STATUTORY INSTRUMENTS

1968 No. 255

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Amendment) Regulations 1968

Made - - -	*20th February* 1968
Laid before Parliament	*5th March* 1968
Coming into Operation	*6th March* 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) Regulations 1968 and shall come into operation on 6th March 1968.

(2) These Regulations shall be read as one with the Plant Breeders' Rights Regulations 1965(c) (hereinafter referred to as "the principal Regulations") and the principal Regulations, the Plant Breeders' Rights (Amendment) Regulations 1967(d) and these Regulations may be cited together as the Plant Breeders' Rights Regulations 1965 to 1968.

Amendment of Principal Regulations

2. The Principal Regulations, as amended, are hereby further amended by adding at the end of Schedule 2 to the principal Regulations two further Parts as follows:

"

PART XIII

RYEGRASS

1. *Quantity*

(1) During the year beginning with the making of the application 200 grams of seed shall be delivered.

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Controller to be necessary or desirable for the proper completion of the tests and trials.

Each sample delivered shall be accompanied by a written declaration by or on behalf of the applicant, stating the generation to which it belongs.

2. *Packing*

The seed shall be packed in a suitable container of sufficient strength to withstand mechanical damage during transit.

(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 (1967 III, p. 4295).

3. *Quality*

The seed supplied in the first year shall be accompanied by a report of a test made at an official seed testing station established under the Seeds Act 1920(a) and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 2 oz.:—

(*a*) the percentage of purity was not less than 97,

(*b*) the percentage of germination was not less than 80, and

(*c*) in a purity test there were no seeds of injurious weeds and not more than 0.5% by weight of any other weed seeds.

The seed supplied in subsequent years shall be accompanied in each case by a report of a test made at an official seed testing station as aforesaid or a seed testing station licensed under the Seeds Act 1920, made within the 3 months immediately preceding the delivery of the seed and stating the facts referred to in sub-paragraphs (*a*), (*b*) and (*c*) of this paragraph.

4. *Dressings and Treatments*

The seed shall not have been subjected to any fungicidal or insecticidal treatment.

PART XIV

LUCERNE

1. *Quantity*

(1) During the year beginning with the making of the application 200 grams of seed shall be delivered.

(2) During each of the immediately succeeding years until the completion of the tests and trials there shall be delivered such reproductive and other plant material in such quantity and of such description and quality as shall appear to the Controller to be necessary or desirable for the proper completion of the tests and trials.

Each sample delivered shall be accompanied by a written declaration by or on behalf of the applicant, stating the generation to which it belongs.

2. *Packing*

The seed shall be packed in a suitable container of sufficient strength to withstand mechanical damage during transit.

3. *Quality*

The seed supplied in the first year shall be accompanied by a report of a test made at an official seed testing station established under the Seeds Act 1920 and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 2 oz.:—

(*a*) the percentage of purity was not less than 98,

(*b*) the percentage of germination together with the percentage of hard seed was not less than 70, and

(*c*) in a purity test there were no seeds of injurious weeds and not more than 0.5% by weight of any other weed seeds.

The seed supplied in subsequent years shall be accompanied in each case by a report of a test made at an official seed testing station as aforesaid or a seed testing station licensed under the Seeds Act 1920, made within the 3 months immediately preceding the delivery of the seed and stating the facts referred to in sub-paragraphs (*a*), (*b*) and (*c*) of this paragraph.

(a) 1920 c. 54.

4. *Dressings and Treatments*

The seed shall not have been subjected to any fungicidal or insecticidal treatment other than any treatment which has been carried out in order to comply with the requirements of the Importation of Plants and Plant Produce (Health) (Great Britain) Order 1965(a) or the Importation of Plants, Plant Produce and Trees Order (Northern Ireland) 1967(b)."

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th February 1968.

(L.S.)

Frederick Peart,

Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 16th February 1968.

(L.S.)

William Ross,

Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 20th February 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 ryegrass and lucerne, these Regulations amend the Plant Breeders' Rights Regulations 1965 and 1967 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) S.I. 1965/1426 (1965 II, p. 4228). (b) S.R. and O. (N.I.) 1967/95.