

LEGAL NOTICE No. 75

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) (ORNAMENTAL AND HERBACEOUS PLANTS SCHEME) REGULATIONS, 2001

1. These Regulations may be cited as the Seeds and Plant Varieties (Plant Breeder's Rights) (Ornamental and Herbaceous Plants Scheme) Regulations, 2001.

Citation.

2. In these Regulations, unless the context otherwise requires—
“authorized officer” means the Managing Director of the Kenya Plant Health Inspectorate Service;

Interpretation.

“plant variety” includes any clone, line, hybrid or genetic variant.

3. There is hereby made a scheme to be called the Ornamental and Herbaceous Plants Scheme, which shall apply to all plant varieties of ornamental and herbaceous perennial plants which conform with the characteristics of cultivated plant 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 period for which plant breeder's rights shall be exercisable in respect of any 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. In relation to plant varieties referred to in the first column of the Schedule, the periods prescribed for the purposes of section 23 (4) of the Act shall be the period of years specified in the third column of the Schedule.

Prescribed period before compulsory licensing.

6. Plant breeder's rights exercisable in respect of any of the plant varieties referred to in these Regulations shall, where the word “included” appear in the fourth column of the Schedule, include the exclusive right to propagate and to authorize others to propagate that plant variety for the purpose of selling cut blooms, foliage or stems thereof.

Additional rights.

7. A person who infringes the plant breeder's rights in the registered name of a variety of ornamental covered by the Ornamental and Herbaceous Plants 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

<i>Species or genus</i>		<i>Period of years for which right are exercisable</i>	<i>Period of years prescribed before compulsory licensing</i>	<i>Additional rights prescribed for the purposes of paragraph 1 of Schedule 5</i>
<i>Name</i>	<i>Common name</i>			
<i>Alstroemeria L.</i>	Alstroemeria	20	2	Included
<i>Adiantiformis</i>	Leathery leaf fern	20	3	Included
<i>Antirrhinum majus</i>	Antirrhinum	20	2	Included
<i>Agapanthus L.</i>	African Lily	20	2	—
<i>Ageratum houstonianum.</i>	Ageratum	20	2	Included
<i>Anthemis L.</i>	Chamomile	20	2	—
<i>Anemone coronaria</i>	Anemone	20	2	Included
<i>Anthurium sp.</i>	Anthurium	20	2	Included

SCHEDULE—(Contd.)

Species or genus Name	Common name	Period of years for which right are exercisable	Period of years prescribed before compulsory licensing	Additional rights prescribed for the purposes of paragraph 1 of Schedule 5
<i>Amobium alatum</i>	Amobium	20	2	Included
<i>Astelia</i> spp.	Astelia	20	2	—
<i>Asclepias curassavica</i>	Asclepias	20	2	Included
<i>Aster</i> L.	Aster	20	2	Included
<i>Aquilegia vulgaris</i>	Aquilegia	20	2	Included
<i>Begonia</i> spp.	Eliator Begonia	20	2	—
<i>Bracteantha bracteata</i>	Everlasting flower	20	2	Included
<i>Calistephus chinensis</i>	Calistephus	20	2	Included
<i>Caltha</i> L.	Marsh Marigold	20	2	—
<i>Calendula officinalis</i> .	Calendula	20	2	Included
<i>Campanula</i> L.	Bell flower	20	2	Included
<i>Camellia</i> L.	Camellia	20	2	Included
<i>Carthamus tinctorius</i>	Carthamus/ safflower	20	2	Included
<i>Centaurea</i> L.	Cornflower	20	2	—
<i>Cetananche</i> L.	Cupids dart	20	2	—
<i>Cirsium japonicum</i>	Cirsium	20	2	Included
<i>Chrysanthemum</i> Spp.	Chrysanthemum	20	2	Included
<i>Coccineum willd.</i>	Pyrethrum	20	2	Included
<i>Cymbidium</i> Sw.	Cymbidium	20	2	Included
<i>Dahlia</i>	Dahlia	20	2	Included
<i>Delphinium</i>	Perrenial Delphinium	20	2	Included
<i>Dendrobium</i>	Orchid dendrobium	20	2	Included
<i>Dianthus</i> L.	Carnations	20	2	Included
<i>Epiphyllopsis</i> including <i>Rhipsalidopsis</i> and <i>Schlumbergera</i>	Easter cactus	20	2	Included
<i>Eryngium</i> L.	Eryngium	20	2	Included
<i>Erysimum</i> L.	Mustard Treacle	20	2	—
<i>Euphorbia pulcherrima</i>	Poinsettia	20	2	Included
<i>Euphorbia</i> spp.	Euphorbia	20	2	—
<i>Eustoma</i> sp.	Eustoma	20	2	Included
<i>Fragaria</i> L.	Strawberry	20	2	—
<i>Freesia Klatt</i>	Freesia	20	2	Included
<i>Glatonia Scardens</i> (Bak.) Decne	Glatonia	20	2	—
<i>Gerbera cass</i>	Gerbera	20	2	Included
<i>Gysophila</i> L.	Gysophila	20	2	Included
<i>Halipterum Manglesii</i>	Halipterum	20	2	Included
<i>Heliopsis</i> sp.	Heliopsis	20	2	Included
<i>Heunchera</i> L.	Coral flower	20	2	Included
<i>Hypericum</i> L.	Hypericum	20	2	Included
<i>Impatiens</i> spp.	Impatiens	20	2	—
<i>Iperis umbellata</i>	Iperis	20	2	Included
<i>Iris</i> L.	Iris	20	2	Included
<i>Kalanchoe adans</i>	Kalanchoe	20	2	—
<i>Lavandula</i> sp.	Lavender	20	2	—

SCHEDULE—(Contd.)

Species or genus Name	Common name	Period of years for which right are exercisable	Period of years prescribed before compulsory licensing	Additional rights prescribed for the purposes of paragraph 1 of Schedule 5
<i>Lilium</i>	Lilly	20	3	Included
<i>Limonium</i>	Staticce	20	2	Included
<i>Lobelia L.</i>	Cardinal flower	20	2	Included
<i>Lupinus L.</i>	Lupin	20	2	—
<i>Narcissus L.</i>	Daffodil	20	2	Included
<i>Nerine sp.</i>	Nerine herb	20	2	—
<i>Nicotiana tabacum L.</i>	Tobacco	20	2	—
<i>Oenothera L.</i>	Evening primrose	20	2	—
<i>Origanum L.</i>	Sweet marjoram	20	2	—
<i>Ornithogalum sp.</i>	Arabicum and Ornithogalums	20	2	Included
<i>Orchidacea Juss</i>	Orchids	20	2	Included
<i>Osteospermum L.</i>	Osteospermum	20	2	—
<i>Oxypetalum caeruleum</i>	Oxypetalum	20	2	Included
<i>Pelargonium sp.</i>	Geranium	20	2	—
<i>Petunia L.</i>	Petunia	20	2	—
<i>Polianthes tuberosa</i>	Tuberose	20	2	Included
<i>Pharbitis nil chois</i>	Morning glory	20	2	—
<i>Platycodon grandiflorum</i>	Platycodon	20	2	Included
<i>Rhododendron L.</i>	Azcalca	20	2	—
<i>Rosa L.</i>	Rose	20	2	Included
<i>Rumohra adiantiformis</i>	Leathery leaf fern	20	2	—
<i>Saccharum L.</i>	Sugar-cane	20	2	—
<i>Saintpaulia ionantha H. wendl</i>	African violet	20	3	—
<i>Scaveola aemula</i>	Scaveola acmula	20	2	—
<i>Solidago L.</i>	Golden Rod	20	2	Included
<i>Solidaster Wehrh</i>	Solidaster	20	2	Included
<i>Stachys L.</i>	Woundwort	20	2	—
<i>Streptocarpus</i>	Cape primrose	20	2	—
<i>Tagetes sp.</i>	Marigold	20	2	—
<i>Trifolium arvense L.</i>	Rabbit foot	20	2	—
<i>Trachelium caeruleum</i>	Trachelium	20	2	Included
<i>Viola L.</i>	Violet	20	2	Included
<i>Zantedeschia spreng</i>	Calla lily	20	2	Included

Made on the 2nd May, 2001.

C. M. OBURE,
Minister for Agriculture.