STATUTORY INSTRUMENTS

1983 No. 292

PLANT BREEDERS' RIGHTS

Plant Breeders' Rights (Fees) (Amendment) Regulations 1983

Made - - - -	*2nd March* 1983
Laid before Parliament	*11th March* 1983
Coming into Operation	*1st April* 1983

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 9(1) and 36 of the Plant Varieties and Seeds Act 1964(**a**) as extended to Northern Ireland(**b**) and now vested in them(**c**), and the said Minister and the Secretary of State, acting jointly, in exercise of the said powers as extended to the Isle of Man(**d**), with the approval of the Treasury in accordance with section 9(1) of the said Act, and in the exercise of all other powers enabling them in that behalf, hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Plant Breeders' Rights (Fees) (Amendment) Regulations 1983 and shall come into operation on 1st April 1983.

Amendment

2. For the Schedule to the Plant Breeders' Rights (Fees) Regulations 1980(**e**) there shall be substituted the Schedule to these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th February 1983.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

(**a**) 1964 c. 14.
(**b**) By the Plant Varieties and Seeds (Northern Ireland) Order 1964 (S.I. 1964/1574).
(**c**) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.
(**d**) By the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829).
(**e**) S.I. 1980/351; the relevant amending instrument is S.I. 1981/357.

George Younger,
Secretary of State for Scotland.

2nd March 1983.

John Stradling Thomas,
Minister of State for Wales.

1st March 1983.

James Prior,
Secretary of State for Northern Ireland.

28th February 1983.

William Whitelaw,
Secretary of State for the Home Department
(being the Secretary of State concerned with matters relating to the Isle of Man).

Home Office.
1st March 1983.

We approve,

Donald Thompson,
J. A. Cope,
Two of the Lords Commissioners of Her Majesty's Treasury.

1st March 1983.

SCHEDULE

Regulation 2

SCHEDULE TO BE SUBSTITUTED FOR THE SCHEDULE TO THE PLANT BREEDERS' RIGHTS (FEES) REGULATIONS 1980

"SCHEDULE

Regulation 4

PART I

Fees payable on an application for a grant of plant breeders' rights.

No.	Plant Variety	Amount	
		£	£(a)
1	A cereal or potato variety	240.00	(*220.00*)
2	A fodder, oil and fibre or vegetable (including a field bean or field pea) plant variety	180.00	(*165.00*)
3	Any other plant variety	75.00	(*70.00*)

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1981 (S.I. 1981/357).

PART II

Fees payable in respect of tests or examination of a plant variety which is the subject of an application for a grant of plant breeders' rights.

No.	Plant Variety	Tests or examination for which payable	Amount	
			£	£(a)
1	A cereal or potato variety	(a) Tests in the first year of a testing cycle	425.00	(*385.00*)
		(b) Tests in any one subsequent year of a testing cycle	385.00	(*350.00*)
2	A fodder (excluding a field bean or field pea) plant variety, an oil and fibre plant variety or a fenugreek plant variety	Tests in any one year	330.00	(*300.00*)
3	A vegetable (including a field bean or field pea) plant variety	Tests in any one year	175.00	(*160.00*)
4	A year-round perennial chrysanthemum variety	Tests in each flowering season	175.00	(*160.00*)
5	A perennial chrysanthemum variety flowered in its natural season under glass	Tests in any one year	175.00	(*160.00*)
6	A perennial chrysanthemum variety other than a variety specified at items 4 and 5 above	Tests in any one year	50.00	(*45.00*)
7	A soft fruit variety	Tests in any one year	175.00	(*160.00*)

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1981.

PART II—(continued)

Fees payable in respect of tests or examination of a plant variety which is the subject of an application for a grant of plant breeders' rights.

No.	Plant Variety	Tests or examination for which payable	Amount	
			£	£(a)
8	A rhubarb, hop, apple rootstock, pear rootstock, plum rootstock, damson rootstock or cherry rootstock variety	Tests in any one year	175.00	(*160.00*)
9	A perpetual flowering carnation variety	Tests in any one year	175.00	(*160.00*)
10	A rose variety	Tests in any one year	120.00	(*110.00*)
11	An apple, pear, plum, damson or cherry variety	(a) Tests in any one year before one or more of the trees undergoing tests comes into fruit	50.00	(*45.00*)
		(b) Tests in any one subsequent year	175.00	(*160.00*)
12	A conifer, taxad, tree, shrub or woody climber variety	Tests in any one year	110.00	(*100.00*)
13	A cymbidium variety	Each examination	50.00	(*45.00*)
14	A rhododendron, perennial delphinium, narcissus, freesia, gladiolus, border carnation, pink, dahlia, pelargonium, streptocarpus, herbaceous perennial or lily variety	Tests in any one year	50.00	(*45.00*)

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1981.

PART III

Fees payable for the continued exercise of plant breeders' rights in a plant variety.

No.	Plant Variety	Fees payable for the continued exercise of plant breeders' rights during the years of the exercise of plant breeders' rights indicated below									
		Second year		Third year		Fourth year		Fifth year		Sixth and each subsequent year	
		£	£(a)	£	£(a)	£	£(a)	£	£(a)	£	£(a)
1	A cereal or potato variety	180.00	(*165.00*)	210.00	(*190.00*)	230.00	(*210.00*)	260.00	(*235.00*)	275.00	(*250.00*)
2	A fodder (including a field bean or field pea) plant variety, an oil and fibre plant variety or a fenugreek plant variety	100.00	(*90.00*)	140.00	(*125.00*)	175.00	(*160.00*)	210.00	(*190.00*)	250.00	(*225.00*)
3	A vegetable (excluding a field bean or field pea) plant variety	90.00	(*80.00*)	100.00	(*90.00*)	110.00	(*100.00*)	125.00	(*115.00*)	140,00	(*125.00*)
4	A soft fruit variety, a year-round perennial chrysanthemum, a perennial chrysanthemum flowered in its natural season under glass, rhubarb, hop, apple rootstock, pear rootstock, plum rootstock, damson rootstock, cherry rootstock, perpetual flowering carnation, rose, apple, pear, plum, damson, cherry, conifer, taxad, tree, shrub or woody climber variety	75.00	(*70.00*)	90.00	(*80.00*)	100.00	(*90.00*)	110.00	(*100.00*)	125.00	(*115.00*)

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1981.

PART III—(continued)

Fees payable for the continued exercise of plant breeders' rights in a plant variety.

No.	Plant Variety	Fees payable for the continued exercise of plant breeders' rights during the years of the exercise of plant breeders' rights indicated below									
		Second year		Third year		Fourth year		Fifth year		Sixth and each subsequent year	
		£	£(a)	£	£(a)	£	£(a)	£	£(a)	£	£(a)
5	A perennial chrysanthemum variety other than a variety specified at item 4, a cymbidium, rhododendron, perennial delphinium, narcissus, freesia, gladiolus, border carnation, pink, dahlia, pelargonium, streptocarpus, herbaceous perennial or lily variety	40.00	(*35.00*)	50.00	(*45.00*)	60.00	(*55.00*)	60.00	(*55.00*)	90.00	(*80.00*)

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1981.

PART IV

Fees payable in respect of other matters.

No.	Matter	When payable	Amount	
			£	£(a)
1	Application for an extension of the period for which plant breeders' rights are exercisable	On making the application	28.00	(*25.00*)
2	Application for a compulsory licence	On making the application	17.00	(*15.00*)
3	Application to extend, limit, vary or revoke a compulsory licence	On making the application	17.00	(*15.00*)
4	Application to amend a document in any application or proceeding	On making the application	3.00	(*3.00*)
5	Application to rectify an error or omission in the register of plant varieties	On making the application	3.00	(*3.00*)
6	Application for extension of time for the service or delivery of a document or thing or for the doing of an act	On making the application	3.00	(*3.00*)
7	Making representations in writing to the Controller, by any person other than the applicant, in connection with any application	On delivering the representations	2.00	(*2.00*)
8	Making representations in writing to the Controller, by any person other than the holder of plant breeders' rights, in connection with a proposal to terminate those rights or to revoke or terminate any extensions of such rights.	On delivering the representations	2.00	(*2.00*)

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1981.

PART IV—(continued)

Fees payable in respect of other matters.

No.	Matter	When payable	Amount	
			£	£(a)
9	Attending to be heard by the Controller or by a person appointed by him for the purpose	Before the hearing	17.00	(*15.00*)
10	Grant of plant breeders' rights in respect of	Before the issue of the document constituting evidence of the grant		
	(a) a cereal or potato variety;		95.00	(*85.00*)
	(b) any other plant variety		60.00	(*55.00*)
11	Grant of an extension of the period for which plant breeders' rights are exercisable	Before the issue of the document constituting evidence of the extension	28.00	(*25.00*)
12	Giving a protective direction	Before the issue of the document constituting evidence of the giving of the protective direction	19.00	(*17.00*)
13	Application for an extension of the period for payment of a renewal fee	On making the application	17.00	(*15.00*)
14	Payment of a renewal fee after the expiration of 7 days from the date when it fell due, except in a case where an application has been made for the period for payment to be extended	On payment of the renewal fee	11.00	(*10.00*)
15	Application for the approval of a substituted name for a plant variety	On making the application	17.00	(*15.00*)
16	Application for the amendment of the register of plant varieties, except in a case where the plant breeders' rights are transferred to another person	On making the application	3.00	(*3.00*)

(a) The figures in brackets are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1981.

PART IV—(continued)

Fees payable in respect of other matters.

No.	Matter	When payable	Amount	
			£	£(a)
17	Registration of title and amendment of the register of plant varieties on a transfer of plant breeders' rights or a share in such rights	On making the application for registration	17.00	(*15.00*)
18	Inspection of the register of plant varieties or of a document in the possession of the Controller	Before the inspection	1.00	(*1.00*)
19	Supplying copies of documents, per page	Before the delivery of the copies	0.30	(*0.30*)
20	Supplying a duplicate of a document constituting evidence of a grant of plant breeders' rights or protective direction or of an extension of the period for which plant breeders' rights are exercisable	On ordering the duplicate	6.00	(*5.00*)

(a) The figures in brackets are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1981.

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EXPLANATORY NOTE

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

These Regulations amend the Plant Breeders' Rights (Fees) Regulations 1980 by substituting for the Schedule inserted into those Regulations by the Plant Breeders' Rights (Fees) (Amendment) Regulations 1981 the Schedule to these Regulations. The new Schedule prescribes increased fees for all matters for which fees were previously charged except those for which the fee was less than £5.

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