
STATUTORY INSTRUMENTS

1999 No. 1089

PLANT BREEDERS' RIGHTS

**The Plant Breeders' Rights (Fees)
(Amendment) Regulations 1999**

<i>Made</i>	- - - -	<i>8th April 1999</i>
<i>Laid before Parliament</i>		<i>8th April 1999</i>
<i>Coming into force</i>	- -	<i>30th April 1999</i>

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 29(1) and (2) and 48(1) of the Plant Varieties Act 1997⁽¹⁾, after consultation with such organisations as appear to them to be representative of persons likely to be substantially affected, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Plant Breeders' Rights (Fees) (Amendment) Regulations 1999 and shall come into force on 30th April 1999.

Amendment of the Plant Breeders' Rights (Fees) Regulations 1998

2. For Schedule 1 to the Plant Breeders' Rights (Fees) Regulations 1998⁽²⁾ there shall be substituted the Schedule set out in the Schedule to these Regulations.

1st April 1999

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

1st April 1999

Sewel
Parliamentary Under Secretary of State, Scottish
Office

(1) 1997 c. 66; see section 49(1) for the definition of "the Ministers".
(2) S.I. 1998/1021.

Status: This is the original version (as it was originally made).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

Signed by authority of the Secretary of State for Wales

7th April 1999

Peter Hain
Parliamentary Under Secretary of State, Welsh
Office

8th April 1999

Paul Murphy
Minister of State, Northern Ireland Office

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SCHEDULE

Regulation 2

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 1 TO THE PLANT BREEDERS' RIGHTS (FEES) REGULATIONS 1998

“SCHEDULE 1

Regulation 3

FEES

PART I

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

<i>Plant Variety</i>	<i>Amount New Fee £</i>	<i>Old Fee £^(*)</i>
1. A rose variety	75	(70)
2. A chrysanthemum variety	275	(260)
3. Any other decorative variety	135	(130)
4. Any other variety	275	(260)

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 1999 (S.I. 1999/1089) on 30th April 1999.

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>Test or examination for which payable</i>	<i>Amount New fee £</i>	<i>Old fee £^(*)</i>
1. A cereal (excluding maize) variety	Tests in any one year	745	(710)
2. A maize variety	Tests in any one year	455	(435)
3. A potato variety	Tests in any one year	695	(660)

Note:

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<i>Plant Variety</i>	<i>Test or examination for which payable</i>	<i>Amount</i>	
		<i>New fee</i>	<i>Old fee</i>
		£	£ ^(*)
4. A beetroot, Brussels sprout, cabbage, celery, fenugreek, leek, turnip or fodder variety	Tests in any one year	645	(615)
5. A carrot, curly kale, onion or radish variety	Tests in any one year	645	(615)
6. A field pea, vegetable pea, field bean or broad bean variety	Tests in any one year	555	(530)
7. A herbage variety	Tests in any one year	455	(435)
8. An oil and fibre (including oilseed rape) variety	Tests in any one year	455	(435)
9. A sugar beet or fodder beet variety	Tests in any one year	180	(170)
10. A rose variety	Tests in any one year	120	(115)
11. A year-round perennial chrysanthemum variety	Tests in each flowering season	185	(175)
12. Any other chrysanthemum variety	Tests in any one year	185	(175)
13. A cymbidium variety	Each examination	230	(220)
14. A fruit variety	Tests in any one year	185	(175)
15. Any other variety	Tests in any one year	230	(220)

Note:

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PART III

RENEWAL FEES

<i>Plant Variety</i>	<i>Amount each year</i>			
	<i>New standard fee</i>	<i>New reduced fee</i>	<i>Old standard fee</i>	<i>Old reduced fee</i>
	£	£	£ ^(*)	£ ^(*)
1. A rose variety	70	35	(70)	(35)
2. A chrysanthemum variety	330	170	(315)	(160)
3. Any other decorative variety	175	90	(165)	(85)
4. A vegetable variety (excluding a vegetable pea or broad bean variety)	170	85	(160)	(80)
5. A fruit variety	330	170	(315)	(160)
6. Any other variety (including a vegetable pea or broad bean variety)	435	220	(415)	(210)

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 1999 (S.I. 1999/1089) on 30th April 1999.

PART IV

FEES PAYABLE IN RESPECT OF OTHER MATTERS

<i>Matter</i>	<i>When payable</i>	<i>Amount</i>	<i>Old fee</i>
		<i>New fee</i> £	£ ^(*)
1. Application for a compulsory licence	On making the application	60	(55)
2. Application to extend, limit, vary or	On making the application	60	(55)

Note:

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<i>Matter</i>	<i>When payable</i>	<i>Amount New fee £</i>	<i>Old fee £^(*)</i>
revoke a compulsory licence			
3. Making representations in writing to the Controller as provided in the Act or the principal Regulations	On delivering the representations	30	(30)
4. Attending to be heard by the Controller or by a person appointed by him for the purpose	Before the hearing	60	(55)
5. Grant of plant breeders' rights in—	Before the issue of the plant breeders' certificate constituting evidence of the grant	60	(55)
(a) a variety referred to in item 1 in Part I of this Schedule			
(b) a variety referred to in item 3 in Part I of this Schedule		120	(115)
(c) a variety referred to in item 2 or item 4 in Part I of this Schedule		145	(140)
6. Payment of a renewal fee after the expiration of 7 days from the date when it fell due (having regard to any extension granted under these Regulations)	On payment of the renewal fee	30	(30)
7. Application for the approval of a	On making the application	30	(30)

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 1999 (S.I. 1999/1089) on 30th April 1999.

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<i>Matter</i>	<i>When payable</i>	<i>Amount New fee £</i>	<i>Old fee £^(*)</i>
substituted name for a plant variety			
8. Amendment of the record of plant varieties on a transfer of plant breeders' rights	On making the application for amendment	30	(30)
9. Purchase of a report from a testing authority in another country	Within 14 days of demand by the Controller	160	(150)''
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 1999 (S.I. 1999/1089) on 30th April 1999.			

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Breeders' Rights (Fees) Regulations 1998 so as to prescribe revised fees in respect of various matters relating to plant breeders' rights arising under the Plant Varieties Act 1997 or the Plant Breeders' Rights Regulations 1998 (regulation 2 and the Schedule).

The matters in respect of which the revised fees are prescribed are listed in the Schedule to these Regulations and the fees which were chargeable before these Regulations come into force are printed in italics beside the revised fees.

Application, test and renewal fees (other than renewal fees for roses which remain unchanged) have been increased by 5 per cent., rounded to the nearest £5. Grant and other fees in Part IV of the Schedule have been similarly increased apart from the fees for items 3, 6, 7 and 8 which remain unchanged.

A Regulatory Impact Assessment has been prepared and placed in the libraries of both Houses of Parliament. 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.