

Statutory Document No. 2022/0056

*Plant Varieties Act 1997 (of Parliament)*

PLANT BREEDERS' RIGHTS (INFORMATION NOTICES) REGULATIONS 2022

Approved by Tynwald: 17 May 2022
Coming into Operation: in accordance with regulation 2

The Department of Environment, Food and Agriculture makes the following Regulations under sections 14 and 48(1) of the Plant Varieties Act 1997 (of Parliament), as extended to the Island¹.

1 Title

These Regulations are the Plant Breeders' Rights (Information Notices) Regulations 2022.

2 Commencement

If approved by Tynwald², these Regulations come into operation on the day after they are approved.

3 Interpretation

In these Regulations —

“**the Act**” means the Plant Varieties Act 1997 (of Parliament) as extended to the Island³; and

“**the holder of rights**” in relation to a variety means the holder of plant breeders' rights in that variety.

4 Information notice as to harvested material

(1) An information notice for the purposes of section 14(4) of the Act (harvested material) —

¹ The Plant Varieties Act 1997 (c. 66 of 1997) was extended to the Island by the Plant Varieties and Seeds (Isle of Man) Order 2016 (SI 2016/758), with modifications.

² Under section 48(2) of the Plant Varieties Act 1997 (of Parliament) (as extended to the Island by S.I. 2016/758 – see note 1 above) the Regulations must be approved by Tynwald before coming into operation.

³ See note 1 above.

- (a) must be in the form set out in the Schedule to these Regulations;
 - (b) must contain the particulars set out in paragraph (2); and
 - (c) must 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
 - (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.

5 Prescribed time

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

MADE 29 MARCH 2022

SCHEDULE

[Regulation 4(1)(a)]

INFORMATION NOTICE – HARVESTED MATERIAL

When Parts 1 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 1**PRESCRIBED PARTICULARS**

Prescribed Particular:	
Registered name of the variety:	
Species of the variety:	
Date on which plant breeders' rights were granted in the variety:	
Confirmation that the plant breeders' rights were granted under the Plant Varieties Act 1997:	
Name and address of holder of rights in the variety:	
Name and address of agent of holder of rights in the variety, if one has been appointed:	
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

Prescribed Information	Answer
Your name and address:	
Name and address of person from whom you acquired ownership of the material specified in Part 2 of this Notice:	
Date on which you acquired possession of the material specified in Part 2 of this Notice:	
Size of the consignment of which the material specified in Part 2 of this Notice formed part:	

ENDNOTES

Table of Endnote References