

**2022 No. 1337**

**PLANT BREEDERS' RIGHTS**

**The Plant Varieties and Seeds (Isle of Man) (Amendment) Order  
2022**

*Made* - - - - *14th December 2022*

*Coming into force* - - *15th December 2022*

At the Court at Buckingham Palace, the 14th day of December

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred on Him by sections 53(2) and (3) of the Plant Varieties Act 1997<sup>(a)</sup>, is pleased, by and with the advice of His Privy Council, to order as follows:

**Citation and commencement**

**1.** This Order may be cited as the Plant Varieties and Seeds (Isle of Man) (Amendment) Order 2022 and comes into force on the day after the day on which it is made.

**Amendments to the Plant Varieties and Seeds (Isle of Man) Order 2016**

**2.** The Plant Varieties and Seeds (Isle of Man) Order 2016<sup>(b)</sup> is amended in accordance with the Schedule to this Order.

*Richard Tilbrook*  
Clerk of the Privy Council

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<sup>(a)</sup> 1997 c. 66.  
<sup>(b)</sup> S.I. 2016/758.

## SCHEDULE

Article 2

### Amendments to the Plant Varieties and Seeds (Isle of Man) Order 2016

1. Schedule 2 to the Plant Varieties and Seeds (Isle of Man) Order 2016 is amended as follows.

2. In paragraph 2—

(1) before paragraph (a) insert—

“(za) in subsection (3), after “liable”, insert “(subject to any contractual agreement entered into between the farmer and the holder of the plant breeders’ rights)”;

(zb) in subsection (4), for the words from “considered to be” to the end substitute “a small farmer for the purposes of this section”;

(2) after paragraph (a) insert—

“(aa) for subsection (10) substitute—

“(10) In this section, “small farmer” means—

(a) in a case where the material referred to in subsection (3) is used for propagating potatoes, a farmer who grows potatoes in an area no bigger than that which would be needed to produce 185 tonnes of potatoes per harvest, and

(b) in a case where material referred to in subsection (3) is used for propagating any other variety specified for the purpose of subsection (1), a farmer who grows that variety in an area no bigger than that which would be needed to produce 92 tonnes of cereals per harvest.”;

(ab) omit subsection (12);”.

3. For paragraph 4 substitute—

“4. In section 11 (duration)—

(a) in subsection (2), for “The Ministers” substitute “The Department”;

(b) omit subsection (3)(a).”.

4. After paragraph 12 insert—

“12A. In section 38 (interpretation of Part 1), omit the definition of “the Council Regulation”.”.

### EXPLANATORY NOTE

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

This Order amends the Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758) to make further modifications to the Plant Varieties Act 1997 (c. 66) (“the 1997 Act”) in its application to the Isle of Man.

The amendments made by this Order to the 1997 Act correspond to amendments made to that Act (as it has effect in the United Kingdom) by the Plant Breeders’ Rights (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/204).

A full regulatory impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.