



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—
- (a) 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,
 - (b) 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,
 - (c) of preventing the spread of plant disease by [^{F1}means] of seeds,
 - (d) of regulating the descriptions under which seeds are sold, and
 - (e) 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.

[^{F2}(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—

- (a) for the registration or licensing of persons engaged in the seeds industry or related activities;
- (b) for ensuring that seeds on any official list remain true to variety;
- (c) for the keeping and inspection of records and the giving of information;
- (d) 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) [F³ 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 ^{M1}Seeds Act 1920 by this Act as may appear to the Minister to be expedient.
- [^{F4}(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 [^{F5}he shall be liable on summary conviction to a fine not exceeding [^{F6}level 5 on the standard scale]].
- [^{F7}(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](#)
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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.**
- C2** Ss. 16-19 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. 16(7)(a) modified (W.) (29.2.2016) by The Seed Potatoes (Wales) Regulations 2016 (S.I. 2016/106), regs. 1(2), **13(8)**

Marginal Citations

- M1** 1920 c. 54.

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