



Plant Varieties and Seeds Act 1964

1964 CHAPTER 14

PART II

SEEDS AND SEED POTATOES

Regulation of sales

17 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) of this section, 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

Changes to legislation: There are currently no known outstanding effects for the Plant Varieties and Seeds Act 1964, Section 17. (See end of Document for details)

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.
- (6) In Scotland a contract for the sale of seeds may not be treated as repudiated by reason only of a breach of a written warranty having effect by virtue of subsection (1) of this section.

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. 17(2) applied (1.9.1993) by: S.I. 1993/2005, **reg. 10(2)**; S.I. 1993/2006, **reg. 10(2)**; S.I. 1993/2007, **reg. 10(2)**; S.I. 1993/2008, **reg. 11(2)**; S.I. 1993/2009, **reg. 10(2)**
- C3** S. 17(2) applied (E.) (31.1.2003) by: S.I. 2002/3171, **reg. 24(2)**; S.I. 2002/3172, **reg. 27(2)**; S.I. 2002/3173, **reg. 27(2)**; S.I. 2002/3174, **reg. 27(2)**; S.I. 2002/3175, **reg. 27(2)**
- C4** S. 17(2) applied (S.) (26.9.2004) by Oil and Fibre Plant Seed (Scotland) Regulations 2004 (No. 317), regs. 1(1), **23(2)**
- C5** S. 17(2) applied (W.) (13.12.2004) by The Oil and Fibre Plant Seed (Wales) Regulations 2004 (S.I. 2004/2881), regs. 1, **27(2)**
- C6** S. 17(2) applied (W.) (30.4.2005) by The Fodder Plant Seed (Wales) Regulations 2005 (S.I. 2005/1207), regs. 1, **27(2)**
- C7** S. 17(2) applied (S.) (1.7.2005) by Fodder Plant Seed (Scotland) Regulations 2005 (No. 329), regs. 1(2), **24(2)**
- C8** S. 17(2) applied (S.) (1.7.2005) by Cereal Seed (Scotland) Regulations 2005 (No. 328), regs. 1(1), **24(2)**
- C9** S. 17(2) applied (W.) (18.11.2005) by The Cereal Seed (Wales) Regulations 2005 (S.I. 2005/3036), regs. 1(2), **27(2)**
- C10** S. 17(2) applied (W.) (18.11.2005) by The Vegetable Seed (Wales) Regulations 2005 (S.I. 2005/3035), regs. 1(2), **27(2)**
- C11** S. 17(2) applied (W.) (18.11.2005) by The Beet Seed (Wales) Regulations 2005 (S.I. 2005/3037), regs. 1(2), **24(2)**
- C12** S. 17(2) applied (S.) (20.4.2010) by The Beet Seed (Scotland) Regulations 2010 (No. 67), regs. 1(1), **21(2)**
- C13** S. 17(2) applied (S.) (20.4.2010) by The Beet Seed (Scotland) (No. 2) Regulations 2010 (No. 148), regs. 1(2), **21(2)**
- C14** S. 17(3) applied (1.9.1993): by S.I. 1993/2005, **reg. 10(3)**; S.I. 1993/2006, **reg. 10(3)**; S.I. 1993/2007, **reg. 10(3)**; S.I. 1993/2008, **reg. 11(3)**; S.I. 1993/2009, **reg. 10(3)**
- C15** S. 17(3) applied (E.) (31.1.2003) by: S.I. 2002/3171, **reg. 24(3)**; S.I. 2002/3172, **reg. 27(3)**; S.I. 2002/3173, **reg. 27(3)**; S.I. 2002/3174, **reg. 27(3)**; S.I. 2002/3175, **reg. 27(3)**
- C16** S. 17(3) applied (S.) (26.9.2004) by Oil and Fibre Plant Seed (Scotland) Regulations 2004 (No. 317), regs. 1(1), **23(3)**
- C17** S. 17(3) applied (W.) (13.12.2004) by The Oil and Fibre Plant Seed (Wales) Regulations 2004 (S.I. 2004/2881), regs. 1, **27(3)**
- C18** S. 17(3) applied (W.) (30.4.2005) by The Fodder Plant Seed (Wales) Regulations 2005 (S.I. 2005/1207), regs. 1, **27(3)**
- C19** S. 17(3) applied (S.) (1.7.2005) by Cereal Seed (Scotland) Regulations 2005 (No. 328), regs. 1(1), **24(3)**
- C20** S. 17(3) applied (S.) (1.7.2005) by Fodder Plant Seed (Scotland) Regulations 2005 (No. 329), regs. 1(2), **24(3)**

Changes to legislation: There are currently no known outstanding effects for the Plant Varieties and Seeds Act 1964, Section 17. (See end of Document for details)

- C21** S. 17(3) applied (W.) (18.11.2005) by The Cereal Seed (Wales) Regulations 2005 (S.I. 2005/3036), regs. 1(2), **27(3)**
- C22** S. 17(3) applied (W.) (18.11.2005) by The Beet Seed (Wales) Regulations 2005 (S.I. 2005/3037), regs. 1(2), **24(3)**
- C23** S. 17(3) applied (W.) (18.11.2005) by The Vegetable Seed (Wales) Regulations 2005 (S.I. 2005/3035), regs. 1(2), **27(3)**
- C24** S. 17(3) applied (S.) (20.4.2010) by The Beet Seed (Scotland) Regulations 2010 (No. 67), regs. 1(1), **21(3)**
- C25** S. 17(3) applied (S.) (20.4.2010) by The Beet Seed (Scotland) (No. 2) Regulations 2010 (No. 148), regs. 1(2), **21(3)**

Changes to legislation:

There are currently no known outstanding effects for the Plant Varieties and Seeds Act 1964, Section 17.