

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) (MAIZE SCHEME) REGULATIONS, 2001

- Citation. 1. These Regulations may be cited as the Seeds and Plant Varieties (Plant Breeder's Rights) (Maize Scheme) Regulations, 2001.
- Interpretation. 2. In these Regulations, unless the context otherwise requires—
“authorized officer” means the Managing Director of the Kenya Plant Health Inspectorate Service.
- Plant varieties to which the Scheme applies. 3. There is hereby made a scheme to be called the Maize Scheme, which shall apply to all varieties of maize which conform with the characteristics of cultivated varieties of the species *zea mays*.
- Period for which rights are exercisable. 4. The period for which plant breeder's rights shall be exercisable in respect of the plant varieties referred to in regulation 3 shall be fifteen years.
- Class of plant varieties. 5. In relation to the plant varieties referred to in regulation 3, the class of plant varieties prescribed for the purposes of section 21 of the Act shall consist of all plant varieties of maize, sweetcorn and popcorn.
- Prescribed period 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 for a period of two years after the date of grant of rights in that variety.
- Offences. 7. A person who infringes the plant breeder's rights in the registered name of a variety of maize covered by the Maize 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.

Made on the 2nd May, 2001.

C. M. OBURE,
Minister for Agriculture.