STATUTORY INSTRUMENTS

1977 No. 144

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Hops) Scheme 1977

Made - - - -	31*st January* 1977
Laid before Parliament	10*th February* 1977
Coming into Operation	3*rd March* 1977

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Northern Ireland (being the Secretary of State concerned with agriculture in Northern Ireland), acting jointly, in exercise of the powers conferred on them by sections 1(1) and (5) and 3(1) of, and paragraph 1(1) of Schedule 3 to, 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 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 (Hops) Scheme 1977 and shall come into operation on 3rd March 1977.

Interpretation

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

"plant breeders' rights" means rights which may be granted in accordance with Part I of the Plant Varieties and Seeds Act 1964;

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

(2) The Interpretation Act 1889(**d**) 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 hops which conform with the characteristics of cultivated plant varieties of the species *Humulus lupulus* L.

Period 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 15 years.

(**a**) 1964 c. 14.
(**b**) S.I. 1964/1574 (1964 III, p. 3543).
(**c**) S.I. 1969/1829 (1969 III, p. 5701).
(**d**) 1889 c. 63.

Additional rights

5. Plant breeders' rights exercisable in respect of the plant varieties referred to in paragraph 3 of this scheme shall include the exclusive right to produce or propagate or authorise others to produce or propagate any such plant variety for the purpose of selling cones of that variety.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th January 1977.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

Bruce Millan,
Secretary of State for Scotland.

27th January 1977.

Roy Mason,
Secretary of State for Northern Ireland.

31st January 1977.

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 hops in respect of which grants of plant breeders' rights may be made and also prescribes the period of 15 years as that during which the rights may be exercised.

Plant breeders' rights in respect of any variety of hop to which this scheme applies are extended to the production or propagation of the variety for the purposes of selling cones of that variety.

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