



REPUBLIC OF SINGAPORE  
**GOVERNMENT GAZETTE**  
**ACTS SUPPLEMENT**  
*Published by Authority*

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NO. 19]

FRIDAY, JUNE 27

[2014

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First published in the *Government Gazette*, Electronic Edition, on 24th June 2014 at 5:00 pm.

The following Act was passed by Parliament on 13th March 2014 and assented to by the President on 11th April 2014:—

**REPUBLIC OF SINGAPORE**

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**No. 16 of 2014.**

I assent.

TONY TAN KENG YAM,  
*President.*  
*11th April 2014.*



An Act to amend the Plant Varieties Protection Act (Chapter 232A of the 2006 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act may be cited as the Plant Varieties Protection (Amendment) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Amendment of section 2**

2. Section 2 of the Plant Varieties Protection Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “denomination”, the following definition:

““Examiner” means any person, organisation or entity appointed by the Registrar for the purpose of referring any question or matter relating to a grant of protection;” and

(b) by deleting the definition of “prescribed examination authority”.

**Repeal and re-enactment of section 4**

3. Section 4 of the principal Act is repealed and the following section substituted therefor:

**“Application of Act**

4. This Act shall apply to all plant genera and species.”.

**Amendment of section 6**

4. Section 6 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) The Registrar may, in relation to a particular matter or class of matters, by writing under his hand, delegate all or any of his powers or functions under this Act (except this power of delegation) to an Assistant Registrar of Plant Varieties, any public officer, or any person with the relevant qualifications for or experience in the matter or class of matters, so that the delegated

powers and functions may be exercised by the delegate with respect to the matter or class of matters specified in the instrument of delegation.”; and

- (b) by inserting, immediately after subsection (2), the following subsection:

“(3) Where the delegate is a person with the relevant qualifications or experience referred to in subsection (1), he shall, when exercising the delegated powers or functions, be deemed to be a public servant for the purposes of the Penal Code (Cap. 224).”.

#### **Amendment of section 14**

5. Section 14(3) of the principal Act is amended by deleting the words “a local prescribed examination authority” and substituting the words “an Examiner appointed by the Registrar for the purposes of this subsection”.

#### **Amendment of section 17**

6. Section 17 of the principal Act is amended —

- (a) by deleting the words “prescribed examination authority in Singapore (referred to in this section as a local prescribed examination authority)” in subsection (1) and substituting the words “Examiner appointed by the Registrar for the purposes of this section”; and
- (b) by deleting the words “local prescribed examination authority” wherever they appear in subsections (1)(a), (2), (3) and (4) and substituting in each case the word “Examiner”.

#### **Amendment of section 18**

7. Section 18(1) of the principal Act is amended by deleting the words “a prescribed examination authority” and substituting the words “an Examiner”.

**Amendment of section 19**

8. Section 19(3) of the principal Act is amended —
- (a) by deleting the words “a local prescribed examination authority” and substituting the words “an Examiner”; and
  - (b) by deleting the words “the local prescribed examination authority” and substituting the words “the Examiner”.

**Amendment of section 22**

9. Section 22 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(3A) Notwithstanding subsection (1)(a), where this Act did not apply to a plant genus or species before the date of commencement of section 3 of the Plant Varieties Protection (Amendment) Act 2014, and an application for a grant of protection is made within one year after that date in respect of any plant variety belonging to that plant genus or species, that plant variety shall be deemed to be new if harvested or propagating material of that plant variety has not been sold, or otherwise disposed of, in Singapore to another person, by or with the consent of the breeder for the purposes of exploitation in Singapore of that plant variety —

- (a) earlier than 6 years before the date that application is made, in the case of trees or vines; or
- (b) earlier than 4 years before the date that application is made, in any other case.”.

**Amendment of section 25**

10. Section 25(2) of the principal Act is amended by deleting the words “a prescribed examination authority” in paragraph (b) and substituting the words “an Examiner”.

**Amendment of section 47**

11. Section 47(2) of the principal Act is amended by deleting the words “officer of a local prescribed examination authority referred to in section 17(1)” and substituting the words “Examiner referred to in

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section 17(1) and officer thereof (if the Examiner is not an individual)".

### **Repeal of Schedule**

- 12.** The Schedule to the principal Act is repealed.
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