

**SEEDS AND PLANT VARIETIES (PLANT BREEDER'S RIGHTS) (FRUIT, NUT
AND TREE CROPS SCHEME) REGULATIONS, 2001**

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SCHEDULE

[Subsidiary]

**SEEDS AND PLANT VARIETIES (PLANT BREEDER'S RIGHTS) (FRUIT, NUT
AND TREE CROPS SCHEME) REGULATIONS, 2001**

[L.N. 70/2001.]

1. Citation

These Regulations may be cited as the Seeds and Plant Varieties (Plant Breeder's Rights) (Fruit, Nut and Tree Crops Scheme) Regulations, 2001.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**authorized officer**” means the Managing Director of the Kenya Plant Health Inspectorate Service;

“**plant variety**” includes any clone, line, hybrid or genetic variant.

3. Plant varieties to which Scheme applies

There is hereby made a scheme to be called the Fruit, Nut and Tree Crops Scheme, which shall apply to all plant varieties of fruit, nut and tree crops which conform with the characteristics of cultivated plant varieties of any of the genera or species specified in the first column of the Schedule hereto.

4. Period for which rights are exercisable

The period for which plant breeder's rights shall be exercisable in respect of any of the plant varieties referred to in regulation 3 shall be the period of the years specified in the second column of the Schedule.

5. Classes of plant varieties

In relation to any of the varieties referred to in regulation 3, the class of plant varieties prescribed for the purposes of section 21 of the Act shall consist of all plant varieties of the genus or species specified in the third column of the Schedule.

6. Periods prescribed before compulsory licensing

In relation to any of the plant varieties referred to in regulation 3, the period prescribed for the purposes of section 23(4) of the Act shall be the period of years specified in the fourth column of the Schedule.

7. Offences

A person who infringes the plant breeder's rights in the registered name of a variety of fruit, nut and tree crops covered by the Fruit, Nut and Tree Crops Scheme commits an offence and is liable to a fine of three thousand shillings or to imprisonment for a term of three months or to both.

SCHEDULE

<i>Species</i>	<i>Classes of plant varieties for the purpose of section 21 of the Act</i>	<i>Period of years for which right are exercisable</i>	<i>Period of years prescribed before compulsory licensing</i>
<i>Carica papaya L.</i>	Pawpaw <i>Carica</i>	20	2

Seeds and Plant Varieties

[Subsidiary]

SCHEDULE—continued

Species		Classes of plant varieties for the purpose of section 21 of the Act	Period of years for which right are exercisable	Period of years prescribed before compulsory licensing
<i>Anacardium occidentale</i>	Cashew nuts	<i>Anacardium</i>	25	3
<i>Citrus limon</i> (L. Burm.f.)	Lemon	<i>Citrus</i> sp.	20	3
<i>Citrus paradisi</i> Macfad	Grape fruit	<i>Citrus</i> sp.	20	3
<i>Citrus reticulata</i> Balanco	Mandarin	<i>Citrus</i> sp.	20	3
<i>Citrus reticulata</i> Balanco x <i>C. Pararidi</i> Macfad	Tangelo	<i>Citrus</i> sp.	20	3
<i>Citrus sinensis</i> L. pers	Orange	<i>Citrus</i> sp.	20	3
<i>Coffea arabica</i> and <i>Coffea robusta</i>	Coffee	<i>Coffea</i> sp.	20	3
<i>Cyphomanora betacea</i>	Tamarillo	<i>Cyphomanora</i>	20	2
<i>Eryobotrya</i> Lindl.	Loquat	<i>Eriobotrya</i>	25	3
<i>Fragaria</i> L.	Strawberry	<i>Fragaria</i> sp.	20	2
<i>Macadamia</i> sp.	Macadamia	<i>Macadamia</i>	25	3
<i>Malus mill</i>	Apple	<i>Mangnifera</i> sp.	20	3
<i>Maginifera indica</i> L.	Mango	<i>Mannifera</i> sp.	25	3
<i>Morus</i> L.	Mulberry	<i>Morus</i> sp.	20	3
<i>Musa</i> L.	Banana	<i>Musa</i> sp.	20	2
<i>Passiflora edulis</i> sims	Granadilla	<i>Passiflora</i> sp.	20	3
<i>Peasea americana</i> mill	Avocado	<i>Persea</i> sp.	25	3
<i>Prunus avium</i> L.	Cherry	<i>Prunus</i> sp.	20	3
<i>Prunus</i> L.	Plum	<i>Prunus</i> sp.	20	2
<i>Prunus persica</i> L.	Peach	<i>Prunus</i> sp.	20	2
<i>Psidium guajava</i>	Guava	<i>Psidium</i> sp.	20	2
<i>Pyrus</i> L.	Pears	<i>Pyrus</i> sp.	20	3
<i>Ribes</i> sp.	Currants	<i>Ribes</i> sp.	20	2
<i>Ribes uva-Crispa</i> L.	Gooseberry	<i>Ribes</i> sp.	20	2
<i>Rubus ideas</i> L.	Raspberry	<i>Rubus</i> sp.	20	2
<i>Camelia sinensis</i> L.	Tea	<i>Thea</i> sp.	20	3
<i>Tilia</i> L.	Lime	<i>Tilia</i> sp.	20	3
<i>Vitis vinifera</i>	Grape vine	<i>Vitis</i> sp.	20	3