STATUTORY INSTRUMENTS

# 1984 No. 242

# PLANT BREEDERS' RIGHTS

## Plant Breeders' Rights (Fees) (Amendment) Regulations 1984

| | |
|---|---|
| *Made* - - - | 1*st March* 1984 |
| *Laid before Parliament* | 9*th March* 1984 |
| *Coming into Operation* | 1*st April* 1984 |

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 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 1984 and shall come into operation on 1st April 1984.

*Amendment of principal regulations*

**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 22nd February 1984.

L.S.

*John MacGregor,*
Minister of State,
Ministry of Agriculture, Fisheries and Food.

*George Younger,*
Secretary of State for Scotland.

23rd February 1984.

(**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; relevant amending instruments are S.I. 1983/292, 1501.

*Nicholas Edwards,*
Secretary of State for Wales.

27th February 1984.

*James Prior,*
Secretary of State for Northern Ireland.

29th February 1984.

*Leon Brittan,*
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 1984.

We approve,

*T. Garel-Jones,*
*Donald Thompson,*
Two of the Lords Commissioners of
Her Majesty's Treasury.

28th February 1984.

## 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 | |
|---|---|---|---|
| | | New fee | Old fee |
| | | £ | £(a) |
| 1 | A cereal or potato variety | 250 | (*240*) |
| 2 | A fodder, oil and fibre or vegetable (including a field bean or field pea) plant variety | 190 | (*180*) |
| 3 | Any other plant variety | 80 | (*75*) |

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1983 (S.I. 1983/292).

## 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 | |
|---|---|---|---|---|
| | | | New fee | Old fee |
| | | | £ | £(a) |
| 1 | A cereal variety | (a) Tests in the first year of a testing cycle | 525 | (*525*) |
| | | (b) Tests in any one subsequent year of a testing cycle | 485 | (*485*) |
| 2 | A potato variety | (a) Tests in the first year of a testing cycle | 445 | (*425*) |
| | | (b) Tests in any one subsequent year of a testing cycle | 405 | (*385*) |
| 3 | 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 | 345 | (*330*) |
| 4 | A vegetable (including a field bean or field pea) plant variety | Tests in any one year | 185 | (*175*) |
| 5 | A year-round perennial chrysanthemum variety | Tests in each flowering season | 185 | (*175*) |
| 6 | A perennial chrysanthemum variety flowered in its natural season under glass | Tests in any one year | 185 | (*175*) |
| 7 | A perennial chrysanthemum variety other than a variety specified at items 5 and 6 above | Tests in any one year | 55 | (*50*) |
| 8 | A soft fruit variety | Tests in any one year | 185 | (*175*) |
| 9 | A rhubarb, hop, apple rootstock, pear rootstock, plum rootstock, damson rootstock or cherry rootstock variety | Tests in any one year | 185 | (*175*) |
| 10 | A perpetual flowering carnation variety | Tests in any one year | 185 | (*175*) |
| 11 | A rose variety | Tests in any one year | 125 | (*120*) |
| 12 | 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 | 55 | (*50*) |
| | | (b) Tests in any one subsequent year | 185 | (*175*) |
| 13 | A conifer, taxad, tree, shrub or woody climber variety | Tests in any one year | 115 | (*110*) |
| 14 | A cymbidium variety | Each examination | 55 | (*50*) |

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1983, as amended by the Plant Breeders' Rights (Fees)(Amendment No.2) Regulations 1983 (S.I.1983/1501).

## 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 | |
|---|---|---|---|---|
| | | | New fee | Old fee |
| | | | £ | £(a) |
| 15 | A rhododendron, perennial delphinium, narcissus, freesia, gladiolus, border carnation, pink, dahlia, pelargonium, streptocarpus, herbaceous perennial, lily, saintpaulia or elatior begonia variety | Tests in any one year | 55 | (*50*) |

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1983.

## 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 | |
| | | New fee | Old fee | New fee | Old fee | New fee | Old fee | New fee | Old fee | New fee | Old fee |
| | | £ | £(a) | £ | £(a) | £ | £(a) | £ | £(a) | £ | £(a) |
| 1 | A cereal or potato variety | 190 | (*180*) | 220 | (*210*) | 240 | (*230*) | 275 | (*260*) | 290 | (*275*) |
| 2 | A fodder (including a field bean or field pea) plant variety, an oil and fibre plant variety or a fenugreek plant variety | 105 | (*100*) | 145 | (*140*) | 185 | (*175*) | 220 | (*210*) | 260 | (*250*) |
| 3 | A vegetable (excluding a field bean or field pea) plant variety | 95 | (*90*) | 105 | (*100*) | 115 | (*110*) | 130 | (*125*) | 145 | (*140*) |
| 4 | A soft fruit variety, a year-round 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 | 80 | (*75*) | 95 | (*90*) | 105 | (*100*) | 115 | (*110*) | 130 | (*125*) |
| 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, lily, saintpaulia or elatior begonia variety | 45 | (*40*) | 55 | (*50*) | 65 | (*60*) | 65 | (*60*) | 95 | (*90*) |

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1983.

## PART IV

### FEES PAYABLE IN RESPECT OF OTHER MATTERS

| No. | Matter | When payable | Amount | |
|---|---|---|---|---|
| | | | New fee | Old fee |
| | | | £ | £(a) |
| 1 | Application for a compulsory licence | On making the application | 18.00 | (*17.00*) |
| 2 | Application to extend, limit, vary or revoke a compulsory licence | On making the application | 18.00 | (*17.00*) |
| 3 | Application to amend a document in any application or proceeding | On making the application | 3.00 | (*3.00*) |
| 4 | Application to rectify an error or omission in the register of plant varieties | On making the application | 3.00 | (*3.00*) |
| 5 | 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*) |
| 6 | 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*) |
| 7 | 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 extension of such rights | On delivering the representations | 2.00 | (*2.00*) |
| 8 | Attending to be heard by the Controller or by a person appointed by him for the purpose | Before the hearing | 18.00 | (*17.00*) |
| 9 | Grant of plant breeders' rights in respect of<br>(a) a cereal or potato variety;<br>(b) any other plant variety | Before the issue of the document constituting evidence of the grant | <br>100.00<br>65.00 | <br>(*95.00*)<br>(*60.00*) |
| 10 | Giving a protective direction | Before the issue of the document constituting evidence of the giving of the protective direction | 20.00 | (*19.00*) |
| 11 | Application for an extension of the period for payment of a renewal fee | On making the application | 18.00 | (*17.00*) |

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1983.

## PART IV (*continued*)

### FEES PAYABLE IN RESPECT OF OTHER MATTERS

| No. | Matter | When payable | Amount | |
|---|---|---|---|---|
| | | | New fee | Old fee |
| | | | £ | £(a) |
| 12 | 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 | 12.00 | (*11.00*) |
| 13 | Application for the approval of a substituted name for a plant variety | On making the application | 18.00 | (*17.00*) |
| 14 | 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*) |
| 15 | 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 applicaton for registration | 18.00 | (*17.00*) |
| 16 | Inspection of the register of plant varieties or of a document in the possession of the Controller | Before the inspection | 1.00 | (*1.00*) |
| 17 | Supplying copies of documents, per page | Before the delivery of the copies | 0.30 | (*0.30*) |
| 18 | Supplying a duplicate of a document constituting evidence of a grant of plant breeders' rights or protective direction | On ordering the duplicate | 6.00 | (*6.00*) |

(a) The figures in italics are the fees which were charged under the Plant Breeders' Rights (Fees) (Amendment) Regulations 1983."

## 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 1983 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 £7 and the testing of cereal varieties which are the subject of an application for a grant of plant breeders' rights (fees for which were increased by the Plant Breeders' Rights (Fees) (Amendment No. 2) Regulations 1983.

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