



# Plant Varieties and Seeds Act 1964

## 1964 CHAPTER 14

### PART II

#### SEEDS AND SEED POTATOES

##### *Regulation of sales*

#### **18 Defences in proceedings for offences against seeds regulations.**

- (1) If and so far as seeds regulations for the purposes of this section prescribe limits of variation in relation to the particulars in a statutory statement, it shall be a defence to proceedings under this Act for including in a statutory statement any false particulars to prove that the mis-statements in the particulars alleged to be false do not exceed the limits of variation so prescribed.
- (2) Subject to the provisions of this section, it shall be a defence—
  - (a) to proceedings under this Part of this Act for including false particulars in a statutory statement,
  - (b) to proceedings under this Part of this Act [<sup>F1</sup>for any other offence],to prove—
  - (i) that the accused took all reasonable precautions against committing an offence of the kind alleged and had not at the time of the alleged offence any reason to suspect that an offence was being committed by him, and
  - (ii) where the accused obtained the seeds to which the alleged offence relates from some other person, that on demand by or on behalf of the prosecutor the accused gave all the information in his power with respect to the name and address of that other person, and with respect to any statutory statement or other document in his possession or power relating to the seeds, and the contract of sale.
- (3) If in any such proceedings as are mentioned in subsection (2)(a) of this section any of the particulars alleged to be false are particulars which, by seeds regulations, are to be

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*Changes to legislation: There are currently no known outstanding effects for the Plant Varieties and Seeds Act 1964, Section 18. (See end of Document for details)*

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particulars ascertained by means of a test made in accordance with the regulations, the defence under subsection (2) of this section shall not be available unless it is proved—

- (a) that those particulars were ascertained on such a test and that the test was made not earlier than the date, if any, prescribed by seeds regulations for the purpose, or
- (b) that—
  - (i) the accused purchased the seeds from another person who, in connection with the sale, duly delivered to the accused a statutory statement giving particulars of the seeds which were the same as the particulars alleged to be false, and
  - (ii) the accused had no reason to believe that paragraph (a) of this subsection did not apply in relation to those particulars.

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#### **Textual Amendments**

**F1** Words substituted by [European Communities Act 1972 \(c. 68\), s. 4, Sch. 4 para. 5\(2\)](#)

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#### **Modifications etc. (not altering text)**

**C1** [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](#)

**C2** [S. 18\(2\)](#) (in part) extended (N.I.) by [S.I. 1973/609, art. 1, Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Plant Varieties and Seeds Act 1964, Section 18.