STATUTORY INSTRUMENTS

1968 No. 617

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Perennial Chrysanthemums) Scheme 1968

Made - - -	*9th April* 1968
Laid before Parliament	*25th April* 1968
Coming into Operation	*26th April* 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 and 3 of, and paragraph 1 of Schedule 3 to, 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 (Perennial Chrysanthemums) Scheme 1968 and shall come into operation on 26th April 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 perennial chrysanthemums which conform with the characteristics of cultivated plant varieties of the genus *Chrysanthemum* of the following species or groups :—

Chrysanthemum morifolium Ramatuelle ; *C. indicum* Auct. non L.;

C. sinense Sabine ; *C. chinense* Hort.; *C. hortorum* W. Miller ;

C. japonense (Makino) Nakai ; *C. vestitum* (Hemsley) Stapf ;

C. makinoi Matsumura and Nakai ; *C. sibiricum* (DC.) Fischer ex Turcz.;

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

C. zawadskii Herbich and varieties ; *C. rubellum* Sealy (*C. erubescens* Hort. non Stapf) ; *C. cuneifolium* Kitamura ; *C. okiense* Kitamura ;

C. boreale (Makino) Makino ; *C. aphrodite* Kitamura ; *C. articum* Auct. non L.; *C. ornatum* Hemsley ; *C. koreanum* (coreanum) Hort.;

C. yezoense Maekawa ; Korean chrysanthemums ; Konji chrysanthemums and Cascade chrysanthemums.

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.

Additional Rights

5. Plant breeders' rights exercisable in respect of the plant varieties referred to in paragraph 3 of this Scheme shall include the exclusive right to produce or propagate and to authorise others to produce or propagate any such plant variety for the purpose of selling cut blooms of that plant variety.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th April 1968.

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

Given under the seal of the Secretary of State for Scotland on 8th April 1968.

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

Given under the hand of the Secretary of State for the Home Department on 9th April 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 perennial chrysanthemums 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.

Plant breeders' rights in respect of any variety of perennial chrysanthemums to which the Scheme applies are extended to the production or propagation of the variety for the purpose of selling cut blooms.