STATUTORY INSTRUMENTS

1982 No. 1096

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Elatior Begonias) 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 (Elatior Begonias) Scheme 1982 and shall come into operation on 31st August 1982.

Interpretation

2. In this scheme:—

"the Act" means the Plant Varieties and Seeds Act 1964;

"plant breeders' rights" means rights which may be granted in accordance with Part I of the Act.

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 Elatior begonias which conform with the characteristics of cultivated plant varieties of Elatior begonias of the species *Begonia* × *hiemalis* Fotsch.

Period for which rights are exercisable

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

(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).

Class of plant varieties for the purposes of Section 5(7) of the Act

5. The class of plant varieties hereby prescribed for the purposes of section 5(7) of the Act (which enables classes of plant varieties to be prescribed in connection with the use of names likely to deceive or cause confusion) consists of all plant varieties of the genus *Begonia* L.

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.

26th July 1982.

George Younger,
Secretary of State for Scotland.

27th July 1982.

Nicholas Edwards,
Secretary of State for Wales.

29th July 1982.

James Prior,
Secretary of State for Northern Ireland.

EXPLANATORY NOTE

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

This Scheme prescribes the varieties of Elatior begonias in respect of which grants of plant breeders' rights may be made and prescribes 15 years as the period during which those rights may be exercised.

The Plant Varieties and Seeds Act 1964, as read with this Scheme, provides that infringements of the rights in the registered name of a variety of Elatior begonia may be the subject of legal proceedings when committed in connection with a variety of the genus *Begonia* L.

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