STATUTORY INSTRUMENTS

1966 No. 643

PLANT VARIETIES

The Plant Breeders' Rights (Perennial Delphiniums) Scheme 1966

Made - - -	*25th May* 1966
Laid before Parliament	*8th June* 1966
Coming into Operation	*15th June* 1966

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, 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 Delphiniums) Scheme 1966 and shall come into operation on 15th June 1966.

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(c) 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 perennial delphiniums which conform with the characteristics of cultivated varieties of the genus *Delphinium.*

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) S.I. 1964/1574 (1964 III, p. 3543).
(c) 1889 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 the genus *Delphinium*.

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

6. 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 provides that 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 variety) shall be 2 years.

Additional Rights

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

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th May 1966.

(L.S.)

Frederick Peart,
Minister of Agriculture,
Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 24th May 1966.

(L.S.)

William Ross,
Secretary of State
for Scotland.

Given under the hand of the Secretary of State for the Home Department on 25th May 1966.

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 Perennial Delphiniums 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 delphiniums.

This Scheme also provides that a compulsory licence granted by the Controller in respect of a variety of perennial delphiniums shall not have effect during a period of 2 years from the date of the grant of rights in that variety.

Plant breeders' rights in respect of any variety of perennial delphiniums to which the scheme applies are extended to the propagation of the variety for the purpose of selling cut blooms.