



Plant Varieties and Seeds Act 1964

1964 CHAPTER 14

PART II

SEEDS AND SEED POTATOES

Supplemental

28 Institution of criminal proceedings.

- (1) Notwithstanding anything in [^{F1}section 127(1) of the ^{M1}Magistrates' Courts Act 1980] or [^{F2}section 331 of the ^{M2}Criminal Procedure (Scotland) Act 1975] (time limit for 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 [^{F3}the said section 127(1)] or [^{F2}331], 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.

- [^{F4}(2A) Notwithstanding anything in section 127(1) of the ^{M3}Magistrates' Courts Act 1980 or section 136 of the ^{M4}Criminal Procedure (Scotland) Act 1995, proceedings for

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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

- F1** Words substituted by [Magistrates' Courts Act 1980 \(c. 43\)](#), **Sch. 7 para. 44(a)**
F2 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **s. 460(1)(b)**
F3 Words substituted by [Magistrates' Courts Act 1980 \(c. 43\)](#), **Sch. 7 para. 44(b)**
F4 [S. 28\(2A\)](#) inserted (8.5.1998) by [1997 c. 66, s. 47](#); [S.I. 1998/1028, art. 2](#)

Modifications etc. (not altering text)

- C1** [S. 28](#) applied (with modifications) (1.12.2001) by [2001/3510, reg. 21\(1\)](#)
C2 [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**
C3 [S. 28\(3\)](#) (in part) extended (N.I.) by [S.I. 1973/609, art. 1](#), **Sch. 1**

Marginal Citations

- M1** [1980 c. 43](#).
M2 [1975 c. 21](#).
M3 [1980 c. 43](#).
M4 [1995 c. 46](#).

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