



Plant Varieties and Seeds Act 1964

1964 CHAPTER 14

PART II

SEEDS AND SEED POTATOES

Supplemental

26 Use of samples in criminal proceedings.

- (1) Evidence shall not be adduced in proceedings for an offence under this Part of this Act respecting a sample taken by an authorised officer unless the sample was taken in the manner prescribed by seeds regulations.
- (2) Seeds regulations shall provide for the sample being divided into at least two parts, and for one of the parts being given to the owner of the seeds or to such other person as may be prescribed by seeds regulations, and shall provide for a third part of the sample to be retained for production in all cases where use of it may be made by the court under this section.
- (3) A certificate in the form prescribed by seeds regulations purporting to be issued by an authorised officer and stating that a sample was taken in the prescribed manner shall be sufficient evidence of the facts stated in the certificate.
- (4) If part of a sample taken by an authorised officer is sent to the chief officer of an official testing station, it shall be so sent as soon as practicable after the sample is taken, and the person to whom any other part of the sample is given shall be informed before the first-mentioned part is sent.
- (5) A copy of a certificate issued by an official testing station stating the result of a test of part of a sample taken by an authorised officer shall be sent to the person to whom any other part of the sample is given.
- (6) In any proceedings for an offence under this Part of this Act in respect of seeds which have been sampled by an authorised officer, the summons shall not be made returnable, and, in Scotland, the case shall not proceed to trial, less than fourteen days from the

Changes to legislation: There are currently no known outstanding effects for the Plant Varieties and Seeds Act 1964, Section 26. (See end of Document for details)

day on which the summons or complaint is served, and a copy of any certificate of an official testing station which the prosecutor intends to adduce as evidence shall be served with the summons or complaint.

- (7) In proceedings for including in a statutory statement false particulars concerning matters which are under seeds regulations to be ascertained, for the purpose of the statement, by a test of the seeds, if any sample of the seeds has been taken by an authorised officer, the third part of that sample required by seeds regulations to be retained as mentioned in subsection (2) of this section shall be produced at the hearing.
- (8) The court may, if it thinks fit, on the request of either party, cause the part so produced to be sent to the chief officer of an official testing station, who shall transmit to the court a certificate of the result of a test of that part of the sample.
- (9) If, in a case where an appeal is brought, no action has been taken under the last foregoing subsection the provisions of that subsection shall apply also to the court by which the appeal is heard.

^{F1}(10)

Textual Amendments

F1 S. 26(10) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 2

Modifications etc. (not altering text)

- C1** S. 26 modified by [S.I. 1984/412](#), [art. 22](#)
- C2** S. 26 modified (S.) (7.7.2000) by [S.S.I. 2000/201](#), [reg. 21](#)
S. 26 applied (with modifications) (1.12.2001) by 2001/3510, [reg. 21\(1\)](#)
- C3** S. 26 modified (E.) (16.5.2006) by [Seed Potatoes \(England\) Regulations 2006 \(S.I. 2006/1161\)](#), [regs. 1\(1\), 23\(5\)](#)
- C4** 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](#)
- C5** S. 26(2)(4)-(9) excluded (W.) (29.2.2016) by [The Seed Potatoes \(Wales\) Regulations 2016 \(S.I. 2016/106\)](#), [regs. 1\(2\), 24\(1\)\(5\)](#)
- C6** S. 26(2)(4)(5)(6)(7)(8)(9) excluded (11.10.1991) by [S.I. 1991/2206](#), [reg. 23\(1\)\(5\)](#) (with [regs. 4, 5](#))
- C7** S. 26(2) excluded (W.) (15.11.2006) by [The Seed Potatoes \(Wales\) Regulations 2006 \(S.I. 2006/2929\)](#), [regs. 1\(1\), 23\(5\)](#)
- C8** S. 26(2) modified (E.) (1.1.2016) by [The Seed Potatoes \(England\) Regulations 2015 \(S.I. 2015/1953\)](#), [regs. 1\(1\), 24\(5\)](#) (with [regs. 1\(3\), 24\(6\)](#))
- C9** S. 26(2) excluded (S.) (1.1.2016) by [The Seed Potatoes \(Scotland\) Regulations 2015 \(S.S.I. 2015/395\)](#), [regs. 1\(1\), 23\(5\)](#) (with [reg. 21](#))
- C10** S. 26(4)-(9) excluded (W.) (15.11.2006) by [The Seed Potatoes \(Wales\) Regulations 2006 \(S.I. 2006/2929\)](#), [regs. 1\(1\), 23\(5\)](#)
- C11** S. 26(4)-(9) modified (E.) (1.1.2016) by [The Seed Potatoes \(England\) Regulations 2015 \(S.I. 2015/1953\)](#), [regs. 1\(1\), 24\(5\)](#) (with [regs. 1\(3\), 24\(6\)](#))
- C12** S. 26(4)(5) excluded (S.) (1.1.2016) by [The Seed Potatoes \(Scotland\) Regulations 2015 \(S.S.I. 2015/395\)](#), [regs. 1\(1\), 23\(5\)](#) (with [reg. 21](#))
- C13** S. 26(6)(7) excluded (S.) (1.1.2016) by [The Seed Potatoes \(Scotland\) Regulations 2015 \(S.S.I. 2015/395\)](#), [regs. 1\(1\), 23\(5\)](#) (with [reg. 21](#))
- C14** S. 26(8)(9) excluded (S.) (1.1.2016) by [The Seed Potatoes \(Scotland\) Regulations 2015 \(S.S.I. 2015/395\)](#), [regs. 1\(1\), 23\(5\)](#) (with [reg. 21](#))

Changes to legislation:

There are currently no known outstanding effects for the Plant Varieties and Seeds Act 1964, Section 26.