



# Plant Varieties and Seeds Act 1964

## 1964 CHAPTER 14

### 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—
- 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,
  - 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,
  - of preventing the spread of plant disease by [<sup>F1</sup>means] of seeds,
  - of regulating the descriptions under which seeds are sold, and
  - 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.

[<sup>F2</sup>(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—

- for the registration or licensing of persons engaged in the seeds industry or related activities;
- for ensuring that seeds on any official list remain true to variety;
- for the keeping and inspection of records and the giving of information;
- for conferring rights of appeal to the Tribunal;

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- (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) [F<sup>3</sup>areas] sown, and
    - (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.

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- (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 <sup>M1</sup>Seeds Act 1920 by this Act as may appear to the Minister to be expedient.
- [<sup>F4</sup>(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 [<sup>F5</sup>he shall be liable on summary conviction to a fine not exceeding [<sup>F6</sup>level 5 on the standard scale]].
- [<sup>F7</sup>(8) The Ministers acting jointly may make seeds regulations for the whole of Great Britain].

#### Subordinate Legislation Made

- P1** S. 16: for previous exercises of this power see Index to Government Orders.
- P2** 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](#).
- P3** 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](#)
- P4** S. 16(1)(1A)(e): s. 16(1) (with s. 16(1A)(e)) power exercised by [S.I. 1991/1537](#)
- P5** 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

- F1** Word substituted by [European Communities Act 1972 \(c. 68\)](#), s. 4, [Sch. 4 para. 5\(2\)](#)
- F2** S. 16(1A) inserted by [European Communities Act 1972 \(c. 68\)](#), s. 4, [Sch. 4 para. 5\(2\)](#)

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- F3** Word substituted by [S.I. 1977/1112, reg. 2](#)
- F4** [S. 16\(5A\)](#) inserted (E.W.S.) by Agriculture Act 1986 (c. 49 SIF 2:1), s. 2
- F5** Words substituted by [European Communities Act 1972 \(c. 68\), s. 4, Sch. 4 para. 5\(2\)](#)
- F6** 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](#)
- F7** [S. 16\(8\)](#) added by [European Communities Act 1972 \(c. 68\), s. 4, Sch. 4 para. 5\(3\)](#)

**Modifications etc. (not altering text)**

- C1** [S. 16](#) (in part) extended (N.I.) by [S.I. 1973/609, art. 1, Sch.](#)

**Marginal Citations**

- M1** [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 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.

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#### **Modifications etc. (not altering text)**

- C2** 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)**
- C3** 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)**
- C4** S. 17(2) applied (S.) (26.9.2004) by Oil and Fibre Plant Seed (Scotland) Regulations 2004 (No. 317), regs. 1(1), **23(2)**
- C5** 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)**
- C6** S. 17(2) applied (W.) (30.4.2005) by The Fodder Plant Seed (Wales) Regulations 2005 (S.I. 2005/1207), regs. 1, **27(2)**
- C7** S. 17(2) applied (S.) (1.7.2005) by Fodder Plant Seed (Scotland) Regulations 2005 (No. 329), regs. 1(2), **24(2)**
- C8** S. 17(2) applied (S.) (1.7.2005) by Cereal Seed (Scotland) Regulations 2005 (No. 328), regs. 1(1), **24(2)**
- C9** S. 17(2) applied (W.) (18.11.2005) by The Cereal Seed (Wales) Regulations 2005 (S.I. 2005/3036), regs. 1(2), **27(2)**
- C10** S. 17(2) applied (W.) (18.11.2005) by The Vegetable Seed (Wales) Regulations 2005 (S.I. 2005/3035), regs. 1(2), **27(2)**
- C11** S. 17(2) applied (W.) (18.11.2005) by The Beet Seed (Wales) Regulations 2005 (S.I. 2005/3037), regs. 1(2), **24(2)**
- C12** 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)**
- C13** 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)**
- C14** S. 17(3) applied (S.) (26.9.2004) by Oil and Fibre Plant Seed (Scotland) Regulations 2004 (No. 317), regs. 1(1), **23(3)**
- C15** 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)**
- C16** S. 17(3) applied (W.) (30.4.2005) by The Fodder Plant Seed (Wales) Regulations 2005 (S.I. 2005/1207), regs. 1, **27(3)**
- C17** S. 17(3) applied (S.) (1.7.2005) by Cereal Seed (Scotland) Regulations 2005 (No. 328), regs. 1(1), **24(3)**
- C18** S. 17(3) applied (S.) (1.7.2005) by Fodder Plant Seed (Scotland) Regulations 2005 (No. 329), regs. 1(2), **24(3)**
- C19** S. 17(3) applied (W.) (18.11.2005) by The Cereal Seed (Wales) Regulations 2005 (S.I. 2005/3036), regs. 1(2), **27(3)**
- C20** S. 17(3) applied (W.) (18.11.2005) by The Beet Seed (Wales) Regulations 2005 (S.I. 2005/3037), regs. 1(2), **24(3)**
- C21** S. 17(3) applied (W.) (18.11.2005) by The Vegetable Seed (Wales) Regulations 2005 (S.I. 2005/3035), regs. 1(2), **27(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—

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- (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 [<sup>F8</sup>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 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

**F8** Words substituted by [European Communities Act 1972 \(c. 68\)](#), s. 4, [Sch. 4 para. 5\(2\)](#)

#### Modifications etc. (not altering text)

**C22** [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.

20— ..... <sup>F9</sup>  
23A.

#### Textual Amendments

**F9** [Ss. 20—23A](#) repealed by [European Communities Act 1972 \(c. 68\)](#), s. 4, [Sch. 3 Pt. III](#)

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