

GUERNSEY STATUTORY INSTRUMENT

2015 No. 89

**The Registered Plant Breeders' Rights (Farm Saved Seed)
(Small Farmers) (Bailiwick of Guernsey) Regulations, 2015**

Made

22nd October, 2015

Coming into operation

23rd October, 2015

Laid before the States

, 2015

THE COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred on it by sections 18(13) and 43 of the Registered Plant Breeders' Rights (Bailiwick of Guernsey) Ordinance, 2007^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Definition of small farmer.

1. (1) The class or description of farmer prescribed as a small farmer for the purposes of section 18 of the Ordinance is a farmer who is considered to be a small farmer for the purposes of Article 14(3) third indent of the Council Regulation.

(2) It is for a farmer who claims to be a small farmer to prove it.

Interpretation.

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

"**Council Regulation**" means Council Regulation (EC) No. 2100/94 of 27th July on Community plant variety rights,

"**enactment**" means any Law, Ordinance or subordinate legislation,

^a Ordinance No. IV of 2005; as amended by Order in Council No. XIV of 2012.

"**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^b and in the Ordinance.

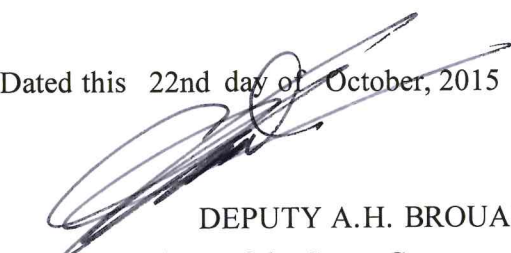
(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment or to the Council Regulation 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 (Farm Saved Seed) (Small Farmers) (Bailiwick of Guernsey) Regulations, 2015 and shall come into force on the 23rd October, 2015.

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

^b Order in Council No. XIV of 2004; as amended by Ordinance No. XXXIII of 2003 and No. XX of 2015.

^c Ordres en Conseil Vol. XIII, p. 355.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 18 of the Registered Plant Breeders' Rights (Bailiwick of Guernsey) Ordinance, 2007, provides that plant breeders' rights do not extend to the use by farmers of specified varieties of material for propagating purposes in certain circumstances. However, a farmer whose use of material is excepted from plant breeders' rights by these provisions is nevertheless required, unless he is a small farmer, to pay equitable remuneration, at the time of the use, to the rights holder. These Regulations define "small farmers" for the purpose of establishing which farmers are entitled to exemption from that requirement.

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

