant of rights in that variety.

Plant breeders' rights in respect of varieties referred to in paragraph 2 are not extended to the production or propagation of the varieties for the purpose of selling cut blooms, foliage or stems thereof.