

S.I. No. 46/1986 — Plant Varieties (Proprietary Rights) (Amendment) Regulations, 1986.

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PLANT VARIETIES (PROPRIETARY RIGHTS) (AMENDMENT) REGULATIONS,
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1986.

I, AUSTIN DEASY, Minister for Agriculture, in exercise of the powers conferred on me by sections 4 , 12 and 26 of the plant Varieties (Proprietary Rights) Act, 1980 (no. 24 of 1980), hereby make the following Regulations:

1. (1) These Regulations may be cited as the Plant Varieties (Proprietary Rights) (Amendment) Regulations, 1986.

(2) The Plant Varieties (Proprietary Rights) Regulations, 1981 and 1984, and these Regulations may be cited together as the Plant Varieties (Proprietary Rights) Regulations, 1981 to 1986.

2. (1) In these Regulations "the Act" means the Plant Varieties (proprietary Rights) Act, 1980 (No. 24 of 1980).

(2) References in these Regulations to "UPOV" are references to the International union for the Protection of New Varieties of Plants.

3. (1) Each of the species specified in the First Schedule to these Regulations is hereby specified for the purposes of section 4 of the Act.

(2) The maximum period to be specified in a grant of plant breeders' rights as being that in which the plant breeders' rights thereby granted are to be exercisable in respect of a plant variety which is of a species specified in column (1) of the First Schedule to these Regulations shall be the period of years specified in column (2) of that Schedule opposite the mention of that species.

(3) For the purposes of paragraph (d) of Article 2 of the First Schedule to the Act the

period of four years is hereby prescribed in relation to every plant variety which is of a species specified in column (1) of the First Schedule to these Regulations.

4. For the purposes of section 12 of the Act two or more plant varieties shall be regarded as being within the same class if they are each a plant variety of—

- (a) the genus *Linum*, or
- (b) any of the genera or species specified in column (2) of the Second Schedule to these Regulations opposite a particular UPOV class specified in column (1) of that Schedule.

FIRST SCHEDULE.

(1)		(2)
Species		Period of years for which rights are exercisable
Name	Common Name	
<i>Agrostis tenuis</i> Sibth.—	Brown Top	20
<i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>alba</i> DC—	Fodder Beet	20
<i>Brassica napus</i> L. var. <i>napobrassica</i> Peterm.—	Swede	20
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.)—	Fodder Kale	20
<i>Festuca rubra</i> L.—	Red Fescue	20
<i>Linum usitatissimum</i> L.—	Flax, Linseed	20
<i>Lupinus albus</i> L.—	White Lupin	20
<i>Lupinus angustifolius</i> L.—	Blue Lupin	20
<i>Lupinus luteus</i> L.—	Yellow Lupin	20
<i>Trifolium pratense</i> L.—	Red Clover	20
X <i>Triticosecale</i> Wittmach—	Triticale	15

SECOND SCHEDULE.

UPOV Class Number (1)	Genera or Species (2)
1	Avena, Hordeum, Secale, Triticale, Triticum
4	Agrostis, Alopecurus, Arrhenatherum, Bromus, Cynosurus, Dactylis, Festuca, Lolium, Phalaris, Phleum, Poa, Trisetum
5	Brassica oleracea
6	Brassica napus, B. campestris, B. rapa, B. juncea, B. nigra, Sinapis
7	Lotus, Medicago, Ornithopus, Onobrychis, Trifolium
8	Lupinus albus L., L. angustifolius L., L. luteus L.
10	Beta vulgaris L. var. alba DC., Beta vulgaris L. var. altissima

GIVEN under my Official Seal, this 26th day of February, 1986.

AUSTIN DEASY,
Minister for Agriculture.

EXPLANATORY NOTE.

These Regulations extend the list of plant species for which plant breeders' rights may be granted.