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STATUTORY INSTRUMENTS

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**1995 No. 2947**

**PLANT BREEDERS' RIGHTS**

**The Plant Breeders' Rights (Fees)  
(Amendment) (No. 2) Regulations 1995**

*Made - - - - 7th November 1995*  
*Laid before Parliament 24th November 1995*  
*Coming into force - - 8th December 1995*

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) and 36 of the Plant Varieties and Seeds Act 1964<sup>(1)</sup> as extended to Northern Ireland,<sup>(2)</sup> 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<sup>(3)</sup>, 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 that Act, hereby make the following Regulations:

**Title and commencement**

1. These Regulations may be cited as the Plant Breeders' Rights (Fees) (Amendment) (No. 2) Regulations 1995 and shall come into force on 8th December 1995.

**Amendment of the Plant Breeders' Rights (Fees) Regulations 1990**

2. The Plant Breeders' Rights (Fees) Regulations 1990<sup>(4)</sup> shall be amended as follows—
- (a) in regulation 2(1) after the definition of “the Act” there shall be inserted the following definition—

““Community plant variety right” means a right granted in accordance with Council Regulation (EC) 2100/94<sup>(5)</sup>”;
  - (b) for sub-paragraph (c) of regulation 3 there shall be substituted the following sub-paragraph—

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(1) 1964 c. 14; see section 38(1) (as amended by S.I.1978/272 and as read with section 39(3)(a)(ii)) for the definition of “the Ministers”.

(2) S.I. 1964/1574.

(3) S.I. 1969/1829.

(4) S.I. 1990/618; relevant amending instruments are S.I. 1994/675, 1995/606.

(5) OJ No. L227, 1.9.94, p.1.

- “(c) a renewal fee, being—
- (i) in the case of a plant variety in respect of which there is no subsisting Community plant variety right, the fee set out in the second column (Standard fee) of Part III of the Schedule opposite the reference in the first column of the said Part III to the plant variety of the kind for which the plant breeders' rights were granted;
  - (ii) in the case of a plant variety in respect of which there is a subsisting Community plant variety right, the fee set out in the third column (Reduced fee) of Part III of the Schedule opposite the reference in the first column of the said Part III to the plant variety of the kind for which the plant breeders' rights were granted,

such fee being due on, but not payable more than three months before, each anniversary of the date of the grant of plant breeders' rights or within such later period as may have been allowed by the Controller;”;

- (c) for Part III of the Schedule there shall be substituted the following—

“PART III  
RENEWAL FEES

Plant Variety	Amount each year	
	Standard fee £	Reduced fee £
1. A rose variety	45	25
2. A chrysanthemum variety	295	150
3. Any other decorative variety	155	80
4. A vegetable variety (excluding a vegetable pea or broad bean variety)	150	75
5. A fruit variety	295	150
6. Any other variety (including a vegetable pea or broad bean variety)	390	195.”

23rd October 1995

*Tim Boswell*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

24th October 1995

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

23rd October 1995

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

25th October 1995

*Patrick Mayhew*  
Secretary of State for Northern Ireland

7th November 1995

*Michael Howard*  
Secretary of State for the Home  
Department (being the Secretary of State  
concerned with matters relating to the Isle of  
Man)

We approve,

27th October 1995

*David L. Willetts*  
*Simon Burns*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which come into force on 8th December 1995, amend the Plant Breeders' Rights (Fees) Regulations 1990 (as amended) by introducing provision for the payment of reduced renewal fees for plant breeders' rights for plant varieties in respect of which there is a subsisting Community plant variety right granted in accordance with Council Regulation (EC) 2100/94 on Community plant variety rights (OJ No. L 227, 1.9.94, p.1). The reduced renewal fees are set at approximately 50% of the corresponding standard renewal fees for plant breeders' rights for plant varieties in respect of which there is no subsisting Community plant variety right. No change is made by these Regulations to the level of the standard renewal fees.

A Compliance Cost Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament, and copies can be obtained from the Plant Variety Rights Office and Seeds Division of the Ministry of Agriculture, Fisheries and Food, White House Lane, Huntingdon Road, Cambridge CB3 0LF.