

LEGAL NOTICE NO. 72

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) (TREES AND WOODY CLIMBERS SCHEME) REGULATIONS, 2001

1. These Regulations may be cited as the Seeds and Plant Varieties (Plant Breeder's Rights) (Trees and Woody Climbers 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 Trees and Woody Climbers Scheme, which shall apply to all plant varieties of trees, and woody climbers 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 scheme applies.

Period for which rights are exercisable.

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 the years specified in the second column of the Schedule.

Classes of plant varieties.

5. 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.

Periods prescribed before compulsory licensing.

6. 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.

Offences.

7. A person who infringes the plant breeder's rights in the registered name of a variety of a tree or woody climber covered by the Trees and Woody Climbers 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 and species</i>	<i>Common name</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 for the purposes of section 23 (4) of the Act</i>
<i>Cupressus lusitanica</i>	Cypress	Cuppressus	25	5
<i>Pinus radiata</i>	Pine	Pinus	25	5
<i>Pinus patula</i>	Pine	Pinus	25	5
<i>Pinus caribea</i>	Pine	Pinus	25	5
<i>Gravillea robusta</i>	Silk oak	Gravillea	25	5
<i>Eucalyptus grandis</i>	Eucalypt	Eucalyptus	25	5
<i>Calliandra calothyrsus</i>	Calliandra	Calliandra	20	3

Made on the 2nd May, 2001.

C. M. OBURE,
Minister for Agriculture.