

**SEEDS AND PLANT VARIETIES (PLANT BREEDER'S RIGHTS) (TREES AND
WOODY CLIMBERS SCHEME) REGULATIONS, 2001**

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SCHEDULE

[Subsidiary]

SEEDS AND PLANT VARIETIES (PLANT BREEDER'S RIGHTS) (TREES AND WOODY CLIMBERS SCHEME) REGULATIONS, 2001

[L.N. 72/2001.]

1. Citation

These Regulations may be cited as the Seeds and Plant Varieties (Plant Breeder's Rights) (Trees and Woody Climbers 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 for which Scheme applies

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.

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 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.

Seeds and Plant Varieties

[Subsidiary]

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 prescribed for the purposes of section 23(4) of the Act</i>
<i>Cupressus lusitanica</i>	Cypress	<i>Cupressus</i>	25	5
<i>Pinus radiata</i>	Pine	<i>Pinus</i>	25	5
<i>Pinus patula</i>	Pine	<i>Pinus</i>	25	5
<i>Pinus caribea</i>	Pine	<i>Pinus</i>	25	5
<i>Gravillea robusta</i>	Silk oak	<i>Gravillea</i>	25	5
<i>Eucalyptus grandis</i>	Eucalyptus	<i>Eucalyptus</i>	25	5
<i>Calliandra calothyrsus</i>	Calliandra	<i>Calliandra</i>	20	3