1965 No. 365

PLANT VARIETIES

The Plant Breeders' Rights (Oats) Scheme 1965

Made - - - -	3*rd March* 1965
Laid before Parliament	11*th March* 1965
Coming into Operation	22*nd March* 1965

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) 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 (Oats) Scheme 1965 and shall come into operation on the 22nd March 1965.

Interpretation

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

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

" 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(b) shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

Plant Varieties to which the Scheme Applies

3. There are prescribed for the purposes of this Scheme all varieties of oats which conform with the characteristics of cultivated cereal varieties of the genus *Avena*.

Period for which Rights are Exercisable

4. The prescribed period for which plant breeders' rights shall be exercisable in respect of the plant varieties referred to in the last preceding paragraph shall be 15 years.

(a) 1964 c. 14.

(b) 52 & 53 Vict. c. 63.

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 varieties of wheat, barley, oats and rye.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st March 1965.

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

Given under the Seal of the Secretary of State for Scotland on 2nd March 1965.

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

Given under the hand of the Secretary of State for the Home Department on 3rd March 1965.

Frank Soskice,
Secretary of State for the Home Department.

EXPLANATORY NOTE

(*This Note is not part of the Scheme, but is intended to indicate its general purport.*)

This Scheme, made under the Plant Varieties and Seeds Act 1964, prescribes the varieties of oats 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 plant variety may be the subject of legal proceedings when committed in connection with any variety of wheat, barley, oats or rye.