

SCHEDULE 1

Article 2

Exceptions, adaptations and modifications in the extension of Parts 2 to 4 of the Plant Varieties and Seeds Act 1964 to the Isle of Man

PART 1

Exceptions, adaptations and modifications to Part 2

- 1.—(1) Section 16 (seeds regulations)(1) is modified as follows.
- (2) Throughout the section—
 - (a) for “the Minister” substitute “the Department”;
 - (b) for “him” substitute “it”.
- (3) In subsection (1) omit “by statutory instrument”.
- (4) In subsection (7)(b) for “level 5 on the standard scale” substitute “£5,000”.
- (5) Omit subsections (3)(i), (5)(b), (6) and (8).

Commencement Information

I1 Sch. 1 para. 1 in force at 1.8.2016, see [art. 1](#)

2. Omit section 17(6) (Scottish contracts for the sale of seeds).

Commencement Information

I2 Sch. 1 para. 2 in force at 1.8.2016, see [art. 1](#)

- 3.—(1) Section 24 (official testing stations and certificates of test) is modified as follows.
- (2) For subsection (1) substitute—

“(1) Testing of seeds must take place at a testing station maintained in the United Kingdom by—

 - (a) the Secretary of State;
 - (b) the Scottish Ministers; or
 - (c) the Department of Agriculture and Rural Development in Northern Ireland.”.
- (3) Omit subsections (2) and (3).
- (4) For subsection (4) substitute—

“(4) The fees payable for the services given at an official seed testing station shall be those authorised under this subsection as it has effect in the part of the United Kingdom in which the official seed testing station is situated.”.
- (5) In subsection (6)—
 - (a) omit “or complaint”;
 - (b) omit the words following “be called as a witness”.

(1) Section 16 was amended by paragraph 5 of Schedule 4 to the European Communities Act 1972, sections 38, 39 and 46 of the Criminal Justice Act 1982 (c. 48), section 2 of the Agriculture Act 1986 (c. 49) and S.I. 1977/1112.

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- (6) In subsection (7)—
- (a) omit “or complaint”;
 - (b) for “at least three clear days” substitute “at least 14 days”;
 - (c) omit “or, in Scotland, the case proceeds to trial”.

Commencement Information

I3 Sch. 1 para. 3 in force at 1.8.2016, see [art. 1](#)

- 4.—(1) Section 25 (powers of entry)(2) is modified as follows.
- (2) In subsections (3), (4) and (6) after “the Minister” insert “or the Department”.
 - (3) In subsections (7) and (9) for “level 3 on the standard scale” substitute “£1,000”.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.8.2016, see [art. 1](#)

5. In section 26(6) (the summons and evidence regarding samples in criminal proceedings)(3) omit —
- (a) “or complaint” (in both places);
 - (b) “and, in Scotland, the case shall not proceed to trial.”.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.8.2016, see [art. 1](#)

6. In section 27(1) (the offence of tampering with samples)(4) for “level 5 on the standard scale” substitute “£5,000”.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.8.2016, see [art. 1](#)

- 7.—(1) Section 28 (institution of criminal proceedings)(5) is modified as follows.
- (2) In subsection(1) for the words preceding “where a part of a sample” substitute —“Notwithstanding anything in section 75(1) of the Summary Jurisdiction Act 1989 (an Act of Tynwald) (limitation of time)(6),”.
 - (3) In subsection (2) for “the said section 127(1) or 23” substitute “the said section 75(1)”.

(2) Section 25 amended by Part 3 of Schedule 3, and paragraph 5 of Schedule 4, to the European Communities Act 1972 and sections 38, 39 and 46 of, and Schedule 3 to, the Criminal Justice Act 1982.

(3) Section 26(10) was repealed by the relevant entry in Group 2 of Part 2 of Schedule 1 to the Statute Law (Repeals) Act 2004 (c. 14).

(4) Section 27(1) was amended by sections 38, 39 and 46 of, and Schedule 3 to, the Criminal Justice Act 1982. It is prospectively amended by paragraph 18 of Schedule 26 to the Criminal Justice Act 2003 (c. 44) from a date to be appointed.

(5) Section 28(1) was amended by paragraph 44 of Schedule 7 to the Magistrates’ Courts Act 1980 (c. 43). Section 28(2A) was inserted by section 47 of the Plant Varieties Act 1997.

(6) AT 15 of 1989.

(4) In subsection (2A) for the words preceding “proceedings for contravening” substitute “Notwithstanding anything in the said section 75(1),”.

Commencement Information

I7 Sch. 1 para. 7 in force at 1.8.2016, see [art. 1](#)

8.—(1) Section 29 (application of Part 2 to seed potatoes)(7) is modified as follows.

(2) In subsection (2)—

- (a) omit the words preceding “seeds regulations”;
- (b) after “on a Minister” insert “or the Department”;
- (c) for “at any such station” substitute “at any station maintained by the appropriate authority”.

(3) Omit subsection (3).

(4) For subsection (4) substitute—

“(4) In this section “the appropriate authority” means the Forestry Commissioners.”.

Commencement Information

I8 Sch. 1 para. 8 in force at 1.8.2016, see [art. 1](#)

9. In section 30(1) (definitions in Part 2), in the definition of “authorised officer”, after “the Minister” (in both places that expression occurs) insert “or the Department”.

Commencement Information

I9 Sch. 1 para. 9 in force at 1.8.2016, see [art. 1](#)

PART 2

Exceptions, adaptations and modifications to Part 3

10.—(1) Section 33 (measures to prevent injurious cross-pollination affecting crops of seeds)(8) is modified as follows.

(2) In subsection (2)—

- (a) for “The Minister” substitute “The Department”;
- (b) for “any part of Great Britain” substitute “the Isle of Man”;
- (c) for “if he is satisfied” substitute “if it is satisfied”.

(3) In subsection (3)—

- (a) in paragraph (a) for “the Minister” substitute “the Department”;
- (b) for paragraph (b) substitute—
“(b) may be varied or revoked by a subsequent order.”.

(7) Section 29 was amended by paragraph 5(4) of Schedule 4 to the European Communities Act 1972 and [S.I. 2000/746](#) and [2013/755](#).

(8) Section 33 was amended by sections 35, 38, 39 and 46 of the Criminal Justice Act 1982.

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(4) In subsections (5) and (8) for “the Minister” (in each place that expression occurs) substitute “the Department”.

(5) In subsection (6)—

(a) for “the Minister” (in each place that expression occurs) substitute “the Department”;

(b) for “as appears to him” substitute “as appears to it”.

(6) In subsection (7) for “level 3 on the standard scale” (in each place that expression occurs) substitute “£1,000”.

(7) In subsection (10) for “level 1 on the standard scale” substitute “£200”.

Commencement Information

I10 Sch. 1 para. 10 in force at 1.8.2016, see [art. 1](#)

11. In Schedule 7 (cross-pollination injuring protected crops) for “the Minister” (in each place that expression occurs) substitute “the Department”.

Commencement Information

I11 Sch. 1 para. 11 in force at 1.8.2016, see [art. 1](#)

PART 3

Exceptions, adaptations and modifications to Part 4

12. Omit section 35(2) (which extends jurisdiction in criminal proceedings under the Plant Varieties and Seeds Act 1964 in Great Britain).

Commencement Information

I12 Sch. 1 para. 12 in force at 1.8.2016, see [art. 1](#)

13.—(1) Section 36 (supplemental provision as to regulations) is modified as follows.

(2) Renumber the existing text as subsection (1) of the section.

(3) In subsection (1)(b) for “the Minister or Ministers” substitute “the Department or the Ministers”.

(4) After subsection (1) insert—

“(2) Regulations made by the Department must be approved by Tynwald before coming into operation.”.

Commencement Information

I13 Sch. 1 para. 13 in force at 1.8.2016, see [art. 1](#)

14. In section 38(1) (definitions)(9) immediately before the definition of “the Minister” insert—

(9) Section 38(1) was amended by paragraph 5 of Schedule 4 to the European Communities Act 1972, section 51(2) of, and Schedule 4 to, the Plant Varieties Act 1997 and [S.I. 1978/272](#).

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““the Department” means the Department of Environment, Food and Agriculture of the Isle of Man;”.

Commencement Information

I14 Sch. 1 para. 14 in force at 1.8.2016, see [art. 1](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 2(za)(zb) inserted by [S.I. 2022/1337 Sch. para. 2\(1\)](#)
- Sch. 2 para. 2(aa)(ab) inserted by [S.I. 2022/1337 Sch. para. 2\(2\)](#)
- Sch. 2 para. 12A inserted by [S.I. 2022/1337 Sch. para. 4](#)