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The Plant Breeders' Rights (Information Notices)
Regulations 1998

STATUTORY INSTRUMENT No. 1024 of 1998

<i>Made</i>	<i>8th April 1998</i>
<i>Laid before Parliament</i>	<i>9th April 1998</i>
<i>Coming into force</i>	<i>8th May 1998</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 14 and 48(1) of the Plant Varieties Act 1997^(a), after consultation with such organisations as appear to them to be representative of persons likely to be substantially affected, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Plant Breeders' Rights (Information Notices) Regulations 1998 and shall come into force on 8th May 1998.

Interpretation

- 2.-(1) In these Regulations "the Act" means the Plant Varieties Act 1997; and "the holder of rights" in relation to a variety means the holder of plant breeders' rights in that variety.
- (2) Unless the context otherwise requires, any reference in these Regulations in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number.

Information notice as to harvested material

- 3.-(1) An information notice for the purposes of section 14(4) of the Act (harvested material)-
 - (a) shall be in the form set out in the Schedule to these Regulations;
 - (b) shall contain the particulars set out in paragraph (2); and
 - (c) shall contain a request for the information set out in paragraph (3).
- (2) The particulars referred to in paragraph (1)(b) are-
 - (a) the registered name of the variety;
 - (b) the species of the variety;
 - (c) the date on which plant breeders' rights were granted in the variety;
 - (d) confirmation that the rights were granted under the Act;
 - (e) the name and address of the holder of rights;
 - (f) the name and address of the agent of the holder of rights, if one has been appointed; and

^(a) 1997 c.66; see section 49(1) for the definition of "the Ministers".

- (g) the date on which the information notice was served.
- (3) The information referred to in paragraph (1)(c) is-
- (a) the name and address of the recipient of the information notice;
 - (b) the name and address of the person from whom the recipient of the information notice acquired possession of the material specified in the information notice;
 - (c) the date on which the recipient of the information notice acquired possession of the material specified in the information notice; and
 - (d) the size of the consignment of which the material specified in the information notice formed part.

Prescribed time

4. The prescribed time for the purposes of section 14(2)(b) of the Act (presumptions in proceedings relating to harvested material) is 21 days.

SCHEDULE

Regulation 3

INFORMATION NOTICE - HARVESTED MATERIAL

When Parts I and 2 of this notice are completed, it constitutes an information notice for the purposes of section 14(2) of the Plant Varieties Act 1997.

Failure to supply the information specified in Part 3 within 21 days of service of this notice will have the consequences set out in section 14 of the Plant Varieties Act 1997.

**PART I
PRESCRIBED PARTICULARS**

1. Registered name of the variety.	
2. Species of the variety.	
3. Date on which plant breeders' rights were granted in the variety.	
4. Confirmation that the plant breeders' rights were granted under the Plant Varieties Act 1997.	
5. Name and address of holder of rights in the variety.	
6. Name and address of agent of holder of rights in the variety, if one has been appointed.	
7. Date on which this notice was served.	

PART 2
SPECIFIED MATERIAL

Specify in this Part of the notice the material to which the information notice relates:

PART 3
PRESCRIBED INFORMATION

1. Your name and address.	
2. Name and address of person from whom you acquired ownership of the material specified in Part 2 of this Notice.	
3. Date on which you acquired possession of the material specified in Part 2 of this Notice.	
4. Size of the consignment of which the material specified in Part 2 of this Notice formed part.	