



# Plant Varieties and Seeds Act 1964

## 1964 CHAPTER 14

### PART IV

#### GENERAL

#### **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.
- (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 section 5 of this Act, or in the Index under Part II, or did not know that a section of the Index had come into force, if before that time notice of that entry or fact had been published in the gazette.

#### **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.

#### **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.

### **37 Departmental expenses and payments into Exchequer**

- (1) There shall be paid out of moneys provided by Parliament—
  - (a) the remuneration and allowances of the Controller and other officers and servants appointed under section 11 of this Act,
  - (b) the remuneration and allowances of members of the Tribunal and of the officers and servants of the Tribunal appointed by the Ministers, and such other expenses of the Tribunal as the Treasury may determine,
  - (c) to such extent as the Treasury may approve, any expenses incurred by the Controller in the discharge of his functions under this Act (including any sums paid by way of fees or grants under section 11(4) of this Act), and any other expenses incurred in the operation of the Plant Variety Rights Office,
  - (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 or the Controller or the Tribunal shall be paid into the Exchequer.

### **38 Interpretation**

- (1) In this Act—
  - " the Controller " means the Controller of Plant Variety Rights;
  - " the Minister " means, 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, the said two Ministers acting jointly;
  - " plant variety " means any clone, line, hybrid or genetic variant;
  - " the Tribunal " means the Tribunal established under Part I of this Act;
  - " variety ", unless the context otherwise requires, means a plant variety.
- (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.

### **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; but no limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act 1920 shall apply in relation to legislation for purposes similar to the purposes of Part II or this Part of

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this Act so as to preclude that Parliament from enacting a provision similar to some provision in those Parts of this Act.

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

(a) the provisions of Part I of this Act, and

(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

(ii) any reference to " the Ministers " included the Secretary of State concerned with agriculture in Northern Ireland; and

(b) in their application to Northern Ireland, have effect as if—

(i) references to sections 9 and 32 of the Arbitration Act 1950 were respectively references to sections 12 and 30 of the Arbitration Act (Northern Ireland) 1937;

(ii) references to section 104 of the Magistrates' Courts Act 1952 were references to any corresponding provision of the law of Northern Ireland ;

(iii) in section 10(6), for the reference to England and Wales there were substituted a reference to Northern Ireland;

(iv) after paragraph 3 of Schedule 4 there were inserted the following paragraph—

“3A In relation to proceedings before the Tribunal in Northern Ireland—

(a) paragraphs 1 and 2 of this Schedule shall have effect as if for the references to the Lord Chancellor there were substituted references to the Lord Chief Justice of Northern Ireland, and

(b) references in paragraphs 5 and 8 of this Schedule to the chairman or deputy chairman shall be construed respectively as references to the chairman or deputy chairman appointed for such proceedings”;

and

(v) in paragraph 9(1) of Schedule 4, for the words from " in the county court " to the end of that sub-paragraph there were substituted the words " by the taxing master of the Supreme Court of Judicature of Northern Ireland according to such of the scales provided for equity suits or proceedings in the county courts under the County Courts

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Act (Northern Ireland) 1959 as may be directed by the order or, if the order gives no direction, by the taxing master ".

- (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 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.
- (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.

#### **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.

#### **41 Short title and commencement**

- (1) This Act may be cited as the Plant Varieties and Seeds Act 1964.
- (2) Parts II and III of this Act shall come into force on such day as the Minister of Agriculture, Fisheries and Food and the Secretary of State may by order contained in a statutory instrument appoint, and orders under this subsection may appoint different dates for different provisions or different purposes.