STATUTORY INSTRUMENTS

1978 No. 300

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Celery (including Celeriac)) Scheme 1978

Made - - - -	*28th February* 1978
Laid before Parliament	*10th March* 1978
Coming into Operation	*1st April* 1978

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Northern Ireland (being the Secretary of State concerned with agriculture in Northern Ireland), acting jointly, in exercise of the powers conferred on them by sections 1(1) and (5), and 3(1) 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 Controller of Plant Variety Rights and with representatives of such interests as appear to them to be concerned, hereby make the following scheme:—

Citation and commencement

1. This scheme may be cited as the Plant Breeders' Rights (Celery (including Celeriac)) Scheme 1978 and shall come into operation on 1st April 1978.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires—

"plant breeders' rights" means rights which may be granted in accordance with Part 1 of the Plant Varieties and Seeds Act 1964;

"plant variety" means any clone, line, hybrid or genetic variant.

(2) The Interpretation Act 1889(**d**) shall apply to the Interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

Plant varieties for which plant breeders' rights may be granted

3. There are prescribed for the purposes of the grant of plant breeders' rights all plant varieties of celery (including celeriac) which conform with the characteristics of cultivated plant varieties of the species *Apium graveolens* L.

(**a**) 1964 c. 14.
(**b**) S.I. 1964/1574.
(**c**) S.I. 1969/1829.
(**d**) 1889 c. 63.

Period for which rights are exercisable

4. The period for which plant breeders' rights shall be exercisable in respect of any of the plant varieties referred to in the last preceding paragraph shall be 15 years.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd February 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

Bruce Millan,
Secretary of State for Scotland.

23rd February 1978.

Roy Mason,
Secretary of State for Northern Ireland.

28th February 1978.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme, made under the Plant Varieties and Seeds Act 1964, prescribes the varieties of celery (including celeriac) in respect of which grants of plant breeders' rights may be made and also prescribes the period of 15 years as that during which the rights may be exercised.

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