STATUTORY INSTRUMENTS

1978 No. 302

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Lupins) Scheme 1978

Made - - - -	28*th February* 1978
Laid before Parliament	10*th March* 1978
Coming into Operation	1*st April* 1978

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 section 1(1) and (5), 3(1) and 5(7) of 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 (Lupins) Scheme 1978 and shall come into operation on 1st April 1978.

Interpretation

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

"the Act" means the Plant Varieties and Seeds Act 1964;

"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(**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 lupins (excluding ornamental plant varieties) which conform with the characteristics of cultivated plant varieties of the species *Lupinus albus* L., *Lupinus angustifolius* L. and *Lupinus luteus* L.

(**a**) 1964 c. 14. (**b**) S.I. 1964/1574. (**c**) S.I. 1969/1829. (**d**) 1889 c. 63.

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.

Class of plant varieties for the purposes of section 5(7) of the Act

5. In relation to any of the 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 a class 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 the Schedule to the scheme.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd February 1978.

(L.S.).

John Silkin,

Minister of Agriculture, Fisheries and Food.

Bruce Millan,

Secretary of State for Scotland.

23rd February 1978.

Roy Mason,

Secretary of State for Northern Ireland.

28th February 1978.

SCHEDULE

GENUS OR SPECIES OF WHICH PLANT VARIETIES ARE PRESCRIBED FOR THE PURPOSES OF SECTION 5(7) OF THE ACT

Name	*Common Name*
Lupinus L.	Lupins
Medicago falcata L.	Yellow lucerne
Medicago sativa L.	Lucerne
Medicago lupulina L.	Yellow trefoil
Medicago x varia Martyn	Hybrid lucerne
Ornithopus sativus Brot.	Serradella
Onobrychis viciifolia Scop.	Sainfoin
Spergula arvensis L.	Corn spurrey
Trifolium pratense L.	Red clover
Trifolium repens L.	White clover
Trifolium alexandrinum L.	Berseem, Egyptian clover
Trifolium hybridum L.	Alsike clover
Trifolium incarnatum L.	Crimson clover
Vicia articulata Hornemann	One-flowered vetch
Vicia pannonica Crantz	Hungarian vetch
Vicia sativa L.	Common vetch
Vicia sepium L.	Bush vetch
Vicia villosa Roth	Hairy vetch

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 lupins (excluding ornamental plant varieties), 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.

The aforesaid Act, as read with this Scheme, provides that infringements of the rights in the registered name of a variety of lupins (excluding ornamental plant varieties) may be the subject of legal proceedings when committed in connection with a variety of genus or species which is specified for that purpose in the Schedule to the Scheme.

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