



# Plant Varieties and Seeds Act 1964

## 1964 CHAPTER 14

### PART IV

#### GENERAL

#### **39 Extension of Act to Northern Ireland.**

- (1) This Act, so far as not expressly extended to Northern Ireland by any provision contained in this Act or by any Order in Council under the next following subsection, shall not extend to Northern Ireland; . . . <sup>F1</sup>
- (2) Her Majesty may, by an Order in Council made under this subsection in pursuance of resolution passed by the two Houses of the Parliament of Northern Ireland, direct that—
  - <sup>F2</sup>(a) .....
  - (b) any of the provisions of Part II or this Part of this Act specified in the Order, shall (whether as originally enacted or as they have effect by virtue of any Order in Council under the next following section) extend to Northern Ireland; and any such Order in Council may be varied or revoked by a subsequent Order in Council made under this subsection in pursuance of such resolutions as aforesaid.
- (3) While any of the provisions of this Act extend to Northern Ireland by virtue of an Order in Council under subsection (2) of this section, they shall (without prejudice to the validity of anything previously done under this Act)—
  - (a) have effect as if—
    - (i) any reference to Great Britain were a reference to the United Kingdom; and
    - [<sup>F3</sup>(ii) any power expressed to be exercisable by “the Ministers” were exercisable by them only with the consent of the Northern Ireland Department of Agriculture and Rural Development; and]
  - <sup>F4</sup>(b) .....
- (4) While any provisions of this Act extend to Northern Ireland by virtue of an Order in Council under subsection (2) of this section, they shall have effect subject to such

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*Changes to legislation: There are currently no known outstanding effects for the Plant Varieties and Seeds Act 1964, Section 39. (See end of Document for details)*

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exceptions, adaptations and modifications as may be specified in the Order; and in the application of those provisions to Northern Ireland any reference to any enactment of the Parliament of Northern Ireland shall be construed as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modification.

- (5) If the Parliament of Northern Ireland pass legislation amending or repealing the <sup>M1</sup>Seeds Act 1920, Her Majesty may by Order in Council made under this subsection direct that that legislation (and any related enactments forming part of the law of Northern Ireland), and any provisions in Part II or this Part of this Act, shall have effect subject to such exceptions, adaptations and modifications as may appear to Her Majesty to be expedient for the purpose of securing that the two systems of legislation operate, to such extent as may be specified, as a single system; and any such Order in Council may be varied or revoked by a subsequent Order in Council under this subsection.
- (6) An Order in Council under subsection (2) or subsection (5) of this section may contain such transitional and other consequential provisions as appear to Her Majesty to be expedient.

#### Textual Amendments

- F1** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\), Sch. 6 Pt. I](#)
- F2** [S. 39\(2\)\(a\)](#) and the word immediately following it repealed (8.5.1998) by 1997 c. 66, s. 52, [Sch. 4](#); S.I. 1998/1028, [art. 2](#)
- F3** [S. 39\(3\)\(a\)\(ii\)](#) substituted (21.11.2002) by S.I. 2002/2843, [art. 5](#)
- F4** [S. 39\(3\)\(b\)](#) repealed (8.5.1998) by 1997 c. 66, s. 52, [Sch. 4](#); S.I. 1998/1028, [art. 2](#)

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

- C1** [S. 39](#) extended by [Plant Varieties Act 1983 \(c. 17, SIF 2:9\), s. 5\(1\)](#)
- C2** References to Parliament of Northern Ireland to be construed as including references to the Northern Ireland Assembly: S.I. 1973/2163, [Sch. 5 para. 17](#)
- C3** Reference to a resolution passed by the two Houses of the Parliament of Northern Ireland to be construed as including reference to a resolution of the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\), Sch. 5 para. 3\(1\)](#)
- C4** [S. 39\(3\)\(4\)](#) extended by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\), s. 43\(3\)](#)

#### Marginal Citations

- M1** 1920 c. 54.

**Changes to legislation:**

There are currently no known outstanding effects for the Plant Varieties and Seeds Act 1964, Section 39.