

PLANT VARIETY RIGHTS (GRANTEES' RIGHTS) ORDER 1997

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of December 1997

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to **section 17 (1) (b)** of the Plant Variety Rights Act 1987, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Plant Variety Rights (Grantees' Rights) Order 1997.

(2) This order comes into force on the 28th day after the date of its notification in the *Gazette*.

2. Exclusive right to propagate for commercial production—Plants of the following types are specified for the purposes of **section 17 (1) (b)** of the Plant Variety Rights Act 1987:

- (a) Vegetatively propagated fruit-producing plants:
- (b) Vegetatively propagated ornamental plants:
- (c) Vegetatively propagated vegetable-producing plants.

3. Consequential revocation—The Plant Variety Rights (Grantees' Rights) Order 1988 is revoked.

MARIE SHROFF,

Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

Section 17 (1) (b) of the Plant Variety Rights Act 1987 gives the holder of a grant of plant variety rights in respect of any variety exclusive rights to propagate the variety for commercial production only if it is a variety of a type specified by order in Council for the purpose.

This order, which comes into force 28 days after notification in the *Gazette*, replaces the Plant Variety Rights (Grantees' Rights) Order 1988 (which specified vegetatively propagated fruit-producing plants, and vegetatively propagated ornamental plants), and specifies vegetatively propagated fruit-producing plants, vegetatively propagated ornamental plants, and vegetatively propagated vegetable-producing plants.

Issued under the authority of the Acts and Regulations Publication Act 1989.



Date of notification in *Gazette*: 18 December 1997.

This order is administered in the Ministry of Commerce.

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