

LEGAL NOTICE No. 71

THE SEEDS AND PLANT VARIETIES ACT

(Cap. 326)

IN EXERCISE of the powers conferred by sections 17 and 21 of the Seeds and Plant Varieties Act, the Minister for Agriculture, after consultation with representatives of organizations deemed to have substantial interest in the matter to be regulated and such other interests as appear to the Minister to be concerned, makes the following Regulations—

THE SEEDS AND PLANT VARIETIES (PLANT BREEDER'S RIGHTS) (VEGETABLES SCHEME) REGULATIONS, 2001

1. These Regulations may be cited as the Seeds and Plant Varieties (Plant Breeder's Rights) (Vegetables Scheme) Regulations, 2001.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretation.

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

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

3. There is hereby made a scheme to be called the Vegetables Scheme, which shall apply to all plant varieties of vegetables 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.

Plant varieties for which plant breeder's rights may be granted.

4. 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 years specified in the second column of the Schedule.

Period for which rights are exercisable.

Periods prescribed for the purposes of use of names.

5. 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.

Periods prescribed before compulsory licensing

6. In relation to any of the plant varieties referred to in regulation 3, of this Scheme the period if any, 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.

Offences.

7. A person who infringes the plant breeder's rights in the registered name of a variety of vegetable covered by the Vegetables 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>Genus or 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 years prescribed before compulsory licensing</i>
<i>Botanical name</i>	<i>Common name</i>			
<i>Allium cepa L.</i>	Onion	Allium sp.	15	1
<i>Allium porrum</i>	Leek	Allium sp.	15	1
<i>Allium, Sativum L.</i>	Garlic	Allium sp.	15	1
<i>Amaranthus spp.</i>	Amaranth	Amaranth sp.	15	1
<i>Apium graveolens L.</i>	Celery	Apium sp.	15	2
<i>Arethrum graveolens L.</i>	Dill	Arcthrum sp.	15	2
<i>Asparagus officinalis</i>	Asparagus	Asparagus sp.	15	2
<i>Beta vulgaris</i>	Swiss chard	Beta vulgaris sp.	15	1
<i>Brassica chinensis L.</i>	Chinese cabbage	Brassica sp.	15	1
<i>Brassica geracea var. capitata L.</i>	Brussel sprouts	Brassica sp.	15	1
<i>Brassica napus var. Napobrassica L.</i>	Rutabaga	Brassica sp.	15	2
<i>Brassica oleracea var. Botrytis L.</i>	Broccoli/ Cauliflower	Brassica sp.	15	1
<i>Brassica oleracea var. ancephala DC.</i>	Collards/kale	Brassica sp.	15	1
<i>Brassica oleracea var. capitata L.</i>	Cabbage	Brassica sp.	15	1
<i>Brassica oleracea var. gongylodes</i>	Kohlrabi	Brassica sp.	15	2
<i>Brassica rapa L.</i>	Turnip	Brassica sp.	15	2
<i>Capsicum sp.</i>	Pepper	Capsicum sp.	15	1
<i>Chicorium endiva L.</i>	Endive	Chicrium sp.	15	2
<i>Cichorium intybus L.</i>	Chicory	Cichorium sp.	15	2
<i>Cichorium sativus L.</i>	Corriander	Corriandum sp.	15	1
<i>Cucumis melo</i>	Water Melon	Cucumis sp.	15	2
<i>Cucumis melo L.</i>	Catcloupe/ muskmelon	Cucumis sp.	15	2
<i>Cucumis sativus L.</i>	Cucumber	Cucumis sp.	15	1
<i>Cucumis sp.</i>	Karella	Cucumis sp.	15	2
<i>Cucurbita L.</i>	Pumpkin/Squash	Cucurbita sp.	15	1
<i>Curcubita pepo L.</i>	Courgette	Curcubita sp.	15	1
<i>Cynara scolymus L.</i>	Artichoke	Cynara sp.	15	2
<i>Daucus carota</i>	Carrot	Daucus sp.	15	1
<i>Hibiscus esulentus L.</i>	Okra	Hibiscus sp.	15	1
<i>Lactuca sativa</i>	Lettuce	Lactuca sp.	15	2
<i>Lepidium sativa L.</i>	Garden Cress	Lepidium sp.	15	2
<i>Lycopersicon esculentum mill</i>	Tomato	Solanum sp.	15	1

SCHEDULE—(Contd.)

<i>Genus or 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 years prescribed before compulsory licensing</i>
<i>Botanical name</i>	<i>Common name</i>			
<i>Nasturtium officinale</i> Ribr	Water cress	Nasturtium sp.	15	2
<i>Pastinaca sativa</i> L.	Parsnip	Pastinaca	15	1
<i>Petroselinum crispum</i>	Parsley	Petroselinum sp.	15	2
<i>Rhaphanus sativus</i> L.	Radish	Rhcum sp.	15	2
<i>Rheum rhaponticum</i> L.	Rhubarb	Rhcum sp.	15	2
<i>Solanum melogena</i> L.	Eggplant	Solanum sp.	15	1
<i>Spinacea oleracea</i> L.	Spinach	Spinacca sp.	15	2
<i>Zingiber officinale</i> R.	Ginger	Zingiber sp.	15	2

Made on the 2nd May, 2001.

C. M. OBURE,  
Minister for Agriculture.