

**SEEDS AND PLANT VARIETIES (PLANT BREEDER'S RIGHTS) (VEGETABLES
SCHEME) REGULATIONS, 2001**

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SCHEDULE

[Subsidiary]

SEEDS AND PLANT VARIETIES (PLANT BREEDER'S RIGHTS) (VEGETABLES SCHEME) REGULATIONS, 2001

[L.N. 71/2001.]

1. Citation

These Regulations may be cited as the Seeds and Plant Varieties (Plant Breeder's Rights) (Vegetables 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 Vegetables Scheme, which shall apply to all plant varieties of vegetables 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 years specified in the third column of the Schedule.

5. Periods prescribed for the purposes of use of names

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 of this Scheme the period if any, 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 vegetable covered by the Vegetables 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 or species</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 before compulsory licensing</i>
<i>Botanical name</i>	<i>Common name</i>			
<i>Allium cepa</i> L.	Onion	<i>Allium</i> sp.	15	1
<i>Allium porrum</i>	Leek	<i>Allium</i> sp.	15	1

Seeds and Plant Varieties

[Subsidiary]

SCHEDULE—continued

Genus or Species		Classes of plant varieties for the purpose of section 21 of the Act	Period of years for which right are exercisable	Period of years prescribed before compulsory licensing
Botanical name	Common name			
<i>Allium sativum</i> L.	Garlic	<i>Allium</i> sp.	15	1
<i>Amaranthus</i> spp.	Amaranth	<i>Amaranth</i> sp.	15	1
<i>Apium graveolens</i> L.	Celery	<i>Apium</i> sp.	15	2
<i>Arethrum graveolens</i> L.	Dill	<i>Arethrum</i> sp.	15	2
<i>Asparagus officinalis</i>	Asparagus	<i>Asparagus</i> sp.	15	2
<i>Beta vulgaris</i>	Swiss chard	<i>Beta vulgaris</i> sp.	15	1
<i>Brassica chinensis</i> L.	Chinese cabbage	<i>Brassica</i> sp.	15	1
<i>Brassica geracea</i> var. <i>capitata</i> L.	Brussel sprouts	<i>Brassica</i> sp.	15	1
<i>Brassica napus</i> var. <i>Napobrassica</i> L.	Rutabaga	<i>Brassica</i> sp.	15	2
<i>Brassica oleracea</i> var. <i>Botrytis</i> L.	Broccoli/Cauliflower	<i>Brassica</i> sp.	15	1
<i>Brassica oleracea</i> var. <i>ancephala</i> DC.	Collards/kale	<i>Brassica</i> sp.	15	1
<i>Brassica oleracea</i> var. <i>capitata</i> L.	Cabbage	<i>Brassica</i> sp.	15	1
<i>Brassica oleracea</i> var. <i>gongylodes</i>	Kohlrabi	<i>Brassica</i> sp.	15	2
<i>Brassica rapa</i> L.	Turnip	<i>Brassica</i> sp.	15	2
<i>Capsicum</i> sp.	Pepper	<i>Capsicum</i> sp.	15	1
<i>Chicorium endiva</i> L.	Endive	<i>Chicorium</i> sp.	15	2
<i>Chicorium intybus</i> L.	Chicory	<i>Chicorium</i> sp.	15	2
<i>Cichorium sativum</i> L.	Corriander	<i>Corriandum</i> sp.	15	1
<i>Cucumis melo</i>	Water Melon	<i>Cucumis</i> sp.	15	2
<i>Cucumis melo</i> L.	Catelupe/ muskmelon	<i>Cucumis</i> sp.	15	2
<i>Cucumis sativus</i> L.	Cucumber	<i>Cucumis</i> sp.	15	1
<i>Cucumis</i> sp.	Karella	<i>Cucumis</i> sp.	15	2
<i>Cucurbita</i> L.	Pumpkin/Squash	<i>Cucurbita</i> sp.	15	1
<i>Curcubita pepo</i> L.	Courgette	<i>Curcubita</i> sp.	15	1
<i>Cynara scolymus</i> L.	Artichoke	<i>Cynara</i> sp.	15	2
<i>Daucus carota</i>	Carrot	<i>Daucus</i> sp.	15	1
<i>Hibiscus esculentus</i> L.	Okra	<i>Hibiscus</i> sp.	15	1
<i>Lactuca sativa</i>	Lettuce	<i>Lactuca</i> sp.	15	2
<i>Lespidium sativa</i> L.	Garden Cress	<i>Lespidium</i> sp.	15	2
<i>Lycopersicon esculentum</i> mill	Tomato	<i>Solanum</i> sp.	15	1
<i>Nasturtium officinale</i> <i>Ribr</i>	Water cress	<i>Nasturtium</i> sp.	15	2
<i>Pastinaca sativa</i> L.	Parsnip	<i>Pastinaca</i>	15	1
<i>Petroselinum crispum</i>	Parsley	<i>Petroselinum</i> sp.	15	2

Seeds and Plant Varieties

[Subsidiary]

SCHEDULE—continued

Genus or species		Classes of plant varieties for the purpose of section 21 of the Act	Period of years for which right are exercisable	Period of years prescribed before compulsory licensing
Botanical name	Common name			
<i>Rhaphanus sativus</i> L.	Radish	<i>Rheum</i> sp.	15	2
<i>Rheum rhabonticum</i> L.	Rhubarb	<i>Rheum</i> sp.	15	2
<i>Solanum melogena</i> L.	Eggplant	<i>Solanum</i> sp.	15	1
<i>Spinacea oleracea</i> L.	Spinach	<i>Spinacca</i> sp.	15	2
<i>Zingiber officinale</i> R.	Ginger	<i>Zingiber</i> sp.	15	2