

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.

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(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](#).

““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](#)

SCHEDULE 2

Article 3

Modifications in the extension of the Plant Varieties Act 1997 to the Isle of Man

1. In section 6(6)(a) (the making of regulations about protected varieties) for “the Ministers” substitute “the Department”.

Commencement Information

I15 Sch. 2 para. 1 in force at 1.8.2016, see [art. 1](#)

2. In section 9 (farm saved seed)—
- (a) omit subsections (5)(10) and (6);
 - (b) for “the Ministers” (in each place that expression occurs) substitute “the Department”.

Commencement Information

I16 Sch. 2 para. 2 in force at 1.8.2016, see [art. 1](#)

3. In section 10(1)(a) (circumstances to which plant breeders’ rights do not extend) after “the United Kingdom” insert “or the Isle of Man”.

Commencement Information

I17 Sch. 2 para. 3 in force at 1.8.2016, see [art. 1](#)

4. In section 11(2) (regulations extending period of plant breeders’ rights) for “the Ministers” substitute “the Department”.

Commencement Information

I18 Sch. 2 para. 4 in force at 1.8.2016, see [art. 1](#)

5. In section 14(5) (regulations about presumptions in proceedings relating to harvested material) for “the Ministers” substitute “the Department”.

(10) Section 9(5) was repealed in relation to England and Northern Ireland by [S.I. 2005/2726](#) and in relation to Wales by [S.I. 2006/1621](#). It remains in force in Scotland but its effect has been modified in relation to that jurisdiction by [S.S.I. 2005/460](#).

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Commencement Information

I19 Sch. 2 para. 5 in force at 1.8.2016, see [art. 1](#)

6. In section 15(6) (regulations about presumptions in proceedings relating to products made from harvested material) for “the Ministers” substitute “the Department”.

Commencement Information

I20 Sch. 2 para. 6 in force at 1.8.2016, see [art. 1](#)

7. In section 17 (compulsory licences) at the end add—

“(10) If the Controller grants, varies or revokes a licence under this section, he shall notify the Department.”.

Commencement Information

I21 Sch. 2 para. 7 in force at 1.8.2016, see [art. 1](#)

8.—(1) Section 19 (duty to use registered name) is modified as follows.

(2) In subsection (4) for “level 3 on the standard scale” substitute “£1,000”.

(3) At the end add—

“(6) In subsection (3) the reference to the Trade Marks Act 1994⁽¹¹⁾ includes a reference to that Act as extended to the Isle of Man⁽¹²⁾.”.

Commencement Information

I22 Sch. 2 para. 8 in force at 1.8.2016, see [art. 1](#)

9. In section 31(1) (offence of giving false information) for “level 3 on the standard scale” substitute “£1,000”.

Commencement Information

I23 Sch. 2 para. 9 in force at 1.8.2016, see [art. 1](#)

10. In section 32(1) (offence of making false representation as to plant breeders’ rights) for “level 3 on the standard scale” substitute “£1,000”.

Commencement Information

I24 Sch. 2 para. 10 in force at 1.8.2016, see [art. 1](#)

11. Omit section 36(2) (offences committed by Scottish partnerships).

(11) 1994 c. 26.

(12) The Trade Marks Act 1994 was extended to the Isle of Man with modifications formerly prescribed by S.I. 1996/729 (which was replaced by S.I. 2013/2601). By virtue of section 108(2), and subject to any Order in Council providing for the extension of that Act to the Isle of Man, references in that Act to the United Kingdom are to be construed as including the Isle of Man.

Commencement Information

I25 Sch. 2 para. 11 in force at 1.8.2016, see [art. 1](#)

12. Omit section 37 (jurisdiction in relation to offences in the United Kingdom).

Commencement Information

I26 Sch. 2 para. 12 in force at 1.8.2016, see [art. 1](#)

13.—(1) Section 41 (varieties of recent creation) is modified as follows.

(2) In subsection (1)—

(a) for “comes into force” substitute “applies to the Isle of Man”;

(b) in paragraphs (a) and (b) for “the coming into force of this Part of this Act” substitute “the application of this Part of this Act to the Isle of Man”.

(3) In subsection (2) for “comes into force” substitute “applies to the Isle of Man”.

(4) In subsection (4) after “the United Kingdom” insert “or the Isle of Man”.

Commencement Information

I27 Sch. 2 para. 13 in force at 1.8.2016, see [art. 1](#)

14.—(1) Section 43 (jurisdiction under arbitration agreements) is modified as follows.

(2) Omit subsection (3).

(3) For subsection (4) substitute—

“(4) In the application of this section to the Isle of Man, “arbitration agreement” has the same meaning as in Part 1 of the Arbitration Act 1976 (an Act of Tynwald)(**13**).”.

Commencement Information

I28 Sch. 2 para. 14 in force at 1.8.2016, see [art. 1](#)

15.—(1) Section 48 (regulations and orders) is modified as follows.

(2) In subsection (1) after “the Ministers” (in both places that expression occurs) insert “or the Department”.

(3) For subsection (2) substitute—

“(2) Any regulations or order under this Act made by the Department must be approved by Tynwald before coming into operation.”.

(4) Omit subsections (3), (4) and (6).

Commencement Information

I29 Sch. 2 para. 15 in force at 1.8.2016, see [art. 1](#)

(13) AT 24 of 1976.

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16. In section 49(1) (definitions) after the definition of “the Controller” insert—
““the Department” means the Department of Environment, Food and Agriculture of the Isle of Man;”.

Commencement Information

I30 Sch. 2 para. 16 in force at 1.8.2016, see [art. 1](#)

- 17.—(1) Section 50 (receipts) is modified as follows.
(2) Renumber the existing text as subsection (1) of the section.
(3) At the end add—
“(2) Any fees received by virtue of this Act by the Department form part of the General Revenue of the Isle of Man.”.

Commencement Information

I31 Sch. 2 para. 17 in force at 1.8.2016, see [art. 1](#)

18. Omit section 51 (consequential amendments).

Commencement Information

I32 Sch. 2 para. 18 in force at 1.8.2016, see [art. 1](#)

19. For section 52 (repeals) substitute—

“Repeal

52. The Seeds Act 1921⁽¹⁴⁾ and the Seeds (Amendment) Act 1939⁽¹⁵⁾ (both Acts of Tynwald) are repealed.”.

Commencement Information

I33 Sch. 2 para. 19 in force at 1.8.2016, see [art. 1](#)

20. Omit section 53 (extent).

Commencement Information

I34 Sch. 2 para. 20 in force at 1.8.2016, see [art. 1](#)

21. In section 54 omit subsections (2) to (4) (the commencement of the Act in the United Kingdom).

⁽¹⁴⁾ AT 2 of 1921.

⁽¹⁵⁾ AT 9 of 1939.

Commencement Information

I35 Sch. 2 para. 21 in force at 1.8.2016, see [art. 1](#)

22. In paragraph 4 of Schedule 1 (proof of documents in proceedings under the Act) omit “, or in Scotland sufficient evidence,”.

Commencement Information

I36 Sch. 2 para. 22 in force at 1.8.2016, see [art. 1](#)

23.—(1) Schedule 2 (conditions for the grant of plant breeders’ rights)(**16**) is modified as follows.

(2) In paragraph 4(2) and (3) (circumstances in which a variety is deemed new) after “the United Kingdom” insert “or the Isle of Man”.

(3) In paragraph 6(2)(c) (orders designating countries or territories for the purposes of parallel applications for rights) for “the Ministers” substitute “the Department”.

Commencement Information

I37 Sch. 2 para. 23 in force at 1.8.2016, see [art. 1](#)

24.—(1) Schedule 3 (the Plant Varieties and Seeds Tribunal)(**17**) applies to proceedings from the Isle of Man, as it applies to proceedings in England, and is modified as follows.

(2) Omit paragraphs 3 and 4 (appointment of a chairman of the Tribunal in Scotland and in Northern Ireland).

(3) In paragraph 5 (term of appointment of a chairman of the Tribunal)—

(a) omit sub-paragraph (1A);

(b) in sub-paragraph (5) omit “or 3”;

(c) for “paragraph 2, 3 or 4” (in each place that expression occurs) substitute “paragraph 2”.

(4) In paragraph 6 (deputy chairman) for “paragraph 2, 3 or 4” (in each place that expression occurs) substitute “paragraph 2”.

(5) In paragraph 9 (sittings of the Tribunal) for the words following “brought before them” substitute “from the Isle of Man, sit anywhere in England”.

(6) In paragraph 11 (costs)—

(a) in sub-paragraph (1) omit the words “or Northern Ireland”;

(b) omit sub-paragraph (3).

(7) Omit paragraph 12 (expenses in Scotland).

(8) In paragraph 16 (interpretation) omit paragraphs (b) and (c) of the definitions of “appointing authority” and “relevant chairman”.

(16) Schedule 2 was amended by [S.I. 2011/1043](#).

(17) Schedule 3 was amended by paragraph 269 of Part 1 of Schedule 4, and paragraph 5 of Part 3 of Schedule 11, to the Constitutional Reform Act 2005 (c. 4), paragraph 27 of Schedule 4 to the Northern Ireland Act 2009 (c. 3), paragraph 11 of the Schedule to the Department of Justice Act (Northern Ireland) 2010 (c. 3 N.I.), and paragraph 120 of Part 3 of Schedule 9 to the Crime and Courts Act 2013 (c. 22).

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Commencement Information

I38 Sch. 2 para. 24 in force at 1.8.2016, see [art. 1](#)

25. Omit Schedule 4 (repeals).

Commencement Information

I39 Sch. 2 para. 25 in force at 1.8.2016, see [art. 1](#)

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Changes and effects yet to be applied to :

- Sch. 2 para. 4 substituted by [S.I. 2022/1337 Sch. para. 3](#)

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](#)