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PLANT VARIETIES PROTECTION ACT
(CHAPTER 232A)

PLANT VARIETIES PROTECTION
(AMENDMENT) RULES 2020

In exercise of the powers conferred by section 54 of the Plant Varieties Protection Act, the Minister for Law makes the following Rules:

Citation and commencement

1. These Rules are the Plant Varieties Protection (Amendment) Rules 2020 and come into operation on 5 June 2020.

Amendment of rule 4

2. Rule 4 of the Plant Varieties Protection Rules (R 1) (called in these Rules the principal Rules) is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) The Registrar may modify any form in any particular case or class of cases.”.

Amendment of rule 5

3. Rule 5 of the principal Rules is amended —

(a) by inserting the word “and” at the end of paragraph (2)(a);

(b) by deleting sub-paragraphs (b) and (c) of paragraph (2) and substituting the following sub-paragraph:

“(b) be filed in accordance with the requirements relating to its size, durability, legibility or format specified in any practice direction issued by the Registrar.”; and

- (c) by deleting the words “may return the document with” in paragraph (3) and substituting the words “must give the person that filed the document”.

Deletion and substitution of rule 7

4. Rule 7 of the principal Rules is deleted and the following rule substituted therefor:

“Service of documents

7.—(1) Where the Act or these Rules authorise or require any document to be given or sent to, filed with or served on the Registrar, the document —

- (a) may be sent to the Registrar by post; or
- (b) may be delivered to the Registrar by hand.

(2) Where the Act or these Rules authorise or require a party to give or send a document to, or serve a document on, another party (other than the Registrar), the giving, sending or service may be effected —

- (a) by post;
- (b) by hand;
- (c) by courier; or
- (d) subject to paragraph (5), by sending an electronic communication of the document by any electronic means.

(3) Where the Act or these Rules authorise or require any notice or other document to be given or sent to or served on any party by the Registrar, the Registrar may send the notice or other document to that party —

- (a) by post;
- (b) by hand;
- (c) by courier; or

(d) subject to paragraph (5), by sending an electronic communication of the notice or other document by any electronic means.

(4) Subject to paragraph (5), the Registrar may, in a particular case, permit the giving, sending, filing or serving of a document in a manner other than provided by paragraph (1) or (2).

(5) However, the use of electronic means under paragraph (2)(d), (3)(d) or (4) must be with the consent (express or implied) of —

(a) the party; or

(b) the Registrar,

to whom the notice or other document is being given or sent, filed with or served by those means.

(6) Where any notice or other document is sent by post under paragraph (2) or (3), the giving, sending or serving (as the case may be) of the notice or document is treated (until the contrary is proved) as occurring at the time at which the notice or document would have been delivered in the ordinary course of post.

(7) For the purposes of paragraphs (2) and (3), a notice or other document is sent to a party by post if the notice or other document is sent by prepaid post to the party at the party's address for service mentioned in rule 9.

(8) Despite the availability of an address for service provided under rule 9, where any document is given or sent to, filed with or served on a person by sending an electronic communication in the manner permitted by paragraph (2)(d), (3)(d) or (4), that document is taken to have been duly given or sent to, filed with or served on the person.”.

New rule 66A

5. The principal Rules are amended by inserting, immediately after rule 66, the following rule:

“Extension of time limits in special circumstances

66A.—(1) Despite anything in these Rules, where the Registrar is of the opinion that there are —

- (a) circumstances beyond the control of a party concerned; or
- (b) other special circumstances,

the Registrar may, before the expiration of the period of time prescribed or allowed by or under these Rules for —

- (c) the giving, sending, filing or serving of any notice, application or other document; or
- (d) the doing of any act,

extend that period for one or more periods of time, and subject to conditions, as the Registrar thinks fit.

(2) Paragraph (1) does not apply where the Act specifies the circumstances in which the period of time for any matter referred to in paragraph (1)(c) or (d) may be extended.”

[G.N. Nos. S 742/2013; S 504/2014]

Made on 2 June 2020.

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