STATUTORY INSTRUMENTS

1965 No. 1623

PLANT VARIETIES

The Plant Variety Rights Tribunal Rules 1965

Made - - - - 19*th August* 1965
Laid before Parliament 26*th August* 1965
Coming into Operation 27*th August* 1965

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by paragraph 9(2) of Schedule 4 to the Plant Varieties and Seeds Act 1964(a) after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1958(b), and with the approval of the Treasury in regard to the fees prescribed by these Rules in respect of proceedings before the Plant Variety Rights Tribunal, do hereby make the following Rules:—

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Plant Variety Rights Tribunal Rules 1965 and shall come into force on 27th August 1965.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires—

"the Act" means the Plant Varieties and Seeds Act 1964;

"the tribunal" means the Plant Variety Rights Tribunal;

"the chairman" means the chairman of the tribunal appointed by the Lord Chancellor or, in relation to proceedings in Scotland or Northern Ireland, by the Lord President of the Court of Session or the Lord Chief Justice of Northern Ireland, as the case may be;

"the Ministers" means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State concerned with agriculture in Northern Ireland acting jointly;

"the secretary" means the secretary of the tribunal;

a regulation referred to by number means the regulation so numbered in the Plant Breeders' Rights Regulations 1965(c);

a form referred to by number means the form so numbered in Schedule 1 to these Rules.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(a) 1964 c. 14.
(b) 6 & 7 Eliz. 2. c. 66.
(c) S.I. 1965/65 (1965 I, p. 96).
(d) 52 & 53 Vict. c. 63.

APPEALS FROM CONTROLLER

Notice of Appeal

3. An appeal under Part I of the Act or under any regulation made thereunder against any decision of the Controller shall be instituted by the appellant serving on the secretary within 28 days of the Controller's giving notice of his decision in pursuance of regulation 12(16) a notice of appeal substantially in accordance with Form 1, which shall be accompanied by all documents referred to therein.

Notices to appellant and persons entitled to be heard

4.—(1) On receiving a notice of appeal the secretary shall serve a copy on the Controller, who shall on receiving the notice, or, where there is more than one appeal against the same decision, the first notice, supply the secretary with—

(*a*) a copy of the notice of his decision, including the reasons for it;

(*b*) a list containing the names and addresses of the persons entitled under regulation 13(2) to appear and be heard as parties to any appeal against the decision;

(*c*) a copy of any representations made to the Controller and any written evidence or other documents given or supplied in the course of the proceedings before him;

(*d*) a factual summary of the oral evidence at any hearing before the Controller or any person appointed by him; and

(*e*) a list of all plants and plant material relevant to the decision which are in the Controller's possession or under his control, stating where such plants and material are available for inspection by the tribunal and by any person entitled to appear and be heard as a party to any appeal against the decision.

(2) On receiving from the Controller the names and addresses of the persons entitled to appear and be heard, the secretary shall—

(*a*) serve on every appellant—

(i) a notice substantially in accordance with Form 2;

(ii) a list of the documents and plants or plant material supplied or made available by the Controller in accordance with subparagraphs (*c*), (*d*) and (*e*) of paragraph (1) of this rule, stating where such documents, plants and material may be inspected; and

(*b*) serve on all persons other than the appellant entitled to appear and be heard as parties to the appeal—

(i) a notice substantially in accordance with Form 3;

(ii) a list of the documents and plants or plant material mentioned in subparagraph (*a*)(ii) above, stating where such documents, plants and material may be inspected;

(iii) a copy of the notice of appeal, stating where the documents supplied with it may be inspected.

Notice of intention to appear

5.—(1) Any person entitled under regulation 13(2) to appear and be heard as a party to an appeal may, within 28 days of receiving notice

from the secretary under rule 4(2)(*b*), serve on the secretary a notice, substantially in accordance with Form 4, of his intention to appear, and the secretary shall serve a copy of the notice on the appellant, the Controller, and every other person entitled to appear and be heard.

(2) If the Controller intends to appear on the hearing of an appeal, he shall notify the secretary within 28 days of receiving a copy of the relevant notice of appeal and the secretary shall notify the appellant and every other person entitled to appear and be heard as a party to the appeal of the Controller's intention.

Inspection and copies of evidence

6.—(1) The appellant and any person who has given notice under rule 5(1) of his intention to appear may, on serving notice on the secretary substantially in accordance with Form 5, inspect any document (including the summary of oral evidence) and any plants or plant material supplied or made available by the Controller or by any party to the appeal, and shall be entitled, on payment of the prescribed fee, to be supplied with copies of any such document.

(2) If the Controller has given notice under rule 5(2) of his intention to appear on the hearing of the appeal, he shall, on giving notice in that behalf to the secretary, be entitled to inspect any document and any plants or plant material supplied or made available by any party to the appeal and to be supplied with copies of any such document.

Date and Place of Hearing

7.—(1) As soon as may be after the members of the tribunal to hear the appeal have been selected, the chairman shall fix a date, time and place for the hearing, and the secretary shall serve not less than 28 days notice thereof on the appellant, the Controller and on every person who has given notice under rule 5(1) of his intention to appear.

(2) Where more than one appeal against the same decision falls to be heard by the same members of the tribunal, the chairman may direct that the appeals shall be heard at the same time.

(3) The chairman may alter the date, time or place of the hearing if it appears to him necessary or desirable to do so to avoid hardship or inconvenience to any party or for any other reason appearing to the chairman to be sufficient.

Withdrawal of Appeal and Default of Appearance

8.—(1) An appellant who wishes to withdraw his appeal may do so by serving notice in writing on the secretary at any time before the hearing and on receiving such a notice the secretary shall forthwith notify the Controller and all persons entitled to appear and be heard as parties to the appeal.

(2) An appellant who without good cause fails to attend a hearing at the place and time fixed shall be deemed to have withdrawn his appeal.

(3) If, on the withdrawal of an appeal, it appears to the chairman that the case is a proper one for the award of costs (or, in Scotland, expenses) in accordance with paragraph 9(1) or paragraph 9(4) of Schedule 4 to the Act, he shall cause the tribunal to be convened for the purpose of determining whether costs or expenses should be awarded; and the secretary

shall serve not less than 7 days' notice of the date, time and place appointed for that purpose on all persons on whom notice of the hearing was served in pursuance of rule 7(1).

Attendance of Witnesses

9.—(1) The attendance of witnesses before the tribunal, with or without documents, may be secured by a notice substantially in accordance with Form 6 signed by the chairman and served by the secretary on the person to whom it is addressed.

(2) The appellant, any person who has given notice under rule 5(1), and the Controller if he has notified the secretary under rule 5(2) of his intention to appear, may apply for the issue of a notice under paragraph (1) of this rule by serving on the secretary a notice substantially in accordance with Form 7.

Tribunal to sit in public

10.—(1) The tribunal shall sit in public unless it appears to them that there are exceptional reasons which make it desirable that the hearing or any part of it should take place in private.

(2) Nothing in this rule shall prevent a member of the Council on Tribunals or of the Scottish Committee of the Council from attending a hearing in private in his capacity as such.

Representation and procedure at hearing

11.—(1) The Controller, the appellant and any other person entitled to appear and be heard may do so in person, by counsel or solicitor, or by a representative appointed in writing.

(2) At the hearing the appellant or, if more than one, such of the appellants as the tribunal may direct shall begin and the other parties shall be heard in such order as the tribunal may determine.

(3) Subject to the provisions of these Rules and to any direction given by the chairman, the procedure at the hearing shall be such as the tribunal may direct.

Evidence

12.—(1) Subject to paragraph (4) of this rule, every party appearing before the tribunal may give evidence and call witnesses, and shall be entitled to cross-examine any other witness and re-examine his own witnesses after cross-examination.

(2) The tribunal may consider any representations submitted to the Controller and any written evidence or other documents given or supplied in the course of the proceedings before him and may inspect any plants or plant material made available by the Controller or, subject to paragraph (4) of this rule, by any person entitled to appear and be heard.

(3) The tribunal may call a witness who may, after giving evidence, be cross-examined by any party.

(4) The tribunal may refuse to consider any documents or to inspect any plants or plant material not submitted with or sufficiently described in any notice of appeal or in a notice under rule 5(1) or statement under rule 16(1) and may refuse to hear any witness (other than a party to the appeal) who has not been named in any such notice or statement.

(5) The tribunal may require any witness to give evidence on oath or affirmation, to be administered by the chairman.

(6) The tribunal shall not be bound to reject any evidence on the ground only that it would be inadmissible in a court of law.

Adjournments

13. The tribunal may adjourn any hearing to enable any plant to be grown or tested or for any other reason appearing to the tribunal to be sufficient.

Decision of tribunal

14.—(1) The decision of the tribunal shall be given in writing, together with a statement of the tribunal's reasons for their decision.

(2) The chairman may correct any clerical mistake in the written record of the tribunal's decision.

(3) The secretary shall serve a copy of the tribunal's decision and reasons on the appellant, the Controller and on every person who was entitled to appear and be heard as a party to the appeal.

Appeals from Ministers

Notice of Appeal

15. An appeal under section 21(6) or section 22(3) of the Act against a decision of the Ministers shall be instituted by the appellant serving on the secretary within 28 days of the Ministers' giving notice of their decision a notice of appeal substantially in accordance with Form 8, which shall be accompanied by the documents referred to therein.

Ministers' statement

16.—(1) On receiving notice of appeal under rule 15 the secretary shall serve a copy on the Ministers, who shall within 28 days cause to be sent to the secretary a copy of their decision and of the reasons for it, together with two copies of a statement substantially in accordance with Form 9.

(2) On receiving the Ministers' statement, the secretary shall serve one copy on the appellant who may, on serving notice on the secretary substantially in accordance with Form 5, inspect any document and any plants or plant material referred to in the statement and shall be entitled, on payment of the prescribed fee, to be supplied with copies of any such document.

(3) The Ministers shall, on giving notice in that behalf to the secretary, be entitled to inspect any document and any plants or plant material supplied or made available by the appellant and to be supplied with copies of any such document.

Application of Rules

17. Rules 3 to 6 shall not apply to appeals from the Ministers under section 21(6) or section 22(3) of the Act, but in all other respects these Rules shall apply to such appeals as if for references to the Controller there were substituted references to the Ministers and as if in rule 9(2) the words " if he has notified the secretary under rule 5(2) of his intention to appear " were omitted.

Supplemental

18.—(1) Every document required or authorised by these Rules to be served on any person shall be deemed to have been duly served if it is delivered to him personally or delivered or sent by post to his proper address.

(2) Any document required or authorised to be served on an incorporated body or company shall be duly served if it is served on the secretary or clerk of the body or company.

(3) For the purpose of these Rules, the proper address of a person shall, in the case of a secretary or clerk of any incorporated body or company, be that of the registered or principal office of the body or company and shall in any other case be his last known address.

(4) If any person on whom any document is required to be served cannot be found, or has died and has no known personal representative, or if for any other reason service on that person cannot be readily effected in accordance with these Rules, the chairman may dispense with service or may make an order for substituted service on such other person or in such form (whether by advertisement in a newspaper or otherwise) as the chairman may think fit.

Extension of time

19. The time appointed by these Rules for doing any act or taking any step in connection with any proceedings may be extended by the chairman on such terms and conditions, if any, as appear to him to be just.

Interlocutory Applications

20. An application to the tribunal or the chairman to exercise any power under rule 13, 14, 18(4) or 19 shall, if not made in the course of a hearing, be made in writing to the secretary, who shall serve a copy of the application on each of the following persons not being the applicant, that is to say, the appellant, the Controller and every person who has given notice under rule 5(1) of his intention to appear.

Failure to comply with Rules

21. Failure to comply with any requirement of these Rules shall not render the proceedings, or anything done in pursuance thereof, invalid unless the chairman or the tribunal so direct.

Fees

22. The fees specified in Schedule 2 to these Rules shall be payable to the secretary in respect of the matters mentioned in that schedule and shall be paid when the relevant notice or application is served on or made to the secretary by cheque, money order or postal order.

Dated 12th August 1965.

Gardiner, C.

We approve the fees prescribed by these Rules in respect of proceedings before the Plant Variety Rights Tribunal.

George Lawson,
Ifor Davies,
Two of the Lords Commissioners
of Her Majesty's Treasury.

Dated 19th August 1965.

SCHEDULE 1 Rule 3

Form 1 Ref. No. *To be inserted by Secretary*

PLANT VARIETY RIGHTS TRIBUNAL

Notice of Appeal from Controller

To the Secretary of the Plant Variety Rights Tribunal.

1. I, ...[*block capitals*]

of ..... [*address*]

hereby give notice of appeal against the decision of the Controller of Plant Variety Rights of which I received notice dated

2. The decision was that—

3. My grounds of appeal are—

4. In support of my case, I intend— **Strike out any which is inapplicable*

* (*a*) to give evidence myself;

* (*b*) to call the following witnesses

(i) who gave evidence before the Controller:

(ii) who did not give evidence before the Controller:

* (*c*) to rely on the following documents

(i) which I attach:

(ii) which I will produce at the hearing, copies of which I attach:

(iii) copies of which I attach, the original documents being in the possession of:

* (*d*) to refer to the following plants or plant material which are now at .....[*address*]

where they may be inspected by any party giving due notice through the secretary of the tribunal.

Date ..... Signed ..... (1)

(1) If signed by any person other than the appellant himself, he should state in what capacity or by what authority he signs.

Rule 4(2) Form 2 Ref. No. *To be inserted by Secretary*

PLANT VARIETY RIGHTS TRIBUNAL

Notice to Appellant

1. A copy of your notice of appeal (Ref. No.) dated , has been served on the Controller of Plant Variety Rights and on the following persons who are entitled under Regulation 13(2) of the Plant Breeders' Rights Regulations 1965 to appear and be heard as parties to the appeal:

   .....

   ..... [*address*]

   .....

   ..... [*address*]

2. The Controller has supplied the tribunal with a factual summary of the oral evidence of the following persons—

3. He has also supplied or made available to the tribunal the documents and the plants and plant material, shown in the attached list.

4. On completing the attached form (Form 5) and on paying the appropriate fees, you will be entitled to inspect any document and any plants or plant material supplied by the Controller or by any party to the appeal, and to be supplied with a copy of any such document.

5. You will be informed if the Controller or any of the persons whose names are shown in paragraph 1 of this notice notifies the tribunal of his intention to appear and be heard, or submits or makes available any document or plants or plant material, or applies to inspect any plants or plant material mentioned in paragraph 4(*d*) of your notice of appeal.

Date ..... Signed:

Secretary of the Tribunal.

Rule 4(2)

Form 3 Ref. No. *To be inserted by Secretary*

PLANT VARIETY RIGHTS TRIBUNAL

Notice to Person Entitled to Appear and be Heard

1. This notice is served on you ..... as a person entitled under Regulation 13(2) of the Plant Breeders' Rights Regulations 1965 to appear and to be heard as a party to an appeal against the decision of the Controller of Plant Variety Rights, of which a notice was served on you dated .

2. A notice of appeal (Ref. No.) has been received from

   .....

   a copy of which is enclosed with this notice.

3. If you wish to appear and be heard, you should complete the attached Form (Form 4) and return it within 28 days of receiving this notice together with the appropriate fee to the secretary of the tribunal at .....
   ..... [*address*]

   You will then be given notice of the date, time and place of the hearing of the appeal, when these have been fixed.

   The tribunal may exclude any evidence or refuse to inspect any plants or plant material not submitted with or sufficiently described in a notice in Form 4, and may refuse to hear any witness, other than a party to the appeal, who has not been named in such a notice.

4. The Controller has supplied the tribunal with a factual summary of the oral evidence of the following persons:—

5. He has also supplied or made available to the tribunal the written evidence, and the plants and plant material shown in the attached list.

6. On completing the attached Form (Form 5) and on paying the appropriate fees you will be entitled to inspect any document and any plants or plant material supplied or made available by the Controller or by any party to the appeal, and to be supplied with a copy of any such document.

Date ..... Signed:

Secretary of the Tribunal.

Rule 5(1)

Form 4 Ref. No. *To be inserted by Secretary*

PLANT VARIETY RIGHTS TRIBUNAL

Notice of Intention to Appear

To the Secretary of the Plant Variety Rights Tribunal

1. I, ... [*block capitals*]
of ..... [*address*]
hereby give notice of my intention to appear at the hearing of the appeal of ..... a copy of the notice of which (bearing the reference number) was sent to me on
19

2. I intend

**Strike out whichever is inapplicable*

* (*a*) to support the decision of the Controller

* (*b*) to support this appeal against the decision of the Controller for the following reasons—

3. In support of my case, I intend

†Strike out any which is inapplicable

† (*a*) to give evidence myself;

† (*b*) to call the following witnesses
(i) who gave evidence before the Controller:
(ii) who did not give evidence before the Controller:

† (*c*) to rely on the following documents
(i) which I attach:
(ii) which I will produce at the hearing, copies of which I attach:
(iii) copies of which I attach, the original documents being in the possession of:

† (*d*) to refer to the following plants or plant material
which are now at .....[*address*]
where they may be inspected by any party giving due notice through the secretary of the tribunal.

Date ..... Signed ..... (1)

(1) If signed by any person other than the person entitled to appear as a party, he should state in what capacity or by what authority he signs.

Rule 6(1)

Form 5 Ref. No. *To be inserted by Secretary*

PLANT VARIETY RIGHTS TRIBUNAL

Application to Inspect Evidence

To the Secretary of the Plant Variety Rights Tribunal

1. I, ... [*block capitals*]

of ..... [*address*]

† (having served a notice of appeal dated) †*Strike out whichever is inapplicable*

† (having received a notice in Form 3 (bearing the reference number) in the appeal of ..... [*name of appellant*] and having completed a notice in Form 4 of my intention to appear at the hearing of the appeal)

hereby apply

* (*a*) to inspect the documents supplied or submitted to the tribunal in this case; **Strike out any which is inapplicable*

* (*b*) to inspect the following plants or plant material at the place named;

Plants or plant material to be inspected: Now at:

* (*c*) to be supplied with ..... [*number*] copies of the following documents;

2. I wish to carry out this inspection at .....

..... [*name the place*]

..... * (on) (between) the following dates:

3. I enclose a cheque/money order/postal order† in respect of the fees payable by me. †*Strike out whichever is inapplicable*

Date ..... Signed ..... (1)

(1) If signed by any person other than the person entitled to appear as a party. he should state in what capacity or by what authority he signs.

Rule 9(1) Form 6 Ref. No. *To be inserted by Secretary*

PLANT VARIETY RIGHTS TRIBUNAL

Notice to Secure Attendance of Witness

Plant Varieties and Seeds Act, 1964

In the matter of the appeal by .....

against the decision of the Controller of Plant Variety Rights, dated

TAKE NOTICE THAT, on application of .....

you ..... of ..... [*address*]

are required by the tribunal to attend the hearing of the appeal at

.... on ..... at the hour of

..... in the ..... noon and to give evidence when called.

**Strike out if inapplicable*

* (And you are also to bring with you and produce at the aforesaid place and time the following documents:—)

Date ..... Signed .....

(Chairman).

Form 7 Rule 9(2) *To be inserted by Secretary*

Ref. No.

PLANT VARIETY RIGHTS TRIBUNAL

Application to Secure Attendance of Witness

To the Secretary of the Plant Variety Rights Tribunal

In the matter of the appeal by .....
against the decision of the Controller of Plant Variety Rights dated 19 (Ref. No.)

1. I hereby request the chairman of the tribunal to order the service of a notice, to secure the attendance of .....
..... [*block capitals*] of .....
..... [*address*]
as a witness at the hearing of this appeal * (and requiring him to bring and produce in evidence the following documents .....) **Strike out if inapplicable*

2. I make this application
   † (*a*) as appellant;
   † (*b*) as Controller of Plant Variety Rights;
   † (*c*) as a person entitled to appear and be heard at the hearing of the appeal, and have informed the tribunal of my intention to appear in a notice in Form 4 dated 19 .

   †Strike out whichever is inapplicable

3. My reasons for making this application are that— (1)

Date ..... Signed ..... (2)

(1) Mention, in particular, your reason for thinking that the witness will not attend (or not produce the documents) without the service of a notice.

(2) If signed by any person other than the person applying, he should state in what capacity or by what authority he signs.

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Rule 15 Form 8 Ref. No. *To be inserted by Secretary*

PLANT VARIETY RIGHTS TRIBUNAL

Notice of Appeal

Against Decision of Ministers under Section 21(6) or 22(3) of the Plant Varieties and Seeds Act, 1964.

To the Secretary of the Plant Variety Rights Tribunal

1. I, ... [*block capitals*]
   of ..... [*address*]
   hereby give notice of appeal against the refusal of the Ministers
   * (*a*) to include a plant variety in the Index of names of plant varieties;
   * (*b*) to exempt a plant variety from the provisions of section 22 of the Act.

2. I received notice dated 19 , of the decision of the Ministers to refuse my application, which was made on 19 .

3. My grounds of appeal are—

4. In support of my case I intend—

†Strike out any which is inapplicable

   † (*a*) to give evidence myself;
   † (*b*) to call the following witnesses:
   † (*c*) to rely on the following documents
      (i) which I attach:
      (ii) which I will produce at the hearing, copies of which I attach:
      (iii) copies of which I attach, the original documents being in the possession of:
      .....
      .....
   † (*d*) to refer to the following plants or plant material which are now at .....
      ..... [*address*]
      where they may be inspected by the Ministers on giving due notice through the secretary of the tribunal.

Date ..... Signed ..... (1)

(1) If signed by any person other than the appellant himself, he should state in what capacity or by what authority he signs.

Form 9 Rule 16(1)

Ref. No. *To be inserted by Secretary*

PLANT VARIETY RIGHTS TRIBUNAL

Statement by Ministers

In Reply to Appeal under Section 21(6) or 22(3) of the Plant Varieties and Seeds Act 1964

To the Secretary of the Plant Variety Rights Tribunal

1. The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State concerned with Agriculture in Northern Ireland, having received notice of appeal dated ..... (Ref. No.) by .... against their refusal.

* (*a*) to include a plant variety in the Index of names of plant varieties

* (*b*) to exempt a plant variety from the provisions of section 22 of the Act

**Strike out whichever is inapplicable*

state that they intend to resist the appeal on the following grounds:

2. In support of their case, the Ministers will

† (*a*) call the following witnesses:

† (*b*) rely on the following documents

(i) which are attached:

(ii) which will be produced at the hearing of the appeal, copies of which are attached:

(iii) Copies of which are attached, the original documents being in the possession of:

† (*c*) refer to the following plants or plant material which are now at .....

.....[*address*]

where they may be inspected by the appellant on giving due notice through the secretary of the tribunal.

†Strike out any which is inapplicable

Signed for on behalf of the Ministers:

.....

Rank and Department

Address .....

.....

Date .....

SCHEDULE 2
FEES

No. of Fee	Description of Proceeding	Amount of Fee		
		£	s.	d.
1.	On giving notice of appeal under rule 3 or rule 15	10	0	0
2.	On giving notice under rule 5(1) of intention to appear	2	0	0
3.	On applying under rule 6(1) or rule 16(2)			
	(*a*) to inspect documents supplied or submitted to the tribunal		10	0
	(*b*) to inspect any plants or plant material			
	(i) in the custody of the Controller or the Ministers	2	0	0
	(ii) in the custody of any other person ...	1	0	0
	(*c*) for copies of documents,			
	(i) foolscap or smaller, per page ...		1	0
	(ii) larger than foolscap, per page ...		1	6
4.	On applying under rule 9 for a notice to secure the attendance of a witness, for each witness ...	1	0	0
5.	On making an interlocutory application (except in the course of a hearing) to the tribunal or the chairman	2	0	0

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules prescribe the procedure to be followed in proceedings before the Plant Variety Rights Tribunal.

Rules 3 to 14 deal with appeals from decisions of the Controller of Plant Variety Rights. Notice of appeal must be given within 28 days of the Controller's giving notice of his decision, and under rule 4(2)(*b*) every person who is entitled under the Plant Breeders' Rights Regulations 1965 to appear and be heard on the appeal will be given notice of it and must inform the secretary of the tribunal within 28 days if he intends to appear. Under rule 6 the appellant and anyone who has given notice of his intention to appear may inspect documents as well as plants or plant material made available by the Controller or by any other party. At the hearing, which must be in public unless there are exceptional reasons for its being in private, the Controller, the appellant and any other party may appear in person or by a representative. The Tribunal will give its decision and reasons in writing.

Rules 15 to 17 deal with appeals from decisions of the Ministers under sections 21 and 22 of the Plant Varieties and Seeds Act 1964.