



Plant Varieties and Seeds Act 1964

1964 CHAPTER 14

PART III

CONTROL OF IMPORTS AND PREVENTION OF CROSS-POLLINATION

32 Control of imports of potentially deleterious seeds

- (1) If it appears to the Ministers that it is necessary or expedient that they should be able to exercise the powers conferred by this section for the purpose of preventing the importation into the United Kingdom—
 - (a) of seeds which, if used as reproductive material in the United Kingdom, will or may cause deterioration of domestic types or varieties of plants by cross-pollination, physical admixture or other means, or
 - (b) of seeds which are unsuitable for use in the United Kingdom because they are of a type or variety which has been developed in countries with different climates, different hours of daylight or other different conditions,they may by order apply this section to seeds of any type or variety specified in the order.
- (2) An order under this section may provide for excepting from a type or variety so specified any description of seeds defined in any manner and, in particular, any description of seeds defined by reference to the country or territory where they were grown or from which they have been consigned to the United Kingdom.
- (3) Without prejudice to the powers of exemption conferred by the last foregoing subsection, where it is shown to the satisfaction of the Commissioners of Customs and Excise that any seeds are being imported into the United Kingdom solely with a view to their re-exportation after transit through any part of the United Kingdom, or by way of trans-shipment, the Commissioners may, subject to such conditions as they think fit to impose for securing the re-exportation of the seeds, allow those seeds to be imported as if this section did not apply to them.
- (4) Subject to any exceptions prescribed under subsection (2) of this section and to the last foregoing subsection, all seeds to which this section applies are prohibited to be

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imported into the United Kingdom except under the authority, and in accordance with the terms, of a licence granted by the Minister of Agriculture, Fisheries and Food.

- (5) A licence under this section may be, to any degree, general or specific and may be modified or revoked by the Minister of Agriculture, Fisheries and Food at any time.
- (6) An officer of Customs and Excise may require any person possessing or having control of any seeds to which this section applies which are being or have been imported to furnish proof that the importation of the seeds is or was not unlawful by virtue of this section; and if such proof is not furnished to the satisfaction of the Commissioners of Customs and Excise, then, unless the contrary is proved, the goods shall be deemed to be prohibited goods and shall be liable to forfeiture under the Customs and Excise Act 1952.
- (7) An order under this section—
 - (a) may include provision as to the methods by which importers may be required to prove whether consignments of seeds fall within any exception specified in such an order,
 - (b) may prescribe the form and manner in which applications are to be made for licences and the form of licences,
 - (c) may contain such other transitional, supplemental and incidental provisions as appear to the Ministers to be expedient, and
 - (d) may be varied or revoked by a subsequent order under this section;
 and any order under this section shall be made by statutory instrument after consultation with representatives of such interests as appear to the Ministers to be concerned, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section "the Ministers " means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State concerned with agriculture in Northern Ireland, acting jointly.
- (9) This section shall extend to Northern Ireland and be construed as one with the Customs and Excise Act 1952.

33 Measures to prevent injurious cross-pollination affecting crops of seeds

- (1) This section shall have effect for the purpose of maintaining the purity of seed of any types and varieties of plants of any species of the genus *Allium*, *Beta* or *Brassica*.
- (2) The Minister may by order bring this section into force in an area in any part of Great Britain in which persons are engaged in growing crops of seeds of any type or variety of plant mentioned in subsection (1) of this section if he is satisfied that in that area satisfactory arrangements (whether legally enforceable or not) have been made for locating such crops so as to isolate them from crops or plants which might cause injurious cross-pollination.
- (3) An order under this section—
 - (a) shall be made after consultation with the persons responsible for the arrangements mentioned in subsection (2) of this section, and with persons representative of such other interests as appear to the Minister to be concerned, and
 - (b) shall be made by statutory instrument and may be varied or revoked by a subsequent order so made.

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- (4) An order under this section—
- (a) shall state which of the types and varieties of plants mentioned in subsection (1) of this section are protected by the order, and
 - (b) shall specify the kinds of crops and plants which are to be controlled in the area to which the order relates, and
 - (c) may relate to more than one area and, if so, may make different provision under paragraphs (a) and (b) of this subsection in respect of the different areas to which it relates ;

and in this section, in relation to an area to which an order under this section relates—

- (i) " protected crop " means a crop of a type or variety of plant which is protected by the order in that area, being a crop grown for the purpose of producing seeds, and
 - (ii) " controlled crops or plants " means crops, grown for any purpose, of the types or varieties of plants which are protected by the order in that area, and such additional kinds of crops or plants, whether grown or self-sown and whether of those or any other types or varieties, as may be specified in the order for the purposes of this definition in that area.
- (5) If in an area where this section is in force controlled crops or plants are growing and, on an application made in accordance with Schedule 7 to this Act, the Minister is satisfied—
- (a) that they are causing or may cause injurious cross pollination in a protected crop which is being grown in the area, and
 - (b) in the case of controlled crops or plants which are not self-sown, that the person growing them did not give to the persons responsible for the arrangements mentioned in subsection (2) of this section such notice of his intention to grow those crops or plants to the flowering stage as would have enabled them to take any appropriate steps for altering the arrangements,

the Minister may serve a notice on the occupier of the land where the controlled crops or plants are growing requiring him to take such steps as may be specified in the notice for the purpose of preventing any of the controlled crops or plants from causing or continuing to cause injurious cross-pollination in the protected crop.

- (6) If the person served with a notice under this section does not comply with any requirement in the notice, the Minister may enter and do what that person has failed to do or, if in the opinion of the Minister that would no longer serve the purpose for which the notice was served, may take such other action as appears to the Minister appropriate for that purpose; and where, when the default occurs, further obligations remain under the notice, the Minister may also take such action as appears to him appropriate to meet the purposes for which those further obligations were imposed.

The Minister may recover from the person on whom the notice was served a sum equal to the reasonable cost incurred by the Minister in taking any action under this subsection.

- (7) Without prejudice to the power of proceeding under the last foregoing subsection, a person who unreasonably fails to comply with any requirement in a notice under this section shall be liable on summary conviction—
- (a) in the case of a first offence under this subsection, to a fine not exceeding twenty pounds, and

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- (b) in the case of a second or subsequent offence under this subsection, to a fine not exceeding fifty pounds.
- (8) A person duly authorised by the Minister may, on production if so required of his authority, at all reasonable hours enter on any land (but not into any dwellinghouse) in an area where this section is in force for the purpose of ascertaining whether controlled crops or plants are growing on the land or of inspecting and taking samples of any controlled crops or plants growing on the land.
- (9) A notice under this section or Schedule 7 to this Act may be served by leaving it at, or sending it by post addressed to, the last known address of the person on whom it is to be served, and if it is not practicable after reasonable inquiry to ascertain his name and address, the notice may be served by addressing it to him as " the occupier " of the land and affixing it or a copy of it to some conspicuous object on the land.
- (10) A person who obstructs or impedes a person acting in the exercise of the powers conferred by subsection (6) or subsection (8) of this section shall be liable on summary conviction to a fine not exceeding twenty pounds.
- (11) In this section, and in the said Schedule—
 " the occupier " means, in the case of unoccupied land, the person entitled to occupy the land ;
 " protected crop " and " controlled crops or plants " have the meanings respectively assigned by subsection (4) of this section.