STATUTORY INSTRUMENTS

1988 No. 356

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Fees) (Amendment) Regulations 1988

Made - - - -	*1st March 1988*
Laid before Parliament	*9th March 1988*
Coming into force	*1st April 1988*

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, as respects the United Kingdom, in exercise of the powers conferred by sections 9(1), 36 and 38(1) 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, as respects the Isle of Man, in exercise of the said powers as extended to the Isle of Man(**d**), and in exercise of all other powers enabling them in that behalf, with the approval of the Treasury in accordance with section 9(1) of the said Act of 1964 and after consultation with the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971(**e**), hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Plant Breeders' Rights (Fees) (Amendment) Regulations 1988 and shall come into force on 1st April 1988.

Amendment of principal regulations

2. For the Schedule to the Plant Breeders' Rights (Fees) Regulations 1987(**f**) there shall be substituted the provisions set out in the Schedule to these Regulations.

(**a**) 1964 c.14; section 38(1) contains a definition of "the Ministers" relevant to the exercise of the statutory powers under which these Regulations are made.
(**b**) By section 39(3) of the Plant Varieties and Seeds Act 1964 and 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) to which there are amendments not relevant to these Regulations.
(**e**) 1971 c.62.
(**f**) S.I. 1987/189.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th February 1988.

L.S.

John MacGregor
Minister of Agriculture, Fisheries and Food

25th February 1988

Sanderson of Bowden
Minister of State, Scottish Office

26th February 1988

Peter Walker
Secretary of State for Wales

1st March 1988

Tom King
Secretary of State for Northern Ireland

26th February 1988

Douglas Hurd
Secretary of State for the Home Department
(being the Secretary of State concerned with matters relating to the Isle of Man)

We approve,

Mark Lennox-Boyd
Michael Neubert

1st March 1988

Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE

Regulation 2

PROVISIONS TO BE SUBSTITUTED FOR THE SCHEDULE TO THE PLANT BREEDERS' RIGHTS (FEES) REGULATIONS 1987

"SCHEDULE

Regulation 3(1)

FEES

PART I

FEES PAYABLE ON AN APPLICATION FOR A GRANT OF PLANT BREEDERS' RIGHTS

Plant variety	*Amount*	
	New fee	*Old fee*
	£	£*
1. A wheat (excluding durum wheat and spelt wheat) or barley variety	540	*(520)*
2. A durum wheat, spelt wheat, rye, oat, oilseed rape, ryegrass, timothy, white clover, fescue or potato variety	415	*(400)*
3. A maize variety	500	*(480)*
4. A field pea or field bean variety	325	*(310)*
5. Any other herbage, fodder (including fenugreek), oil and fibre, cereal or vegetable variety	195	*(185)*
6. Any other variety not mentioned above (including a decorative or fruit variety)	120	*(115)*

* The figures in italics are the fees which were charged under The Plant Breeders' Rights (Fees) Regulations 1987 (S.I. 1987/189) before the coming into force of these Regulations.

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

Plant variety	*Tests or examination for which payable*	*Amount*	
		New fee	*Old fee*
		£	£*
1. A wheat (excluding durum wheat and spelt wheat), barley or maize variety	Tests in any one year	710	*(680)*
2. A durum wheat, spelt wheat, rye, oat, oilseed rape, ryegrass, timothy, white clover, fescue, potato, field pea or field bean variety	Tests in any one year	480	*(460)*
3. Any other herbage, fodder (including fenugreek), oil and fibre, cereal or vegetable variety	Tests in any one year	270	*(260)*
4. A year-round perennial chrysanthemum variety	Tests in each flowering season	225	*(215)*
5. A cymbidium variety	Each examination	225	*(215)*
6. Any other variety not mentioned above (including a decorative or fruit variety)	Tests in any one year	225	*(215)*

* The figures in italics are the fees which were charged under The Plant Breeders' Rights (Fees) Regulations 1987 before the coming into force of these Regulations.

PART III

RENEWAL FEES

Plant variety	*Renewal fees during the years of the exercise of plant breeders' rights indicated below*			
	Second to fifth year – each year		*Sixth and each subsequent year*	
	New fee	*Old fee*	*New fee*	*Old fee*
	£	£*	£	£*
1. A wheat (excluding durum wheat and spelt wheat) or barley variety	475	*(455)*	630	*(605)*
2. A durum wheat, spelt wheat, rye, oat, oilseed rape, ryegrass, timothy, white clover, fescue, potato, maize, field bean or field pea variety	335	*(320)*	570	*(545)*
3. Any other herbage, fodder (including fenugreek), oil and fibre, cereal or vegetable variety	195	*(185)*	255	*(245)*
4. A rose variety	95	*(120)*	125	*(155)*
5. Any other variety not mentioned above (including a decorative or fruit variety)	125	*(120)*	160	*(155)*

* The figures in italics are the fees which were charged under The Plant Breeders' Rights (Fees) Regulations 1987 before the coming into force of these Regulations.

PART IV

FEES PAYABLE IN RESPECT OF OTHER MATTERS

Matter	*When payable*	*Amount*	
		New fee	*Old fee*
		£	£*
1. Application for a compulsory licence	On making the application	21	*(21)*
2. Application to extend, limit, vary or revoke a compulsory licence	On making the application	21	*(21)*
3. Application to amend a document in any application or proceeding	On making the application	3	*(3)*
4. Application to rectify an error or omission in the register of plant varieties	On making the application	3	*(3)*
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	*(3)*
6. Making representations in writing to the Controller, by any person other than the applicant, in connection with any application	On delivering the representations	3	*(3)*
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	3	*(3)*
8. Attending to be heard by the Controller, or by a person appointed by him for the purpose	Before the hearing	21	*(21)*
9. Grant of plant breeders' rights in–	Before the issue of the document constituting evidence of the grant		
(a) a variety referred to in items 1 to 4 in Part I of this Schedule		150	*(145)*
(b) a variety referred to in item 5 in Part I of this Schedule		140	*(135)*
(c) a variety referred to in item 6 in Part I of this Schedule		90	*(85)*
10. Giving a protective direction	Before the issue of the document constituting evidence of the giving of the protective direction	21	*(21)*
11. Application for an extension of the period for payment of a renewal fee	On making the application	21	*(21)*
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	21	*(21)*
13. Application for the approval of a substituted name for a plant variety	On making the application	21	*(21)*

Matter		*When payable*	*Amount*	
			New fee	*Old fee*
			£	£*
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	*(3)*
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 application for registration	21	*(21)*
16.	Inspection of the register of plant varieties or of a document in the possession of the Controller	Before the inspection	1	*(1)*
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	*(6)*
19.	Purchase of a report from a testing authority in another country	Within 14 days of demand by the Controller	140	*(112)*

* The figures in italics are the fees which were charged under The Plant Breeders' Rights (Fees) Regulations 1987 before the coming into force of these Regulations."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Breeders' Rights (Fees) Regulations 1987 by substituting a new Schedule for the Schedule to those Regulations (Regulation 2). The new Schedule prescribes an overall increase of fees for the matters for which fees were previously charged with the exception of renewal fees for rose varieties, which have been reduced and those fees of £21.00 or less which remain at their former levels.

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