

An Act to amend the Plant Variety Rights Act 1987

1996, No. 141

[2 September 1996]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Plant Variety Rights Amendment Act 1996, and shall be read together with and deemed part of the Plant Variety Rights Act 1987 (hereinafter referred to as the principal Act).

2. Applications—

(1) **Section 5** of the principal Act is hereby amended by repealing **subsection (1)**, and substituting the following subsection:

“(1) Every application shall be made on a form approved by the Commissioner; and shall—

“(a) Be accompanied by—

“(i) The quantity of seed (if any) prescribed in respect of varieties of the kind concerned; and

“(ii) A technical questionnaire, supplied by the Commissioner and completed by the applicant, in respect of the botanical taxon to which the subject of the application belongs; and

“(iii) Where required by regulations made under **section 38** of this Act, colour photographs of material of the variety to which the application relates; and

“(b) Be completed and signed by or on behalf of the applicant; and

“(c) Nominate an address for service in relation to that application (being an address within New Zealand); and

“(d) Be accompanied by the prescribed application fee.”

(2) **Section 5** of the principal Act is hereby further amended by omitting from **subsection (2)(a)** the word “In”, and substituting the words “If required by the Commissioner, and in”.

3. Inspection of applications—The principal Act is hereby amended by repealing **section 8**, and substituting the following section:

“8. After an application is made, the Commissioner shall hold it and any document, instrument, or photograph accompanying it and any document or instrument supplied subsequently pursuant to **subsection (2)** or **subsection (3)** of **section 5** of this Act (or a copy of that document, instrument, or photograph, certified by the Commissioner to be a true copy) available for public inspection during ordinary business hours of the Office.”

4. Cancellation of grants—Section 16 (2) of the principal Act is hereby amended by repealing paragraph (h).

This Act is administered in the Ministry of Commerce.
