STATUTORY INSTRUMENTS

1982 No. 1114

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Soft Fruits) (Variation) Scheme 1982

Made - - - - -	29*th July* 1982
Laid before Parliament	10*th August* 1982
Coming into Operation	31*st August* 1982

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, in exercise of the powers conferred on them by sections 1(1) and (5), 3(1), 5(7) and 7(2) of the Plant Varieties and Seeds Act 1964**(a)**, (extended to Northern Ireland by the Plant Varieties and Seeds (Northern Ireland) Order 1964**(b)** and to the Isle of Man by the Plant Varieties and Seeds (Isle of Man) Order 1969**(c)**) and now vested in them**(d)** and of all other powers enabling them in that behalf, 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, hereby make the following scheme:—

Title and commencement

1. This scheme may be cited as the Plant Breeders' Rights (Soft Fruits) (Variation) Scheme 1982 and shall come into operation on 31st August 1982.

Variation of the principal scheme

2. The Plant Breeders' Rights (Soft Fruits) Scheme 1980**(e)** shall be varied as follows:—

(*a*) In sub-paragraph (iv) of paragraph 6 the words "and raspberry × blackberry hybrids" shall be added after the word "raspberries" the second time that word appears;

(*b*) at the end of paragraph 6 the following sub-paragraph shall be added:—

"(v) in relation to plant varieties of raspberry × blackberry hybrids of all plant varieties of raspberries and blackberries.";

(a) 1964 c. 14. **(b)** S.I. 1964/1574. **(c)** S.I. 1969/1829.
(d) In the case of the Secretary of State for Wales by virtue of the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).
(e) S.I. 1980/331.

(*c*) in Column 1 of Schedule 2 the names "*Rubus idaeus*", "*Rubus strigosus*" and "*Rubus occidentalis*" and the common name "Raspberries" shall be deleted and replaced by the following name and common names:—

Name	Common Name
"*Rubus*	Raspberries Raspberry × blackberry hybrids"

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1982.

L.S.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

26th July 1982.

George Younger,
Secretary of State for Scotland.

27th July 1982.

Nicholas Edwards,
Secretary of State for Wales.

29th July 1982.

James Prior,
Secretary of State for Northern Ireland.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme varies the Plant Breeders' Rights (Soft Fruits) Scheme 1980 by adding raspberry × blackberry hybrids to the genera and species of which plant varieties may be the subject of plant breeders' rights under Part I of the Plant Varieties and Seeds Act 1964. Twenty years is prescribed as the period during which the rights may be exercised.

The Scheme, as read with the 1964 Act, provides that infringements of the rights in the registered name of a variety of raspberry × blackberry hybrid may be the subject of legal proceedings when committed in connection with any variety of raspberry or blackberry. Similarly infringments of the rights in a registered name of a variety of raspberry may now be the subject of legal proceedings when committed in connection with a variety of raspberry × blackberry hybrid.

It is also provided in this Scheme that a compulsory licence granted by the Controller of Plant Variety Rights in respect of a variety of raspberry × blackberry hybrid shall not have effect during a period of two years from the date of the grant of rights in that variety.

Plant breeders' rights in respect of varieties of raspberry × blackberry hybrids are extended to the production or propagation of the varieties for the purpose of selling soft fruit.

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