
STATUTORY INSTRUMENTS

2002 No. 1677

PLANT BREEDERS' RIGHTS

**The Plant Breeders' Rights (Fees)
(Amendment) Regulations 2002**

<i>Made</i>	- - - -	<i>27th June 2002</i>
<i>Laid before Parliament</i>		<i>2nd July 2002</i>
<i>Coming into force</i>	- -	<i>23rd July 2002</i>

The Secretary of State for Environment, Food and Rural Affairs, the National Assembly 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), and now vested in them(2), and with the consent of the Scottish Ministers(3), 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 2002 and shall come into force on 23rd July 2002.

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

2. For Schedule 1 to the Plant Breeders' Rights (Fees) Regulations 1998(4) there shall be substituted the Schedule set out in the Schedule to these Regulations.

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- (1) 1997 c. 66; see section 49(1) for the definition of "the Ministers".
- (2) In respect of the Secretary of State for Environment, Food and Rural Affairs, by virtue of the Ministry of Agriculture, Fisheries and Food Dissolution Order 2002 (S.I. 2002/794), which transferred functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 to the Secretary of State; and in respect of the National Assembly for Wales, by virtue of article 2 as read with Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), which transferred the functions of the Secretary of State for Wales to the National Assembly for Wales.
- (3) By article 3 of, and paragraph 3 of Schedule 8 to, the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747), it was provided, in respect of, inter alia, the function exercisable under sections 29 and 48 of the Plant Varieties Act 1997 (c. 66) by a Minister of the Crown of making regulations as respects the charging of fees by the Controller of Plant Variety Rights, that the Secretary of State for Scotland should cease to be among those who may exercise the function and that any such function should instead be exercisable with the consent of the Scottish Ministers. Under the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I. 1999/1319), the Controller of Plant Variety Rights was specified as a cross-border public authority for the purposes of the Scotland Act 1998.
- (4) S.I. 1998/1021 as amended by S.I. 1999/1089 and 2001/3630.

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

27th June 2002

Whitty
Parliamentary Under Secretary of State,
Department for Environment, Food and Rural
Affairs

Signed on behalf of the National Assembly for Wales

27th June 2002

D. Elis Thomas
Presiding Officer

20th June 2002

John Reid
Secretary of State for Northern Ireland

We consent.

13th June 2002

Ross Finnie
A member of the Scottish Executive

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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</i>	
		<i>New fee £</i>	<i>Old fee £(*)</i>
1.	A rose variety	85	(80)
2.	A chrysanthemum variety	300	(285)
3.	Any other decorative variety	145	(140)
4.	Any other variety	300	(285)

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 2002 ([S.I. 2002/1677](#)) on 23rd July 2002.

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>Amount</i>		
		<i>Test or examination for which payable</i>	<i>New fee £</i>	<i>Old fee £(*)</i>
1.	A cereal (excluding maize) variety	Tests in any one year	815	(775)
2.	A maize variety	Tests in any one year	495	(470)
3.	A potato variety	Tests in any one year	755	(720)
4.	A beetroot, Brussels sprout,	Tests in any one year	705	(670)

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	<i>Plant Variety</i>	<i>Amount Test or examination for which payable</i>	<i>New fee £</i>	<i>Old fee £(*)</i>
	cabbage, celery, fenugreek, leek, turnip or fodder variety			
5.	A carrot, curly kale, onion or radish variety	Tests in any one year	705	<i>(670)</i>
6.	A field pea, vegetable pea, field bean or broad bean variety	Tests in any one year	605	<i>(575)</i>
7.	A herbage variety	Tests in any one year	495	<i>(470)</i>
8.	An oil and fibre (including oilseed rape) variety	Tests in any one year	495	<i>(470)</i>
9.	A sugar beet or fodder beet variety	Tests in any one year	195	<i>(185)</i>
10.	A rose variety	Tests in any one year	130	<i>(125)</i>
11.	A year-round perennial chrysanthemum variety	Tests in each flowering season	200	<i>(190)</i>
12.	Any other chrysanthemum variety	Tests in any one year	200	<i>(190)</i>
13.	A cymbidium variety	Each examination	250	<i>(240)</i>
14.	A fruit variety	Tests in any one year	200	<i>(190)</i>
15.	Any other variety	Tests in any one year	250	<i>(240)</i>

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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	80	35	<i>(75)</i>	<i>(35)</i>
2.	A chrysanthemum variety	355	185	<i>(340)</i>	<i>(175)</i>
3.	Any other decorative variety	190	100	<i>(180)</i>	<i>(95)</i>
4.	A vegetable variety (excluding a vegetable pea or broad bean variety)	185	95	<i>(175)</i>	<i>(90)</i>
5.	A fruit variety	355	185	<i>(340)</i>	<i>(175)</i>
6.	Any other variety (including a vegetable pea or broad bean variety)	475	240	<i>(450)</i>	<i>(230)</i>

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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	65	<i>(60)</i>
2.	Application to extend, limit, vary or revoke a compulsory licence	On making the application	65	<i>(60)</i>

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	<i>Matter</i>	<i>When payable</i>	<i>Amount New fee £</i>	<i>Old fee £(*)</i>
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	65	(60)
5.	Grant of plant breeders' rights in—	Before the issue of the plant breeders' certificate constituting evidence of the grant	65	(60)
	(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		130	(125)
	(c) a variety referred to in item 2 or item 4 in Part I of this Schedule		160	(150)
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	On payment of the renewal fee	30	(30)

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	<i>Matter</i>	<i>When payable</i>	<i>Amount</i> <i>New fee £</i>	<i>Old fee £(*)</i>
	under these Regulations)			
7.	Application for the approval of a substituted name for a plant variety	On making the application	30	<i>(30)</i>
8.	Amendment of the record of plant varieties on a transfer of plant breeders' rights	On making the application for amendment	30	<i>(30)</i>
9.	Purchase of a report from a testing authority in another country	Within 14 days of demand by the Controller	175	<i>(165)''</i>

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 2002 ([S.I. 2002/1677](#)) on 23rd July 2002.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Breeders' Rights (Fees) Regulations 1998. They prescribe revised fees in respect of various matters relating to plant breeders' rights arising under the Plant Varieties Act 1997, including also matters arising under the Plant Breeders' Rights Regulations 1998 which are made under the 1997 Act (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 in Parts I, II and III of the Schedule (other than reduced 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 in respect of items 1, 2, 4, 5(a), (b) and (c) and 9; all other fees in relation to items in Part IV 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 Department for Environment, Food and Rural Affairs, White House Lane, Huntingdon Road, Cambridge CB3 0LF.