STATUTORY INSTRUMENTS

1969 No. 1023

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Herbaceous Perennials) Scheme 1969

Made - - - -	*23rd July* 1969
Laid before Parliament	*6th August* 1969
Coming into Operation	*7th August* 1969

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for the Home Department (being the Secretary of State concerned with agriculture in Northern Ireland), acting jointly, in exercise of the powers conferred on them by sections 1, 3, 5 and 7 of, and paragraph 1 of Schedule 3 to, the Plant Varieties and Seeds Act 1964(a), as extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964(b), and of all other powers enabling them in that behalf, after consultation 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:—

Citation and Commencement

1. This scheme may be cited as the Plant Breeders' Rights (Herbaceous Perennials) Scheme 1969 and shall come into operation on 7th August 1969.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires:—

"the Act" means the Plant Varieties and Seeds Act 1964 as extended to Northern Ireland;

"the Controller" means the Controller of Plant Variety Rights;

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

"plant variety" means any clone, line, hybrid or genetic variant.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

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 herbaceous perennials which conform with the characteristics of cultivated plant varieties of any of the genera or species specified in column 1 of the Schedule to this scheme.

Periods for which Rights are Exercisable

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

(a) 1964 c. 14. (b) S.I. 1964/1574 (1964 III, p. 3543). (c) 1889 c. 63.

the period of years specified in column 2 of the said Schedule opposite the genus or species to which that plant variety belongs.

Classes of Plant Varieties for the Purposes of Section 5(7) of the Act

5. In relation to any of the plant varieties referred to in paragraph 3 of this scheme, the class of plant varieties 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 or species specified in column 3 of the said Schedule opposite the genus or species to which that plant variety belongs.

Periods prescribed for Purposes of Section 7(2) of the Act

6. In relation to any of the plant varieties referred to in paragraph 3 of this scheme the period, if any, prescribed for the purposes of section 7(2) of the Act (which enables a provision to be made whereby a compulsory licence granted by the Controller as respects a plant variety of a species or group specified in a scheme shall not have effect for a prescribed period after the grant of rights in that plant variety) shall be the period of years specified in column 4 of the said Schedule opposite the genus or species to which that plant variety belongs.

Additional Rights

7. Plant breeders' rights exercisable in respect of any of the plant varieties referred to in paragraph 3 of this scheme shall, where the word "included" appears in column 5 of the said Schedule opposite the genus or species to which that plant variety belongs, include the exclusive right to produce or propagate and to authorise others to produce or propagate that plant variety for the purpose of selling cut blooms thereof.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th July 1969.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 21st July 1969.

(L.S.)

William Ross,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department 23rd July 1969.

James Callaghan,
Secretary of State for the Home Department.

SCHEDULE

Column 1 Genus or Species	Column 2 Period of years for which Rights are exercisable	Column 3 Classes of plant varieties prescribed for purposes of section 5(7)	Column 4 Period of years prescribed for purposes of section 7(2)	Column 5 Additional Rights
Achillea L.	15	*Achillea*	—	—
Aconitum L.	18	*Aconitum*	3	—
Alstroemeria L.	18	*Alstroemeria*	2	Included
Anchusa italica Retz.	15	*Anchusa*	—	—
Anchusa angustissima K.Koch	15	*Anchusa*	1	—
Anemone hupehensis Lemoine	15	*Anemone hupehensis*	—	—
Anthemis L.	15	*Anthemis*	—	—
Armeria (DC.) Willd.	18	*Armeria*	2	—
Artemisia L.	15	*Artemisia*	—	—
Aster L.	15	*Aster*	—	Included
Astilbe Buch.-Ham.	18	*Astilbe*	2	Included
Bergenia Moench.	18	*Bergenia*	2	—
Caltha L.	15	*Caltha*	—	—
Campanula L.	15	*Campanula*	1	Included
Catananche L.	15	*Catananche*	1	—
Centaurea L.	15	*Centaurea*	—	—
Ceratostigma plumbaginoides Bunge	15	*Ceratostigma*	—	—
Chrysanthemum coccineum Willd. (Pyrethrum)	15	*Chrysanthemum coccineum*	—	Included
Chrysanthemum maximum Ramond	15	*Chrysanthemum maximum*	—	Included
Cimicifuga Wernischek	15	*Cimicifuga*	1	—
Clematis heracleifolia DC.	15	*Clematis*	1	—
Convallaria L.	15	*Convallaria*	1	Included
Coreopsis L.	15	*Coreopsis*	—	—
Cortaderia Stapf	18	*Cortaderia*	3	Included
Dicentra Borckh. corr. Bernh.	15	*Dicentra*	1	—
Doronicum L.	15	*Doronicum*	—	—
Echinops L.	15	*Echinops*	1	—
Erigeron L.	15	*Erigeron*	—	—

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Eryngium L.	15	*Eryngium*	1	—
Euphorbia L.	15	*Euphorbia*	1	—
Gaillardia Fougeroux	15	*Gaillardia*	1	—
Galega L.	15	*Galega*	1	—
Geranium L.	15	*Geranium*	—	—
Geum L.	15	*Geum*	1	—
Gypsophila L.	18	*Gypsophila*	2	Included
Helenium L.	15	*Helenium*	—	—
Helianthus L.	15	*Helianthus* and *Heliopsis*	—	—
Heliopsis Pers.	15	*Heliopsis* and *Helianthus*	1	—
Helleborus L.	18	*Helleborus*	3	Included
Hemerocallis L.	15	*Hemerocallis*	1	—
Heuchera L.	15	*Heuchera*	—	—
Holcus L.	15	*Holcus*	—	—
Hosta Tratt.	18	*Hosta*	2	—
Iris L. (excluding bulbous varieties)	18	*Iris*	2	—
Kniphofia Moench.	18	*Kniphofia*	3	—
Liatris Gaertn. ex Schreb.	15	*Liatris*	1	Included
Ligularia Cass.	15	*Ligularia*	1	—
Limonium Mill. (Statice)	15	*Limonium*	1	Included
Lobelia L.	15	*Lobelia*	1	—
Lupinus L.	15	*Lupinus*	1	—
Lychnis L.	15	*Lychnis*	—	—
Lythrum L.	15	*Lythrum*	1	—
Malva L.	15	*Malva*	1	—
Monarda L.	15	*Monarda*	—	—
Nepeta L.	15	*Nepeta*	—	—
Oenothera L.	15	*Oenothera*	1	—
Origanum L.	15	*Origanum*	—	—
Paeonia L.	20	*Paeonia*	5	Included
Papaver L.	15	*Papaver*	—	—
Penstemon Schmid.	15	*Penstemon*	1	—
Phlox L.	15	*Phlox*	1	—

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Phygelius E.Mey.	15	*Phygelius*	—	—
Physostegia Benth.	15	*Physostegia*	1	—
Polemonium L.	15	*Polemonium*	—	—
Polygonatum Mill.	15	*Polygonatum*	1	—
Polygonum L.	15	*Polygonum*	1	—
Potentilla L.	15	*Potentilla*	1	—
Primula L.	15	*Primula*	1	Included
Pulmonaria L.	15	*Pulmonaria*	—	—
Pulsatilla Mill. (*Anemone pulsatilla* L. and allies)	15	*Pulsatilla*	1	—
Rudbeckia L.	15	*Rudbeckia*	1	—
Salvia L.	15	*Salvia*	1	—
Saponaria L.	15	*Saponaria*	—	—
Scabiosa L.	15	*Scabiosa*	1	Included
Schizostylis Backh. & Harv.	15	*Schizostylis*	1	Included
Sedum L.	15	*Sedum*	—	—
Sidalcea A. Gray	15	*Sidalcea*	—	—
Silene L.	15	*Silene*	—	—
Sisyrinchium L.	15	*Sisyrinchium*	—	—
Solidago L.	15	*Solidago*	—	—
Stachys L.	15	*Stachys*	—	—
Stokesia L'Hérit.	15	*Stokesia*	1	—
Teucrium chamaedrys L.	15	*Teucrium*	—	—
Thalictrum L.	18	*Thalictrum*	3	—
Tiarella L.	15	*Tiarella*	—	—
Tradescantia L.	15	*Tradescantia*	—	—
Trollius L.	15	*Trollius*	1	—
Veratrum L.	18	*Veratrum*	3	—
Verbascum L.	15	*Verbascum*	1	—
Veronica L.	15	*Veronica*	1	—
Viola L.	15	*Viola*	—	Included

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme, made under the Plant Varieties and Seeds Act 1964, prescribes the varieties of herbaceous perennials, being those which belong to the genera or species specified in column 1 of the Schedule, in respect of which grants of plant breeders' rights may be made and also prescribes the periods of years, which are specified in column 2 of the Schedule, as those during which the rights may be exercised.

The aforesaid Act, as read with this Scheme, provides that infringements of the rights in the registered name of a variety of herbaceous perennial may be the subject of legal proceedings when committed in connection with the class of variety which is specified for that purpose in column 3 of the Schedule.

This Scheme also provides that a compulsory licence granted by the Controller of Plant Variety Rights in respect of a variety of herbaceous perennial shall not have effect during the period of years, if any, from the date of the grant of rights in that variety, specified for that purpose in column 4 of the Schedule.

Plant breeders' rights in respect of certain varieties of herbaceous perennials to which the Scheme applies are extended, where so indicated in column 5 of the Schedule, to the production and propagation of the varieties for the purpose of selling cut blooms.