

**Reprint
as at 1 January 2002**



**Plant Variety Rights (Fees) Order
1999**

(SR 1999/159)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 31st day of May 1999

Present:

The Right Hon Jenny Shipley presiding in Council

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 order.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This order is administered by the Ministry of Economic Development.

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Order

1 Title and commencement

- (1) This order may be cited as the Plant Variety Rights (Fees) Order 1999.
- (2) This order comes into force on 1 July 1999.

2 Fees

- (1) The fees specified in the Schedule must be paid in respect of the things referred to in that schedule.
- (2) If, at the request of an applicant, the Commissioner arranges an overseas test trial of a variety, the applicant must pay to the Commissioner the costs incurred in relation to the trial.
- (3) If the Commissioner or any other employee of the Plant Variety Rights Office undertakes any search or photocopying for a person, the person must pay to the Commissioner a fee for the time spent in doing so calculated at the rate of \$50 per hour.

3 Fees to be exclusive of GST

The fees prescribed by clause 2 are exclusive of goods and services tax (if any).

4 Consequential revocations

The following orders are revoked:

- (a) Plant Variety Rights (Fees) Order 1991 (SR 1991/37):
 - (b) Plant Variety Rights (Fees) Order 1991, Amendment No 1 (SR 1995/88).
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Schedule

cl 2(1)

**Fees payable under Plant Variety Rights
Act 1987 (excluding GST)**

Schedule: substituted, on 1 January 2002, by clause 3 of the Plant Variety Rights (Fees) Amendment Order 2001 (SR 2001/360).

Item	Herbage, agricultural crops, vegetables, fungi	Fruit or nut plants	Other plants
	Fee (\$)	Fee (\$)	Fee (\$)
Application for grant	500	500	350
Examination of data (including any material)	600	300	230
Test trial by Plant Variety Rights Office—	—	500	450
grasses and white clover (per year)	3,200	—	—
wheat, barley, oats, forage brassicas, ryecorn, triticale, and peas (per year)	2,300	—	—
grass endophytes	1,500	—	—
potatoes—			
first year	1,600	—	—
each later year	500	—	—
Annual grant fee	160	160	160
Request under section 21(1) of the Act (compulsory licences and sales)	600	600	600

Marie Shroff,
Clerk of the Executive Council.

Plant Variety Rights (Fees) Order 1999

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Date of notification in *Gazette*: 3 June 1999.

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Notes

1 *General*

This is a reprint of the Plant Variety Rights (Fees) Order 1999. The reprint incorporates all the amendments to the order as at 1 January 2002, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions,

see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Plant Variety Rights (Fees) Amendment Order 2001 (SR 2001/360)
