STATUTORY INSTRUMENTS

1978 No. 1649

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Applications in Designated Countries) (Amendment) Order 1978

Made - - - - 15*th November* 1978

Coming into Operation 20*th November* 1978

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland, acting jointly, in exercise of the powers conferred on them by paragraph 2(7) of Part I of Schedule 2 to 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 to the Isle of Man by the Plant Varieties and Seeds (Isle of Man) Order 1969**(c)** and now vested in them**(d)** and of all other powers enabling them in that behalf, hereby make the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Plant Breeders' Rights (Applications in Designated Countries) (Amendment) Order 1978 and shall come into operation on 20th November 1978.

(2) In this order "the principal order" means the Plant Breeders' Rights (Applications in Designated Countries) Order 1968**(e)** as amended by the Plant Breeders' Rights (Applications in Designated Countries) (Amendment) Order 1972**(f)**.

(3) The Interpretation Act 1889**(g)** shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Variation of principal order

2. For article 2 of the principal order there is hereby substituted the following:—

"*Designated countries in respect of applications for plant breeders' rights*

2. The Netherlands, the Federal Republic of Germany, Denmark, France, Sweden, Belgium, Italy, South Africa and Switzerland are hereby designated as countries to which paragraph 2 of Part I of Schedule 2 to the Plant Varieties and Seeds Act 1964 (which paragraph provides that an application for a grant of plant breeders' rights which is made in a country to which the paragraph applies shall, if the conditions of the paragraph are satisfied, be treated as if made under the Plant Varieties and Seeds Act 1964) applies".

(a) 1964 c. 14. **(b)** S.I. 1964/1574. **(c)** S.I. 1969/1829.
(d) In the case of the Secretary of State for Wales by virtue of S.I. 1978/272.
(e) S.I. 1968/2077. **(f)** S.I. 1972/403. **(g)** 1889 c. 63.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 8th November 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

10th November 1978.

Bruce Millan,
Secretary of State for Scotland.

15th November 1978.

John Morris,
Secretary of State for Wales.

13th November 1978.

Roy Mason,
Secretary of State for Northern Ireland.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Plant Breeders' Rights (Applications in Designated Countries) Order 1968 as amended by the Plant Breeders' Rights (Applications in Designated Countries) (Amendment) Order 1972 by the substitution of a new article 2. Paragraph 2 of Part I of Schedule 2 to the Plant Varieties and Seeds Act 1964 (which enables an application for a grant of plant breeders' rights made in a country to which that paragraph applies, to be treated as if made in the United Kingdom) now applies to the Netherlands, the Federal Republic of Germany, Denmark, France, Sweden, Belgium, Italy, South Africa and Switzerland.

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