

**Version
as at 24 January 2023**

**Plant Variety Rights Amendment Regulations 1997
(SR 1997/67)**

Plant Variety Rights Amendment Regulations 1997: revoked, on 24 January 2023, pursuant to section 158(2)(a) of the Plant Variety Rights Act 2022 (2022 No 61).

PURSUANT to section 38 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 regulations.

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1 Title and commencement

- (1) These regulations may be cited as the Plant Variety Rights Amendment Regulations 1997, and are part of the Plant Variety Rights Regulations 1988¹ (**the principal regulations**).
- (2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2 Colour photographs to be supplied with certain applications

The principal regulations are amended by inserting, after regulation 5, the following regulation:

5A

- (1) This regulation applies to every variety of plant other than herbage, agricultural crops, plants grown for the purpose of harvesting vegetables, and fungi.

Note

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

¹ SR 1988/101

- (2) An application for a variety of plant to which this regulation applies must be accompanied by—
- (a) A satisfactory photograph of all or part of a typical plant of the variety, showing the variety’s distinguishing features; or
 - (b) 2 or more satisfactory photographs (each being a photograph of all or part of a typical plant of the variety) that together show the variety’s distinguishing features.
- (3) A photograph is satisfactory if—
- (a) It is photograph of a plant that has been propagated from the original bred or discovered plant concerned (not of that original plant); and
 - (b) It is a positive colour print (not a slide, transparency, or other negative); and
 - (c) It is clear enough and large enough to enable the subject-matter to be easily identified.

DIANE WILDERSPIN,

Acting for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force 28 days after notification in the *Gazette*, require applications for the registration under the Plant Variety Rights Act 1987 of new varieties of plant (other than herbage, agricultural crops, vegetables, and fungi) to be accompanied by appropriate colour photographs.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 24 April 1997.

Consolidation notes

1 *General*

This is a consolidation of the Plant Variety Rights Amendment Regulations 1997 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *About this consolidation*

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

3 *Amendments incorporated in this consolidation*

Plant Variety Rights Act 2022 (2022 No 61): section 158(2)(a)