



Seeds Act (Northern Ireland) 1965

1965 CHAPTER 22

REGULATION OF SALES OF SEEDS AND SEED POTATOES

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 [^{F1} 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

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- (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.

F1 SRO (NI) 1972/351

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