1990 No. 1595

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Oil and Fibre Plants) (Variation) Scheme 1990

Made - - - -	*30th July 1990*
Laid before Parliament	*7th August 1990*
Coming into force	*28th August 1990*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland, acting jointly as respects the United Kingdom, in exercise of the powers conferred on them by sections1(1) and (5), 3(1), 5(7) and 38(1) the Plant Varieties and Seeds Act 1964**(a)** as extended to Northern Ireland**(b)** and the said Minister and the Secretary of State, acting jointly, as respects the Isle of Man, in exercise of the said powers as extended to the Isle of Man**(c)**, after consultation in accordance with section 1(5) of the said Act with the Controller of Plant Variety Rights and with representatives of such interests as appear to them to be concerned, and in exercise of all other powers enabling them in that behalf, hereby make the following Scheme:

Title and commencement

1. This Scheme may be cited as the Plant Breeders' Rights (Oil and Fibre Plants) (Variation) Scheme 1990 and shall come into force on 28th August 1990.

Variation of the principal Scheme

2. The Plant Breeders' Rights (Oil and Fibre Plants) Scheme 1980**(d)** shall be varied as follows:

(a) at the end of paragraph 5 there shall be added the following sub-paragraphs—

"(iv) in relation to plant varieties of borage of all plant varieties of the species specified in Part IV of Schedule 2 to this Scheme;

(v) in relation to plant varieties of coriander of all plant varieties of the species specified in Part V of Schedule 2 to this Scheme;

(vi) in relation to plant varieties of sunflower of all plant varieties of the species specified in Part VI of Schedule 2 to this Scheme.";

(b) at the end of Schedule 1 there shall be added the following items—

Column 1		Column 2
Name	Common Name	Period of years for which rights are exercisable
" *Borago Officinalis* L.	Borage	20
Brassica rapa L. var silvestris (Lam.) Briggs	Turnip rape	20
Coriandrum sativum (L)	Coriander	20
Helianthus annus L.	Sunflower	20"

(a) 1964 c.14; section 3 was amended by section 1 of the Plant Varieties Act 1983 (c.17); section 38(1) (as amended by S.I. 1978/272) contains a definition of " the Ministers " relevant to the exercise of the statutory powers under which this Scheme is made.

(b) By section 39(3) of the Plant Varieties and Seeds Act 1964 and by the Plant Varieties and Seeds (Northern Ireland) Order 1964 (S.I. 1964/1574).

(c) By the Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I. 1969/1829, amended by S.I. 1987/2210).

(d) S.I. 1980/318, amended by S.I. 1982/1098 and section 1(4) of the Plant Varieties Act 1983.

(c) in Schedule 2—

(a) in Part III, for the item relating to *Brassica rapa* L. (Partim) there shall be substituted the following item—

NAME	COMMON NAME
" *Brassica rapa* L. var silvestris (Lam.) Briggs	Turnip rape "

(b) at the end there shall be added the following—

"PART IV

BORAGE

NAME	COMMON NAME
" *Borago Officinalis* L.	Borage

PART V

CORIANDER

NAME	COMMON NAME
Coriandrum sativum (L)	Coriander

PART VI

SUNFLOWER

NAME	COMMON NAME
Helianthus annus L.	Sunflower "

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1990.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

23rd July 1990

Sanderson of Bowden
Minister of State, Scottish Office

20th July 1990

David Hunt
Secretary of State for Wales

30th July 1990

Peter Brooke
Secretary of State for Northern Ireland

Home Office
27th July 1990

Secretary of State for the Home Department
(being the Secretary of State concerned with matters relating to the Isle of Man)

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme varies the Plant Breeders' Rights (Oil and Fibre Plants) Scheme 1980 (as varied) by adding borage (*Borago Officinalis* L.), turnip rape (*Brassica rapa* L. var silvestris (Lam.) Briggs), coriander (*Coriandrum sativum* (L)) and sunflower (*Helianthus annus* L.) to the species of which plant varieties may be the subject of plant breeders' rights under Part I of the Plant Varieties and Seeds Act 1964. The period prescribed as that during which rights in each of those species may be exercised is 20 years. During that period infringements of the rights in the registered name of a variety of borage, coriander or sunflower may be the subject of legal proceedings when committed in connection with any such variety.