STATUTORY INSTRUMENTS

1977 No. 147

PLANT BREEDERS' RIGHTS

The Plant Breeders' Rights (Timothy, Cocksfoot, Tall Fescue and Meadow Fescue) Scheme 1977

Made - - - -	31*st January* 1977
Laid before Parliament	10*th February* 1977
Coming into Operation	3*rd March* 1977

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Northern Ireland (being the Secretary of State concerned with agriculture in Northern Ireland), acting jointly in exercise of the powers conferred on them by sections 1(1) and (5), 3(1) and 5(7) 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 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 (Timothy, Cocksfoot, Tall Fescue and Meadow Fescue) Scheme 1977 and shall come into operation on 3rd March 1977.

Interpretation

2.—(1) In this Scheme, unless the context otherwise requires—

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

"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**(d)** 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

(*a*) all plant varieties of timothy which conform with the characteristics of cultivated plant varieties of the species *Phleum pratense* L. (including *Phleum bertolonii* DC = *P.nodosum* Auct.);

(a) 1964 c. 14.
(b) S.I. 1964/1574 (1964 III, p. 3543).
(c) S.I. 1969/1829 (1969 III, p. 5701).
(d) 1889 c. 63.

(*b*) all plant varieties of cocksfoot which conform with the characteristics of cultivated plant varieties of the species *Dactylis glomerata* L.;

(*c*) all plant varieties of tall fescue which conform with the characteristics of cultivated plant varieties of the species *Festuca arundinacea* Schreb.; and

(*d*) all plant varieties of meadow fescue which conform with the characteristics of cultivated plant varieties of the species *Festuca pratensis* Huds.

Period for which rights are exercisable

4. The period for which plant breeders' right shall be exercisable in respect of any of the plant varieties referred to in the last preceding paragraph shall be 20 years.

Class of plant varieties for the purposes of section 5(7) *of the Act*

5. In relation to any of the 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 a class of plant varieties to be prescribed in connection with the use of names likely to deceive or cause confusion) consists of all plant varieties of the species specified in the Schedule to the Scheme.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th January 1977.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

Bruce Millan,
Secretary of State for Scotland.

27th January 1977.

Roy Mason,
Secretary of State for Northern Ireland.

31st January 1977.

SCHEDULE

SPECIES OF WHICH PLANT VARIETIES ARE PRESCRIBED FOR THE PURPOSES OF SECTION 5(7) OF THE ACT

Agrostis canina L. var. *arida* Schlechtd.

Agrostis canina L. var. *canina*

Agrostis gigantea Roth

Agrostis stolonifera L.

Agrostis tenuis Sibth.

Alopecurus pratensis L.

Arrhenatherum elatius (L.) J.S. et K.B. Presl.

Bromus catharticus Vahl

Bromus inermis Leyss.

Cynosurus cristatus L.

Dactylis glomerata L.

Festuca arundinacea Schreb.

Festuca ovina L.

Festuca ovina L. var. *duriuscula* (L.) Koch

Festuca pratensis Huds.

Festuca rubra L.

Lolium multiflorum Lam.

Lolium perenne L.

Lolium multiflorum Lam. × *L. perenne* L.

Lolium multiflorum Lam. ssp. gaudini (*Parl.*) Schinz et Kell

Phalaris arundinacea L.

Phleum pratense L. (including *P.bertolonii DC=P. nodosum* Auct.)

Poa annua L.

Poa nemoralis L.

Poa pratensis L.

Poa trivialis L.

Trisetum flavescens (*L.*) P. Beauv.

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 timothy, cocksfoot, tall fescue and meadow fescue, in respect of which grants of plant breeders' rights may be made and also prescribes the period of 20 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 variety of timothy, cocksfoot, tall fescue or meadow fescue may be the subject of legal proceedings when committed in connection with a variety of a genus or species which is specified for that purpose in the Schedule to the Scheme.

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