



## THE PLANT VARIETY RIGHTS (FEES) ORDER 1991

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 11th day of March 1991

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 38 of the Plant Variety Rights Act 1987, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

### ORDER

#### 1. Title and commencement—

- (1) This order may be cited as the Plant Variety Rights (Fees) Order 1991.
- (2) This order shall come into force on the 1st day of May 1991.

#### 2. Fee—

(1) The fees specified in the First Schedule to this order must be paid in respect of the things referred to in that schedule.

(2) Where, at the request of an applicant, the Commissioner arranges an overseas test trial of a variety, the applicant must pay to the Commissioner the costs incurred in relation to the trial, including the goods and services tax (if any) payable on those costs under the Goods and Services Tax Act 1985.

(3) Where the Commissioner or any other employee of the Plant Variety Rights Office undertakes any search or photocopying for any person, the person must pay to the Commissioner a fee for the time spent in doing so calculated at the rate specified in the Second Schedule to this order.

#### 3. Amount of GST included—

The fees prescribed by and in this order are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

#### 4. Consequential revocation—

The Plant Variety Rights (Fees) Order 1989 is hereby consequentially revoked.

## SCHEDULES

C1. 2 (1)

### FIRST SCHEDULE FEES PAYABLE UNDER PLANT VARIETY RIGHTS ACT 1987 (INCLUDING GST)

Item	Herbage, agricultural crops, vegetables Fee (\$)	Fruit or nut plants Fee (\$)	Other plants Fee (\$)
Rectification of error or irregularity	28	28	28
Issue of duplicate grant	28	28	28
Issue of certified true copy of application	17	17	17
Request under section 21 (1) of the Act (compulsory licences and sales)	675	675	675
Application to limit, vary extend, or revoke compulsory licence or order	337.50	337.50	337.50
Application for grant	562.50	450	281.25
Examination of data (including any material) supplied by applicant— within six months of application	675	337.50	258.75
later	900	337.50	258.75
Test trial by Ministry	—	562.50	506.25
Issue of grant	562.50	135	112.50
Annual grant fee— paid by anniversary of grant	506.25	258.75	202.50
paid later	551.25	292.50	236.25

C1. 2 (3)

### SECOND SCHEDULE HOURLY RATE FOR SEARCHING AND PHOTOCOPYING (INCLUDING GST)

\$56.25 per hour

MARIE SHROFF,  
Clerk of the Executive Council.

#### EXPLANATORY NOTE

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 1 May 1991, increases the fees payable under the Plant Variety Rights Act 1987, and prescribes a new fee (for the issue of a duplicate grant) and charges of \$56.25 per hour for searches and photocopying.



Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 14 March 1991.

This order is administered in the Ministry of Agriculture and Fisheries.

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