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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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## SCHEDULES

### SCHEDULE 4

#### ENACTMENTS AMENDED

##### **D: SEEDS AND OTHER PROPAGATING MATERIAL**

- 5 (1) In the Plant Varieties and Seeds Act 1964 there shall be made the amendments provided for by sub-paragraphs (2) to (5) below.
- (2) In section 16(1)(c) (preventing spread of plant disease by the sale of seeds) for the words " the sale " there shall be substituted the word " means ", and after section 16(1) there shall be inserted as subsection (1A):—
- “(1A) Seeds regulations may further make provision 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 Tribunal ;
  - (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 Part of this Act or of Part IV of this Act, and for the charging of fees”;
- and the provisions relating to offences connected with seeds regulations shall be amended as follows:—
- (a) in section 16, for the words from " which concerns" in subsection (7)(b) to the end of subsection (8) there shall be substituted the words " he shall be liable on summary conviction to a fine not exceeding £400 " ; and
  - (b) in section 18(2) for the words from " for an offence " in paragraph (b) to the end of paragraph (c) there shall be substituted the words " for any other offence " ; and
  - (c) in section 25(7) for paragraphs (a) and (b) there shall be substituted the words " to a fine not exceeding one hundred pounds ".
- (3) At the end of section 16 there shall be added a subsection (8)—
- “(8) The Ministers acting jointly may make seeds regulations for the whole of Great Britain”.
- (4) In section 29 (which extends Part II to seed potatoes) after the words " seed potatoes ", in both places, there shall be inserted the words " to any other vegetative propagating

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material and to silvicultural planting material " , and at the end of that section there shall be added as subsections (2) and (3)—

“(2) The Forestry Commissioners may establish and maintain an official seed testing station for silvicultural propagating and planting material, and seeds regulations may confer on those Commissioners any functions the regulations may confer on a Minister, and the Commissioners may charge or authorise the charging of fees for services given at any such station or in connection with any such functions; and accordingly—

- (a) references in this Part of this Act to an authorised officer shall include an officer of those Commissioners ; and
- (b) in section 25 above the references in subsections (3), (4) and (6) to a person duly authorised by the Minister shall include a person duly authorised by the Commissioners.

Any expenses incurred or fees received by the Commissioners by virtue of this subsection shall be paid out of or into the Forestry Fund.

(3) In relation to matters concerning silvicultural propagating or planting material or concerning the Forestry Commissioners, ' the Minister' shall in this Part of this Act mean, in relation to Wales and Monmouthshire, the Secretary of State, and the reference in section 16(8) to the Ministers shall be construed accordingly.”

Accordingly in section 30(1) in the definition of " official testing station" there shall be omitted the words " by the Minister or Ministers ", and in section 38(1) in the definition of " the Minister " after the word " means " there shall be inserted the words " (subject to section 29(3)) ".

- (5) In section 10(1) for the name " Plant Variety Rights Tribunal " there shall be substituted the name " Plant Varieties and Seeds Tribunal ", and in paragraph 5(1) of Schedule 4 there shall be added at the end of paragraph (b) (which sets up, to furnish members of the Tribunal, a panel of persons with specialised knowledge) the words " or of the seeds industry ".
- (6) In Part III of Schedule 1 to the House of Commons Disqualification Act 1957, as amended by the Plant Varieties and Seeds Act 1964 (both for the Parliament of the United Kingdom and for the Parliament of Northern Ireland), and in Schedule 1 to the Tribunals and Inquiries Act 1971, for the name ' Plant Variety Rights Tribunal' there shall be substituted in each place the name 'Plant Varieties and Seeds Tribunal'.