



# Plant Varieties Act 1997

## 1997 CHAPTER 66

### PART III

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

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

In section 28 of the Plant Varieties and Seeds Act 1964 (institution of criminal proceedings), after subsection (2) there shall be inserted—

“(2A) Notwithstanding anything in section 127(1) of the <sup>M1</sup>Magistrates’ Courts Act 1980 or section 136 of the <sup>M2</sup>Criminal Procedure (Scotland) Act 1995, proceedings for contravening a provision contained in seeds regulations may be brought at any time not more than one year from the time when the contravention occurred.”

**Extent Information**

**E1** [S. 47](#) extends to EWS only, see [s. 53\(1\)](#)

**Marginal Citations**

**M1** [1980 c. 43.](#)

**M2** [1995 c. 46.](#)

##### *General*

**48 Regulations and orders.**

(1) Any regulations or order under this Act made by the Ministers—

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- (a) may make different provision for different cases or circumstances, and
  - (b) may contain such supplemental, incidental and transitional provisions as appear to the Ministers to be expedient.
- (2) Any regulations or order under this Act made by the Ministers shall be made by statutory instrument.
- (3) A statutory instrument containing any regulations or order under this Act made by the Ministers, other than an order under section 9(12) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) No order shall be made under section 9(12) above unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (5) Before making any regulations or order under this Act, the Ministers shall consult such organisations as appear to them to be representative of persons likely to be substantially affected by the regulations or order.
- (6) Nothing in this section applies to an order under section 54(3) below.

**Modifications etc. (not altering text)**

- C1** S. 48(1): power to make regulations extended (1.3.2002) by [The Patents and Plant Variety Rights \(Compulsory Licensing\) Regulations 2002 \(S.I. 2002/247\)](#), **reg. 21**
- C2** S. 48(2)-(5) applied (1.3.2002) by [The Patents and Plant Variety Rights \(Compulsory Licensing\) Regulations 2002 \(S.I. 2002/247\)](#), **reg. 21**

**49 General interpretation.**

- (1) In this Act—
- “the Controller” has the meaning given by section 2(1) above;
  - “the Ministers” means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland acting jointly; and
  - “the Tribunal” has the meaning given by section 42 above.
- (2) In this Act, references to plant breeders’ rights include rights under section 7 above.

**50 Receipts.**

Any fees received by virtue of this Act by the Controller or the Tribunal shall be paid into the Consolidated Fund.

**51 Consequential amendments.**

- (1) In section 34 of the <sup>M3</sup>Plant Varieties and Seeds Act 1964—
- (a) in subsection (1), at the end there shall be inserted “ or Part I of the Plant Varieties Act 1997 ”, and
  - (b) in subsection (2), for “section 5 of this Act” there shall be substituted “ section 18 of the Plant Varieties Act 1997 ”.
- (2) In section 38 of that Act, for the definition of the expression “the Tribunal” there shall be substituted—

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““the Tribunal” means the Plant Varieties and Seeds Tribunal;”.

- (3) In Schedule 4 to the <sup>M4</sup>Parliamentary Commissioner Act 1967, in the entry relating to the Plant Varieties and Seeds Tribunal, for the words after “Tribunal” there shall be substituted “ (referred to in section 42 of the Plant Varieties Act 1997) ”.
- (4) In section 2(4) of the <sup>M5</sup>Trade Descriptions Act 1968, after paragraph (g) there shall be inserted—
  - “(h) the Plant Varieties Act 1997;”.
- (5) In Schedule 1 to the <sup>M6</sup>Tribunals and Inquiries Act 1992, in paragraph 36—
  - (a) in sub-paragraph (a), for “section 11(5) of the Plant Varieties and Seeds Act 1964 (c. 14)” there shall be substituted “ paragraph 3 of Schedule 1 to the Plant Varieties Act 1997 ”, and
  - (b) in sub-paragraph (b), for “established by section 10 of that Act” there shall be substituted “ (referred to in section 42 of that Act) ”.

#### Marginal Citations

- M3** 1964 c. 14.  
**M4** 1967 c. 13.  
**M5** 1968 c. 29.  
**M6** 1992 c. 53.

## 52 Repeals.

The enactments mentioned in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

## 53 Extent.

- (1) This Act, except section 47 above, extends to Northern Ireland.
- (2) Her Majesty may by Order in Council direct that any of the provisions of this Act shall, subject to such modifications as appear to Her Majesty to be appropriate, extend to any of the Channel Islands or the Isle of Man.
- (3) An Order in Council under subsection (2) above may contain such transitional and consequential provisions as appear to Her Majesty to be expedient.

## 54 Short title and commencement.

- (1) This Act may be cited as the Plant Varieties Act 1997.
- (2) This section and sections 49 and 53 above shall come into force on the day on which this Act is passed.
- (3) The remaining provisions of this Act shall come into force on such day as the Ministers may by order made by statutory instrument appoint; and different days may be so appointed for different purposes.
- (4) An order under subsection (3) above may contain such transitional provisions and savings as appear to the Ministers to be expedient.

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**Subordinate Legislation Made**

**P1** [S. 54\(3\)](#) power fully exercised (8.4.1998): 8.5.1998 appointed day by [S.I. 1998/1028](#), [art. 2](#)

**Status:**

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**Changes to legislation:**

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