



# Plant Varieties Act 1997

## 1997 CHAPTER 66

### PART I

#### PLANT VARIETIES

##### *Duration and transmission of plant breeders' rights*

#### 11 Duration.

- (1) A grant of plant breeders' rights shall have effect—
  - (a) in the case of potatoes, trees and vines, for 30 years from the date of the grant, and
  - (b) in other cases, for 25 years from that date.
- (2) The Ministers may by regulations provide that, in relation to varieties of a species or group specified in the regulations, subsection (1) above shall have effect with the substitution in paragraph (a) or (b), as the case may be, of such longer period, not exceeding—
  - (a) in the case of paragraph (a), 35 years, and
  - (b) in the case of paragraph (b), 30 years,as may be so specified.
- (3) The period for which a grant of plant breeders' rights has effect shall not be affected by the fact it becomes impossible to invoke the rights—
  - <sup>F1</sup>(a) .....
  - (b) because of suspension under section 23 below.

#### Textual Amendments

- F1** S. 11(3)(a) omitted (31.12.2020) by virtue of [The Plant Breeders' Rights \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/204\)](#), regs. 1(1), **15(3)**; 2020 c. 1, Sch. 5 para. 1(1)

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*Changes to legislation: There are currently no known outstanding effects for the Plant Varieties Act 1997,  
Cross Heading: Duration and transmission of plant breeders' rights. (See end of Document for details)*

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## **12 Transmission.**

Plant breeders' rights shall be assignable like other kinds of proprietary rights, but in any case rights under section 6 above and rights under section 7 above may not be assigned separately.

**Changes to legislation:**

There are currently no known outstanding effects for the Plant Varieties Act 1997, Cross  
Heading: Duration and transmission of plant breeders' rights.