



Seeds Act (Northern Ireland) 1965

1965 CHAPTER 22

SUPPLEMENTAL

8 Powers of entry.

^{F1}(1) This section shall not authorise entry into any premises which are used exclusively as a private dwelling.

(2) For the purpose of exercising—

- (a) the powers conferred by subsections (3) and (4), 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 Act or in seeds regulations any person duly authorised by the Ministry in that behalf may, on production if so required of his authority, at all reasonable hours enter any lands (including any premises or any vehicle or vessel) which he has reasonable cause to believe are 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) or on which he has reasonable cause to believe there are any seeds which have been sold and which are to be delivered, or are in the course of delivery, to a purchaser.

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

(4) 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 an authorised officer to deliver to him such a statement, if any, as the person selling them

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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.

- (5) If any person fails to comply with a requirement under subsection (4) he shall be guilty of an offence and shall be liable on summary conviction [^{F2} to a fine not exceeding^{F3} level 3 on the standard scale]].
- (6) This section shall apply as respects 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.
- (7) A person who wilfully obstructs or impedes any person acting in the exercise of the powers conferred by this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F3} £200].

F1	SI 1972/971
F2	SRO (NI) 1972/351
F3	1984 NI 3

^{F4F5}9 Use of samples in criminal proceedings.

- (1) Evidence shall not be adduced in proceedings for an offence under this Act respecting a sample taken by an authorised officer unless the sample was taken in the manner prescribed by seeds regulations.
- (2) Seeds regulations shall provide for the sample being divided into at least three 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 also 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 or 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 Act in respect of seeds which have been sampled by an authorised officer, the summons shall not be made returnable 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) shall be produced at the hearing.

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- (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, in order to obtain, for the information of 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 subsection (8) the provisions of that subsection shall apply also to the court by which the appeal is heard.
- (10) A sample taken before the coming into force of this Act in accordance with section 4 of the Seeds Act 1920 shall be regarded as taken in the prescribed manner for the purposes of subsection (1).

- F4** Mod. by SR 1981/243
F5 Mod. by SR 2001/188

Modifications etc. (not altering text)

- C1** S. 9 modified (1.11.2010) by [Seed Potatoes Regulations \(Northern Ireland\) 2010 \(S.R. 2010/350\)](#), **reg. 25(b)** (with [reg. 3](#))
- C2** S. 9(2) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\)](#), **23(b)**
- C3** S. 9(4) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\)](#), **23(b)**
- C4** S. 9(5) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\)](#), **23(b)**
- C5** S. 9(6) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\)](#), **23(b)**
- C6** S. 9(7) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\)](#), **23(b)**
- C7** S. 9(8) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\)](#), **23(b)**
- C8** S. 9(9) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\)](#), **23(b)**

10 Tampering with samples.

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 guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F6} £1,000] or to imprisonment for a term not exceeding three months, or to both.

- F6** 1984 NI 3

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11 Institution of criminal proceedings.

- (1) 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, notwithstanding anything to the contrary in the Summary Jurisdiction Acts (Northern Ireland), 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 the said last-mentioned Acts, 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.

- (3) Proceedings for an offence under 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.

12 Application of this Act to seed potatoes.

- (1) This Act applies to seed potatoes [^{F7} to 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 Act to seeds include references to seed potatoes [^{F7} to any other vegetative propagating material and to silvicultural planting material].

- ^{F8}(2) The Ministry may establish and maintain an official seed testing station for silvicultural propagating and planting material.]

F7	SRO (NI) 1972/351
F8	SRO (NI) 1972/351

S. 13 rep. by SLR 1976

14 Interpretation.

- (1) In this Act,—
 - “authorised officer” means an officer of the Ministry or a person authorised by the Ministry to exercise or perform functions under this Act;
 - “licensed testing establishment” means an establishment licensed under seeds regulations for the testing of seeds;
 - “Ministry” has the meaning assigned to it by section 1(1);

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“official testing station” means an official seed testing station maintained by the Ministry under this Act;

“prescribed” means prescribed by seeds regulations;

“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 a statement delivered under section 8(4).

- (2) In this Act references to a contravention of any provision contained in this Act or 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 Act any reference to an offence under this Act includes, unless the context otherwise requires, a reference to a contravention of any provision contained in seeds regulations.
- (4) References in this Act to seeds are references to seeds for sowing.

S. 15(1), with Schedule, effects repeals; subs. (2) rep. by 1968 c. 29

16 Short title and commencement.

- (1) This Act may be cited as the Seeds Act (Northern Ireland) 1965.
- (2) *Commencement*

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