



GUERNSEY STATUTORY INSTRUMENT

2015 No. 85

**The Registered Plant Breeders' Rights (Prescribed Classes  
of Varieties) (Bailiwick of Guernsey) Regulations, 2015**

<i>Made</i>	<i>22nd October, 2015</i>
<i>Coming into operation</i>	<i>23rd October, 2015</i>
<i>Laid before the States</i>	<i>, 2015</i>

**THE COMMERCE AND EMPLOYMENT DEPARTMENT**, in exercise of the powers conferred on it by sections 28 and 43 of the Registered Plant Breeders' Rights (Bailiwick of Guernsey) Ordinance, 2007<sup>a</sup> and all other powers enabling it in that behalf, hereby makes the following Regulations:-

**Prescribed classes.**

1. The reference in section 28(1) of the Ordinance to plant varieties being within the same class is a reference to them being in the same class being either –

- (a) a class consisting of all plant varieties of the species or groups prescribed by any one scheme under section 5(7) of the Plant Varieties and Seeds Act 1964<sup>b</sup>, or
- (b) any other class of plant varieties prescribed by any such scheme,

<sup>a</sup> Ordinance No. IV of 2005; as amended by Order in Council No. XIV of 2012.

<sup>b</sup> An Act of Parliament (1964 c. 14) (repealed, but the schemes made thereunder continue to have effect for the purposes of section 5(7)).

and any other class from time to time prescribed by regulations made under section 18 of the Plant Varieties Act 1997<sup>c</sup>.

**Interpretation.**

2. (1) In these Regulations, unless the context requires otherwise –

"**enactment**" means any Law, Ordinance or subordinate legislation and includes (without limitation) an enactment of the Parliament of the United Kingdom,

"**the Ordinance**" means the Registered Plant Breeders' Rights (Bailiwick of Guernsey) Ordinance, 2007,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,

and other expressions have the same meanings as in the Intellectual Property (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004<sup>d</sup> and in the Ordinance.

(2) The Interpretation (Guernsey) Law, 1948<sup>e</sup> applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Citation and commencement.**

3. These Regulations may be cited as the Registered Plant Breeders' Rights (Prescribed Classes of Varieties) (Bailiwick of Guernsey) Regulations, 2015 and shall come into force on the 23rd October, 2015.

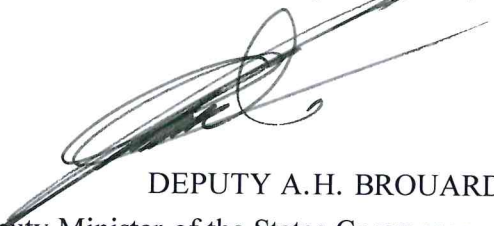
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<sup>c</sup> An Act of Parliament (1997 c. 66)

<sup>d</sup> Order in Council No. XIV of 2004; as amended by Ordinance No. XXXIII of 2003 and No. XX of 2015.

<sup>e</sup> Ordres en Conseil Vol. XIII, p. 355.

Dated this 22nd day of October, 2015



DEPUTY A.H. BROUARD  
Deputy Minister of the States Commerce and Employment  
Department  
For and on behalf of the Department

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EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 28 of the Registered Plant Breeders' Rights (Bailiwick of Guernsey) Ordinance, 2007 prohibits the improper use of a registered name including the use of such a name in connection with a different variety of the same class. These Regulations prescribe the classes of plant varieties for this purpose.

These Regulations come into force on the 23rd day of October, 2015.

