STATUTORY INSTRUMENTS

1968 No. 622

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Amendment No. 2) Regulations 1968

Made - - -	*9th April* 1968
Laid before Parliament	*25th April* 1968
Coming into Operation	*26th April* 1968

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for the Home Department (being the Secretary of State concerned with agriculture in Northern Ireland, acting jointly, in exercise of the powers vested in them by sections 9 and 36 of the Plant Varieties and Seeds Act 1964(a), as extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(b) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and Commencement

1.—(1) These Regulations may be cited as the Plant Breeders' Rights (Amendment No. 2) Regulations 1968 and shall come into operation on 26th April 1968.

(2) These Regulations shall be read as one with the Plant Breeders' Rights Regulations 1965(c), as amended(d) (hereinafter referred to as "the principal Regulations").

Amendment of Principal Regulations

2. The principal Regulations are hereby further amended as follows:

(*a*) For paragraph (17) of Regulation 12 there shall be substituted the following paragraph:—

"(17) The Controller shall publish in the gazette notice of his decision in respect of an application, from the decision upon which an appeal lies to the Tribunal, and of a proposal to terminate the period for which plant breeders' rights are exercisable or to revoke or, if it has begun, terminate any extension of such period."

(*b*) At the end of Schedule 2 to those Regulations there shall be added 8 further Parts as follows:

"PART XV

RHODODENDRONS

Quantity

(1) *All varieties except varieties of azaleas to be flowered under glass*

Two visually healthy shrubs, typical of the variety, each at least 5 but not more than 7 years old, shall be delivered.

(2) *Varieties of azaleas to be flowered under glass*

Two visually healthy shrubs, typical of the variety, each at least 3 but not

(a) 1964 c. 14. (b) S.I. 1964/1574 (1964 III, p. 3543).
(c) S.I. 1965/65 (1965 I, p. 96). (d) S.I. 1967/1530, 1968/255 (1967 III, p. 4295; 1968 I, p.769).

more than 5 years old and each furnished with flower buds and all natural lateral growth, shall be delivered.

PART XVI

CARNATIONS

Quantity

(1) *Border carnations and pinks*

Nine visually healthy young plants, typical of the variety, shall be delivered.

(2) *Perpetual flowering carnations*

Seventy-five unrooted, visually healthy cuttings, each furnished with at least 4 but not more than 5 clearly visible internodes, shall be delivered.

PART XVII

PERENNIAL CHRYSANTHEMUMS

Quantity

(1) *Varieties to be flowered in the open*

Fourteen visually healthy rooted cuttings, typical of the variety, shall be delivered.

(2) *Varieties to be flowered under glass*

Twenty-five visually healthy rooted cuttings, typical of the variety, shall be delivered.

PART XVIII

BLACKCURRANTS

Quantity

Twelve visually healthy 2-year old bushes shall be delivered.

PART XIX

RASPBERRIES

Quantity

Twenty-five visually healthy canes shall be delivered.

PART XX

PLUMS AND DAMSONS

1. *Quantity*

Three trees on Myrobalan B or St. Julian A rootstocks shall be delivered. The trees shall not be less than 2 and not more than 3 years old. Alternatively, if the Controller shall so allow, scion or bud wood sufficient to produce 4 trees may be delivered instead of the 3 trees as mentioned above.

2. *Health*

(1) *Complete trees*

(*a*) The trees shall not show symptoms of any virus disease.

(*b*) The trees shall be healthy. They shall not be lacking in vigour or affected by any pest or disease.

(2) *Scion or bud wood*

Scion or bud wood shall be the produce of a healthy tree of the variety which satisfies the requirements set out in paragraph 2(1)(*a*) and (*b*) above.

PART XXI

PLUM AND DAMSON ROOTSTOCKS

1. *Quantity*

Twenty-five well-rooted rootstocks of not less than 7 mm. in diameter selected from the stool or layer bed shall be delivered.

2. *Health*

(*a*) The rootstocks shall not show symptoms of any virus disease.

(*b*) The rootstocks shall be healthy. They shall not be lacking in vigour or affected by any pests or diseases.

PART XXII

PEAR ROOTSTOCKS

1. *Quantity*

Twenty-five well-rooted rootstocks of not less than 7 mm. in diameter selected from the stool or layer bed shall be delivered.

2. *Health*

(*a*) The rootstocks shall not show symptoms of any virus disease.

(*b*) The rootstocks shall be healthy. They shall not be lacking in vigour or affected by any pests or diseases."

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th April 1968.

(L.S.)

Frederick Peart,

Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 8th April 1968.

(L.S.)

William Ross,

Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 9th April 1968.

James Callaghan,

Secretary of State for the Home Department.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Schemes having been made to enable plant breeders' rights to be granted in respect of rhododendrons, carnations, chrysanthemums, black currants, raspberries, plums and damsons (with their rootstocks) and pear rootstocks, these Regulations amend the Plant Breeders' Rights Regulations 1965 to 1968 by specifying the reproductive and other plant material to be delivered accordingly to the Controller of Plant Variety Rights when an application is made for a grant of plant breeders' rights.

A minor amendment is also made in connection with the advertisement of certain decisions and proposals of the Controller of Plant Variety Rights.