

## Statutory Instrument 2005 No. 2726

### **The Plant Breeders' Rights (Discontinuation of Prior Use Exemption) Order 2005**

---

© Crown Copyright 2005

Statutory Instruments printed from this website are printed under the superintendence and authority of the Controller of HMSO being the Queen's Printer of Acts of Parliament.

The legislation contained on this web site is subject to Crown Copyright protection. It may be reproduced free of charge provided that it is reproduced accurately and that the source and copyright status of the material is made evident to users.

It should be noted that the right to reproduce the text of Statutory Instruments does not extend to the Queen's Printer imprints which should be removed from any copies of the Statutory Instrument which are issued or made available to the public. This includes reproduction of the Statutory Instrument on the Internet and on intranet sites. The Royal Arms may be reproduced only where they are an integral part of the original document.

The text of this Internet version of the Statutory Instrument which is published by the Queen's Printer of Acts of Parliament has been prepared to reflect the text as it was Made. A print version is also available and is published by The Stationery Office Limited as the **The Plant Breeders' Rights (Discontinuation of Prior Use Exemption) Order 2005**, ISBN 0110734106. The print version may be purchased by clicking [here](#). Braille copies of this Statutory Instrument can also be purchased at the same price as the print edition by contacting TSO Customer Services on 0870 600 5522 or e-mail: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk).

Further information about the publication of legislation on this website can be found by referring to the [Frequently Asked Questions](#).

To ensure fast access over slow connections, large documents have been segmented into "chunks". Where you see a "continue" button at the bottom of the page of text, this indicates that there is another chunk of text available.

---

#### STATUTORY INSTRUMENTS

---

**2005 No. 2726**

**PLANT BREEDERS' RIGHTS, ENGLAND**

**PLANT BREEDERS' RIGHTS, NORTHERN IRELAND**

The Plant Breeders' Rights (Discontinuation of Prior Use Exemption)  
Order 2005

*Made*

*3rd October 2005*

*Laid before Parliament*

*5th October 2005*

*Coming into force*

*7th November 2005*

The Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Northern Ireland, acting jointly, in exercise of the powers conferred by section 9(6) of the Plant Varieties Act 1997<sup>[1]</sup> and now vested in them<sup>[2]</sup> after consultation with such organisations as appear to them to be representative of persons likely to be substantially affected, make the following Order:

**Title, commencement and application**

1. This Order applies in England and Northern Ireland, may be cited as the Plant Breeders' Rights (Discontinuation of Prior Use Exemption) Order 2005 and comes into force on 7th November 2005.

**Discontinuation of Prior Use Exemption**

2. Section 9(5) of the Plant Varieties Act 1997 ceases to have effect.

*Bach*

Parliamentary Under Secretary of State Department for Environment, Food and Rural Affairs

2nd October 2005

*Jeff Rooker*

Minister of State Northern Ireland Office

3rd October 2005

---

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order applies in England and Northern Ireland and comes into force on 7th November 2005.

The Order discontinues the prior use exemption in section 9(5) of the Plant Varieties Act 1997.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Plant Variety Rights Office and Seeds Division of the Department for Environment, Food and Rural Affairs, White House Lane, Huntingdon Road, Cambridge CB3 0LF.

---

*Notes:*

[1] 1997 c.66. *see* section 49(1) for a definition of "the Ministers". [back](#)

[2] Under the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) the functions of the Secretary of State for Scotland and the Secretary of State for Wales under the Plant Varieties Act 1997 were, so far as they are exercisable in relation to England, transferred to the Minister of

Agriculture, Fisheries and Food and under the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties Act 1997 were transferred to the Secretary of State for Environment, Food and Rural Affairs.[back](#)

---

ISBN 0 11 073410 6

[Other UK SIs](#) | [Home](#) | [National Assembly for Wales Statutory Instruments](#) | [Scottish Statutory Instruments](#) | [Statutory Rules of Northern Ireland](#)

---

*We welcome your [comments](#) on this site*

© Crown copyright 2005

*Prepared 10 October 2005*