Plant Varieties and Seeds Act 1964

1964 CHAPTER 14

An Act to provide for the granting of proprietary rights to persons who breed or discover plant varieties and for the issue of compulsory licences in respect thereof; to establish a tribunal to hear appeals and other proceedings relating to the rights, and to exclude certain agreements relating to the rights from Part I of the Restrictive Trade Practices Act 1956; to confer power to regulate, and to amend in other respects the law relating to, transactions in seeds and seed potatoes, including provision for the testing of seeds and seed potatoes, the establishment of an index of names of varieties and the imposition of restrictions as respects the introduction of new varieties; to control the import of seeds and seed potatoes; to authorise measures to prevent injurious cross-pollination; and for connected purposes. [12th March 1964]

Modifications etc. (not altering text)

C1 Certain functions of Minister of Agriculture, Fisheries and Food under this Act now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: S.I. 1978/272, art. 2, **Sch. 1**

C2 Act amended (8.5.1998) by 1997 c. 66, s. 42, **Sch. 3 para. 1**; S.I. 1998/1028, **art. 2**

C3 Act: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

C4 Act: transfer of functions, property, rights and liabilities (27.12.1999) by S.I. 1999/3141, arts. 2(1)(5), 4, **Sch.** (with arts. 3, 5)

C5 Act functions transferred (W.) (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), **art. 8(1)**

Commencement Information

I1 Act partly in force at Royal Assent see s. 41(2); Act wholly in force (so far as unrepealed) at 1. 7. 1979.

Changes to legislation: *Plant Varieties and Seeds Act 1964 is up to date with all changes known to be in force on or before 25 May 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F1]PART I

. . .

Textual Amendments

F1 Pt. I repealed (8.5.1998) by 1997 c. 66, s. 52, **Sch. 4**; S.I. 1998/1028, **art. 2**

PART II

SEEDS AND SEED POTATOES

Regulation of sales

16 Seeds regulations.

(1) The Minister, after consultation with representatives of such interests as appear to him to be concerned, may by statutory instrument make such regulations as appear to him to be necessary or expedient for the purpose—

(a) of ensuring that reliable and adequate information is afforded as to the nature, condition and quality of seeds which are sold or are for sale,

(b) of preventing the sale of seeds which are deleterious, and of preventing the sale of seeds which have not been tested for purity and germination, or which are of a variety the performance of which has not been subjected to trials,

(c) of preventing the spread of plant disease by **[**[F32]means**]** of seeds,

(d) of regulating the descriptions under which seeds are sold, and

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(e) of prescribing anything which, under this Part of this Act, is authorised or required to be prescribed,

and regulations under this section shall be known as seeds regulations.

[F33(1A) Seeds regulations may further make provision for regulating the marketing, or the importation or exportation, of seeds or any related activities (whether by reference to officially published lists of permitted varieties or otherwise), and may in that connection include provision—

(a) for the registration or licensing of persons engaged in the seeds industry or related activities;

(b) for ensuring that seeds on any official list remain true to variety;

(c) for the keeping and inspection of records and the giving of information;

(d) for conferring rights of appeal to the Tribunal;

(e) for excluding, extending or modifying, in relation to or in connection with any provision of the regulations, the operation of any provision made by the following sections of this Part of this Act or of Part IV of this Act, and for the charging of fees.**]**

(2) Seeds regulations may include provisions as to the packets, bags, trays or other containers in which seeds may be sold or delivered to purchasers, and requirements as to the marking of such containers.

(3) Seeds regulations may in particular—

(a) require information to be given in the prescribed manner (which may include the giving of it on any label, container or package) as regards seeds which are sold or offered or exposed for sale and, in particular, require the seller of any seeds to deliver a statement containing the prescribed particulars to the purchaser within the time limited by the regulations,

(b) require any of the particulars contained in a statement to be delivered to a purchaser or other person under seeds regulations to be particulars ascertained on a test of the seeds,

(c) prohibit the selling, or the offering or exposing for sale, of seeds which contain more than a prescribed proportion of weed seeds, or of weed seeds of a prescribed kind,

(d) prohibit persons from using, in relation to seeds which are sold, or are offered or exposed for sale, a prescribed name or designation or description except where the seeds have been grown or selected under the prescribed conditions,

(e) require persons who deal in seeds to supply the Minister with information as to, and to keep records of,—

(i) transactions in seeds,

(ii) statutory statements given or received by them, and other statements or invoices given or received by them in connection with the sale of seeds,

(iii) processes or treatments applied to seeds, and

(iv) the results of tests of seeds,

and authorise officers of the Minister and other persons to call for production of the records,

(f) where persons who deal in seeds also grow seeds, require those persons to supply the Minister with information as to, and to keep records of—

(i) **[**F34areas**]** sown, and

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(ii) the yields of the crops,

and authorise officers of the Minister and other persons to call for production of the records,

(g) regulate the procedure to be observed at, and the conduct of, official testing stations and other establishments at which tests may be carried out for the purposes of the regulations,

(h) regulate the manner in which any tests are to be made for the purposes of this Part of this Act,

(i) provide for the licensing by the Minister of establishments for the testing of seeds, other than official testing stations, and authorise the Minister to charge a fee for, and to attach conditions to, any such licence and to make the conditions enforceable by withdrawal of the licence or by making a breach of any of the conditions an offence against seeds regulations.

(4) In prescribing the manner in which samples are to be taken for the purposes of any provision in this Part of this Act or for the purposes of seeds regulations, the regulations—

(a) may impose conditions as to the persons authorised to take samples and the places where they may be taken,

(b) may require the person taking a sample to give part of it to the owner of the seeds or to some other person, may prescribe the manner in which the sample is to be divided into parts and may impose duties as respects the marking or labelling and the preservation of the parts of the sample, and

(c) may provide for the identification, by the labelling or marking of their container or by some other method, of seeds from which a sample has been taken.

(5) Seeds regulations—

(a) may exempt, or authorise the Minister to exempt, any person or class of persons, or persons generally, from compliance with any of the provisions of the regulations, and may provide that the exemptions are to be, or may be made, subject to conditions, and

(b) may contain such transitional provisions consequent on the repeal of the [M5]Seeds Act 1920 by this Act as may appear to the Minister to be expedient.

[[F35](5A) In determining any fees to be charged under seeds regulations the Minister may have regard to the costs incurred by him in connection with the enforcement of the regulations.**]**

(6) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) If any person—

(a) in a statutory statement includes anything which is false in a material particular, or

(b) contravenes any provision contained in seeds regulations **[**[F36]he shall be liable on summary conviction to a fine not exceeding **[**[F37]level 5 on the standard scale**]]**.

[[F38](8) The Ministers acting jointly may make seeds regulations for the whole of Great Britain**]**.

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Subordinate Legislation Made

P3 S. 16: for previous exercises of this power see Index to Government Orders.

P4 S. 16(1)(1A)(e)(8) (with s. 36) power exercised by S.I. 1991/656.
S. 16(1)(1A)(e)(8) (with s. 36) power exercised by S.I. 1991/657.

P5 S. 16(1)(1A)(5)(8): s. 16(1) (with ss. 16(1A)(5)(8) and 36) power exercised by S.I. 1991/1601
S. 16(1)(8): s. 16(1) (with ss. 16(8) and 36) power exercised by S.I. 1991/1602

P6 S. 16(1)(1A)(e): s. 16(1) (with s. 16(1A)(e)) power exercised by S.I. 1991/1537

P7 S. 16(1)(1A)(2)(3)(4)(5)(8): s. 16(1) (with ss. 16(1A)(2)(3)(4)(5)(8) and 36) power exercised (E.W.S.) (30.9.1991) by S.I.1991/2206

Textual Amendments

F32 Word substituted by European Communities Act 1972 (c. 68), s. 4, **Sch. 4 para. 5(2)**

F33 S. 16(1A) inserted by European Communities Act 1972 (c. 68), s. 4, **Sch. 4 para. 5(2)**

F34 Word substituted by S.I. 1977/1112, **reg. 2**

F35 S. 16(5A) inserted (E.W.S.) by Agriculture Act 1986 (c. 49 SIF 2:1), s. 2

F36 Words substituted by European Communities Act 1972 (c. 68), s. 4, **Sch. 4 para. 5(2)**

F37 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G and (N.I.), S.I. 1984/703 (N.I. 3), **arts. 5**, 6

F38 S. 16(8) added by European Communities Act 1972 (c. 68), s. 4, **Sch. 4 para. 5(3)**

Modifications etc. (not altering text)

C8 S. 16 (in part) extended (N.I.) by S.I. 1973/609, art. 1, **Sch.**

C9 Ss. 16-19 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(a), **Sch. 1**

C10 S. 16(7)(a) modified (W.) (29.2.2016) by The Seed Potatoes (Wales) Regulations 2016 (S.I. 2016/106), regs. 1(2), **13(8)**

Marginal Citations

M5 1920 c. 54.

17 Civil liabilities of sellers of seeds.

(1) If and so far as seeds regulations provide that a statutory statement shall constitute a statutory warranty for the purposes of this section, the statutory statement, when received by the purchaser, shall, notwithstanding any contract or notice to the contrary, have effect as a written warranty by the seller that the particulars contained in the statutory statement are correct.

(2) If and so far as seeds regulations apply this subsection to the particulars in a statutory statement and prescribe limits of variation in relation to those particulars, those particulars shall, for the purposes of any legal proceedings on a contract for the sale of the seeds to which the statutory statement relates, be deemed to be true except so far as there is a mis-statement in the statutory particulars which exceeds the limits of variation so prescribed.

(3) If and so far as seeds regulations apply this subsection to the particulars in a statutory statement, the particulars in the statutory statement shall, for the purposes of any legal proceedings on a contract for the sale of the seeds to which the statutory statement relates, be deemed to be true unless it is made to appear on a test carried out at an

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official testing station, and made on a sample taken in the manner, and within the period, prescribed by seeds regulations, that the particulars were untrue.

(4) Where a purchaser intends to obtain a test of seeds for the purposes of subsection (3) of this section, the seller of the seeds shall be given written notice of the purchaser's intention not more than the prescribed period after delivery to the purchaser of the seeds under the sale, and seeds regulations shall prescribe a procedure for taking a sample of seeds to be tested for the purposes of that subsection which will afford to the seller of the seeds or his agent an opportunity of being present when the sample is taken, and of obtaining part of the sample.

(5) A contravention of seeds regulations shall not affect the validity of a contract for the sale of seeds, or the right to enforce such a contract.

(6) In Scotland a contract for the sale of seeds may not be treated as repudiated by reason only of a breach of a written warranty having effect by virtue of subsection (1) of this section.

Modifications etc. (not altering text)

C9 Ss. 16-19 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(a), **Sch. 1**

C11 S. 17(2) applied (1.9.1993) by: S.I. 1993/2005, **reg. 10(2)**; S.I. 1993/2006, **reg. 10(2)**; S.I. 1993/2007, **reg. 10(2)**; S.I. 1993/2008, **reg. 11(2)**; S.I. 1993/2009, **reg. 10(2)**

C12 S. 17(2) applied (E.) (31.1.2003) by: S.I. 2002/3171, **reg. 24(2)**; S.I. 2002/3172, **reg. 27(2)**; S.I. 2002/3173, **reg. 27(2)**; S.I. 2002/3174, **reg. 27(2)**; S.I. 2002/3175, **reg. 27(2)**

C13 S. 17(2) applied (S.) (26.9.2004) by Oil and Fibre Plant Seed (Scotland) Regulations 2004 (No. 317), regs. 1(1), **23(2)**

C14 S. 17(2) applied (W.) (13.12.2004) by The Oil and Fibre Plant Seed (Wales) Regulations 2004 (S.I. 2004/2881), regs. 1, **27(2)**

C15 S. 17(2) applied (W.) (30.4.2005) by The Fodder Plant Seed (Wales) Regulations 2005 (S.I. 2005/1207), regs. 1, **27(2)**

C16 S. 17(2) applied (S.) (1.7.2005) by Fodder Plant Seed (Scotland) Regulations 2005 (No. 329), regs. 1(2), **24(2)**

C17 S. 17(2) applied (S.) (1.7.2005) by Cereal Seed (Scotland) Regulations 2005 (No. 328), regs. 1(1), **24(2)**

C18 S. 17(2) applied (W.) (18.11.2005) by The Cereal Seed (Wales) Regulations 2005 (S.I. 2005/3036), regs. 1(2), **27(2)**

C19 S. 17(2) applied (W.) (18.11.2005) by The Vegetable Seed (Wales) Regulations 2005 (S.I. 2005/3035), regs. 1(2), **27(2)**

C20 S. 17(2) applied (W.) (18.11.2005) by The Beet Seed (Wales) Regulations 2005 (S.I. 2005/3037), regs. 1(2), **24(2)**

C21 S. 17(2) applied (S.) (20.4.2010) by The Beet Seed (Scotland) Regulations 2010 (No. 67), regs. 1(1), **21(2)**

C22 S. 17(2) applied (S.) (20.4.2010) by The Beet Seed (Scotland) (No. 2) Regulations 2010 (No. 148), regs. 1(2), **21(2)**

C23 S. 17(3) applied (1.9.1993): by S.I. 1993/2005, **reg. 10(3)**; S.I. 1993/2006, **reg. 10(3)**; S.I. 1993/2007, **reg. 10(3)**; S.I. 1993/2008, **reg. 11(3)**; S.I. 1993/2009, **reg. 10(3)**

C24 S. 17(3) applied (E.) (31.1.2003) by: S.I. 2002/3171, **reg. 24(3)**; S.I. 2002/3172, **reg. 27(3)**; S.I. 2002/3173, **reg. 27(3)**; S.I. 2002/3174, **reg. 27(3)**; S.I. 2002/3175, **reg. 27(3)**

C25 S. 17(3) applied (S.) (26.9.2004) by Oil and Fibre Plant Seed (Scotland) Regulations 2004 (No. 317), regs. 1(1), **23(3)**

C26 S. 17(3) applied (W.) (13.12.2004) by The Oil and Fibre Plant Seed (Wales) Regulations 2004 (S.I. 2004/2881), regs. 1, **27(3)**

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C27 S. 17(3) applied (W.) (30.4.2005) by The Fodder Plant Seed (Wales) Regulations 2005 (S.I. 2005/1207), regs. 1, **27(3)**

C28 S. 17(3) applied (S.) (1.7.2005) by Cereal Seed (Scotland) Regulations 2005 (No. 328), regs. 1(1), **24(3)**

C29 S. 17(3) applied (S.) (1.7.2005) by Fodder Plant Seed (Scotland) Regulations 2005 (No. 329), regs. 1(2), **24(3)**

C30 S. 17(3) applied (W.) (18.11.2005) by The Cereal Seed (Wales) Regulations 2005 (S.I. 2005/3036), regs. 1(2), **27(3)**

C31 S. 17(3) applied (W.) (18.11.2005) by The Beet Seed (Wales) Regulations 2005 (S.I. 2005/3037), regs. 1(2), **24(3)**

C32 S. 17(3) applied (W.) (18.11.2005) by The Vegetable Seed (Wales) Regulations 2005 (S.I. 2005/3035), regs. 1(2), **27(3)**

C33 S. 17(3) applied (S.) (20.4.2010) by The Beet Seed (Scotland) Regulations 2010 (No. 67), regs. 1(1), **21(3)**

C34 S. 17(3) applied (S.) (20.4.2010) by The Beet Seed (Scotland) (No. 2) Regulations 2010 (No. 148), regs. 1(2), **21(3)**

18 Defences in proceedings for offences against seeds regulations.

(1) If and so far as seeds regulations for the purposes of this section prescribe limits of variation in relation to the particulars in a statutory statement, it shall be a defence to proceedings under this Act for including in a statutory statement any false particulars to prove that the mis-statements in the particulars alleged to be false do not exceed the limits of variation so prescribed.

(2) Subject to the provisions of this section, it shall be a defence—

(a) to proceedings under this Part of this Act for including false particulars in a statutory statement,

(b) to proceedings under this Part of this Act **[**[F39]for any other offence**]**,

to prove—

(i) that the accused took all reasonable precautions against committing an offence of the kind alleged and had not at the time of the alleged offence any reason to suspect that an offence was being committed by him, and

(ii) where the accused obtained the seeds to which the alleged offence relates from some other person, that on demand by or on behalf of the prosecutor the accused gave all the information in his power with respect to the name and address of that other person, and with respect to any statutory statement or other document in his possession or power relating to the seeds, and the contract of sale.

(3) If in any such proceedings as are mentioned in subsection (2)(a) of this section any of the particulars alleged to be false are particulars which, by seeds regulations, are to be particulars ascertained by means of a test made in accordance with the regulations, the defence under subsection (2) of this section shall not be available unless it is proved—

(a) that those particulars were ascertained on such a test and that the test was made not earlier than the date, if any, prescribed by seeds regulations for the purpose, or

(b) that—

(i) the accused purchased the seeds from another person who, in connection with the sale, duly delivered to the accused a statutory

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statement giving particulars of the seeds which were the same as the particulars alleged to be false, and

(ii) the accused had no reason to believe that paragraph (a) of this subsection did not apply in relation to those particulars.

Textual Amendments

F39 Words substituted by European Communities Act 1972 (c. 68), s. 4, **Sch. 4 para. 5(2)**

Modifications etc. (not altering text)

C9 Ss. 16-19 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(a), **Sch. 1**

C35 S. 18(2) (in part) extended (N.I.) by S.I. 1973/609, art. 1, **Sch.**

19 Presumption as respects statutory statements under seeds regulations.

For the purposes of this Part of this Act and of any seeds regulations, any statutory statement made as respects seeds which are in distinct portions shall be presumed to be made both as respects the seeds as a whole and also as respects each portion taken separately.

Modifications etc. (not altering text)

C9 Ss. 16-19 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(a), **Sch. 1**

20—23A.

. . . . . F40

Textual Amendments

F40 Ss. 20—23A repealed by European Communities Act 1972 (c. 68), s. 4, **Sch. 3 Pt. III**

Official testing stations

24 Official testing stations and certificates of test.

(1) Subject to this section, the Minister of Agriculture, Fisheries and Food and the Secretary of State shall respectively continue to maintain the official seed testing stations established for England and Wales and for Scotland under the M6Seeds Act 1920.

(2) The Ministers may unite in establishing and maintaining, on such terms as may be agreed between them, a common official seed testing station for the whole of Great Britain.

(3) Either or both of the Ministers may at any time alter the arrangements made by them for official seed testing stations for England and Wales and for Scotland respectively,

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and any official seed testing station established by either or both of them may be established in conjunction with any other bodies or persons.

(4) The Minister or Ministers concerned may, subject to the approval of the Treasury, authorise the charging of fees for the services given at an official seed testing station.

(5) A certificate of the result of a test at an official seed testing station of a sample taken by an authorised officer for the purposes of this Part of this Act shall be in the form prescribed by seeds regulations.

(6) A certificate of the result of a test at an official seed testing station of a sample taken for the purposes of this Act, and purporting to be issued by an officer of an official seed testing station,—

(a) if the sample was taken by an authorised officer, shall, if a copy of the certificate has been served on the accused with the summons or complaint, be sufficient evidence of the facts stated in the certificate in any proceedings for an offence under this Part of this Act, and

(b) if the sample was taken by a person other than an authorised officer in order to obtain the test for the purposes of section 17(3) of this Act, shall be sufficient evidence of the facts stated in the certificate in any such legal proceedings as are mentioned in that subsection,

unless, in either case, either party to the proceedings requires that the person under whose direction the test was made be called as a witness; and in that event, in the case of proceedings in Scotland, the evidence of that person shall be sufficient evidence of the facts stated in the certificate.

(7) In any proceedings for an offence under this Part of this Act in which a copy of a certificate of the result of a test has been served with the summons or complaint in pursuance of paragraph (a) of the last foregoing subsection, the accused, unless the court otherwise directs, shall not be entitled to require that the person under whose direction the test was made be called as a witness unless he has, at least three clear days before the day on which the summons is returnable or, in Scotland, the case proceeds to trial, given notice to the prosecutor that he intends to do so.

Modifications etc. (not altering text)

C36 Ss. 24-30 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(a), **Sch. 1**

C37 S. 24(4) functions modified (W.) (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), arts. 1(1), **8(2)**

C38 S. 24(5) modified (S.) (1.7.2016) by The Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 (S.S.I. 2016/68), regs. 1(1), **14(2)**

Marginal Citations

M6 1920 c. 54.

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Supplemental

Modifications etc. (not altering text)

C39 Ss. 25—27, 30 so far as they relate to ss. 20—23 and s. 29 extended (N.I.) by S.I. 1964/1574, art. 1, **Sch.**

25 Powers of entry.

(1) The powers of entry conferred by subsections (3) and (4) of this section may be exercised for the purpose of exercising—

(a) the further powers conferred by subsections (5) and (6) of this section, or

(b) any powers of calling for, inspecting or taking copies of records or other documents conferred by seeds regulations,

or for the purpose of ascertaining whether there is, or has been, on or in connection with the premises (including any vehicle or vessel) any contravention of any provision contained in this Part of this Act or in seeds regulations.

(2) This section shall not authorise entry into any premises which are used exclusively as a private dwelling.

(3) Any person duly authorised by the Minister in that behalf may, on production if so required of his authority, at all reasonable hours enter any premises which he has reasonable cause to believe to be used for any purpose of a business in the course of which seeds are sold, whether the sale is by wholesale or retail, and whether the person conducting it acts as principal or agent.

(4) Any person duly authorised by the Minister in that behalf may, on production if so required of his authority, at all reasonable hours enter any premises on which he has reasonable cause to believe that there are any seed potatoes which have been sold and which are to be delivered, or are in the course of delivery, to the purchaser, and the power of entry under this subsection may be exercised when the seed potatoes are in transit in the course of delivery to the purchaser, and in particular when they are in any vehicle or vessel in the course of delivery.

(5) A person may, on any premises (including any vehicle or vessel) which he has power under this section to enter for the purpose of exercising the powers conferred by this subsection, examine any seeds which he finds there and may without payment take samples of any seeds so found.

(6) The owner of any seeds which are offered or exposed for sale, or are stored for purposes of sale, or any person authorised to sell those seeds, may be required by a person duly authorised by the Minister in that behalf to deliver to him such a statement, if any, as the person selling them would by seeds regulations be obliged to deliver to a purchaser of those seeds, and to deliver it within the time prescribed for such a statement.

(7) If any person fails to comply with a requirement under subsection (6) of this section he shall be liable on summary conviction—

[[F41]to a fine not exceeding **[**[F42]level 3 on the standard scale**]]**

and references in this Part of this Act to a statutory statement shall include references to a statement delivered under subsection (6) of this section.

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(8) This section shall apply as respects—

(a) all kinds of seeds in respect of which an offence may under any circumstances be committed under seeds regulations as for the time being in force, . . . [F43]

(b)

[F43](9) A person who obstructs or impedes any person acting in the exercise of the powers conferred by this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

Textual Amendments

F41 Words substituted for s. 25(7) paras. (a)(b) by European Communities Act 1972 (c. 68), s. 4, **Sch. 4 para. 5(2)**

F42 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

F43 Word "and" and s. 25(8)(b) repealed by European Communities Act 1972 (c. 68), s. 4, **Sch. 3 Pt. III**

Modifications etc. (not altering text)

C36 Ss. 24-30 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(a), **Sch. 1**

C40 S. 25 modified by S.I. 1984/412, **art. 22**
S. 25 modified (S.) (7.7.2000) by S.S.I. 2000/201, **reg. 21**
S. 25 applied (with modifications) (1.12.2001) by 2001/3510, reg. 21(1)

C41 S. 25 modified (11.10.1991) by S.I. 1991/2206, **reg. 23(1)(2)** (with regs. 4, 5)

C42 S. 25 modified (E.) (16.5.2006) by Seed Potatoes (England) Regulations 2006 (S.I. 2006/1161), regs. 1(1), **reg. 23(2)-(4)**

C43 S. 25 modified (W.) (15.11.2006) by The Seed Potatoes (Wales) Regulations 2006 (S.I. 2006/2929), regs. 1(1), **reg. 23(2)-(4)**

C44 S. 25 modified (S.) (1.1.2016) by The Seed Potatoes (Scotland) Regulations 2015 (S.S.I. 2015/395), regs. 1(1), **reg. 23(2)-(4)** (with reg. 21)

C45 S. 25 modified (E.) (1.1.2016) by The Seed Potatoes (England) Regulations 2015 (S.I. 2015/1953), regs. 1(1), **24(2)** (with regs. 1(3), 24(6))

C46 S. 25 modified (W.) (29.2.2016) by The Seed Potatoes (Wales) Regulations 2016 (S.I. 2016/106), regs. 1(2), **24(2)**(4)(6)

C47 S. 25(1) modified (11.10.1991) by S.I. 1991/2206, **reg. 23(3)** (with regs. 4, 5)

C48 S. 25(1) modified (E.) (1.1.2016) by The Seed Potatoes (England) Regulations 2015 (S.I. 2015/1953), regs. 1(1), **24(3)** (with regs. 1(3), 24(6))

C49 S. 25(4) excluded (11.10.1991) by S.I. 1991/2206, **art. 23(4)** (with regs. 4, 5)

C50 S. 25(4) modified (E.) (1.1.2016) by The Seed Potatoes (England) Regulations 2015 (S.I. 2015/1953), regs. 1(1), **24(4)** (with regs. 1(3), 24(6))

C51 S. 25(9) has effect as if the new penalty there mentioned was a fine not exceeding level 3 on the standard scale by virtue of (E.W.) 1982 c. 48, s. 39, **Sch. 3** and by (S.) 1975 c. 21, s. 289H, **Sch. 7** (which 1975 Act was repealed (1.4.1996) (S.) by 1995 c. 40, s. 6(1), Sch. 5 (with s. 6(2), **Sch. 6**)) and (1.4.1996) (S.) by 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 10, **Sch. 2 Pt. III** (with Sch. 3 paras. 1, 16, 17)

26 Use of samples in criminal proceedings.

(1) Evidence shall not be adduced in proceedings for an offence under this Part of this Act respecting a sample taken by an authorised officer unless the sample was taken in the manner prescribed by seeds regulations.

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(2) Seeds regulations shall provide for the sample being divided into at least two parts, and for one of the parts being given to the owner of the seeds or to such other person as may be prescribed by seeds regulations, and shall provide for a third part of the sample to be retained for production in all cases where use of it may be made by the court under this section.

(3) A certificate in the form prescribed by seeds regulations purporting to be issued by an authorised officer and stating that a sample was taken in the prescribed manner shall be sufficient evidence of the facts stated in the certificate.

(4) If part of a sample taken by an authorised officer is sent to the chief officer of an official testing station, it shall be so sent as soon as practicable after the sample is taken, and the person to whom any other part of the sample is given shall be informed before the first-mentioned part is sent.

(5) A copy of a certificate issued by an official testing station stating the result of a test of part of a sample taken by an authorised officer shall be sent to the person to whom any other part of the sample is given.

(6) In any proceedings for an offence under this Part of this Act in respect of seeds which have been sampled by an authorised officer, the summons shall not be made returnable, and, in Scotland, the case shall not proceed to trial, less than fourteen days from the day on which the summons or complaint is served, and a copy of any certificate of an official testing station which the prosecutor intends to adduce as evidence shall be served with the summons or complaint.

(7) In proceedings for including in a statutory statement false particulars concerning matters which are under seeds regulations to be ascertained, for the purpose of the statement, by a test of the seeds, if any sample of the seeds has been taken by an authorised officer, the third part of that sample required by seeds regulations to be retained as mentioned in subsection (2) of this section shall be produced at the hearing.

(8) The court may, if it thinks fit, on the request of either party, cause the part so produced to be sent to the chief officer of an official testing station, who shall transmit to the court a certificate of the result of a test of that part of the sample.

(9) If, in a case where an appeal is brought, no action has been taken under the last foregoing subsection the provisions of that subsection shall apply also to the court by which the appeal is heard.

F44(10) . . . . . .

Textual Amendments

F44 S. 26(10) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 2** Group 2

Modifications etc. (not altering text)

C36 Ss. 24-30 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(a), **Sch. 1**

C52 S. 26 modified by S.I. 1984/412, **art. 22**

C53 S. 26 modified (S.) (7.7.2000) by S.S.I. 2000/201, **reg. 21**
S. 26 applied (with modifications) (1.12.2001) by 2001/3510, reg. 21(1)

C54 S. 26 modified (E.) (16.5.2006) by Seed Potatoes (England) Regulations 2006 (S.I. 2006/1161), regs. 1(1), **23(5)**

***Changes to legislation:** Plant Varieties and Seeds Act 1964 is up to date with all changes known to be in force on or before 25 May 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

C55 S. 26(2)(4)-(9) excluded (W.) (29.2.2016) by The Seed Potatoes (Wales) Regulations 2016 (S.I. 2016/106), regs. 1(2), **24(1)(5)**
C56 S. 26(2)(4)(5)(6)(7)(8)(9) excluded (11.10.1991) by S.I. 1991/2206, **reg. 23(1)(5)** (with regs. 4, 5)
C57 S. 26(2) excluded (W.) (15.11.2006) by The Seed Potatoes (Wales) Regulations 2006 (S.I. 2006/2929), regs. 1(1), **23(5)**
C58 S. 26(2) modified (E.) (1.1.2016) by The Seed Potatoes (England) Regulations 2015 (S.I. 2015/1953), regs. 1(1), **24(5)** (with regs. 1(3), 24(6))
C59 S. 26(2) excluded (S.) (1.1.2016) by The Seed Potatoes (Scotland) Regulations 2015 (S.S.I. 2015/395), regs. 1(1), **23(5)** (with reg. 21)
C60 S. 26(4)-(9) excluded (W.) (15.11.2006) by The Seed Potatoes (Wales) Regulations 2006 (S.I. 2006/2929), regs. 1(1), **23(5)**
C61 S. 26(4)-(9) modified (E.) (1.1.2016) by The Seed Potatoes (England) Regulations 2015 (S.I. 2015/1953), regs. 1(1), **24(5)** (with regs. 1(3), 24(6))
C62 S. 26(4)(5) excluded (S.) (1.1.2016) by The Seed Potatoes (Scotland) Regulations 2015 (S.S.I. 2015/395), regs. 1(1), **23(5)** (with reg. 21)
C63 S. 26(6)(7) excluded (S.) (1.1.2016) by The Seed Potatoes (Scotland) Regulations 2015 (S.S.I. 2015/395), regs. 1(1), **23(5)** (with reg. 21)
C64 S. 26(8)(9) excluded (S.) (1.1.2016) by The Seed Potatoes (Scotland) Regulations 2015 (S.S.I. 2015/395), regs. 1(1), **23(5)** (with reg. 21)

27 Tampering with samples.

(1) If any person—

(a) tampers with any seeds so as to procure that a sample taken in the manner prescribed by seeds regulations for any purpose does not correctly represent the bulk of the seeds, or

(b) tampers with any sample so taken, or

(c) with intent to deceive sends, or causes or allows to be sent to any official testing station or licensed testing establishment, to be tested for any purpose, a sample of seeds which to his knowledge does not correctly represent the bulk of the seeds,

he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both.

(2) In this section "licensed testing establishment" means an establishment licensed under seeds regulations for the testing of seeds.

Modifications etc. (not altering text)
C36 Ss. 24-30 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(a), **Sch. 1**
C65 S. 27 applied (with modifications) (1.12.2001) by 2001/3510, reg. 21(1)
C66 S. 27(1) has effect as if the fine mentioned was a fine of level 5 on the standard scale by virtue of (E.W.) 1982 c. 48, s. 39, **Sch. 3** and by (S.) 1975 c. 21, s. 289H, **Sch. 7** (which 1975 Act was repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5**) and (1.4.1996) (S.) by virtue of 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 10, **Sch. 2 Pt. III** (with Sch. 3 paras. 1, 16, 17)

28 Institution of criminal proceedings.

(1) Notwithstanding anything in **[**[F45]section 127(1) of the [M7]Magistrates' Courts Act 1980**]** or **[**[F46]section 331 of the [M8]Criminal Procedure (Scotland) Act 1975**]** (time limit for

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proceedings), where a part of a sample has been tested at an official testing station proceedings for including in a statutory statement false particulars concerning the matters which are under seeds regulations to be ascertained, for the purposes of the statement, by a test of the seeds, being proceedings relating to the seeds from which the sample was taken, may be brought at any time not more than six months from the time when the sample was taken.

(2) If at any time before a test is begun at an official testing station to ascertain whether a part of a sample of seeds is of a specified variety or type, and not more than six months after the sample was taken, the person to whom any other part of the sample was given, or any other person, is notified in writing by an authorised officer that it is intended so to test the seeds and that, after the test, proceedings may be brought against that person for including in a statutory statement a false statement that seeds were of a specified variety or type, then notwithstanding anything in **[**F47the said section 127(1)**]** or **[**F46331**]**, any such proceedings relating to the seeds from which the sample was taken may be brought against the person so notified at any time not more than two years from the time when the sample was taken.

A certificate purporting to be issued by an authorised officer and stating that a person was so notified shall be sufficient evidence of that fact.

[F48(2A) Notwithstanding anything in section 127(1) of the M9Magistrates' Courts Act 1980 or section 136 of the M10Criminal Procedure (Scotland) Act 1995, proceedings for contravening a provision contained in seeds regulations may be brought at any time not more than one year from the time when the contravention occurred.**]**

(3) Proceedings for an offence under this Part of this Act relating to a statutory statement which has been delivered to a purchaser of seeds, or relating to seeds which have been sold and delivered to the purchaser, may be brought before a court having jurisdiction at the place of delivery of the statement or seeds.

Textual Amendments

F45 Words substituted by Magistrates' Courts Act 1980 (c. 43), **Sch. 7 para. 44(a)**

F46 Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 460(1)(b)**

F47 Words substituted by Magistrates' Courts Act 1980 (c. 43), **Sch. 7 para. 44(b)**

F48 S. 28(2A) inserted (8.5.1998) by 1997 c. 66, **s. 47**; S.I. 1998/1028, **art. 2**

Modifications etc. (not altering text)

C36 Ss. 24-30 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(a), **Sch. 1**

C67 S. 28 applied (with modifications) (1.12.2001) by 2001/3510, reg. 21(1)

C68 S. 28(3) (in part) extended (N.I.) by S.I. 1973/609, art. 1, **Sch. 1**

Marginal Citations

M7 1980 c. 43.

M8 1975 c. 21.

M9 1980 c. 43.

M10 1995 c. 46.

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29 Application of Part II to seed potatoes.

(1) This Part of this Act applies to seed potatoes **[**F49to any other vegetative propagating material and to silvicultural planting material**]** as it applies to seeds, and accordingly, except where the context otherwise requires, references in this Part of this Act to seeds include references to seed potatoes **[**F49to any other vegetative propagating material and to silvicultural planting material**]**.

[F50(2) **[**F51The **[**F52appropriate authority**]** may establish and maintain an official seed testing station for silvicultural propagating and planting material, and seeds regulations may confer on **[**F53the appropriate authority**]** any functions the regulations may confer on a Minister, and **[**F54the appropriate authority**]** may charge or authorise the charging of fees for services given at any such station or in connection with any such functions; and accordingly—

(a) references in this part of the Act to an authorised officer shall include an officer of **[**F53the appropriate authority**]**; and

(b) in section 25 above the references in subsections (3), (4) and (6) to a person duly authorised by the Minister shall include a person duly authorised by **[**F54the appropriate authority**]**.**]**

[F55Any expenses incurred or fees received by the Commissioners by virtue of this subsection shall be defrayed, or as the case may be treated, in accordance with section 41 of the Forestry Act 1967.**]**

(3) In relation to matters concerning silvicultural propagating or planting material or concerning the **[**F56appropriate authority**]**, "the Minister" shall in this Part of this Act mean, in relation to Wales and Monmouthshire, the Secretary of State, and the reference in section 16(8) to the Ministers shall be construed accordingly.**]**

[F57(4) **[**F58In this section "appropriate authority" means—

(a) in relation to Wales, the Welsh Ministers;

(b) in all other respects, the Forestry Commissioners.**]]**

Textual Amendments

F49 Words inserted by European Communities Act 1972 (c. 68), s. 4, **Sch. 4 para. 5(4)**

F50 S. 29(2)(3) added by European Communities Act 1972 (c. 68), s. 4, **Sch. 4 para. 5(4)**

F51 S. 29(2) repealed (S.) (1.4.2019) by Forestry and Land Management (Scotland) Act 2018 (asp 8), **ss. 9**, 85(2) (with s. 83); S.S.I. 2019/47, reg. 2 (with regs. 3-22)

F52 Words in s. 29(2) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 29(2)(a)** (with Sch. 7)

F53 Words in s. 29(2) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 29(2)(b)** (with Sch. 7)

F54 Words in s. 29(2) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 29(2)(c)** (with Sch. 7)

F55 Words in s. 29(2) substituted (16.3.2000) by S.I. 2000/746, art. 2, **Sch. para. 2**

F56 Words in s. 29(3) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 29(3)** (with Sch. 7)

F57 S. 29(4) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 29(4)** (with Sch. 7)

F58 S. 29(4) repealed (S.) (1.4.2019) by Forestry and Land Management (Scotland) Act 2018 (asp 8), **ss. 9**, 85(2) (with s. 83); S.S.I. 2019/47, reg. 2 (with regs. 3-22)

***Changes to legislation:** Plant Varieties and Seeds Act 1964 is up to date with all changes known to be in force on or before 25 May 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Modifications etc. (not altering text)

C36 Ss. 24-30 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(a), **Sch. 1**

C69 S. 29(1) applied (with modifications) (1.12.2001) by 2001/3510, reg. 21(1)

C70 S. 29(2) amended (1.7.1999) by S.I. 1999/1797, art. 3, **Sch. 12 Pt. II para. 2**

30 Interpretation of Part II.

(1) In this Part of this Act, unless the context otherwise requires,—

"authorised officer" means an officer of the Minister or a person authorised by the Minister to execute this Part of this Act;

"official testing station" means an official seed testing station maintained . . . [F59] under this Part of this Act;

"seeds" includes agricultural and horticultural seeds, vegetable seeds, flower seeds, seeds of grasses, whether used for agricultural purposes or other purposes, and seeds of trees;

"statutory statement" means a statement given in pursuance of seeds regulations, whether the statement be in the form of a notice or other document, or in the form of particulars given on any label or container or package, or in any other form, and includes a statement delivered under section 25(6) of this Act.

(2) In this Part of this Act references to a contravention of any provision contained in this Act or in seeds regulations include references to a failure to comply with such a provision, and references to a contravention of any provision contained in seeds regulations include references to anything which, by the regulations, is expressed to be an offence against a provision contained in the regulations and also include references to any failure to comply with a condition subject to which an exemption is granted by or under seeds regulations.

(3) In this Part of this Act any reference to an offence under this Part of this Act includes, unless the context otherwise requires, a reference to a contravention of any provision contained in seeds regulations.

Textual Amendments

F59 Words repealed by European Communities Act 1972 (c. 68), s. 4, **Sch. 4 para. 5(4)**

Modifications etc. (not altering text)

C36 Ss. 24-30 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(a), **Sch. 1**

C71 S. 30 (in part) extended (N.I.) by S.I. 1973/609, art. 1, **Sch.**

C72 S. 30(2) applied (with modifications) (1.12.2001) by 2001/3510, reg. 21(1)

31 †Repeals and consequential amendment.

(1) The enactments mentioned in Schedule 6 to this Act (which include certain enactments which were obsolete before the passing of this Act) shall, [F60]... be repealed to the extent specified in the third column of that Schedule.

(2[F61]

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Textual Amendments

F60 Words in s. 31(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 2** Group 2

F61 S. 31(2) repealed by Trade Descriptions Act 1968 (c. 29), **Sch. 2**

Modifications etc. (not altering text)

C73 Unreliable margin note

PART III

CONTROL OF IMPORTS AND PREVENTION OF CROSS-POLLINATION

32 . . . . . F62

Textual Amendments

F62 S. 32 repealed by European Communities Act 1972 (c. 68), s. 4, **Sch. 3 Pt. III**

33 Measures to prevent injurious cross-pollination affecting crops of seeds.

(1) This section shall have effect for the purpose of maintaining the purity of seed of any types and varieties of plants of any species of the genus Allium, Beta or Brassica.

(2) The Minister may by order bring this section into force in an area in any part of Great Britain in which persons are engaged in growing crops of seeds of any type or variety of plant mentioned in subsection (1) of this section if he is satisfied that in that area satisfactory arrangements (whether legally enforceable or not) have been made for locating such crops so as to isolate them from crops or plants which might cause injurious cross-pollination.

(3) An order under this section—

(a) shall be made after consultation with the persons responsible for the arrangements mentioned in subsection (2) of this section, and with persons representative of such other interests as appear to the Minister to be concerned, and

(b) shall be made by statutory instrument and may be varied or revoked by a subsequent order so made.

(4) An order under this section—

(a) shall state which of the types and varieties of plants mentioned in subsection (1) of this section are protected by the order, and

(b) shall specify the kinds of crops and plants which are to be controlled in the area to which the order relates, and

(c) may relate to more than one area and, if so, may make different provision under paragraphs (a) and (b) of this subsection in respect of the different areas to which it relates;

and in this section, in relation to an area to which an order under this section relates—

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(i) "protected crop" means a crop of a type or variety of plant which is protected by the order in that area, being a crop grown for the purpose of producing seeds, and

(ii) "controlled crops or plants" means crops, grown for any purpose, of the types or varieties of plants which are protected by the order in that area, and such additional kinds of crops or plants, whether grown or self-sown and whether of those or any other types or varieties, as may be specified in the order for the purposes of this definition in that area.

(5) If in an area where this section is in force controlled crops or plants are growing and, on an application made in accordance with Schedule 7 to this Act, the Minister is satisfied—

(a) that they are causing or may cause injurious cross-pollination in a protected crop which is being grown in the area, and

(b) in the case of controlled crops or plants which are not self-sown, that the person growing them did not give to the persons responsible for the arrangements mentioned in subsection (2) of this section such notice of his intention to grow those crops or plants to the flowering stage as would have enabled them to take any appropriate steps for altering the arrangements,

the Minister may serve a notice on the occupier of the land where the controlled crops or plants are growing requiring him to take such steps as may be specified in the notice for the purpose of preventing any of the controlled crops or plants from causing or continuing to cause injurious cross-pollination in the protected crop.

(6) If the person served with a notice under this section does not comply with any requirement in the notice, the Minister may enter and do what that person has failed to do or, if in the opinion of the Minister that would no longer serve the purpose for which the notice was served, may take such other action as appears to the Minister appropriate for that purpose; and where, when the default occurs, further obligations remain under the notice, the Minister may also take such action as appears to him appropriate to meet the purposes for which those further obligations were imposed.

The Minister may recover from the person on whom the notice was served a sum equal to the reasonable cost incurred by the Minister in taking any action under this subsection.

(7) Without prejudice to the power of proceeding under the last foregoing subsection, a person who unreasonably fails to comply with any requirement in a notice under this section shall be liable on summary conviction—

(a) in the case of a first offence under this subsection, to a fine not exceeding **[**F63twenty pounds**][**F63level 3 on the standard scale**]**, and

(b) in the case of a second or subsequent offence under this subsection, to a fine not exceeding **[**F63fifty pounds**][**F63level 3 on the standard scale**]**.

(8) A person duly authorised by the Minister may, on production if so required of his authority, at all reasonable hours enter on any land (but not into any dwellinghouse) in an area where this section is in force for the purpose of ascertaining whether controlled crops or plants are growing on the land or of inspecting and taking samples of any controlled crops or plants growing on the land.

(9) A notice under this section or Schedule 7 to this Act may be served by leaving it at, or sending it by post addressed to, the last known address of the person on whom it is to be served, and if it is not practicable after reasonable inquiry to ascertain his name

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and address, the notice may be served by addressing it to him as "the occupier" of the land and affixing it or a copy of it to some conspicuous object on the land.

(10) A person who obstructs or impedes a person acting in the exercise of the powers conferred by subsection (6) or subsection (8) of this section shall be liable on summary conviction to a fine not exceeding **[**F64level 1 on the standard scale**]**.

(11) In this section, and in the said Schedule—

"the occupier" means, in the case of unoccupied land, the person entitled to occupy the land;

"protected crop" and "controlled crops or plants" have the meanings respectively assigned by subsection (4) of this section.

Textual Amendments

F63 Words "level 3 on the standard scale" substituted (S.) for "twenty pounds" and "fifty pounds" respectively by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289E–289G**

F64 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

Modifications etc. (not altering text)

C74 S. 33 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(b), **Sch. 1**

C75 S. 33(7): Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

PART IV

GENERAL

Modifications etc. (not altering text)

C76 Pt. IV (except s. 40) extended (N.I.) by S.I. 1964/1574, art. 1, **Sch.**

C77 Provisions of Pt. I and of Pt. IV in its application to the said Pt. I extend to the Isle of Man subject to specified exceptions, adaptations and modifications by S.I. 1969/1829 art. 2, Sch.

34 The gazette.

(1) The Ministers shall from time to time publish a gazette (in this Act referred to as "the gazette"), and shall use the gazette as one of the means of publishing notice of matters to be published under this Act **[**F65or Part I of the Plant Varieties Act 1997**]**.

(2) It shall be no defence in civil or criminal proceedings to show that at any time a person did not know of an entry in the register under **[**F66section 18 of the Plant Varieties Act 1997**]**, . . . F67, if before that time notice of that entry . . . F67 had been published in the gazette.

Changes to legislation: *Plant Varieties and Seeds Act 1964 is up to date with all changes known to be in force on or before 25 May 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F65 Words in s. 34(1) inserted (8.5.1998) by 1997 c. 66, **s. 51(1)(a)**; S.I. 1998/1028, **art. 2**

F66 Words in s. 34(2) substituted (8.5.1998) by 1997 c. 66, **s. 51(1)(b)**; S.I. 1998/1028, **art. 2**

F67 Words repealed by European Communities Act 1972 (c. 68), s. 4, **Sch. 3 Pt. III**

Modifications etc. (not altering text)

C78 Ss. 34-36 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(c), **Sch. 1**

35 General provisions as to offences.

(1) Where an offence punishable under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Proceedings for any offence punishable under this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a person before the appropriate court in Great Britain having jurisdiction in the place where that person is for the time being.

Modifications etc. (not altering text)

C78 Ss. 34-36 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(c), **Sch. 1**

36 Supplemental provisions as to regulations.

Regulations under this Act—

(a) may make different provision for different types or classes of plant varieties, for different seasons of the year and for other different circumstances, and

(b) may contain such supplemental, incidental and transitional provisions as may appear to the Minister or Ministers making the regulations to be expedient.

Subordinate Legislation Made

P8 S. 36: s. 16(1), (1A)(e) and (8) (with s. 36) power exercised by S.I. 1991/656.
S. 36: s. 16(1), (1A)(e) and (8) (with s. 36) power exercised by S.I. 1991/657.
S. 36: s. 9(1) (with s. 36) power exercised by S.I. 1991/655

P9 S. 36: for previous exercises of this power see Index to Government Orders.

P10 S. 36: s. 16(1) (with ss. 16(1A)(5)(8) and 36) power exercised by S.I. 1991/1601
S. 36: s. 16(1) (with ss. 16(8) and 36) power exercised by S.I.1991/1602.
S. 36: s. 16(1) (with ss. 16(1A)(2)(3)(4)(5)(8) and 36) power exercised (30.9.1991) by S.I. 1991/2206

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Modifications etc. (not altering text)

C78 Ss. 34-36 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(c), **Sch. 1**

37 Departmental expenses and payments into Exchequer.

(1) There shall be paid out of moneys provided by Parliament—

F68(a) . . . . . .

F68(b) . . . . . .

F68(c) . . . . . .

(d) (so far as not falling under the foregoing paragraphs) any expenses incurred by a Minister in the execution of this Act, and

(e) any increase attributable to this Act in the sums payable out of money so provided under the Superannuation Acts 1834 to 1960.

(2) Any fees received by virtue of this Act by a Minister F69. . . shall be paid into the Exchequer.

Textual Amendments

F68 S. 37(1)(a)-(c) repealed (8.5.1998) by 1997 c. 66, s. 52, **Sch. 4**; S.I. 1998/1028, **art. 2**

F69 Words in s. 37(2) repealed (8.5.1998) by 1997 c. 66, s. 52, **Sch. 4**; S.I. 1998/1028, **art. 2**

38 Interpretation.

(1) In this Act—

F70 . . .

"the Minister" means **[**F71(subject to section 29(3))**]**, as respects England and Wales, the Minister of Agriculture, Fisheries and Food and, as respects Scotland, the Secretary of State; and "the Ministers" means, except as otherwise expressly provided, **[**F72the Minister, the Secretary of State for Scotland and the Secretary of State for Wales**]** acting jointly;

F70 . . .

[F73"the Tribunal" means the Plant Varieties and Seeds Tribunal;**]**

. . .

(2) References in this Act to seeds are references to seeds for sowing.

(3) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or applied by or under any other enactment, including this Act.

Textual Amendments

F70 Definitions repealed (8.5.1998) by 1997 c. 66, s. 52, **Sch. 4**; S.I. 1998/1028, **art. 2**

F71 Words inserted by European Communities Act 1972 (c. 68), s. 4, **Sch. 4 para. 5(4)**

F72 Words substituted by S.I. 1978/272, **Sch. 5 para. 10**

F73 Definition substituted (8.5.1998) by 1997 c. 66, **s. 51(2)**; S.I. 1998/1028, **art. 2**

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Modifications etc. (not altering text)

C79 S. 38 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(c), **Sch. 1**

39 Extension of Act to Northern Ireland.

(1) This Act, so far as not expressly extended to Northern Ireland by any provision contained in this Act or by any Order in Council under the next following subsection, shall not extend to Northern Ireland; . . . [F74]

(2) Her Majesty may, by an Order in Council made under this subsection in pursuance of resolution passed by the two Houses of the Parliament of Northern Ireland, direct that—

[F75](a) . . . . . .

(b) any of the provisions of Part II or this Part of this Act specified in the Order,

shall (whether as originally enacted or as they have effect by virtue of any Order in Council under the next following section) extend to Northern Ireland; and any such Order in Council may be varied or revoked by a subsequent Order in Council made under this subsection in pursuance of such resolutions as aforesaid.

(3) While any of the provisions of this Act extend to Northern Ireland by virtue of an Order in Council under subsection (2) of this section, they shall (without prejudice to the validity of anything previously done under this Act)—

(a) have effect as if—

(i) any reference to Great Britain were a reference to the United Kingdom; and

[[F76](ii) any power expressed to be exercisable by "the Ministers" were exercisable by them only with the consent of the Northern Ireland Department of Agriculture and Rural Development; and**]**

[F77](b) . . . . . .

(4) While any provisions of this Act extend to Northern Ireland by virtue of an Order in Council under subsection (2) of this section, they shall have effect subject to such exceptions, adaptations and modifications as may be specified in the Order; and in the application of those provisions to Northern Ireland any reference to any enactment of the Parliament of Northern Ireland shall be construed as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modification.

(5) If the Parliament of Northern Ireland pass legislation amending or repealing the [M11]Seeds Act 1920, Her Majesty may by Order in Council made under this subsection direct that that legislation (and any related enactments forming part of the law of Northern Ireland), and any provisions in Part II or this Part of this Act, shall have effect subject to such exceptions, adaptations and modifications as may appear to Her Majesty to be expedient for the purpose of securing that the two systems of legislation operate, to such extent as may be specified, as a single system; and any such Order in Council may be varied or revoked by a subsequent Order in Council under this subsection.

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(6) An Order in Council under subsection (2) or subsection (5) of this section may contain such transitional and other consequential provisions as appear to Her Majesty to be expedient.

Textual Amendments

F74 Words repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**

F75 S. 39(2)(a) and the word immediately following it repealed (8.5.1998) by 1997 c. 66, s. 52, **Sch. 4**; S.I. 1998/1028, **art. 2**

F76 S. 39(3)(a)(ii) substituted (21.11.2002) by S.I. 2002/2843, **art. 5**

F77 S. 39(3)(b) repealed (8.5.1998) by 1997 c. 66, s. 52, **Sch. 4**; S.I. 1998/1028, **art. 2**

Modifications etc. (not altering text)

C80 S. 39 extended by Plant Varieties Act 1983 (c. 17, SIF 2:9), **s. 5(1)**

C81 References to Parliament of Northern Ireland to be construed as including references to the Northern Ireland Assembly: S.I. 1973/2163, **Sch. 5 para. 17**

C82 Reference to a resolution passed by the two Houses of the Parliament of Northern Ireland to be construed as including reference to a resolution of the Northern Ireland Assembly: Northern Ireland Constitution Act 1973 (c. 36), **Sch. 5 para. 3(1)**

C83 S. 39(3)(4) extended by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), **s. 43(3)**

Marginal Citations

M11 1920 c. 54.

40 Extension of Act to Isle of Man and Channel Islands.

Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall (whether as originally enacted or as they have effect by virtue of any Order in Council under the last foregoing section) extend, subject to such exceptions, adaptations and modifications as may be specified in the Order, to the Isle of Man or any of the Channel Islands; and any such Order in Council may contain such transitional and other consequential provisions as appear to Her Majesty to be expedient, and may be varied or revoked by a subsequent Order in Council.

Modifications etc. (not altering text)

C84 S. 40 extended by Plant Varieties Act 1983 (c. 17, SIF 2:9), **s. 5(2)**

41 Short title and commencement.

(1) This Act may be cited as the Plant Varieties and Seeds Act 1964.

F78(2) . . . . . .

Textual Amendments

F78 S. 41(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 2** Group 2

***Changes to legislation:** Plant Varieties and Seeds Act 1964 is up to date with all changes known to be in force on or before 25 May 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Modifications etc. (not altering text)

C85 S. 41(1) extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(c), **Sch. 1**

C86 Power of appointment conferred by s. 41(2) fully exercised as regards all unrepealed provisions; S.I. 1966/276, 1968/206, 1973/928, 1978/1002

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SCHEDULES

[F79]SCHEDULE 1

. . . . . .

Textual Amendments

F79 Sch. 1 repealed (8.5.1998) by 1997 c. 66, s. 52, **Sch. 4**; S.I. 1998/1028, **art. 2**

[F87]SCHEDULE 2

. . . . . .

Textual Amendments

F87 Sch. 2 repealed (8.5.1998) by 1997 c. 66, s. 52, **Sch. 4**; S.I. 1998/1028, **art. 2**

[F96]SCHEDULE 3

. . . . . .

Textual Amendments

F96 Sch. 3 repealed (8.5.1998) by 1997 c. 66, s. 52, **Sch. 4**; S.I. 1998/1028, **art. 2**

[F98]SCHEDULE 4

. . . . . .

Textual Amendments

F98 Sch. 4 repealed (8.5.1998) by 1997 c. 66, s. 52, **Sch. 4**; S.I. 1998/1028, **art. 2**

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SCHEDULE 5

. . . F107

Textual Amendments

F107 Sch. 5 repealed by European Communities Act 1972 (c. 68), s. 4, **Sch. 3 Pt. III**

SCHEDULE 6

Section 31.

REPEALS OF SEEDS ENACTMENTS

Modifications etc. (not altering text)

C88 The text of Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
32 & 33 Vict. c. 112.	The Adulteration of Seeds Act 1869	The whole Act.
41 & 42 Vict. c. 17	The Adulteration of Seeds Act 1878	The whole Act.
10 & 11 Geo. 5. c. 54.	The Seeds Act 1920	The whole Act.
15 & 16 Geo. 5. c. 66.	The Seeds (Amendment) Act 1925.	The whole Act.
2 & 3 Eliz. 2. c. 39.	The Agriculture (Miscellaneous Provisions) Act 1954.	Section 12.
1963 c. 11	The Agriculture (Miscellaneous Provisions) Act 1963.	Section 24.

SCHEDULE 7

Section 33.

CROSS-POLLINATION INJURING PROTECTED CROPS

Modifications etc. (not altering text)

C89 Sch. 7 extended (with modifications) (1.8.2016) by The Plant Varieties and Seeds (Isle of Man) Order 2016 (S.I. 2016/758), arts. 1, 2(2)(b), **Sch. 1**

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1 An application under section 33 of this Act seeking the issue of a notice under that section shall be in writing.

2 Before deciding whether to issue a notice in accordance with the application the Minister shall serve a notice on the occupier of the land giving him particulars of the application, and of his right to make representations in accordance with the next following paragraph.

3 The Minister shall, if requested within such time as may be specified in the notice under paragraph 2 above, afford to the applicant, and to the occupier of the land, an opportunity of appearing before and making representations to a person appointed by the Minister for the purpose.

4 In deciding whether to issue a notice in accordance with the application, and in deciding the terms of any such notice, the Minister shall have regard—

(a) to the need to maintain, in the interests of the public, the purity of the seed in question,

(b) to the degree to which the injurious cross-pollination will or may diminish the value of the protected crop or disturb arrangements made for the purpose of maintaining the purity of the seed in question, and

(c) to the value, if any, of the controlled crops or plants and the inconvenience or disturbance involved in complying with a notice.

Changes to legislation:
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Changes and effects yet to be applied to :

– s. 27(1) words substituted by 2003 c. 44 Sch. 26 para. 18