



# Seeds Act (Northern Ireland) 1965

## 1965 CHAPTER 22

### REGULATION OF SALES OF SEEDS AND SEED POTATOES

#### **1 Seeds regulations.**

- (1) The Ministry of Agriculture (in this Act referred to as “the Ministry” ), after consultation with representatives of such interests as appear to it to be concerned, may make regulations for the purposes—
- (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 or 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 [<sup>F1</sup>, or of weeds which are capable of causing injury to agriculture,] by [<sup>F2</sup> means] of seeds, and
  - (d) of regulating the descriptions under which seeds are sold.
- (2) Regulations made under subsection (1) shall be subject to negative resolution and shall be known as seeds regulations.
- <sup>F3</sup>(2A) Seeds regulations may further make provisions 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 Plant Varieties and Seeds Tribunal established by the Plant Varieties and Seeds Act 1964 ;

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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 Act and for the charging of fees.]

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| <p><b>F1</b> 1970 c. 20 (NI)<br/> <b>F2</b> SRO (NI) 1972/351<br/> <b>F3</b> SRO (NI) 1972/351</p> |
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## 2 Supplementary provisions as to seeds regulations.

- (1) 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.
- (2) 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,
  - <sup>F4</sup>(cc) prohibit or restrict the importation or removal into Northern Ireland, or the selling or the offering or exposing for sale, of seeds which contain any seeds of weeds of a kind specified in the regulations as being capable of causing injury to agriculture in Northern Ireland,]
  - (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 Ministry 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 Ministry to call for production of the records,
  - (f) where persons who deal in seeds also grow seeds, require those persons to supply the Ministry with information as to, and to keep records of—
    - (i) [<sup>F5</sup> areas] sown, and
    - (ii) the yields of the crops,
 and authorise officers of the Ministry to call for production of the records,

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- (g) regulate the procedure to be observed at, and the conduct of, an official testing station referred to in section 7(1) and other establishments licensed pursuant to regulations made under paragraph ( i ),
  - (h) regulate the manner in which any tests are to be made for the purposes of this Act,
  - (i) provide for the licensing by the Ministry of establishments for the testing of seeds, other than an official testing station, and authorise the Ministry to charge a fee of such amount as may be approved by the Ministry of Finance 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.
- (3) In prescribing the manner in which samples are to be taken for the purposes of any provision in 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.
- (4) Seeds regulations—
- (a) may exempt, or authorise the Ministry 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 transitional provisions consequent on the repeal of the Seeds Act 1920 by this Act.

**F4** 1970 c. 20 (NI)  
**F5** SR 1977/295

### **3 Offences connected with seeds regulations.**

- (1) If any person—
- (a) includes in a statutory statement anything which is false in a material particular, or
  - (b) contravenes any provision contained in seeds regulations [<sup>F6</sup> he shall be liable on summary conviction to a fine not exceeding<sup>F7</sup> level 5 on the standard scale]].

**F6** SRO (NI) 1972/351  
**F7** 1984 NI 3

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#### 4 Civil liabilities of sellers of seeds.

- (1) If and so far as seeds regulations provide that a statutory statement shall constitute a statutory warranty for the purposes of this section, the statutory statement, when received by the purchaser, shall, notwithstanding any contract or notice to the contrary, have effect as a written warranty by the seller that the particulars contained in the statutory statement are correct.
- (2) If and so far as seeds regulations apply this subsection to the particulars in a statutory statement and prescribe limits of variation in relation to those particulars, those particulars shall, for the purposes of any legal proceedings on a contract for the sale of the seeds to which the statutory statement relates, be deemed to be true except so far as there is a mis-statement in the statutory particulars which exceeds the limits of variation so prescribed.
- (3) If and so far as seeds regulations apply this subsection to the particulars in a statutory statement, the particulars in the statutory statement shall, for the purposes of any legal proceedings on a contract for the sale of the seeds to which the statutory statement relates, be deemed to be true unless it is made to appear on a test carried out at an official testing station, and made on a sample taken in the manner, and within the period, prescribed by seeds regulations, that the particulars were untrue.
- (4) Where a purchaser intends to obtain a test of seeds for the purposes of subsection (3), the seller of the seeds shall be given written notice of the purchaser's intention not more than the prescribed period after delivery to the purchaser of the seeds under the sale, and seeds regulations shall prescribe a procedure for taking a sample of seeds to be tested for the purposes of that subsection which will afford to the seller of the seeds or his agent an opportunity of being present when the sample is taken, and of obtaining part of the sample.
- (5) A contravention of seeds regulations shall not affect the validity of a contract for the sale of seeds, or the right to enforce such a contract.

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

- C1** S. 4(2) applied (31.12.2009) by [Cereal Seeds Regulations \(Northern Ireland\) 2009 \(S.R. 2009/383\)](#), **reg. 28(2)** (with [regs. 5\(2\), 32\(3\)](#))
- C2** S. 4(2) applied (31.12.2009) by [Beet Seeds Regulations \(Northern Ireland\) 2009 \(S.R. 2009/384\)](#), **reg. 25(2)** (with [regs. 4\(2\), 29\(3\)](#))
- C3** S. 4(2) applied (31.12.2009) by [Fodder Plant Seeds Regulations \(Northern Ireland\) 2009 \(S.R. 2009/385\)](#), **reg. 29(2)** (with [regs. 5\(2\), 33\(3\)](#))
- C4** S. 4(2) applied (31.12.2009) by [Oil and Fibre Plant Seeds Regulations \(Northern Ireland\) 2009 \(S.R. 2009/386\)](#), **reg. 28(2)** (with [regs. 5\(2\), 32\(3\)](#))
- C5** S. 4(2) applied (31.12.2009) by [Vegetable Seeds Regulations \(Northern Ireland\) 2009 \(S.R. 2009/387\)](#), **reg. 28(2)** (with [regs. 5\(2\), 32\(3\)](#))
- C6** S. 4(3) applied (31.12.2009) by [Cereal Seeds Regulations \(Northern Ireland\) 2009 \(S.R. 2009/383\)](#), **reg. 28(3)** (with [regs. 5\(2\), 32\(3\)](#))
- C7** S. 4(3) applied (31.12.2009) by [Beet Seeds Regulations \(Northern Ireland\) 2009 \(S.R. 2009/384\)](#), **reg. 25(3)** (with [regs. 4\(2\), 29\(3\)](#))
- C8** S. 4(3) applied (31.12.2009) by [Fodder Plant Seeds Regulations \(Northern Ireland\) 2009 \(S.R. 2009/385\)](#), **reg. 29(3)** (with [regs. 5\(2\), 33\(3\)](#))
- C9** S. 4(3) applied (31.12.2009) by [Oil and Fibre Plant Seeds Regulations \(Northern Ireland\) 2009 \(S.R. 2009/386\)](#), **reg. 28(3)** (with [regs. 5\(2\), 32\(3\)](#))

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**C10** S. 4(3) applied (31.12.2009) by [Vegetable Seeds Regulations \(Northern Ireland\) 2009 \(S.R. 2009/387\)](#), [reg. 28\(3\)](#) (with [regs. 5\(2\), 32\(3\)](#))

## 5 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 Act for including false particulars in a statutory statement,
  - (b) to proceedings under this Act [<sup>F8</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) any of the particulars alleged to be false are particulars which, by seeds regulations, are to be particulars ascertained by means of a test made in accordance with the regulations, the defence under subsection (2) 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) did not apply in relation to those particulars.

**F8** SRO (NI) 1972/351

## 6 Presumption as respects statutory statements under seeds regulations.

For the purposes of this Act and of any seeds regulations, any statutory statement made as respects seeds which are in distinct portions shall be presumed to be made both as respects the seeds as a whole and also as respects each portion taken separately.

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## OFFICIAL TESTING STATIONS

### <sup>F9F10</sup>7 Official testing stations and certificates of test.

- (1) For the purposes of this Act, the Ministry shall maintain an official seed testing station and any such station may be established or maintained in conjunction with any other authority, body or person.
- (2) The Ministry may, subject to the approval of the Ministry of Finance, authorise the charging of fees for the services given at an official seed testing station referred to in subsection (1).
- (3) A certificate of the result of a test at an official seed testing station of a sample taken for the purposes of this Act by an authorised officer shall be in the form prescribed by seeds regulations.
- (4) A certificate of the result of a test at an official seed testing station of a sample taken for the purposes of this Act, and purporting to be issued by an officer of that station,—
  - (a) if the sample was taken by an authorised officer, shall, if a copy of the certificate has been served on the accused with the summons or complaint, be sufficient evidence of the facts stated in the certificate in any proceedings for an offence under this Act, and
  - (b) if the sample was taken by a person other than an authorised officer in order to obtain the test for the purposes of section 4(3) of this Act, shall be sufficient evidence of the facts stated in the certificate in any such legal proceedings as are mentioned in that subsection,
 unless, in either case, either party to the proceedings requires that the person under whose direction the test was made be called as a witness.
- (5) In any proceedings for an offence under this Act in which a copy of a certificate of the result of a test has been served with the summons or complaint in pursuance of subsection (4)(a) the accused, unless the court otherwise directs, shall not be entitled to require that the person under whose direction the test was made be called as a witness unless he has, at least three clear days before the day on which the summons is returnable, given notice to the prosecutor that he intends to do so.

**F9** Mod. by SR 1981/243

**F10** Mod. by SR 2001/188

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

**C11** S. 7 modified (1.11.2010) by [Seed Potatoes Regulations \(Northern Ireland\) 2010 \(S.R. 2010/350\)](#), [reg. 25\(a\)](#) (with [reg. 3](#))

## SUPPLEMENTAL

### 8 Powers of entry.

- <sup>F11</sup>(1) This section shall not authorise entry into any premises which are used exclusively as a private dwelling.

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- (2) For the purpose of exercising—
- (a) the powers conferred by subsections (3) and (4), or
  - (b) any powers of calling for, inspecting or taking copies of records or other documents conferred by seeds regulations,
- or for the purpose of ascertaining whether there is, or has been, on or in connection with the premises (including any vehicle or vessel) any contravention of any provision contained in this Act or in seeds regulations any person duly authorised by the Ministry in that behalf may, on production if so required of his authority, at all reasonable hours enter any lands (including any premises or any vehicle or vessel) which he has reasonable cause to believe are used for any purpose of a business in the course of which seeds are sold (whether the sale is by wholesale or retail, and whether the person conducting it acts as principal or agent) or on which he has reasonable cause to believe there are any seeds which have been sold and which are to be delivered, or are in the course of delivery, to a purchaser.
- (3) A person may, on any lands (including any premises or vehicle or vessel) which he has power under this section to enter for the purpose of exercising the powers conferred by this sub-section, examine any seeds which he finds there and may without payment take samples of any seeds so found.
- (4) The owner of any seeds which are offered or exposed for sale, or are stored for purposes of sale, or any person authorised to sell those seeds, may be required by an authorised officer to deliver to him such a statement, if any, as the person selling them would by seeds regulations be obliged to deliver to a purchaser of those seeds, and to deliver it within the time prescribed for such a statement.
- (5) If any person fails to comply with a requirement under subsection (4) he shall be guilty of an offence and shall be liable on summary conviction [<sup>F12</sup> to a fine not exceeding<sup>F13</sup> level 3 on the standard scale]].
- (6) This section shall apply as respects all kinds of seeds in respect of which an offence may under any circumstances be committed under seeds regulations as for the time being in force.
- (7) A person who wilfully obstructs or impedes any person acting in the exercise of the powers conferred by this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>F13</sup> £200].

**F11** SI 1972/971

**F12** SRO (NI) 1972/351

**F13** 1984 NI 3

#### <sup>F14F15</sup> **9 Use of samples in criminal proceedings.**

- (1) Evidence shall not be adduced in proceedings for an offence under 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 three 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 also 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.

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- (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 or 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 Act in respect of seeds which have been sampled by an authorised officer, the summons shall not be made returnable less than fourteen days from the 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) 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, in order to obtain, for the information of 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 subsection (8) the provisions of that subsection shall apply also to the court by which the appeal is heard.
- (10) A sample taken before the coming into force of this Act in accordance with section 4 of the Seeds Act 1920 shall be regarded as taken in the prescribed manner for the purposes of subsection (1).

**F14** Mod. by SR 1981/243

**F15** Mod. by SR 2001/188

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

**C12** S. 9 modified (1.11.2010) by [Seed Potatoes Regulations \(Northern Ireland\) 2010 \(S.R. 2010/350\)](#), **reg. 25(b)** (with [reg. 3](#))

## 10 Tampering with samples.

If any person—

- (a) tampers with any seeds so as to procure that a sample taken in the manner prescribed by seeds regulations for any purpose does not correctly represent the bulk of the seeds, or
- (b) tampers with any sample so taken, or
- (c) with intent to deceive sends, or causes or allows to be sent to any official testing station or licensed testing establishment, to be tested for any purpose,



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a sample of seeds which to his knowledge does not correctly represent the bulk of the seeds,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>[F16]</sup> £1,000] or to imprisonment for a term not exceeding three months, or to both.

F16 1984 NI 3

## 11 Institution of criminal proceedings.

- (1) Where a part of a sample has been tested at an official testing station, proceedings for including in a statutory statement false particulars concerning the matters which are under seeds regulations to be ascertained, for the purposes of the statement, by a test of the seeds, being proceedings relating to the seeds from which the sample was taken, may, notwithstanding anything to the contrary in the Summary Jurisdiction Acts (Northern Ireland), be brought at any time not more than six months from the time when the sample was taken.
- (2) If at any time before a test is begun at an official testing station to ascertain whether a part of a sample of seeds is of a specified variety or type, and not more than six months after the sample was taken, the person to whom any other part of the sample was given, or any other person, is notified in writing by an authorised officer that it is intended so to test the seeds and that, after the test, proceedings may be brought against that person for including in a statutory statement a false statement that seeds were of a specified variety or type, then notwithstanding anything in the said last-mentioned Acts, any such proceedings relating to the seeds from which the sample was taken may be brought against the person so notified at any time not more than two years from the time when the sample was taken.

A certificate purporting to be issued by an authorised officer and stating that a person was so notified shall be sufficient evidence of that fact.

- (3) Proceedings for an offence under this Act relating to a statutory statement which has been delivered to a purchaser of seeds, or relating to seeds which have been sold and delivered to the purchaser, may be brought before a court having jurisdiction at the place of delivery of the statement or seeds.

## 12 Application of this Act to seed potatoes.

- (1) This Act applies to seed potatoes <sup>[F17]</sup> to any other vegetative propagating material and to silvicultural planting material] as it applies to seeds, and accordingly, except where the context otherwise requires, references in this Act to seeds include references to seed potatoes <sup>[F17]</sup> to any other vegetative propagating material and to silvicultural planting material].
- <sup>F18</sup>(2) The Ministry may establish and maintain an official seed testing station for silvicultural propagating and planting material.]

F17 SRO (NI) 1972/351

F18 SRO (NI) 1972/351

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## **14 Interpretation.**

(1) In this Act,—

“authorised officer” means an officer of the Ministry or a person authorised by the Ministry to exercise or perform functions under this Act;

“licensed testing establishment” means an establishment licensed under seeds regulations for the testing of seeds;

“Ministry” has the meaning assigned to it by section 1(1);

“official testing station” means an official seed testing station maintained by the Ministry under this Act;

“prescribed” means prescribed by seeds regulations;

“seeds” includes agricultural and horticultural seeds, vegetable seeds, flower seeds, seeds of grasses, whether used for agricultural purposes or other purposes, and seeds of trees;

“statutory statement” means a statement given in pursuance of seeds regulations, whether the statement be in the form of a notice or other document, or in the form of particulars given on any label or container or package, or in any other form, and a statement delivered under section 8(4).

(2) In this Act references to a contravention of any provision contained in this Act or in seeds regulations include references to anything which, by the regulations, is expressed to be an offence against a provision contained in the regulations and also include references to any failure to comply with a condition subject to which an exemption is granted by or under seeds regulations.

(3) In this Act any reference to an offence under this Act includes, unless the context otherwise requires, a reference to a contravention of any provision contained in seeds regulations.

(4) References in this Act to seeds are references to seeds for sowing.

*S. 15(1), with Schedule, effects repeals; subs. (2) rep. by 1968 c. 29*

## **16 Short title and commencement.**

(1) This Act may be cited as the Seeds Act (Northern Ireland) 1965.

(2) *Commencement*

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

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