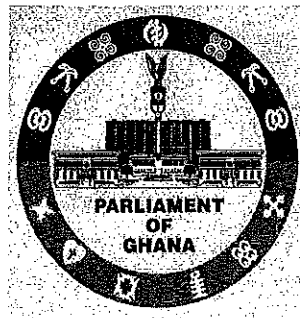


**IN THE FIRST SESSION OF THE SIXTH  
PARLIAMENT OF THE FOURTH REPUBLIC OF  
GHANA**



**REPORT OF THE COMMITTEE ON  
CONSTITUTIONAL, LEGAL AND  
PARLIAMENTARY AFFAIRS**

**ON THE  
PLANT BREEDERS' BILL**

**NOVEMBER, 2013**

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**REPORT OF THE COMMITTEE ON CONSTITUTIONAL,  
LEGAL AND PARLIAMENTARY AFFAIRS ON  
"THE PLANT BREEDERS' BILL"**

**1.0 INTRODUCTION**

- 1.1 The **Plant Breeders' Bill** was presented to Parliament and read the first time on **Wednesday, 12<sup>th</sup> June, 2013**. In accordance with Article 106(4) and (5) of the Constitution and Order 179 of the Standing Orders of Parliament, the Bill was referred to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report.
- 1.2 The Committee held a number of meetings to consider the Bill. The Committee invited memoranda from the public and attendance of various stakeholders. During the consideration of the Bill, the Minister for Justice and Attorney-General, Mrs. Marietta Brew Appiah-Oppong, the Deputy Minister for Justice and Attorney-General, Dr. Dominic Akuritinga Ayine, the Deputy Minister for Food and Agriculture, Dr. Alhassan A. Yakubu and the Director of Crops Research Institute of the Council for Scientific and Industrial Research, Dr. Hans Adu-Dapaah attended and participated actively in the discussions of the Committee. Also in attendance were

some Members of the Committee on Food, Agriculture and Cocoa Affairs and Officials from the Ministry of Trade and Industry and the Ministry of Justice and Attorney-General's Department. The Committee sincerely thanks the Ministers and the Officials for the assistance and support.

## **2.0 REFERENCE**

- 2.1 The Committee referred to the following Laws and Documents during its deliberations.
- i. The 1992 Constitution
  - ii. The Standing Orders of Parliament
  - iii. The Plant and Fertilizer Act, 2010 (Act 803)
  - iv. The International Convention for the Protection of New Varieties of Plant of 1961

## **3.0 BACKGROUND**

- 3.1 Governments all over the world are under pressure in the face of current and future global challenges, to ensure sustainable food security and economic development. Increasing population, climate change, parallel demand for food production and energy production and evolving human needs, insect-transmitted and soil-borne viruses combine to pose numerous challenges to agricultural production.

3.2 Reeling under the pressure of the above global challenge, world leaders met in 1961 to build an enduring response. The outcome of that meeting in France was an unprecedented intellectual property protection of the rights of plant breeders in the varieties they develop. This meeting signaled the birth of the International Convention for the Protection of New Varieties of Plants (UPOV Convention), subsequently amended in 1972, 1978 and 1991.

3.3 By 1999, forty-six (46) member states including some African Countries have deposited their instruments of accession after passing the appropriate laws. Ghana and nine (9) other countries have since year 2000 being seeking the advice of the UPOV on the process to become members.

3.4 Further development in the area of protection of the rights of plant breeders is the establishment of regional or continental systems in Europe and Africa. The Bangui Agreement of 1999 established the African Intellectual Property Organisation (AOPI) with an initial membership of sixteen (16) countries.

3.5 Apart from the above, Honourable Members would recall that the Uruguay Round of Trade Negotiations was concluded in April 1994. The outcome of the negotiations was an agreement establishing the World Trade Organisation (WTO) that replaced the General Agreement on Trade and Tarrifs (GATT). Attached to the Agreement, as annexes, were some specific agreements. One these Agreements is the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). The TRIPS Agreement establishes minimum standards for intellectual property protection. Inter alia, the Agreement requires the member states of the WTO to provide protection for plant varieties by patent or what is called an effective sui generis system of protection or by a combination of such methods. Ghana is a signatory and a member of the WTO and therefore obliged to pass a law protecting the rights of plants breeders.

#### **4.0 OBJECT OF THE BILL**

4.1 The Bill seeks to establish a legal framework to provide and promote an effective system of plant variety protection, also called a "plant breeders' right", \_ an exclusive right granted to the breeder of a new plant to exploit his/her variety.

4.2 The Bill aims at providing incentives to investors, breeders and researchers to pursue innovation in the development of new varieties of plants for the benefit of society. The Bill does this by adopting the intellectual property protection model of making available to plant breeders, exclusive rights on the basis of a set of uniform and clearly defined principles. Plant variety protection is a form of intellectual property right, alongside such other rights as patents, copyrights, trademarks and industrial designs.

4.3 By protecting the rights and interest of breeders of new plant varieties and groupings, the Bill aims at encouraging competition and innovation in the development of agriculture, horticulture and forestry. Thus reducing the cost and improving the quantity, quality and varieties of food, fuel, fibre and raw materials for industry and other goods for human consumption.

4.4 The Bill also seeks to regulate the production, offer for sale, sale, marketing and advertisement of new plant varieties.

## **5.0 OBSERVATIONS**

5.1 Ghana is already in the arena of plant breeding but recent breeding initiatives by the Crops Research Institute, the Savanna Agricultural Research Institute, the Universities and other private plant breeders have failed to yield the required dividends to the owners. This is because the new varieties were appropriated and used by persons who failed to recognise the investment and efforts of the breeders and the need to pay the necessary royalties to them due to the absence of legal protection. For instance, industrial products such as cassava and yam flour are traded freely in the international marketing without any monetary payments to the researchers and their institutions. Cassava varieties are used for brewing beer without any financial rewards to the researchers and plant breeders. Meanwhile, Ghana struggles to pay its membership subscription to the WTO and other international organisations of which the Country is a member because of Budgetary constraints.

5.2 The Committee discovered that almost all countries, including its neighbours, such as Burkina Faso and Cote D'Ivoire, are making efforts to provide plant variety protection. Ghana and Ghanaian plant breeders are at a

disadvantage without any legal protection, particularly in the advent of genetic engineering. While it takes up to ten (10) years or more to develop a plant variety of most plant species by conventional plant breeding, genetic engineering offers the prospect of the creation of species and varieties in a much shorter time using transfer of genes into genomes, for instance. Attached is a list of member countries of UPOV, OAPI and other countries making frantic efforts to be members of UPOV as Appendix 1.

5.3 The Committee is convinced that the Bill would create and promote an enabling environment for all stakeholders in the plant breeding industry. It will encourage local plant breeders and their collaborators in foreign plant breeding institutions to contribute to the development of the agricultural sector by developing new plant varieties. This will stimulate competition among enterprises resulting in the transfer of technology and know-how.

5.4 The Committee also observed that variety protection is an important element of the Country's national seed policy initiative which among other things, aims at developing the seed industry. This will enhance food




production and productivity in the face of scarcity of arable land and other resources as it will make available to our local farmers, seeds of higher yields and nutritional value and are adaptable to the environment particularly in the wake of climate change and its effect on agriculture.

- 5.5 In the final analysis, the Committee is convinced that the passage of this Bill will be in the interest of Ghana. Plant variety protection will contribute to the well-being of the people by contributing specifically to food security, sustainable agriculture through more efficient use of available resources and inputs or through the use of varieties resistant to pests and diseases. Plant variety protection will also contribute to the protection of the environment. There will be protection of biodiversity through reduced pressure on natural ecosystems, increased diversity of crops and varieties and enhancement of the nutritional value of agriculture products.

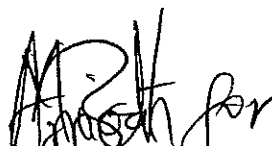
## **6.0 CONCLUSION**

6.1 Having examined the Bill thoroughly and convinced that it will be in the national interest to pass this Bill, the Committee recommends it without hesitation to the House for consideration and passage with the amendments proposed in Appendix 2 attached to this Report.

Respectfully submitted.



**HON. ALBAN S.K. BAGBIN**  
*Chairman, Committee on  
Constitutional, Legal and  
Parliamentary Affairs*



**ERIC OWUSU-MENSAH**  
*Clerk, Committee on  
Constitutional, Legal and  
Parliamentary Affairs*

**NOVEMBER 2013**

# APPENDIX 1

## STATUS IN RELATION TO THE INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV)

as of July 30, 2013

### I. Members of UPOV

Albania <sup>3</sup>	China <sup>2</sup>	Germany <sup>3</sup>	Morocco <sup>3</sup>	Republic of Moldova <sup>3</sup>	The former Yugoslav
Argentina <sup>2</sup>	Colombia <sup>2</sup>	Hungary <sup>3</sup>	Netherlands <sup>3</sup>	Romania <sup>3</sup>	Republic of Macedonia <sup>3</sup>
Australia <sup>3</sup>	Costa Rica <sup>3</sup>	Iceland <sup>3</sup>	New Zealand <sup>2</sup>	Russian Federation <sup>3</sup>	Trinidad and Tobago <sup>2</sup>
Austria <sup>3</sup>	Croatia <sup>3</sup>	Ireland <sup>3</sup>	Nicaragua <sup>2</sup>	Serbia <sup>3</sup>	Tunisia <sup>3</sup>
Azerbaijan <sup>3</sup>	Czech Republic <sup>3</sup>	Israel <sup>3</sup>	Norway <sup>2</sup>	Singapore <sup>3</sup>	Turkey <sup>3</sup>
Belarus <sup>3</sup>	Denmark <sup>3</sup>	Italy <sup>2</sup>	Oman <sup>3</sup>	Slovakia <sup>3</sup>	Ukraine <sup>3</sup>
Belgium <sup>1</sup>	Dominican Republic <sup>3</sup>	Japan <sup>3</sup>	Panama <sup>3</sup>	Slovenia <sup>3</sup>	United Kingdom <sup>3</sup>
Bolivia	Ecuador <sup>2</sup>	Jordan <sup>3</sup>	Paraguay <sup>2</sup>	South Africa <sup>2</sup>	United States of America <sup>3</sup>
(Plurinational State of) <sup>2</sup>	Estonia <sup>3</sup>	Kenya <sup>2</sup>	Peru <sup>3</sup>	Spain <sup>3</sup>	Uruguay <sup>2</sup>
Brazil <sup>2</sup>	European Union <sup>3,4</sup>	Kyrgyzstan <sup>3</sup>	Poland <sup>3</sup>	Sweden <sup>3</sup>	Uzbekistan <sup>3</sup>
Bulgaria <sup>3</sup>	Finland <sup>3</sup>	Latvia <sup>3</sup>	Portugal <sup>2</sup>	Switzerland <sup>3</sup>	Viet Nam <sup>3</sup>
Canada <sup>2</sup>	France <sup>3</sup>	Lithuania <sup>3</sup>	Republic of Korea <sup>3</sup>		
Chile <sup>2</sup>	Georgia <sup>3</sup>	Mexico <sup>2</sup>			

(Total 71)

<sup>1</sup> 1961 Convention as amended by the Additional Act of 1972 is the latest Act by which one State is bound.

<sup>2</sup> 1978 Act is the latest Act by which 19 States are bound.

<sup>3</sup> 1991 Act is the latest Act by which 50 States and one organization are bound.

<sup>4</sup> Operates a (supranational) Community plant variety rights system which covers the territory of its 28 member States.  
(Member States of the European Union: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

### II. States and intergovernmental organizations which have initiated the procedure for acceding to the UPOV Convention

#### States (16):

Armenia, Bosnia and Herzegovina, Egypt, Ghana, Guatemala, Honduras, India, Kazakhstan, Malaysia, Mauritius, Montenegro, Philippines, Tajikistan, United Republic of Tanzania, Venezuela (Bolivarian Republic of) and Zimbabwe

#### Organization (1):

African Intellectual Property Organization (OAPI)  
(member States of OAPI (17): Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal, Togo)

### III. States and intergovernmental organizations which have been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention

#### States (24):

Algeria, Bahrain, Barbados, Brunei Darussalam, Cambodia, Cuba, Cyprus, El Salvador, Indonesia, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Libya, Mozambique, Myanmar, Namibia, Pakistan, Saudi Arabia, Sudan, Thailand, Tonga, Turkmenistan, United Arab Emirates and Zambia

#### Organizations (2):

African Regional Intellectual Property Organization (ARIPO)  
(member States of ARIPO (18): Botswana, Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mozambique, Namibia, Rwanda, Sierra Leone, Somalia, Sudan, Swaziland, Uganda, United Republic of Tanzania, Zambia, Zimbabwe)

Southern African Development Community (SADC)  
(member States of SADC (15): Angola, Botswana, Democratic Republic of the Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia, Zimbabwe)

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## APPENDIX 2

### AMENDMENTS PROPOSED

After a thorough examination of the Bill, the Committee proposed the under-listed amendments:

- i. Clause 8 – Amendment proposed – Sub-clause (3), line 2, after “are” delete “both”.
- ii. Clause 9 – Amendment proposed – Sub-clause (2), paragraph (a), after “is” insert “a”.
- iii. Clause 9 – Amendment proposed – Sub-clause(2) paragraph (b) line 2, after “is” insert “a”
- iv. Clause 9 – Amendment proposed – Sub-clause (2), paragraph (c), line 2, after “is” insert “a”.
- v. Clause 10 – Amendment proposed – Delete Sub-clause (2) and substitute “(2) Where the application is by an applicant who is a successor-in-title, the applicant shall support the application with the proof of the successor’s title.”.
- vi. Clause 11 – Amendment proposed – Sub-clause (1), line 1, after “may” delete “declare” and substitute “claim”.
- vii. Clause 15 – Amendment proposed – Sub-clause (2), line 4, after “Section 20,” delete “once the plant breeder right is granted.”.
- viii. Clause 16 – Amendment proposed – Sub-clause (2), line 1, after “writing” insert “to the Registrar”.

- ix. Clause 17 – Amendment proposed – Sub-clause (1), line 1, after “period,” delete “notify” and substitute “give notice in writing to”.
- x. Clause 17 – Amendment proposed – Sub-clause (5), line 2, after “shall” delete “notify” and insert “give notice in writing to”.
- xi. Clause 17 – Amendment proposed – Delete Sub-clause (9) and substitute “(9) The Registrar may, on arriving at a decision in Sub-section (8), request the Minister to appoint a person to advise the Registrar for the purposes of the examination of an application in relation to the objection, having regard to the expert knowledge of that person in the area of plant breeding.”
- xii. Clause 18 – Amendment proposed – Paragraph (a), line 1, after “right,” delete “and”.
- xiii. Clause 18 – Amendment proposed – Paragraph (b), line 1, after “decision” delete “of” and substitute “on”.
- xiv. Clause 19 – Amendment proposed – Sub-clause (1), paragraph (b), line 2, after “trees or” delete “of”.
- xv. Clause 19 – Amendment proposed – Sub-clause (2), line 1, before “applies only” delete “Sub-section (1)” and substitute “This Section”.
- xvi. Clause 20 – Amendment proposed – Sub-clause (6), line 1, after “obtained” delete “for example”.

- xvii. Clause 21 – Amendment proposed – Sub-clause (1), paragraph (c), after “varieties” delete “and”.
- xviii. Clause 21 – Amendment proposed – Sub-clause (1), paragraph (c) (ii), line 1, before “acts referred” delete “for”.
- xix. Clause 24 – Amendment proposed – Sub-clause (1), delete “An application for the grant of ”.
- xx. Clause 24 – Amendment proposed – Sub-clause (3), line 1, after “assignment” insert “or transfer”.
- xxi. Clause 25 – Amendment proposed – Sub-clause (1), line 1, after “of,” delete “or the applicant for”.
- xxii. Clause 27 – Amendment proposed – Delete Sub-clause (5) and insert “(5) Where there is no agreement on the amount to be paid for the licence, the Registrar shall apply to a court of competent jurisdiction to determine;
  - (a) the amount to be paid; and
  - (b) the method of payment as regards the remuneration,taking into account the circumstances of each case.”.
- xxiii. Clause 40 – Amendment proposed – Delete Sub-clause (2) and insert “(2) The Registry shall be headed by the Registrar who shall be assisted by a person not below the rank of a Principal State Attorney.”.

- xxiv. Clause 41 – Amendment proposed – Sub-clause (3), paragraph (d), line 1, delete “and applications for the grant”.
- xxv. Clause 43 – Amendment proposed – Sub-clause (1), paragraph (a), after “the Registrar” add “who shall be an ex-officio member”.
- xxvi. Clause 43 – Amendment proposed – Sub-clause (1), delete paragraph (c) and insert “(c) the Director of the Crops Services Directorate of the Ministry responsible for Agriculture;”
- xxvii. Clause 43 – Amendment proposed – Sub-clause (1), paragraph (d), line 1 after “Services” insert “Directorate”.
- xxviii. Clause 43 – Amendment proposed – Sub-clause (1), paragraph (d), line 2 after “Ministry” delete “of” and substitute “responsible for”.
- xxix. Clause 43 – Amendment proposed – Sub-clause (1), paragraph (e), line 2 after “the” insert “public”.
- xxx. Clause 43 – Amendment proposed – Sub-clause (1), paragraph (e), line 3 after “the” insert “public”.
- xxxi. Clause 43 – Amendment proposed – Sub-clause (1), paragraph (g), line 2 after “the” insert “plant breeding”
- xxxii. Clause 43 – Amendment proposed – Sub-clause (1), insert a new paragraph “(h) one person with expertise in intellectual property law not below the rank of a Principal State Attorney.”

xxxiii. Clause 43 – Amendment proposed – Insert a new Sub-clause (2) after Sub-clause (1) as follows:  
“(2) The Registrar shall not vote on a matter for decision at a meeting”.

xxxiv. Clause 43 – Amendment proposed – Delete Sub-clause (5).

xxxv. Amendment proposed – Insert the following new Clauses after Clause 43:

**Tenure of office of Members of the Technical Committee**

- (1) A member of the Technical Committee appointed otherwise than by reason of that member's office, shall hold office for a period of three years and is eligible for re-appointment, but a member shall be re-appointed for one term only.
- (2) A member of the Technical Committee who is absent from three consecutive meetings of the Committee without sufficient cause, ceases to be a member of the Technical Committee.
- (3) The office of a member of the Technical Committee becomes vacant if the member at any time resigns from office in writing addressed to the Minister.
- (4) The Minister may by a letter to a member, terminate the appointment of that member.



- (5) Where a member of the Technical Committee is for sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.
- (6) Where there is a vacancy
  - (a) under Sub-section (3) or (4) or Section 44(2),
  - (b) as a result of a declaration under Sub-section (5), or
  - (c) by reason of the death of a memberthe Minister shall appoint a person to fill the vacancy.

### **Meetings of the Technical Committee**

- (1) The Technical Committee shall meet at least once every three months for the dispatch of business at the times and in places determined by the chairperson in consultation with the Registrar.
- (2) The chairperson shall at the request in writing of not less than one-third of the membership of the Technical Committee convene an extraordinary meeting of the Technical Committee at the place and time determined by the chairperson in consultation with the Registrar.

- (3) The quorum at a meeting of the Technical Committee shall be four.
- (4) The chairperson shall preside at meetings of the Technical Committee and in the absence of the chairperson, a member of the Technical Committee elected by the members present from among their number shall preside.
- (5) Matters before the Technical Committee shall be decided by a majority of the members present and voting, and in the event of an equality of votes, the person presiding shall have a casting vote.
- (6) The Technical Committee may co-opt a person to attend a Technical Committee meeting but that person shall not vote on a matter for decision at the meeting.

xxxvi. Clause 44 – Amendment proposed – Sub-clause (1), delete paragraph (b) and substitute “(b) shall recuse himself or herself and shall not participate in the deliberations of the Technical Committee as regards the matter.”.

xxxvii. Clause 46 – Amendment proposed – Sub-clause (3), paragraph (a), after “the” delete “regular”.

xxxviii. Clause 46 – Amendment proposed – Sub-clause (3), delete paragraph (d) and insert “(d) the maintenance of the register for the protection of plant breeder rights.”.

- xxxix. Clause 47 – Amendment proposed – Sub-clause (1), after “The” delete “funds of” and substitute “sources of money for”.
- xi. Clause 47 – Amendment proposed – Sub-clause (1), paragraph (a), line 1 after “fees” delete “as regards” and substitute “and charges paid for”.
- xli. Clause 47 – Amendment proposed – Sub-clause (1), delete paragraph (d) and substitute “(d) any other moneys that are recommended by the Minister responsible for Finance and approved by Parliament.”
- xlii. Clause 47 – Amendment proposed – Sub-clause (2), line 1, after “may” delete “retain” and substitute “apply for”.
- xliii. Clause 47 – Amendment proposed – Delete Sub-clause (3) and insert “(3) The percentage of internally generated funds applied for by the Registrar shall be as approved by Parliament.”
- xliv. Clause 48 – Amendment proposed – Sub-clause (1), line 1, after “The” delete “Technical Committee” and substitute “Registrar”.
- xlv. Clause 48 – Amendment proposed – Delete Sub-clause (2) and substitute “(2) The Registrar shall, subject to the Financial Administration Act, 2003, (Act 654), make rules and procedures for the operation and management of the Fund subject to the approval of the Minister.”

- xlvi. Clause 48 – Amendment proposed – Sub-clause (3), line 3, after “the” delete “Controller and Accountant-General” and substitute “Minister responsible for Finance”.
- xlvii. Clause 48 – Amendment proposed – Sub-clause (4), line 1, after “expenses” delete “of the Fund”.
- xlviii. Clause 49 – Amendment proposed – Sub-clause (1), line 1, after “The” delete “Technical Committee” and substitute “Registrar”.
- xlix. Clause 49 – Amendment proposed – Sub-clause (1), line 1, after “records” delete “in relation to them”.
- I. Clause 49 – Amendment proposed – Sub-clause (2), line 1, after “The” delete “Technical Committee” and substitute “Registrar”.
- ii. Clause 50 – Amendment proposed – Sub-clause (1), line 1, after “The” delete “Technical Committee” and substitute “Registrar”.
- iii. Clause 50 – Amendment proposed – Sub-clause (3), line 2, after “with” delete “a statement” and substitute “any other comment”.
- iiii. Clause 50 – Amendment proposed – Sub-clause (4), line 1, after “The” delete “Technical Committee” and substitute “Registrar”.
- liv. Clause 51 – Amendment proposed – Delete “Appeal” from the head note and substitute “Appeals”.

- iv. Clause 51 – Amendment proposed - Sub-clause (1), line 1, after “an” delete “Appeal” and insert “Appeals”.
- lvi. Clause 51 – Amendment proposed – Delete Sub-clause (2) and substitute “(2) The Appeals Board consists of
  - (a) One expert in legal matters who is the chairperson; and
  - (b) four experts qualified in agricultural sciences.”
- lvii. Clause 51 – Amendment proposed – Sub-clause (3), after “the” delete “Appeal” and substitute “Appeals”.
- lviii. Clause 51 – Amendment proposed – Delete Sub-clause (4) and substitute “(4) The provisions of Sections 44 and 45 as regards disclosure of interest and allowances shall apply to a member of the Appeals Board”.
- lix. Clause 51 – Amendment proposed – Delete Sub-clause (5) and substitute “(5) The Appeals Board may co-opt an expert to attend its meetings but a co-opted member shall not vote on a matter for decision at a meeting.”.
- lx. Clause 51 – Amendment proposed – Delete Sub-clause (6).
- lxi. Clause 51 – Amendment proposed – Delete Sub-clause (7) and substitute “(7) The Appeals Board shall have the power to

- (a) summon and compel the attendance of witnesses; and
  - (b) order the production of documents.”.
- lxii. Clause 51 – Amendment proposed – Insert a new Sub-clause after Sub-clause (7) as follows: “(8) The Minister may by legislative instrument, make Regulations to govern the proceedings of the Appeals Board.”
- lxiii. Clause 51 – Amendment proposed – Delete Sub-clause (8) and substitute “(9) The Appeals Board shall record its proceedings and shall submit the record to the Registrar.”
- lxiv. Clause 52 – Amendment proposed – Delete head note and insert “Tenure of office of members of the Appeals Board”
- lxv. Clause 52 – Amendment proposed – Delete Sub-clause (1) and substitute “ (1) A member of the Appeals Board shall hold office for a period of three years and is eligible for re-appointment for one term only”
- lxvi. Clause 52 – Amendment proposed – Sub-clause (4), line 1 after “the” delete “Appeal” and substitute “Appeals”.
- lxvii. Clause 52 – Amendment proposed – Sub-clause (4), line 4 after “proceedings” delete “for a period of not more than six months at one time”.

- lxviii. Clause 52 – Amendment proposed – Sub-clause (5), line 1, after “appointed” delete “to act as a member for a period” and substitute “under Sub-section (4)”.
- lix. Clause 53 – Amendment proposed – Sub-clause (1), line 2, after “the” delete “Appeal” and insert “Appeals”.
- lxx. Clause 53 – Amendment proposed – Sub-clause (2), line 2, after “the” delete “Appeal” and substitute “Appeals”.
- lxxi. Clause 53 – Amendment proposed – Sub-clause (2), line 3, delete “Appeal” and substitute “Appeals”.
- lxxii. Clause 53 – Amendment proposed – Sub-clause (3), line 2, after “with” delete “the appropriate” and substitute “supporting”.
- lxxiii. Clause 53 – Amendment proposed – Sub-clause (4), line 1, after “The” delete “Appeal” and substitute “Appeals”
- lxxiv. Clause 53 – Amendment proposed – Delete Sub-clause (5) and insert “(5) The Appeals Board may affirm, set aside or vary a decision of the Registrar.”.
- lxxv. Clause 53 – Amendment proposed – Sub-clause (6), after “The” delete “Appeal” and substitute “Appeals”.
- lxxvi. Clause 53 – Amendment proposed – Delete Sub-clause (7) and substitute “(7) The Appeals Board may review a decision made under Sub-

section (6) on an application by an aggrieved person, if the Appeals Board is of the view that because of new evidence or developments, the previous decision is inappropriate.”.

lxxvii. Clause 53 – Amendment proposed – Sub-clause (8), line 1, before “person” delete “A” and substitute “An aggrieved”.

lxxviii. Clause 53 – Amendment proposed – Sub-clause (8), line 2, after “the” delete “Appeal” and substitute “Appeals”

lxxix. Clause 53 – Amendment proposed – Sub-clause (9), line 1, after “The” delete “Appeal” and substitute “Appeals”.

lxxx. Clause 53 – Amendment proposed – Sub-clause (10), line 2, after “the”, delete “Appeal” and substitute “Appeals”.

lxxxii. Clause 55 – Amendment proposed – Sub-clause (2), delete paragraph (b) and substitute “(b) ensure that the Varieties Bulletin is accessible in both the hard and electronic copy forms.”.

lxxxii. Clause 55 – Amendment proposed – Delete Sub-clause (4) and substitute “(2) The Varieties Bulletin shall contain only matters related to this Act.”.

lxxxiii. Clause 56 – Amendment proposed – Sub-clause (1), line 1, after “Gazette” insert “or Varieties Bulletin”.



- lxxxiv. Clause 56 – Amendment proposed – Sub-clause (1), paragraph (d), line 1, after “decisions” delete “of” and substitute “on”.
- lxxxv. Clause 56 – Amendment proposed – Sub-clause (1), paragraph (f), before “any” delete “and”.
- lxxxvi. Clause 57 – Amendment proposed – Sub-clause (1), line 2, after “action” insert “in the High Court”.
- lxxxvii. Clause 57 – Amendment proposed – Sub-clause (1), paragraph (d) line 2, after “goods” insert “that infringe on the rights of a plant breeder.”.
- lxxxviii. Clause 57 – Amendment proposed – Sub-clause (1), paragraph (e), after “considers” delete “fit” and insert “necessary”.
- lxxxix. Clause 57 – Amendment proposed – Sub-clause (2), line 2, after “enforcement of” delete “a person’s right” and substitute “the right of a person”.
- xc. Clause 58 – Amendment proposed – line 10, delete “of not more than two thousand penalty units or to a term of imprisonment of not more than two years or to both.” and insert “of not less than five thousand penalty units and not more than eight thousand penalty units.”
- xc. Clause 60 – Amendment proposed – Sub-clause (1), paragraph (i), after “the” delete “Appeal” and substitute “Appeals”.
- xcii. Clause 60 – Amendment proposed – delete Sub-clause (2).

xciii. Clause 61 – Amendment proposed – Insert after line 17, insert “harvested materials” includes entire plant or parts of plants obtained through the use of propagating material.