



Seeds Act (Northern Ireland) 1965

1965 CHAPTER 22

SUPPLEMENTAL

F1F29 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.
- (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

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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).

F1 Mod. by SR 1981/243

F2 Mod. by SR 2001/188

Modifications etc. (not altering text)

- C1** S. 9 modified (1.11.2010) by [Seed Potatoes Regulations \(Northern Ireland\) 2010 \(S.R. 2010/350\)](#), **reg. 25(b)** (with [reg. 3](#))
- C2** S. 9 applied (with modifications) (31.12.2020) by [The Seeds \(Variety Lists\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/302\)](#), [regs. 1, 22](#)
- C3** S. 9(2) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\), 23\(b\)](#)
- C4** S. 9(4) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\), 23\(b\)](#)
- C5** S. 9(5) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\), 23\(b\)](#)
- C6** S. 9(6) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\), 23\(b\)](#)
- C7** S. 9(7) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\), 23\(b\)](#)
- C8** S. 9(8) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\), 23\(b\)](#)
- C9** S. 9(9) excluded (14.4.2016) by [The Seed Potatoes Regulations \(Northern Ireland\) 2016 \(S.R. 2016/190\)](#), [regs. 1\(1\), 23\(b\)](#)

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