STATUTORY INSTRUMENTS

1982 No. 1095

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Cereals) (Variation) Scheme 1982

Made - - - -	29*th July* 1982
Laid before Parliament	10*th August* 1982
Coming into Operation	31*st August* 1982

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 sections 1(1) and (5), 3(1) and 5(7) 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 now vested in them (**d**) and of all other powers enabling them in that behalf, after consultation in accordance with section 1(5) of the said Act 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:—

Title and commencement

1. This scheme may be cited as the Plant Breeders' Rights (Cereals) (Variation) Scheme 1982 and shall come into operation on 31st August 1982.

Variation of the principal scheme

2. The Plant Breeders' Rights (Cereals) Scheme 1980 (**e**) shall be varied as follows:—

(a) in sub-paragraph (i) of paragraph 6 the words "rye and triticale" shall be substituted for the words "and rye" in both places where they occur;

(b) the following item shall be added at the end of Schedule 2:—

Column 1		Column 2
Genus or Species		Period of years for which Rights are exercisable
Name	Common Name	
"x *Triticosecale* Wittmack	Triticale	15"

(**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 the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).
(**e**) S.I. 1980/321.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1982.

L.S.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

26th July 1982.

Nicholas Edwards,
Secretary of State for Wales.

27th July 1982.

James Prior,
Secretary of State for Northern Ireland.

29th July 1982.

EXPLANATORY NOTE

(*This Note is not part of the Scheme.*)

This Scheme varies the Plant Breeders' Rights (Cereals) Scheme 1980 by adding triticale to the genera and species of which plant varieties may be the subject of plant breeders' rights in accordance with Part 1 of the Plant Varieties and Seeds Act 1964. Fifteen years is prescribed as the period during which the rights may be exercised.

The Scheme, as read with the 1964 Act, also provides that infringements of the rights in the registered name of a variety of triticale may be the subject of legal proceedings when committed in connection with any variety of wheat, oats, barley, rye or triticale. Similarly, infringements of the rights in the registered name of a variety of wheat, oats, barley or rye may now be the subject of legal proceedings when committed in connection with a variety of triticale.

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