



Isle of Man

Ellan Vannin

AT 4 of 1921

THE SEEDS ACT 1921



Isle of Man

Ellan Vannin

THE SEEDS ACT 1921

Index

Section	Page
1 Short title	5
2 Delivery of particulars on sale of seeds and seed potatoes	5
3 Provisions as to tests	6
4 Prohibition of sale or use of seeds containing injurious weed seeds	6
5 Power to enter and take samples	6
6 Exemptions	8
7 Presumption of correctness of statement for purposes of civil proceedings.....	8
8 Regulations	8
9 Penalties	9
10 Penalties for obstruction	9
11 Penalty for tampering	9
12 Legal proceedings.....	10
13 'Official testing station'	10
14 Expenses.....	10
15 Interpretation.....	10
16 Commencement of Act	11
ENDNOTES	13
TABLE OF LEGISLATION HISTORY	13
TABLE OF RENUMBERED PROVISIONS	13
TABLE OF ENDNOTE REFERENCES	13

**Isle of Man***Ellan Vannin*

THE SEEDS ACT 1921

Received Royal Assent: 10 August 1921
Passed: 5 July 1922
Commenced: 1 August 1921

AN ACT to amend the Law with respect to the sale and use of Seeds for sowing and of Seed Potatoes and to provide for the testing thereof.

GENERAL NOTES

1. The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.
2. References to the Treasurer of the Isle of Man are to be construed in accordance with the *Treasury Act 1985 s 7*.

1 Short title

This Act may be cited as 'The Seeds Act, 1921'.

2 Delivery of particulars on sale of seeds and seed potatoes

- (1) Every person who sells any seeds to which this Act applies or any seed potatoes, shall, on or before the sale, or if the goods are not delivered at the time of sale, on or before delivery thereof, deliver to the purchaser a statement in writing containing the prescribed particulars with respect, in the case of seeds, to their variety, purity, and germination, and, in the case of seed potatoes, to their class, variety, size, and dressing, and, in either case, to any other prescribed matters.
- (2) Every person who exposes for sale any seeds to which this Act applies, or any seed potatoes, shall cause to be displayed conspicuously on or in close proximity to the seeds or potatoes, as the case may be, a statement in writing containing such particulars as are required to be contained in the statement to be delivered under this section to a purchaser.
- (3) The statement required to be delivered under this section to a purchaser shall be contained in a sale note or invoice, or be attached to, inserted in, or written on, the package containing the seeds, or seed potatoes, as the case may be.

- (4) For the purposes of this section, a statement in writing referring specifically to a printed price list or printed catalogue containing the prescribed particulars shall be deemed to contain those particulars.
- (5) The particulars to be contained in a statement to be delivered under this section to a purchaser of seeds shall, so far as they are particulars relating to the purity and germination of the seeds, be particulars ascertained on a test of those seeds made in accordance with the provisions of this Act.
- (6) Every statement relating to seeds which is delivered or displayed under this section must specify that the seeds have been tested in accordance with the provisions of this Act.
- (7) The Department of Environment, Food and Agriculture (in this Act referred to as 'the Department') may, by licence granted subject to and in accordance with regulations made under this Act, exempt any person as respects any sale or any exposure for sale of seeds or seed potatoes from compliance with the requirements of this section, and any such exemption may be granted either absolutely or subject to compliance with any conditions specified in the licence.¹

3 Provisions as to tests

- (1) A test of seeds for the purpose of the preceding section shall, in the case of seeds other than garden seeds, be made either at one of the official seed testing stations established under the Seeds Act, 1920 (an Act of the Imperial Parliament) this Act or at some testing station appointed by the Department, and, in the case of garden seeds, be made either as aforesaid or in any other sufficient manner.²
- (2) Where seeds are sold or delivered or exposed for sale at any time other than some time within the months of August or September, a test for the purpose of the preceding section shall be a test made not earlier than the first day of the month of August last preceding, and, where seeds are sold and delivered or exposed for sale at any time within the months of August or September, the test shall be a test made not earlier than the first day of the month of August in the previous year.

4 Prohibition of sale or use of seeds containing injurious weed seeds

It shall not be lawful for any person to sell or expose for sale or knowingly to sow any seeds, being seeds to which this Act applies, which contain more than the prescribed percentage of the seeds of any prescribed injurious weeds.

5 Power to enter and take samples

- (1) Any person, whether an officer of the Department or not, duly authorised by the Department in that behalf may, upon production if so required of his authority, at all reasonable hours, enter any premises

where seeds to which this Act applies or seed potatoes are sold or exposed for sale or stored for purposes of sale without further recleaning, blending, or grading, and may without payment take samples of the seeds or seed potatoes for testing, and the owner thereof shall on demand deliver to the person taking the samples a statement containing such particulars with respect thereto as are required to be contained in the statement to be delivered upon a sale of seeds or seed potatoes, as the case may be, under this Act.³

- (2) A person taking a sample of seeds under this section shall divide the sample into two parts and shall cause each part to be marked, sealed, and fastened up, and shall deliver or tender one part to the owner of the seeds and shall deliver or send by post to the chief officer of the official testing station the other part of the sample for the purpose of its being there tested.
- (3) A certificate in the prescribed form of the result of any test of a sample sent to the official testing station under this section shall be issued in the prescribed manner, and a copy of every certificate so issued shall, as soon as it has been issued, be sent to the owner of the seeds.
- (4) Every certificate issued as aforesaid shall, in any proceedings against the owner of the seeds, be conclusive evidence of the facts stated in the certificate unless the owner within fourteen days from the date on which the copy is received by him gives notice in writing to the chief officer at the official testing station requiring that further portions of the sample should be tested both at that testing station and at some other official testing station.
- (5) Where any seeds of which a sample has been tested under this section were purchased by the owner thereof from any other person, and it appears to the Department from the certificate of the result of the test that the seeds in some material respect fail to correspond with the particulars contained in the statement delivered to the owner under this Act on the sale to him of the seeds, the owner shall, on application in writing made to him in that behalf by the Department at any time after the test has been completed, furnish to the Department the name and address of the person from whom he purchased the seeds, together with a copy of the statement so delivered, and the Department shall, on being furnished with the said name and address, cause to be sent to the seller in a sealed packet a part of the sample of the seeds, together with a copy of the certificate, and the certificate shall, in any proceedings against the seller, be conclusive evidence of the facts stated in the certificate:

Provided that, where the sample has not been tested at two official testing stations, the seller shall have the same right as the owner to require that further portions of the sample shall be so tested.⁴

- (6) Where further portions of a sample are tested in pursuance of the foregoing provisions of this section and the certificates issued by the two

official testing stations differ, the average of the results of the two tests shall be deemed the result of the test within the meaning of this Act, and a certificate by the Department as to the average of the results of the two tests shall be conclusive evidence of the facts stated in the certificate.⁵

6 Exemptions

This Act shall not apply —

- (a) to a sale of seeds to a person purporting to purchase them with a view to cleaning them before they are sold or exposed for sale; or
- (b) to a sale of seeds where the purchaser at the time of the sale gives to the seller an undertaking in writing that he will, before selling or exposing the seeds for sale, test or cause them to be tested, or that he will not resell the seeds to a seed merchant except on a similar undertaking by the purchaser; or
- (c) to a sale of seeds or seed potatoes for delivery outside the Isle of Man; or
- (d) to a sale or exposure for sale of seeds or seed potatoes not to be used for sowing or planting.

7 Presumption of correctness of statement for purposes of civil proceedings

- (1) For the purpose of any legal proceedings on a contract for the sale of seeds, being a sale to which this Act applies, the particulars contained in the statement delivered in pursuance of this Act on the sale shall be deemed to be true unless it is made to appear on a test made subject to the provisions of this section that the particulars were untrue and, in the case of particulars relating to purity or germination, that the actual percentage of purity or germination differs from the percentage appearing in the particulars by more than the prescribed limit of variation.
- (2) If the purchaser of any seeds desires that a test thereof should be made for the purposes of this section, he may, at any time within ten days of the date of the delivery thereof to him, take a sample thereof at the place at which the seeds were delivered, whether his own premises or elsewhere, and shall divide the sample so taken into two parts, of which one part shall be sent to the chief officer of the official testing station for the purpose of being there tested, and the other part shall be delivered or tendered to the seller.

8 Regulations

- (1) The Department may make regulations generally for the purpose of carrying this Act into effect and in particular and without prejudice to the generality of the foregoing provisions for prescribing —

- (a) the seeds, whether agricultural, vegetable or forest tree, to which this Act is to apply;
 - (b) the manner in which samples are to be taken and dealt with;
 - (c) any matter which under this Act is to be prescribed.⁶
- (2) Every regulation made under this Act shall be laid before Tynwald.

9 Penalties

- (1) If any person —
- (a) fails to comply with or acts in contravention of any provision of this Act or any undertaking given by him under this Act or any condition attached to any exemption granted under this Act; or
 - (b) makes or causes to be made any statement required to be delivered or displayed under this Act which is false in any material particular;
- he shall, without prejudice to any civil liability, be liable on summary conviction to a fine not exceeding £200.⁷
- (2) A person shall not be liable to be convicted on a charge of making or causing to be made a statement which is false in any material particular, if he proves that the particulars alleged to be false were particulars ascertained on a test made in accordance with the provisions of this Act of a sample of the seeds with respect to which the statement was made, or in a case where the particulars alleged to be false are particulars relating to the purity or germination of the seeds, that the actual percentage of purity or germination does not differ from the percentage specified in the statement by more than the prescribed limit of variation.

10 Penalties for obstruction

If any person obstructs or impedes in the execution of his duties under this Act any person authorised to enter any premises for the purposes of this Act, he shall be liable on summary conviction to a fine not exceeding £200.⁸

11 Penalty for tampering

If any person —

- (a) tampers with any seeds or seed potatoes so as to procure that any sample taken under this Act does not correctly represent the bulk of the seeds or seed potatoes; or
- (b) otherwise tampers with any sample taken under this Act; or
- (c) with intent to deceive sends or causes or allows to be sent to any testing station or person, to be tested for the purpose of this Act, a sample of seeds which to his knowledge does not correctly represent the bulk of the seeds;

he shall be liable on summary conviction to a fine not exceeding £2,500 or to imprisonment for a term not exceeding six months.

12 Legal proceedings

- (1) Proceedings for an offence under this Act shall be instituted only by the Department.⁹
- (2) For the purpose of any proceedings for an offence under this Act, the offence may be treated as having been committed either at the place at which it was actually committed or at the place in which the person charged with the offence is for the time being resident, and every court of summary jurisdiction shall have power to hear and determine proceedings for any such offence accordingly.
- (3) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a Court of Summary Jurisdiction, proceedings for an offence under this Act for making or causing to be made a false statement as to the class or variety of seed potatoes, may be commenced at any time within twelve months of the date on which the alleged offence was committed.¹⁰

13 ‘Official testing station’

In this Act the expression ‘the official testing station’ means any official seed testing station established and maintained for any part of the United Kingdom, whether alone or in common with some other part or the other parts of the United Kingdom as may be selected by the Department.¹¹

14 Expenses

Any expenses incurred by the Department in carrying this Act into execution shall be defrayed by the Treasurer of the Isle of Man out of moneys provided by Tynwald.¹²

15 Interpretation

In this Act, unless the context otherwise requires –

The expression “**the Department**” means the Department of Environment, Food and Agriculture.¹³

The expression “**owner**” in relation to seeds or seed potatoes includes any person having possession thereof:

The expression “**summary conviction**” means conviction before a High-Bailiff or two Justices of the Peace.

16 Commencement of Act

This Act shall come into operation on the first day of August, nineteen hundred and twenty-one.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Subs (7) amended by GC121/86 and by SD155/10 Sch 3.

² Subs (1) amended by GC121/86.

³ Subs (1) amended by GC121/86.

⁴ Subs (5) amended by GC121/86.

⁵ Subs (6) amended by GC121/86.

⁶ Subs (1) amended by GC121/86.

⁷ Subs (1) amended by Fines Act 1986 Sch 2.

⁸ S 10 amended by Fines Act 1986 Sch 2.

⁹ Subs (1) amended by GC121/86.

¹⁰ Subs (3) added by Seeds Amendment Act 1939 s 2.

¹¹ S 13 amended by GC121/86.

¹² S 14 amended by GC121/86.

¹³ Definition of 'the Department' substituted by GC121/86 and amended by SD155/10 Sch 3.