

SEEDS AND PLANT VARIETIES (PLANT BREEDER'S RIGHTS) (OIL AND FIBRE CROPS SCHEME) REGULATIONS, 2001

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SEEDS AND PLANT VARIETIES (PLANT BREEDER'S RIGHTS) (OIL AND FIBRE CROPS SCHEME) REGULATIONS, 2001

[L.N. 76/2001.]

1. Citation

These Regulations may be cited as the Seeds and Plant Varieties (Plant Breeder's Rights) (Oil and Fibre 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 for which plant breeder's rights may be granted

There is hereby made a scheme to be called the Oil and Fibre Crops Scheme, which shall apply to all plant varieties of oil and fibre crops which conform with the characteristics of cultivated plant varieties of any of the species specified in the first column of the First Schedule hereto.

4. Period for which rights are exercisable

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

5. Class of plant varieties

The classes of plant varieties prescribed for the purposes of section 21 of the Act shall consist of—

- (a) in relation to plant varieties of sunflower; all plant varieties of the species specified in Part I of the Second Schedule;
- (b) in relation to plant varieties of the rapeseed and mustard; all plant varieties of the species specified in Part II of the Second Schedule;
- (c) in relation to plant varieties of sesame; all plant varieties of the species specified in Part III of the Second Schedule;
- (d) in relation to plant varieties of safflower; all plant varieties of the species specified in Part IV of the Second Schedule;
- (e) in relation to plant varieties of castor; all plant varieties of the species specified in Part V of the Second Schedule;
- (f) in relation to plant varieties of groundnut; all plant varieties species specified in Part VI of the First Schedule;
- (g) in relation to plant varieties of jojoba; all plant varieties of the species specified in Part VII of the Second Schedule;
- (h) in relation to plant varieties of soyabean; all plant varieties of the species specified in Part VIII of the Second Schedule;
- (i) in relation to plant varieties of linseed and flax; all plant varieties of the species specified in Part IX of the Second Schedule;
- (j) in relation to plant varieties of sisal; all plant varieties of the species specified in Part X of the Second Schedule;

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- (k) in relation to plant varieties of cotton; all plant varieties of the species specified in Part XI of the Second Schedule;
- (l) in relation to plant varieties of kenaf; all plant varieties of the species specified in Part XII of the Second Schedule;
- (m) in relation to plant varieties of coconut; all plant varieties of the species specified in Part XIII of the Second Schedule.

6. Periods prescribed before compulsory licensing

For the purposes of section 23(4) of the Act, a compulsory licence granted by the authorized officer in respect of a plant variety or group specified in regulation 3 shall not have effect from the date of grant of rights in that variety, for the period of years specified in the third column of the First Schedule.

7. Offences

A person who infringes the plant breeder's rights in the registered name of a variety of oil or fibre crop covered by the Oil Fibre 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.

FIRST SCHEDULE

<i>Name</i>	<i>Species</i> <i>Common name</i>	<i>Period of years</i> <i>for which rights</i> <i>are exercisable</i>	<i>Period of years</i> <i>prescribed before</i> <i>compulsory licensing</i>
<i>Helianthus annuus L.</i>	Sunflower	15	1
<i>Brassica napus L.</i>	Rapeseed	15	2
<i>Sesame indicum L.</i>	Sesame	15	2
<i>Carthamus tinctorius L.</i>	Safflower	15	2
<i>Ricinus communis L.</i>	Castor bean	15	2
<i>Arachis hypogea L.</i>	Groundnut	15	2
<i>Simmondsia chinensis</i>	Jajoba	20	3
<i>Glycine max (L.) merril</i>	Soyabean	15	1
<i>Linum usitatissimum L.</i>	Linseed and flax	15	2
<i>Agave sisalina</i>	Sisal	20	2
<i>Gossypium hirsutum</i>	Cotton	20	2
<i>Hibiscus cannabinus</i>	Kenaf	20	2
<i>Cocos nucifera L.</i>	Coconut	25	3

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SECOND SCHEDULE

SPECIES OF PLANT VARIETIES PRESCRIBED FOR THE PURPOSES OF
SECTION 21 OF THE ACT

PART I – SUNFLOWER

<i>Name</i>	<i>Common Name</i>
<i>Helianthus annuus</i>	Sunflower

PART II – RAPE/MUSTARD

<i>Name</i>	<i>Common Name</i>
<i>Brassica napus L. spp. oleifera</i>	Oil seed rape
<i>Brassica rapa L. (partim)</i>	Turnip rape
<i>Brassica rapa L. varr rapa (L) Thell</i>	Turnip
<i>Brassica Juncea (L) czern ct coss in czern</i>	Brown mustard
<i>Brassica nigra (L) W Koch</i>	Black mustard
<i>Sinapis alba L.</i>	White mustard

PART III – SESAME

<i>Name</i>	<i>Common Name</i>
<i>Sesame indicum L.</i>	Sesame

PART IV – SAFFLOWER

<i>Name</i>	<i>Common Name</i>
<i>Carthamus tinctorius L.</i>	Safflower

PART V – CASTOR

<i>Name</i>	<i>Common Name</i>
<i>Ricinus communis L.</i>	Castor

PART VI – GROUNDNUT

<i>Name</i>	<i>Common Name</i>
<i>Arachis hypogea L.</i>	Groundnut

PART VII – JOJOBA

<i>Name</i>	<i>Common Name</i>
<i>Simmondsia chinensis</i>	Jojoba

PART VIII – SOYABEAN

<i>Name</i>	<i>Common Name</i>
<i>Glycine max (L) Merril</i>	Soyabean

PART IX – LINSEED AND FLAX

<i>Name</i>	<i>Common Name</i>
<i>Linum usitatissimum</i>	Linseed and flax

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SECOND SCHEDULE—*continued*

PART X – SISAL

<i>Name</i>	<i>Common Name</i>
<i>Agave sisalina</i>	Sisal

PART XI – COTTON

<i>Name</i>	<i>Common Name</i>
<i>Gossypium hirsutum</i>	Cotton

PART XII – KENAF

<i>Name</i>	<i>Common Name</i>
<i>Hibiscus cannabinus</i>	Kenaf

PART XIII – COCONUT

<i>Name</i>	<i>Common Name</i>
<i>Cocos nucifera L.</i>	Coconut
