Introduction to seed legislation

By Jacob Cheptaiwa
KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS)

SEMIs UoN
Seed Enterprises Management Institute
University of Nairobi
Introduction

- Appropriate seed legislation at the national or regional levels are essential to create an enabling environment for the development of the seed sector
- For the facilitation of safe trade in seed
- Enabling release & registration of Varieties and seeds that can be traded internationally
- Enables production of seed consignments that meet international requirements
Basis of Regulatory framework

- Guided by national laws
- Regional laws
- International conventions/treaties
- Scientific guidelines
- Criterias
- Norms
- Standard practice
Framework specific objectives

- standard and uniform variety testing procedures
- provide the regulations needed for varietal release and listing
- Provide procedures for seed production,
- Comprehensive and flexible certification guidelines
- Relevant and simpler seed export and import requirements
Aspects of seed legislation

- Establishment of national seed committee
- Designating a Seed certifying agency
- Specify role/powers of seed inspectors/analysts
- Establishment of national/state seed testing laboratory
- Plant variety testing and release
- Listing of released plant varieties
- Seed certification system
- Powers to set minimum standards for seed production, processing, testing and marking or labelling requirements
- Prohibition of the sale or supply of seed of any listed variety unless it fulfils the requirements of the act;
- Import and export procedures of seed
- The creation of Appeal Authorities to rule on decisions by a certification agency that are disputed.
The act Empowers the Minister:–

- Regulate transactions in seeds, including provision for the testing and certification of seeds (sec. 1)
- For the establishment of National Plant Variety list (sec. 7)
- To empower the imposition of restriction on the sale of seeds of unlisted plant varieties (sec. 8)
- Establishment of seed testing stations (sec. 11)
- To control the importation of seeds (sec. 15)
To authorize measures to prevent injurious cross-pollination (sec. 16)

Procedure on grant of plant breeder’s rights. (sec. 17)

Conditions for grant of rights. (sec. 18)

Period for which rights are exercisable. (sec. 19)

Nature of rights (sec. 20)
Provisions cont’d

- Protected plant varieties (sec. 21)
- Maintenance of reproductive material (sec. 22)
- Licences (sec. 23)
- To establish a Tribunal to hear appeals and other proceedings and for connected purposes. (sec. 28)
- Offences and general penalty (sec. 32)
New provision (Amendments)

- Authorization of services to other competent bodies (S.3B.1b)
- Regulation & certification of forest seeds & wild plants (S.3.1h)
- Maintenance & certification of high value crops (non attractive to private) (S.3.1i)
- Integration & harmonisation of seed industry (S.31j)
- Emerging technologies protocol devt and application to seed prodn (S.16.2a &b)
- Compensation arising from seed pdn and sale
- Establishment of Plant genetic resource centre
- EDVs
- Plant protection aspects
Seed pdn aspects

- Registrations & verification of documents
- Seed certification scheme
- Seed production requirements
- Field inspection standards
  - Isolations
  - Varietal purity
  - Disease tolerances
  - Pests tolerances
  - Weeds tolerances
  - Any other factor
Seed processing aspects

- Handling requirements of raw seed
- Moisture content
- Processing standards
  - Seed physical purity
  - Degree of broken seed
  - Degree of rotten seed
  - Degree of discoloured
  - Other seed materials
  - Weed seeds
  - Any other quality factor
Seed processing cont’d

- grading standards
- seed treatments
- seed packaging stds

Seed sampling
sealing and labelling
Seed testing

- Verification of the received samples (requirements)
- Purity analysis requirements
- Viability tests (through germination and the tetrazolium tests requirements).
- Moisture tests content requirements.
- Pathological test (fungal, bacterial and viral tests).
- Determination of seed marketability.
Seed marketing

- Seed seller registration
- Seed distribution channels
- Seed seller conditions
- Seed storage
- Stop sale orders
- Validity of certification
- Seed resampling
- Import and export requirements.
Thank you