

LEGAL NOTICE No. 73

THE SEEDS AND PLANT VARIETIES ACT

(Cap. 326)

IN EXERCISE of the powers conferred by sections 17 and 21 of the Seeds and Plant Varieties Act, the Minister for Agriculture, after consultation with representatives of organizations deemed to have substantial interest in the matter to be regulated and such other interests as appear to the Minister to be concerned, makes the following Regulations—

THE SEEDS AND PLANT VARIETIES (PLANT BREEDER'S RIGHTS) (ROOT AND TUBER CROPS SCHEME) REGULATIONS, 2001

1. These Regulations may be cited as the Seeds and Plant Varieties (Plant Breeder's Rights) (Root and Tuber Crops Scheme) Regulations, 2001. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
 "authorized officer" means the Managing Director of the Kenya Plant Health Inspectorate Service;
 "plant variety" includes any clone, line, hybrid or genetic variant.
3. There is hereby made a scheme to be called the Root and Tuber Crops Scheme, which shall apply to root and tuber crops which conform with the characteristics of cultivated varieties of any of the species specified in the first column of the Schedule hereto. Plant varieties for which plant breeder's rights may be granted.
4. The prescribed period for which plant breeder's rights shall be exercisable in respect of the plant varieties referred to in regulation 3 shall be the period of the years specified in the second column of the Schedule. Period for which rights are exercisable.
5. For the purposes of section 23 (4) of the Act, a compulsory licence granted by the authorized officer in respect of a plant variety specified in regulation 3 shall not have effect from the date of grants of rights in that variety for the period of years specified in the third column of the Schedule. Period prescribed before compulsory licensing.
6. For the purposes of section 23 (4) of the Act, a compulsory licence granted by the authorized officer in respect of a plant variety specified in regulation 3 shall not have effect from the date of grant of rights in that variety for the period of years specified in the third column of the First Schedule hereto.
7. A person who infringes the plant breeder's rights in the registered name of a variety of root or tuber covered by the Root and Tuber Crops 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. Offences.

SCHEDULE

Name	Common name	Period of years for which rights are exercisable	Period of years prescribed for purpose of section 23 (4)
<i>Beta vulgaris</i>	Bect	15	3
<i>Brassica rapa L.</i>	Turnip	15	3
<i>Dioscorea L.</i>	Yams	15	2
<i>Ipomea batatas</i>	Sweet potato	15	2
<i>Manihot esculentum</i>	Cassava	15	2
<i>Solanum tuberosum</i>	Irish potato	15	2

Made on the 2nd May, 2001.

C. M. OBURE,
Minister for Agriculture.