

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) (OTHER CEREALS SCHEME) REGULATIONS, 2001

1. These Regulations may be cited as the Seeds and Plant Varieties (Plant Breeder's Rights) (Other Cereals 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.

3. There is hereby made a scheme to be called the Other Cereals Scheme, which shall apply to cereals other than maize which conform with the characteristics of cultivated varieties of any of the species specified in the first column of the First Schedule hereto.

Plant varieties for which breeder's rights may be granted.

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 the period of years specified in the second column of the First Schedule.

Period for which rights are exercisable.

5. For the purposes of section 21 of the Act, the classes of plant varieties prescribed shall consist of—

Class of plant varieties.

- (a) all the species specified in Part I of the Second Schedule;
- (b) in relation to plant varieties of rice, all the species specified in Part II of the Second Schedule;
- (c) of all the species in Part III of the Second Schedule.

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 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.

Offences.

7. A person who infringes the plant breeder's rights in the registered name of a variety of cereal covered by the Other Cereals 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.

### FIRST SCHEDULE

Name	Species Common name	Period of years for which rights are exercisable	Period of years prescribed for the purpose of section 23 (4)
<i>Avena sativa</i>	Oats	15	2
<i>Eleusine corocana (L.) gaertn.</i>	Finger Millet	15	1
<i>Hordeum vulgare</i>	Barley	15	2
<i>Oryza sativa</i>	Rice	15	1
<i>Pennisetum (L) R. Br.</i>	Pearl Millet	15	1
<i>Panicum milliacem</i>	Proso Millet	15	1
<i>Setaria italica</i>	Foxtail Millet	15	1
<i>Secale cereale L.</i>	Rye	15	2
<i>Sorghum bicolor (L.) Moench</i>	Sorghum	15	1
<i>Triticosecalle Wittm.</i>	Triticale	15	2
<i>Triticum sp.</i>	Wheat	15	1

### SECOND SCHEDULE

#### PART I

Species	Common name
<i>Triticum sp.</i>	Wheat
<i>Hordeum vulgare</i>	Barley
<i>Avena sativa</i>	Oats
<i>Secale cereale L.</i>	Rye
<i>Triticosecalle Wittm.</i>	Triticale

#### PART II

Species	Common name
<i>Oryza sativa L.</i>	Rice

#### PART III

Species	Common name
<i>Sorghum bicolor (L.) Moench</i>	Sorghum
<i>Eleusine corocana (L.) gaertn</i>	Finger Millet
<i>Pennisetum glaucum (L.)</i>	Pearl Millet
<i>Panicum milliacem (L.)</i>	Proso Millet
<i>Setaria italica (L.)</i>	Foxtail Millet

Made on the 2nd May, 2001.

C. M. OBURE,  
Minister for Agriculture.