



Plant Varieties Act 1997

CHAPTER 66

PLANT VARIETIES ACT 1997

PART I

PLANT VARIETIES

Preliminary

- 1 Plant breeders' rights.
- 2 The Plant Variety Rights Office.

Grant of plant breeders' rights

- 3 Grant on application.
- 4 Conditions for the grant of rights.
- 5 Rights in relation to application period.

Scope of plant breeders' rights

- 6 Protected variety.
- 7 Dependent varieties.

Exceptions

- 8 General exceptions.
- 9 Farm saved seed.
- 10 Exhaustion of rights.

Duration and transmission of plant breeders' rights

- 11 Duration.
- 12 Transmission.

Status: Point in time view as at 08/05/1998.

Changes to legislation: There are currently no known outstanding effects for the Plant Varieties Act 1997. (See end of Document for details)

Remedies for infringement

- 13 Remedies for infringement.
- 14 Presumptions in proceedings relating to harvested material.
- 15 Presumptions in proceedings relating to products made from harvested material.

Duties of holder of plant breeders' rights

- 16 Maintenance of protected variety.
- 17 Compulsory licences.

Naming of protected varieties

- 18 Selection and registration of names.
- 19 Duty to use registered name.
- 20 Improper use of registered name.

Termination and suspension of plant breeders' rights

- 21 Nullity.
- 22 Cancellation.
- 23 Suspension.

Proceedings before the Controller

- 24 Right to be heard: general.
- 25 Right to be heard: applications for compulsory licences.
- 26 Appeals to the Tribunal.

Discharge of the Controller's functions

- 27 Ministerial guidance.
- 28 Regulations.
- 29 Fees.
- 30 Use of outsiders.

False information and representations as to rights

- 31 False information.
- 32 False representations as to rights.

Miscellaneous

- 33 Exclusion from Restrictive Trade Practices Act 1976.
- 34 Disclosure of information obtained under section 14 or 15.
- 35 Reference collections of plant material.

General

- 36 Offences by bodies corporate, etc.
- 37 Jurisdiction in relation to offences.
- 38 Interpretation of Part I.
- 39 Application of Part I to the Crown.
- 40 Application of Part I to existing rights.

Status: Point in time view as at 08/05/1998.

*Changes to legislation: There are currently no known outstanding effects
for the Plant Varieties Act 1997. (See end of Document for details)*

Transition

- 41 Varieties of recent creation.

PART II

THE PLANT VARIETIES AND SEEDS TRIBUNAL

- 42 The Tribunal.
43 Jurisdiction under arbitration agreements.
44 Statutory jurisdiction: regulations.
45 Appeals from the Tribunal.
46 Interpretation of Part II.

PART III

MISCELLANEOUS AND GENERAL

Miscellaneous

- 47 Extension of time limit for institution of proceedings for contravention
of seeds regulations.

General

- 48 Regulations and orders.
49 General interpretation.
50 Receipts.
51 Consequential amendments.
52 Repeals.
53 Extent.
54 Short title and commencement.

SCHEDULES

SCHEDULE 1 — The Plant Variety Rights Office

Staff

- 1 The Ministers may appoint a deputy controller and such other...

Remuneration

- 2 There shall be paid to the Controller and any other...

Authority of officers

- 3 Any act or thing directed to be done by or...

Proof of documents

- 4 Prima facie evidence, or in Scotland sufficient evidence, of any...
5 Any document purporting to be certified in accordance with paragraph...

SCHEDULE 2 — Conditions for the grant of plant breeders' rights

Part I — CRITERIA FOR GRANT OF RIGHTS

Status: Point in time view as at 08/05/1998.

Changes to legislation: There are currently no known outstanding effects for the Plant Varieties Act 1997. (See end of Document for details)

Distinctness

- 1 The variety shall be deemed to be distinct if it...

Uniformity

- 2 The variety shall be deemed to be uniform if, subject...

Stability

- 3 The variety shall be deemed to be stable if those...

Novelty

- 4 (1) The variety shall be deemed to be new if...
 Part II — PRIORITIES BETWEEN APPLICANTS FOR RIGHTS
 5 (1) If a variety is bred, or discovered and developed,...
 6 (1) If the following conditions are met, an application for...
 7 (1) Any priority which an application for the grant of...

SCHEDULE 3 — The Plant Varieties and Seeds Tribunal

Constitution of the Tribunal

- 1 In any case, the jurisdiction of the Tribunal shall be...

Chairman

- 2 (1) The Lord Chancellor shall appoint a person to be...
 3 (1) The Lord President of the Court of Session shall...
 4 (1) The Lord Chief Justice of Northern Ireland shall appoint...
 5 (1) Subject to sub-paragraph (2) below, a person's appointment under...
 6 (1) In the case of the temporary absence or inability...

The two panels

- 7 (1) The Ministers shall draw up and from time to...

Selection from the panels

- 8 (1) The members of the panels who are to deal...

Sittings of the Tribunal

- 9 The Tribunal may, for the purpose of hearing proceedings brought...

Decisions of the Tribunal

- 10 (1) Any decision of the Tribunal in exercise of their...

Costs

- 11 (1) In any proceedings brought before the Tribunal in England...
 12 In any proceedings brought before the Tribunal in Scotland under...

Rules

- 13 (1) The Lord Chancellor may make rules as to the...

Status: Point in time view as at 08/05/1998.

*Changes to legislation: There are currently no known outstanding effects
for the Plant Varieties Act 1997. (See end of Document for details)*

Remuneration of Tribunal members

14 The Ministers may pay to members of the Tribunal such...

Officers and servants

15 (1) The Ministers may appoint such officers and servants of...

Interpretation

16 In this Schedule— “appointing authority” means— in relation to an...

SCHEDULE 4 — Repeals

Status:

Point in time view as at 08/05/1998.

Changes to legislation:

There are currently no known outstanding effects for the Plant Varieties Act 1997.