



# Plant Varieties Act 1997

## CHAPTER 66

### PLANT VARIETIES ACT 1997

#### PART I

##### PLANT VARIETIES

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- 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*Status: Point in time view as at 01/03/2000.*

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

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### *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*

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

### *Discharge of the Controller's functions*

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

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- 31 False information.
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- 34 Disclosure of information obtained under section 14 or 15.
- 35 Reference collections of plant material.

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- 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.

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### *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.

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#### *Miscellaneous*

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#### *General*

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

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## **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 01/03/2000.**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...

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*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:**

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**Changes to legislation:**

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