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STATUTORY INSTRUMENTS

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**2019 No. 204**

**The Plant Breeders' Rights (Amendment  
etc.) (EU Exit) Regulations 2019**

**PART 5**

Other amendments

**The Plant Breeders' Rights Regulations 1998**

17.—(1) The Plant Breeders' Rights Regulations 1998 are amended as follows.

(2) In regulation 12 (register of plant variety names and records of plant varieties), after paragraph (4) insert—

“(4A) If a variety name is accepted in the form of a code, that fact must be noted in the register.”.

(3) In regulation 16 (service of documents), in paragraphs (1) and (2), for “European Union” substitute “ United Kingdom ”.

(4) In regulation 17 (agency), for “European Union”, in both places where it occurs, substitute “ United Kingdom ”.

(5) After regulation 20, insert—

**“Farm saved seed: determination of remuneration**

20A.—(1) This regulation applies for the purpose of determining what constitutes equitable remuneration for the purposes of section 9(3) of the Act.

(2) The level of remuneration shall be sensibly lower than the amount charged for licensed production.

(3) If there has been no licensed production in the United Kingdom, the level of remuneration shall be sensibly lower than the amount which is normally included in the price of propagating material of the lowest category qualified for official certification of that variety.

(4) The level of remuneration is to be considered sensibly lower if it does not exceed the level necessary to establish or stabilise, as an economic factor determining the extent of the farmer's use of material in reliance on the exception in section 9(1), a reasonably balanced ratio between the use of licensed propagating material and the planting of the product of the harvest of the respective varieties covered by a plant breeders' right.

(5) A ratio is to be considered to be reasonably balanced for the purpose of paragraph (4) if it ensures that the holder obtains as a whole a legitimate compensation for the total use of his variety.

(6) “Licensed production” means the licensed production of propagating material of the lowest category qualified for official certification of the same variety.”.

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**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Breeders' Rights (Amendment etc.) (EU Exit) Regulations 2019, Section 17. (See end of Document for details)*

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**Commencement Information**

- II** Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#))

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Breeders' Rights (Amendment etc.) (EU Exit) Regulations 2019, Section 17.