STATUTORY INSTRUMENTS

1971 No. 1094

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Amendment) Regulations 1971

Made - - -	6*th July* 1971
Laid before Parliament	14*th July* 1971
Coming into Operation	15*th July* 1971

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, 10 and 36 of the Plant Varieties and Seeds Act 1964(**a**) (extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(**b**) and to the Isle of Man by the Plant Varieties and Seeds (Isle of Man) Order 1969(**c**)) and of all other powers enabling them in that behalf, after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1958(**d**) as applied to the Controller of Plant Variety Rights and any officer authorised to exercise the functions of the said Controller under section 11(5) of the Plant Varieties and Seeds Act 1964 and to the Plant Variety Rights Tribunal by section 12 of the last mentioned Act, hereby make the following Regulations:—

Citation and Commencement

1.—(1) These Regulations may be cited as the Plant Breeders' Rights (Amendment) Regulations 1971 and shall come into operation on 15th July 1971.

(2) These Regulations shall be read as one with the Plant Breeders' Rights Regulations 1969(**e**) (hereinafter referred to as "the principal Regulations").

Amendment of Principal Regulations

2. The principal Regulations are hereby amended as follows:

(*a*) In Regulation 12(1) at the end of sub-paragraph (iii), the word "and" shall be omitted.

(*b*) In Regulation 12(1)(ii), after the word "Controller" where it first appears, there shall be inserted the words "or produce to him for examination, as may be required,"

(*c*) In each of the following places, namely,

Regulations 13(8), 14(1), 22(1) and 22(2), paragraphs 2 and 7, the heading of paragraph 8 and the paragraph headed "To be completed by

(**a**) 1964 c. 14.
(**b**) S.I. 1964/1574 (1964 III, p. 3543).
(**c**) S.I. 1969/1829 (1969 III, p. 5701).
(**d**) 1958 c. 66.
(**e**) S.I. 1969/1021 (1969 II, p. 2976).

applicants requiring a Protective Direction" of Schedule 2, immediately after the words "United Kingdom" there shall be added the words "or the Isle of Man".

(*d*) In Regulation 16(1) the words "or on behalf of" shall be omitted.

(*e*) In Regulation 20(1) the words "to be prepared" shall be omitted and for the words "which shall" there shall be substituted the word "to".

(*f*) In Regulation 20(2) for the words "he has caused to be" there shall be substituted the words "have been".

(*g*) In Schedule 3, Part II, in paragraph 1(1), for the reference to 250 seed tubers there shall be substituted a reference to 170 seed tubers.

(*h*) In Schedule 3, Part V, in paragraph 1(1), for the reference to 200 grams there shall be substituted a reference to 150 grams.

(*i*) In Schedule 3, Part VI, in paragraph 1(1), for the reference to 200 grams there shall be substituted a reference to 120 grams.

(*j*) At the end of Schedule 3 there shall be added three further Parts as follows:

PART XXIX

Lettuces

Quantity

1.—(1) During the year beginning with the making of the application ½ oz. 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.

Packing

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

Quality

3.—(1) *Health*
The seed shall be free from serious seed-borne diseases.

(2) *Purity and germination*

The seed shall be accompanied by a report of a test made at an official seed testing station established under the Seeds Act 1920(a) or a seed testing station licensed under that Act and made within 3 months immediately preceding the delivery of the seed stating that in a sample of 1 oz.:—

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

(*b*) the percentage of germination was not less than 70.

(a) 1920 c. 54.

Dressings and Treatments

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

PART XXX

Runner Beans

Quantity

1.—(1) During the year beginning with the making of the application 9 lb. 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.

Packing

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

Quality

3.—(1) *Health*
The seed shall be free from serious seed-borne diseases.

(2) *Purity and germination*

The seed shall be accompanied by a report of a test made at an official seed testing station established under the Seeds Act 1920 or a seed testing station licensed under that Act and made within the 3 months immediately preceding the delivery of the seed stating that in a sample of 8 oz.:—

(*a*) the percentage of purity was not less than 99, and

(*b*) the percentage of germination was not less than 60.

Dressings and Treatments

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

PART XXXI

Cymbidiums

One plant of the variety, bearing at least one flowering spike with at least two thirds of its flowers open, shall be produced for examination.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th June 1971.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

2nd July 1971.

Gordon Campbell,
Secretary of State for Scotland.

6th July 1971.

R. Maudling,
Secretary of State for the Home Department.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Plant Breeders' Rights Regulations 1969 (S.I. 1969/1021). Schemes having been made to enable plant breeders' rights to be granted in respect of lettuces, runner beans and cymbidiums, the Regulations specify the reproductive and other plant material to be delivered or produced for examination when an application is made for a grant of plant breeders' rights in respect of plant varieties of those kinds. These Regulations also amend the principal Regulations in minor respects.