

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) (PULSES SCHEME) REGULATIONS, 2001

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| 1. These Regulations may be cited as the Seeds and Plant Varieties (Plant Breeder's Rights) (Pulses Scheme) Regulations, 2001. | Citation. |
| 2. 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. | Interpretation. |
| 3. There is hereby made a scheme to be called the Pulses Scheme, which shall apply to all plant varieties of pulses which conform with the characteristics of cultivated varieties of any of the species specified in the first column of the First Schedule hereto. | Plant varieties for which plant breeder's rights may be granted. |
| 4. The prescribed 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. | Period for which rights are exercisable. |
| 5. For the purposes of section 21 of the Act, the classes of plant varieties prescribed shall consist of—
(a) in relation to plant varieties of beans, the species specified in Part I of the Second Schedule;
(b) in relation to plant varieties of peas, the species specified in Part II of the Second Schedule. | Class of plant varieties. |
| 6. For the purposes of section 23 (4) of the Act, a compulsory licence granted by the authorized officer in respect of a plant variety of a species specified in regulation 3 shall not have effect for a period of two years from the date of grant of rights in that plant variety. | Prescribed period before compulsory licensing. |
| 7. A person who infringes the plant breeder's rights in the registered name of a variety of pulses covered by the Pulses 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. | Offences. |

FIRST SCHEDULE

<i>Genus or Species</i>		<i>Period of years for which rights are exercisable</i>	<i>Period of years prescribed for the purpose of section 23 (4) of the Act</i>
<i>Name</i>	<i>Common name</i>		
<i>Phaseolus vulgaris</i>	Dry bean	15	2
<i>Phaseolus vulgaris</i>	French beans	15	2
<i>Vicia faba L.</i>	Broad beans	15	2
<i>Cyamopsis tetragonoloba</i>	Beans/snapbeans	15	2
<i>Dolichos lablab</i>	Cluster beans	15	2
<i>Pisum sativum L.</i>	Peas	15	2
<i>Cajanus cajan</i>	Pigeon peas	15	2
<i>Vigna unguiculata</i>	Cow peas	15	2
<i>Cicer arietinum L.</i>	Chick peas	15	2
<i>Vigna radiata L.</i>	Mung beans	15	2

SECOND SCHEDULE

PART I

BEANS

<i>Species</i>	<i>Common Name</i>
<i>Phaseolus vulgaris</i>	Dry beans
<i>Phaseolus vulgaris</i>	French beans
<i>Vicia faba L.</i>	Broad beans
<i>Cyamopsis tetragonoloba</i>	Cluster beans
<i>Dolichos lablab</i>	Dolichos bean
<i>Vigna radiata L.</i>	Mung beans

PART II

PEAS

<i>Species</i>	<i>Common Name</i>
<i>Pisum sativum L.</i>	Peas
<i>Cajanus cajan</i>	Pigeon peas
<i>Vigna unguiculata</i>	Cow peas
<i>Cicer arietinum L.</i>	Chick peas

Made on the 2nd May, 2001.

C. M. OBURE,
Minister for Agriculture.