

N.R.C.D. 100

SEEDS (CERTIFICATION AND STANDARDS) ACT, 1972

ARRANGEMENT OF SECTIONS

SECTION

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SEEDS (CERTIFICATION AND STANDARDS) ACT, 1972¹

AN ACT to provide for the regulation of the importation and exportation of seeds and for related matters.

1. Importation, exportation or sale of seeds

(1) Subject to this Act and to the Prevention and Control of Pests and Diseases of Plants Act, 1965 (Act 307) a person shall not

(a) import, export or sell a seed unless the seed is of the standard prescribed and is packaged and labelled in the prescribed manner;

(b) import, export or sell a seed of a variety that is not approved for sale by the Minister;

(c) import, export or sell a seed under a grade name so closely resembling a grade name established by the Regulations unless the seed conforms to the standard in relation to that grade and is packaged and labelled in the prescribed manner.

(2) Without prejudice to subsection (1), a person shall not import the seeds of a crop, including seeds which enter the Republic through diplomatic channels from foreign countries, unless the seeds are approved by the Plant Quarantine Unit of the Ministry of Agriculture.

(3) Where seeds produced in the Republic are sold or held for the purpose of cleaning, subsection (1) (a) shall not apply to those seeds.

(4) Subsection (1) (b) shall not apply to seeds or roots and vegetables.

I. This Act was issued as the Seeds (Certification and Standards) Decree, 1972 (N.R.C.D. 1(0) made on the 30th day of August, 1972, and notified in the *Gazette* on 8th September, 1972.

(5) A person who does an act in contravention of a provision of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(6) Subject to subsection (1), an importer may import the seeds of a crop for the purposes of seed production for export if at the time of importation of the seed the importer makes a declaration in triplicate to the Commissioner, Customs, Excise and Preventive Service or an officer authorised by the Commissioner stating

(a) that the seeds are for the personal use of that person,

(b) that the seeds are to be used for experimental purposes only,

(c) that the seeds produced from the imported seeds shall not be sold to a person in the Republic, and

(d) that the production, distribution and disposal of the seeds shall be as authorised by the Minister.

(7) An importer who knowingly makes a declaration which is false commits an offence and is liable on summary conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(8) The Commissioner, Customs, Excise and Preventive Service shall forward two copies of the declaration to the Chief Seed Multiplication Officer.

2. Inspectors

(1) The Minister may designate a qualified person to act as an inspector for the purposes of enforcing this Act.

(2) An inspector may, for a purpose mentioned in subsection (1), at a reasonable time, on the production of the certificate of appointment,

(a) enter a place where the inspector has reasonable grounds to believe that there are seeds to which this Act applies; or

(b) inspect the seeds found in that place and take samples of the seeds; or

(c) require a person in possession of a document in respect of seeds to which this Act applies to produce the document for examination or for the purposes of obtaining copies or extracts from the document; or

(d) request a person to furnish an information which the inspector may require for the purposes of this Act.

3. Obstruction of inspectors

A person who

(a) obstructs an inspector exercising powers under this Act, or

(b) fails to comply with a request made in the exercise of a power under the Act, or

(c) gives an information which that person knows to be false,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

4. Seizure of seeds or package

(1) An inspector may seize a seed or a package in respect of which an offence is committed under this Act.

(2) A seed or a package seized under subsection (1) shall be retained by the inspector, but

- (a) if proceedings are not commenced against the person from whom the seed or package was seized within six months of the seizure, the seed or package shall be restored to that person, or
- (b) if that person is convicted of an offence under this Act, the seed or package shall be forfeited by the Court before which that person was convicted.

(3) A seed or a package forfeited by the Court under subsection (2) (b) shall be delivered as soon as practicable to the Chief Seed Multiplication Officer who may dispose of the seed or package.

5. Analysts

For the purposes of this Act, the Minister may appoint a qualified person as an analyst who shall examine seeds or samples of seeds which an inspector may refer to the analyst.

6. Certificate of analyst

A certificate duly signed by an analyst stating that the analyst has examined seeds or the samples of seeds referred to the analyst by an inspector and stating the results of the examination is prima facie evidence of the facts contained in the certificate.

7. Offences by bodies of persons

(1) Where an offence under this Act is committed by a body of persons then,

- (a) in the case of a body corporate other than a partnership, every director, secretary or similar officer of the body corporate shall be deemed to have committed that offence;
- (b) in the case of a partnership, every partner or officer of the partnership shall be deemed to have committed that offence.

(2) A person shall not be convicted of an offence under subsection (1) if it is proved that the offence was committed without the knowledge or connivance of, and that due diligence to prevent the commission of the offence was exercised by, that person having regard to the circumstances.

8. Regulations

The Minister may, by legislative instrument, make Regulations

- (a) establishing a national seed committee and prescribing the functions of the committee;

- (b) establishing grades with appropriate names for seeds, and providing grades requiring varietal purity for the use of standards established by the national seed committee;
- (c) prescribing the conditions under which and the manner in which seed crops may be inspected or seeds may be graded or tested;
- (d) prescribing the minimum standards of purity, germination, quality and disease of seeds;
- (e) in respect of the marking, packaging of seeds and labelling of packages;
- (f) prescribing the conditions under which variety names of seeds may be used;
- (g) for the testing of samples of seeds;
- (h) prescribing the fee to be charged for a service provided under this Act; (i) prescribing the species of plants the seeds of which are weed seeds;
- (j) prescribing for any other matters considered necessary to give effect to this Act.

9. Interpretation

In this Act, unless the context otherwise requires,

"functions" includes powers and duties;

"grade name" includes a mark, description or designation of a grade;

"importer" has the meaning assigned to it in the Customs Ordinance (Cap. 167);

"inspector" means a person designated as inspector under section 2;

"label" includes legend, work mark, symbol or design applied or attached to, included in, belonging to or accompanying, a seed or a package;

"Minister" means the Minister responsible for Agriculture;

"package" includes sack, bag, barrel, case or any other container in which seed is placed or packed;

"place" includes a vehicle, vessel, railway, an aircraft, a seed store, seed processing plant or seed warehouse;

"prescribed" means prescribed by the Regulations;

"quality" means seeds which conform to the standard prescribed;

"Regulations" means the Regulations made under this Act;

"seed" means the seed or planting material or a cereal, forage, legume, tree, turf, root, crop, vegetable, tobacco, fibre or an oil bearing crop grown or sold for the purpose of propagation;

"seed production" means the process of producing seed for further propagation;

"sell" includes offer for sale, expose for sale or have in possession for sale and distribution.