STATUTORY INSTRUMENTS

1967 No. 1457

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Peas) Scheme 1967

Made - - - -	18*th September* 1967
Laid before Parliament	10*th October* 1967
Coming into Operation	11*th October* 1967

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, 5 and 7 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 (Peas) Scheme 1967 and shall come into operation on 11th October 1967.

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 ;

"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(**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 peas which conform with the characteristics of cultivated plant varieties of the species *Pisum sativum* L. sens. lat.

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 15 years.

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

Period Prescribed for the Purposes of Section 7(2) of the Act

5. In relation to the plant varieties referred to in paragraph 3 of this Scheme, the period prescribed for the purposes of section 7(2) of the Act (which enables a provision to be made whereby a compulsory licence granted by the Controller as respects a plant variety of a species or group specified in a scheme shall not have effect for a prescribed period after the grant of rights in that plant variety) shall be 3 years.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th September 1967.

(L.S.) *Frederick Peart,*

Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 14th September 1967.

(L.S.) *William Ross,*

Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 18th September 1967.

Roy Jenkins,

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 peas 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.

This Scheme also provides that a compulsory licence granted by the Controller of Plant Variety Rights in respect of a variety of peas shall not have effect during a period of 3 years from the date of the grant of rights in that variety.