

**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES****NO. 132****15 FEBRUARY 2019****PLANT BREEDERS' RIGHTS ACT, 1976 (ACT NO. 15 OF 1976)****REGULATIONS RELATING TO PLANT BREEDERS' RIGHTS: AMENDMENT**

The Minister of Agriculture, Forestry and Fisheries acting under section 44 of the Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976), has made the regulations set out in the Schedule.

**SCHEDULE****Definition**

1. In this Schedule 'the Regulations' means the regulations published by Government Notice No. R1186 of 12 September 1997, as amended by Government Notices Nos. R.1582 of 28 November 1997, R. 867 of 3 July 1998, R. 1285 of 16 October 1998, R. 323 of 19 March 1999, R. 604 of 14 May 1999, R. 1271 of 29 October 1999, R. 392 of 20 April 2000, R. 690 of 14 July 2000, R. 1078 of 3 November 2000, R. 387 of 18 May 2001, R. 667 of 27 July 2001, R. 512 of 3 June 2005, R. 545 of 15 June 2006, R. 1272 of 25 November 2008, R. 287 of 13 March 2009, R. 103 of 19 February 2010, R. 517 of 17 June 2011, R. 100 of 28 December 2012, R.90 of 14 February 2014, R. 82 of 13 February 2015, R. 39679 of 12 February 2016, R. 40621 of 17 February 2017 and R. 1399 of 15 December 2017.

**Substitution of Table 2 of the Regulations**

2. The following table is hereby substituted for Table 2 of the Regulations with effect from 1 April 2019.

**TABLE 2**  
**FEES PAYABLE W.R.T. PLANT BREEDERS' RIGHTS: 1 APRIL 2018**

No.	Purpose	Amount
1.	An application for the Plant Breeders' Right [Reg. 3(2)(f)]	R 2 604,00 each
2.	Examination fee for a plant breeders' right: Category A (agronomic, vegetable and pasture crops and annual ornamentals) [Reg. 3(2)(g) and /en (9)(1)]	R 4 271,00 each
3.a	Examination fee for a plant breeders' right: Category B (fruit, vines, citrus and perennial ornamentals) [Reg. 3(2)(g) and /en (9)(1)]	R 5 786,00 each
3.b	Examination fee for a plant breeders' right: Category B (white and yellow maize) [Reg. 3(2)(g) and /en (9)(1)]	R 4 877,00 each
4.	A claim to give priority in terms of section 8(2) of the Act to an application for the grant of the plant breeders' right [Reg. 4(2)(c)]	R 1 350,00 each
5.	An objection to the grant of a plant breeders' right [Reg. 8(1)(e)]	R 8 402,00 each
6.	Provision of results of tests and trials undertaken by the registrar, to the appropriate in a convention country or an agreement country [Reg. 9(3)]	Tariff to fluctuate with exchange rate. 350 CHF
7.	Obtaining of results of tests and trials in the event that such test and trials are undertaken by another appropriate authority in another country [Reg. 9(3)]	Tariff to fluctuate with exchange rate. 350 CHF
8.	Annual fee for a plant breeders' right [Reg. 13(1)(d)]	R 413,00 each
9.	An application for the issue of a compulsory licence in respect of a plant breeders' right [Reg. 13(1)(d)]	R 6 790,00 each
10.	Notice of the transfer of a plant breeders' right [Reg. 14(2)(b)]	R 1 128,00 each
11.	An application for the alteration or supplementation of the denomination approved for a variety [Reg. 15(1)(b)]	R 2 741,00 each
12.	An objection against the intended approval of an alteration or supplementation of the denomination approved for a variety [Reg. 15(3)(e)]	R 1 128,00 each
13.	An objection against the intended termination of a plant breeders' right [Reg. 16(1)(f)]	R 1 128,00 per right
14.	A notice of the voluntary surrender of plant breeders' right [Reg. 17(1)(b)(i)]	Free
15.	Inspection of the register of plant breeders' right [Reg. 20(2)]	Free
16.	Inspection of a document submitted to the registrar in connection with an application for the grant of a plant breeders' right [Reg. 21(2)]	R 690,00 per occasion
17.	A copy of any particulars in the register or of a document submitted to the registrar in connection with an application for the grant of a plant breeders' right [Reg. 21(2)]	R 12,00 per application plus R 2.00 per photocopy
18.	Submission of appeal against any decision or action taken by the registrar in terms of the Act [Reg. 21(2)]	R 5 812,00 each
19.	Examination of sample to determine varietal purity	R 4 271,00 (Cat A) R 5 786,00 (Cat B) R 4 874,00 (Cat B maize)