



THE REPUBLIC OF KENYA

LAWS OF KENYA

**THE SEEDS AND PLANT VARIETIES (PLANT BREEDER'S
RIGHTS) (OTHER CEREALS SCHEME) REGULATIONS**

NO. 77 OF 2001

Revised and published by the National Council for Law Reporting
with the authority of the Attorney-General as gazetted by the Government Printer

www.kenyalaw.org

Kenya

Seeds and Plant Varieties Act

The Seeds and Plant Varieties (Plant Breeder's Rights) (Other Cereals Scheme) Regulations

Legal Notice 77 of 2001

Legislation as at 31 December 2022

By [Kenya Law](#) and [Laws.Africa](#). Share widely and freely.

www.kenyalaw.org | info@kenyalaw.org

FRBR URI: [/akn/ke/act/ln/2001/77/eng@2022-12-31](#)

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution NonCommercial ShareAlike 4.0 License ([CC BY-NC-SA 4.0](#)). This license enables reusers to distribute, remix, adapt, and build upon the material in any medium or format for noncommercial purposes only, and only so long as attribution is given to the creator. If you remix, adapt, or build upon the material, you must license the modified material under identical terms. CC BY-NC-SA includes the following elements:

- BY: credit must be given to the creator.
- NC: Only noncommercial uses of the work are permitted.
- SA: Adaptations must be shared under the same terms.

Share widely and freely.

The Seeds and Plant Varieties (Plant Breeder's Rights) (Other Cereals Scheme) Regulations (Legal Notice 77 of 2001)

Contents

- 1. Citation 1
- 2. Interpretation 1
- 3. Plant varieties for which breeder's rights may be granted 1
- 4. Period for which rights are exercisable 1
- 5. Class of plant varieties 1
- 6. Prescribed period before compulsory licensing 1
- 7. Offences 1
- FIRST SCHEDULE 2
- SECOND SCHEDULE [r. 5] 3

SEEDS AND PLANT VARIETIES ACT

THE SEEDS AND PLANT VARIETIES (PLANT BREEDER'S RIGHTS) (OTHER CEREALS SCHEME) REGULATIONS LEGAL NOTICE 77 OF 2001

Published in Kenya Gazette Vol. CIII—No. 31 on 25 May 2001

Commenced on 25 May 2001

[Revised by [24th Annual Supplement \(Legal Notice 221 of 2023\)](#) on 31 December 2022]

1. Citation

These Regulations may be cited as the Seeds and Plant Varieties (Plant Breeder's Rights) (Other Cereals Scheme) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“authorized officer” means the Managing Director of the Kenya Plant Health Inspectorate Service.

3. Plant varieties for which breeder's rights may be granted

There is hereby made a scheme to be called the Other Cereals Scheme, which shall apply to cereals other than maize which conform with the characteristics of cultivated varieties of any of the species specified in the first column of the First Schedule hereto.

4. Period for which rights are exercisable

The period for which plant breeder's rights shall be exercisable in respect of the plant varieties referred to in regulation 3 shall be the period of years specified in the second column of the First Schedule.

5. Class of plant varieties

For the purposes of section 21 of the Act, the classes of plant varieties prescribed shall consist of—

- (a) all the species specified in Part I of the Second Schedule;
- (b) in relation to plant varieties of rice, all the species specified in Part II of the Second Schedule;
- (c) of all the species in Part III of the Second Schedule.

6. Prescribed period before compulsory licensing

For the purposes of section 23(4) of the Act, a compulsory licence granted by the authorized officer in respect of a plant variety specified in regulation 3 shall not have effect from the date of grant of rights in that variety for the period of years specified in the third column of the First Schedule hereto.

7. Offences

A person who infringes the plant breeder's rights in the registered name of a variety of cereal covered by the Other Cereals Scheme commits an offence and is liable to a fine of three thousand shillings or to imprisonment for a term of three months or to both.

FIRST SCHEDULE
OTHER CEREALS SCHEME

Species		Period of years for which rights are exercisable	Period of years prescribed for the purpose of Section 23(4)
Name	Common name		
<i>Avena sativa</i>	Oats	15	2
<i>Eleusine corocana</i> (L.) Gaertn.	Finger Millet	15	1
<i>Hordeum vulgare</i>	Barley	15	2
<i>Oryza sativa</i>	Rice	15	1
<i>Pennisetum</i> (L) R. Br.	Pearl Millet	15	1
<i>Panicum milliaceum</i>	Proso Millet	15	1
<i>Setaria italica</i>	Foxtail Millet	15	1
<i>Secale cereale</i> L.	Rye	15	2
<i>Sorghum bicolor</i> (L.) Moench	Sorghum	15	1

Triticosecale Wittm.	Triticale	15	2
Triticum sp.	Wheat	15	1

SECOND SCHEDULE [r. 5]
CLASSES OF PLANT VARIETIES

PART I

<i>Species</i>	<i>Common names</i>
Triticum sp.	Wheat
Hordeum vulgare	Barley
Avena saliva	Oats
Secale cereale L.	Rye
Triticosecale Wittm.	Triticale

PART II

Oryza saliva L.	Rice
-----------------	------

PART III

<i>Sorghum bicolor (L.) Moench</i>	Sorghum
<i>Eleusine coracana (L.) gaertn</i>	Finger Millet
<i>Pennisetum glaucum (L.)</i>	Pearl Millet
<i>Panicum milliaced (L.)</i>	Prosho Millet
<i>Setaria italica (L.)</i>	Foxtail Millet