STATUTORY INSTRUMENTS

1968 No. 257

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Lucerne) Scheme 1968

Made - - - -	*20th February* 1968
Laid before Parliament	*5th March* 1968
Coming into Operation	*6th March* 1968

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 and 5 of 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 (Lucerne) Scheme 1968 and shall come into operation on 6th March 1968.

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;

"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 lucerne which conform with the characteristics of cultivated plant varieties of the species *Medicago sativa* L or of the species *Medicago* × *varia* Martyn.

Period for which Rights are Exercisable

4. The period for which plant breeders' rights shall be exercisable in respect of the plant varieties referred to in the last preceding paragraph shall be 20 years.

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

5. In relation to 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 lucerne, red clover, white clover and sainfoin.

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

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th February 1968.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 16th February 1968.

(L.S.) *William Ross,*
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 20th February 1968.

James Callaghan,
Secretary of State for the Home Department.

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 lucerne in respect of which grants of plant breeders' rights may be made and also prescribes the period of 20 years as that during which the rights may be exercised.

That Act, as read with this Scheme, provides that infringements of the rights in the registered name of a variety of lucerne may be the subject of legal proceedings when committed in connection with any other variety of lucerne or any variety of red clover, white clover or sainfoin.