

## SCHEDULES

### SCHEDULE 4

Section 10.

#### THE PLANT VARIETY RIGHTS TRIBUNAL

##### *The Chairman*

- 1 (1) The Lord Chancellor shall appoint a chairman for the Tribunal, who shall be a barrister or solicitor of not less than seven years' standing.
- (2) The appointment of the chairman shall be for such term as may be determined by the Lord Chancellor before his appointment, and a person who ceases to hold office as chairman of the Tribunal shall be eligible for re-appointment.
- (3) The chairman may resign his office by notice in writing to the Lord Chancellor.
- (4) If the Lord Chancellor is satisfied that the chairman is unfit to continue in office or incapable of discharging his duties, he may revoke the appointment of the chairman.
- 2 In the case of the temporary absence or inability to act of the chairman, the Lord Chancellor may appoint any other person who is a barrister or solicitor of not less than seven years' standing to act as deputy for the chairman, and the person so appointed shall, when so acting, have all the functions of the chairman.
- 3 In relation to proceedings before the Tribunal in Scotland—
- (a) paragraphs 1 and 2 of this Schedule shall have effect as if for the references to the Lord Chancellor and to a barrister there were substituted respectively references to the Lord President of the Court of Session and to an advocate ; and
- (b) references in paragraphs 5 and 8 of this Schedule to the chairman or deputy chairman shall be construed respectively as references to the chairman or deputy chairman appointed for such proceedings.
- 4 (1) Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies offices the holders of which are disqualified under that Act) shall have effect as if the words " Any Chairman of the Plant Variety Rights Tribunal" were inserted—
- (a) in the said Part III as it applies to the House of Commons of the Parliament of the United Kingdom, after the entry " Chairman or Deputy Chairman of the National Parks Commission " ; and
- (b) in the said Part III as it applies to the Senate and the House of Commons of Northern Ireland, before the entry " Clerk of Assize " .
- (2) This paragraph shall extend to Northern Ireland.

##### *The two panels*

- 5 (1) The Ministers shall draw up and from time to time revise—
- (a) a panel of persons who have wide general knowledge in the field of agriculture, of horticulture or of forestry; and

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) a panel of persons who have specialised knowledge of particular species or groups of plants,  
 and the members of the Tribunal (other than the chairman and deputy chairman) shall be selected from those panels in accordance with this Schedule.
- (2) The power to revise the said panels shall include power to terminate a person's membership of either of them, and shall accordingly to that extent be subject to section 5 of the Tribunals and Inquiries Act 1958 (which makes it necessary to obtain the concurrence of the Lord Chancellor and of certain judicial officers in Scotland and Northern Ireland to dismissals in certain cases).

*Remuneration of members of Tribunal*

- 6 The Ministers may pay to members of the Tribunal such remuneration and such allowances as the Ministers may with the approval of the Treasury determine.

*Officers and servants*

- 7 (1) The Ministers may appoint such officers and servants of the Tribunal as the Ministers may with the approval of the Treasury determine.
- (2) There shall be paid to the officers and servants appointed under this paragraph such remuneration and allowances as the Treasury may determine.

*Procedure*

- 8 (1) The jurisdiction of the Tribunal shall be exercised by three members consisting of the chairman and a member selected from each of the two panels; and references in this Act to the Tribunal shall be construed accordingly.
- (2) The member from the panel of those with specialised knowledge shall be selected for his knowledge of the subject matter of a particular case or class or group of cases.
- (3) The members of the panels who are to deal with any case shall be selected as follows—
- (a) the Ministers may select a member or members to deal with that particular case or class or group of cases, or
  - (b) the Ministers may select for a class or group of cases members from amongst whom members to deal with any particular case shall be selected, and the selection from amongst those members of a member or members to deal with the particular case shall then be made either by the Ministers, or, if they so direct, by the chairman.
- (4) Any decision of the Tribunal in exercise of their jurisdiction shall be taken, in the event of a difference between members dealing with the case, by the votes of the majority.
- (5) If, after the commencement of the hearing of any proceedings before the Tribunal, one of the three members of the Tribunal becomes incapable of continuing to hear the proceedings on account of sickness or for any other reason, the proceedings may, with the consent of all parties to the proceedings, be continued before the remaining two members of the Tribunal and heard and determined accordingly, but if the two members differ in opinion the case shall, on the application of any party to the proceedings, be re-argued and determined by the Tribunal as ordinarily constituted.

---

*Status: This is the original version (as it was originally enacted).*

---

- (6) A decision of the Tribunal shall not be questioned on the ground that a member was not validly appointed or selected.
- (7) The Tribunal may sit to hear any proceedings in any place in Great Britain.
- 9 (1) The Tribunal in exercising their statutory jurisdiction may order any party to the proceedings to pay to any other party to the proceedings either a specified sum in respect of the costs incurred by the second-mentioned party in the proceedings, or the taxed amount of those costs ; and any costs required by an order under this sub-paragraph to be taxed may be taxed in the county court according to such of the scales prescribed by county court rules for proceedings in the county court as may be directed by the order or, if the order gives no direction, by the county court.
- (2) The Lord Chancellor may by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make rules as to the procedure in connection with proceedings brought before the Tribunal in exercise of their statutory jurisdiction and, subject to the approval of the Treasury, as to the fees chargeable in respect of those proceedings, and the rules may in particular make provision—
- (a) as to the circumstances in which the Tribunal need not sit, or is not to sit, in public,
  - (b) as to the form of any decision of the Tribunal,
  - (c) as to the time within which any proceedings are to be instituted,
  - (d) as to the evidence which may be required or admitted in any proceedings.
  - (e) as to the examination of the parties, and of witnesses, on oath or affirmation in any proceedings,
  - (f) as to the procedure for securing the attendance of witnesses and the production of documents in any proceedings.
- (3) In this paragraph " statutory jurisdiction " means any jurisdiction of the Tribunal exercisable by or under this Act, except for their jurisdiction in any reference under an arbitration agreement.
- (4) In relation to proceedings in Scotland this paragraph shall have effect as if for sub-paragraph (1) there were substituted the following—
- “(1) The Tribunal in exercising their statutory jurisdiction may order that the expenses of any proceedings before it incurred by any party shall be paid by any other party, and may tax or settle the amount of any expenses to be paid under any such order or direct in what manner they are to be taxed.”