

SEEDS AND PLANT VARIETIES (SEEDS) REGULATIONS, 1991

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Interpretation.
3. Prescribed seeds.
4. Seed testing and certification station.
5. Seed Regulation Committee.
6. Seed allocation panel sub-committee.
7. Application for consideration as a seed grower.
8. Registration of seed growers.
9. Registration of seed merchant.
10. Seed certification.
11. Seed inspection.
12. Seed processing.
13. Seed sampling.
14. Seed testing.
15. Packing, labelling and sealing.
16. Validity certification and quality declaration.
17. Seed sale.
18. Seed sellers.
19. Post control plots.
20. Seed importation and exportation.
21. Appeals.
22. Offences and penalties.
23. Protection from liability in certain cases.

SCHEDULES

- FIRST SCHEDULE – PRESCRIBED SEEDS
- SECOND SCHEDULE – SEED UNDER COMPULSORY CERTIFICATION
- THIRD SCHEDULE – SEED CLASSES
- FOURTH SCHEDULE – FIELD AND LABORATORY STANDARDS
- FIFTH SCHEDULE – FIELD INSPECTION FEES (KSh.)
- SIXTH SCHEDULE
-

SEEDS AND PLANT VARIETIES (SEEDS) REGULATIONS, 1991

[Section 3, L.N. 287/1991, L.N. 464/1991, L.N. 151/1998, L.N. 57/1999, L.N. 49/2009.]

REGULATIONS UNDER SECTION 3

1. Citation

These Regulations may be cited as the Seeds and Plant Varieties (Seeds) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**authorized officer**” means a public officer appointed by the Minister under section 2 of the Act;

“**basic seed**” means a mixture of two or more seed lots of the same cultivar of different origin into one composite bulk;

“**breeder’s seed**” means seed which has been produced by a person or institution responsible for the maintenance of the cultivar;

“**certified seed**” means progeny of basic seed or certified seed of higher classes;

“**cultivar**” means a subdivision of any seed species which can be distinguished from other subdivisions of that species by means of growth, plant type, flower or other physiological characteristics;

“**compulsory certification**” means mandatory certification for those cultivars that have been tested in National Performance Trial, officially released and indexed;

“**Director**” means the director of the National Seed Quality Control Service;

“**dressings**” means a stage of seed processing where application of chemical substances on the surfaces of seeds is done for the purposes of controlling pests or diseases;

“**field inspection**” means an examination of a crop seed field including checking for effective isolation distance, hectarage of the seed field, off-types, foreign cultivar and diseased plants as part of the seed certification programme;

“**germinated seeds**” means lots in respect of which in the course of germination tests have produced seedlings with normal growth characteristics of the shoot and root systems;

“**Government certified seed**” means seed in respect of which a certificate has been issued in accordance with these Regulations;

“**Government tested seeds**” means seed lots tested in accordance with these Regulations;

“**isolation**” means the required distance or time between two crops of the same species or between two crops of too closely related species to prevent contamination either mechanically or by pollination;

“**labelling**” means the process of affixing a tag or identification mark so as to ensure correct identification of any container of seed;

“**licensed seed seller**” means any person or institution licensed to sell Government tested and certified seeds only;

[Subsidiary]

“noxious weeds” means a plant declared to be a noxious weed under section 3 of the Suppression of Noxious Weeds Act (Cap. 325);

“off-type plant” means a plant which does not exhibit the recognized and prescribed growth habits and characteristics of the cultivar being grown;

“official seed sample” means a seed sample taken in accordance with these Regulations;

“official seed tester” means an officer designated to be an official seed tester by the authorized officer;

“parental material” means the propagating material from which the breeder’s seed is raised;

“post control” means the growing of plants from seed lots which have been certified to further determine and confirm cultivar purity and freedom from disease infection;

“pre-basic” means progeny of breeder’s seed;

“private sample” means any sample submitted to the seed testing laboratory other than the official sample;

“pure germinating seed” means the proportion of pure seed in a seed lot capable of germinating into normal seedlings under optimal germination conditions;

“purity” means the percentage by weight of pure seeds as determined by purity analysis in the seed laboratory;

“records” means any records required to be kept under these Regulations;

“registered seed grower” means a person or institution officially recognized by the authorized officer and the seed allocation panel as suitable to grow seed crops;

“registered seed merchant” means a person or firm or institution officially recognized by the Seed Committee as suitable to produce, process or sell seed;

“sealing” means the stage in processing whereby a seed container is sealed to prevent any tampering;

“seed” means that part of the crop species which is used for propagation either as a seed in botanical sense which is developed from a fertilised ovule, or a seedling, or some other parts such as a corm, cutting, bulb, root scion, set, split, tuber or stem, which is not a seed in a botanical sense and which is used for vegetative propagation;

“seed analyst” means a suitably qualified person on the staff of an official testing station;

“seed class” means a stage in a seed multiplication system well defined in respect of parental seed standards of cultivation and seed quality;

“seed crop” means a crop that is grown for the specific purpose of producing seed;

“seed health” means the degree of freedom from seed borne diseases and pests;

“seed industry” means the entire chain linked stages that start with breeding and crop improvement through seed multiplication, processing, certification and ends with seed distribution;

“seed inspector” means a suitably qualified person on the staff of the official inspection station;

[Subsidiary]

“**seed lot**” means a specified quantity of seed which measures to prescribed maximum weight and which is represented by one sample in laboratory seed testing or in post control plots, and is homogeneous and physically identifiable by a unique reference number;

“**seed processing**” means all those treatments that the seed is subjected to other than testing, between harvesting and sale;

“**seed production**” means all the operations leading up to and including final harvesting of the seed from the seed crop field;

“**seed quality**” means seed lots that have met the minimum standards and hence are of high cultivar purity, high genetic and physical purity, are free from noxious weeds, seed borne diseases and pests and have germination capacity;

“**seed testing**” means the examination of a sample of seed with a view to determining its quality for the purpose of producing a specific commercial crop;

“**seed testing laboratory**” means a laboratory for the testing of seed declared by notice in the *Gazette* to be a seed testing laboratory in accordance with the provisions of the Act;

“**standard**” means the level of quality achieved during field inspection or a laboratory test as defined in these Regulations;

“**standard seed**” means seed that is marketed after standards have been relaxed on account of emergency or disaster so that such seed is subjected only to laboratory tests and post control observation;

“**storage**” means a stage of seed processing in which seed is maintained in a condition such that minimum deterioration of seed lots occur;

“**technical grounds**” means grounds for appeal in cases of rejection in hybrid seed production where an inspector did not consider all the factors of the seed crop prior to rejecting the crop;

“**test report**” means a seed testing laboratory report made on a private sample and on official seed sample;

“**tested seed**” means a sample of an official seed lot in respect of which these are valid laboratory test certificates;

“**Tribunal**” means the Seeds and Plants Tribunal established under section 28 of the Act;

“**weed**” means any plant of type or species different from a crop species growing in or near a registered seed crop so as to constitute a threat to the registered seed crop or the seed produced from it.

3. Prescribed seeds

The seeds of the plant species set out in the First Schedule shall be the prescribed seeds for the purposes of the Act.

4. Seed testing and certification station

The National Seed Quality Control Service established under section 11 of the Act shall be the official seed testing and certification station.

[L.N. 151/1998, s. 2.]

[Subsidiary]

5. Seed Regulation Committee

(1) There shall be a committee to be known as the Seed Regulation Committee, which shall consist of—

- (a) the Director of Agriculture, who shall be the chairman;
- (b) the Director, Kenya Agricultural Research Institute;
- (c) the Managing Director, Agricultural Development Corporation;
- (d) the Managing Director, Horticultural Crop Development Authority;
- (e) the Director, Kenya Forestry Research Institute;
- (f) the Director, National Seed Quality Control Service who shall be the Secretary;
- (g) the General Manager of the Kenya Farmers' Association; and
- (h) the Chief Executive, Kenya National Farmers' Union.

(2) The Committee may co-opt such number of members not exceeding three to represent such interests as it may from time to time determine.

(3) The functions of the Committee shall be—

- (a) to develop seed policy;
- (b) to modify or alter certification standards;
- (c) to make recommendations for the registration or deregistration of seed merchants;
- (d) to moderate cases of appeal by aggrieved persons; and
- (e) to renew and recommend appropriate seed certification fees.

(4) The Committee shall meet at least once in a year to review seed regulations and to make recommendations as may from time to time be appropriate to the Minister.

[L.N. 151/1998, s. 2.]

6. Seed allocation panel sub-committee

(1) There shall be a sub-committee of the Seeds Regulations Committee to be known as the Seed Growers Allocation Panel which shall consist of—

- (a) the Provincial Director of Agriculture who shall be the chairman;
- (b) the director of the Commodity Research Centre for the seed crops under deliberation;
- (c) the Director, National Seed Quality Control Service who shall be the secretary;
- (d) the Managing Director, Agricultural Development Corporation; and
- (e) the Managing Director, Horticultural Crops Development Authority.

(2) The Panel may co-opt such number of members not exceeding three to represent such interests as it may from time to time determine.

(3) The Panel shall meet at least once a year to select eligible applicants for growing seed crops for compulsory certification.

[L.N. 151/1998, s. 2.]

7. Application for consideration as a seed grower

(1) Any person, grower, institution or seed merchant wishing to be considered as a seed grower shall apply in writing to the secretary of the Seed Growers Allocation Panel.

[Subsidiary]

(2) Each application shall be accompanied by the appropriate fee prescribed in the Fifth Schedule and shall be in respect of the growing of one crop only.

(3) The Panel shall not approve any application in respect of land in which during the preceeding season, other cultivars of the crop or closely related crops have been grown.

8. Registration of seed growers

(1) Successful applicants under regulation 7 shall be eligible for registration as seed growers on completing Form SR 1 in the Sixth Schedule and payment of the fee prescribed in the Fifth Schedule.

(2) Upon registration, the Director shall issue the applicant with a certificate of registration in Form SR 2 in the Sixth Schedule, and by virtue of such registration, the owner of the registered crop shall be the registered seed merchant but with respect only to the seed of the registered crop.

(3) The Director shall keep a record of all registered seed growers.

(4) Every registered seed grower shall plant the appropriate parent seed for production of his registered seed class and shall keep a record of such parentage including certificates, labels and invoices as the Director may direct.

(5) A registered crop shall not exceed the approved hectarage by more than ten per cent of the total area.

(6) Save where the Director otherwise directs only one or two cultivars of the same species shall be permitted on any farm or field.

9. Registration of seed merchant

(1) Every person who by way of trade or business produces, purchases, or otherwise acquires, sells, exposes, keeps, stores or advertises for sale any seeds purported to be government tested and certified shall apply to the secretary, Seed Regulation Committee for registration as a seed merchant in Form SR3.

(2) Every application under subregulation (1) shall be in Form SR 3 in the Sixth Schedule and shall be accompanied by the appropriate fee prescribed in the Fifth Schedule.

(3) The Seed Regulation Committee shall approve for registration, applicants who meet the following conditions—

- (a) seventy-five per cent of their business is either in processing, production or marketing;
- (b) they have adequate trained and competent personnel knowledgeable in seed related matters and conversant with Kenya's seed industry;
- (c) they have established an extensive and comprehensive seed distribution channel of registered agents, sub-agents and stockists;
- (d) they have installed all equipment necessary for seed processing and storage.

(4) Candidates whose applications are approved under paragraph (3) shall be entered into the register of seed merchants to be kept by the Director and shall be issued with a certificate of registration in Form SR 4 in the Sixth Schedule.

(5) The certificate issued under paragraph (4) shall specify such conditions as may be necessary with respect to the production, processing or marketing of the seed.

[Subsidiary]

(6) Every registered seed merchant shall—

- (a) record such particulars of each seed lot Government tested and certified seed produced, purchased, sold or otherwise dealt with by him as may from time to time be prescribed;
- (b) keep such records in safe custody for a period of three years from the date of the transaction to which the records relate;
- (c) produce such records to any inspector for inspection whenever required during normal working hours;
- (d) be obliged to call an inspector to re-sample seed lots whose validity of certification has expired for further re-testing, re-labelling and re-sealing.

(7) Any person who contravenes the provisions of paragraphs (1) and (6) shall be guilty of an offence.

[L.N. 151/1998, s. 2.]

10. Seed certification

(1) Only cultivars officially released by the Minister and advanced breeder's lines which have potential for release shall be eligible for certification.

(2) Seeds shall be certified in eight classes as set out in the Third Schedule.

(3) Any seed crop which contains noxious weeds or seed-borne diseases that are difficult to eradicate shall not be eligible for certification.

(4) No seed shall be certified unless it has been produced, inspected, sampled, tested, and it complies with the standards set out in the Fourth Schedule.

(5) Breeders shall maintain the standards of pre-basic and classes of the cultivars approved for certification under paragraph (1).

(6) In cases of natural disasters such as floods, drought or outbreaks of disease, the seed classes and prescribed standards shall be waived by the Minister and the resultant seed shall be classified as standard seed.

11. Seed inspection

(1) The seed grower or his agent shall, one month after a seed crop is planted, apply for a field inspection by completing Form SR 5 in the Sixth Schedule and payment of the fee prescribed in the Fifth Schedule.

(2) A field inspection for the purposes of certification shall be conducted by Government seed inspectors and shall be confined to registered seed growers' fields and the fields of advanced breeder's lines which have potential for the release as cultivars.

(3) A seed inspector shall have the power of entry into any field registered for field inspection.

(4) A seed inspector conducting a field inspection shall not certify any crop if he is satisfied that it does not meet the standards specified in the Fourth Schedule.

(5) The results of each field inspection shall be issued in Form SR 6 in the Sixth Schedule.

(6) Upon completion of a field inspection, any seed crop that meets the prescribed standards shall be accorded its appropriate class.

(7) Upon completion of the final field inspection, a final inspection report shall be filed in Form SR 6A in the Sixth Schedule.

(8) Where a registered grower or his agent disagrees with the results of any field inspection, he may appeal within two days to the Director, for re-inspection.

- (9) A re-inspection shall be carried out by a team comprising—
- (i) one senior seed inspector;
 - (ii) one breeder;
 - (iii) a representative of the aggrieved seed grower; and
 - (iv) a representative of the seed merchants; and

where upon a re-inspection a field is approved, the aggrieved grower shall not pay re-inspection fee.

(10) In hybrid seed production, no appeal shall be lodged on grounds of selfing save on technical grounds only.

(11) Upon harvesting, the seed inspector shall supervise transportation by issuing a transport order in Form SR 7 in the Sixth Schedule after the seed containers have been clearly marked with indelible ink.

12. Seed processing

(1) Only registered seed merchants shall process seed and the names of the registered seed merchants, their agents and stockists may be published in the *Gazette*.

(2) Registered merchants shall be allowed to have for processing only seed from fields that have been approved, or seed permitted to be imported into Kenya in bulk.

(3) Every seed merchant shall notify the Director before processing any seed lots; and upon such notification, the Director, or his agent shall issue a work order to the merchant in Form SR 8 in the Sixth Schedule.

(4) The Director or his agents may enter and inspect the premises of any merchant processing seed.

(5) During processing, the seed inspectors shall perform machine inspection and lot examination, and order reprocessing where processing is ineffective.

(6) Processed seed shall be properly marked and stored separately in identifiable lots.

(7) The merchant shall pay the appropriate lot examination fees as prescribed in the Fifth Schedule.

[L.N. 151/1998, s. 2.]

13. Seed sampling

(1) All seed delivered in lorries to seed driers shall be sampled.

(2) All processed lots shall be sampled and the sample shall be provided free of charge for purposes of laboratory seed testing and post control planting and examination.

(3) All the samples shall bear a unique seed lot reference number.

(4) Lots shall be created at the time of sampling and shall not exceed the maximum weights prescribed in these Regulations.

(5) Where automatic samplers have not been installed, the seed merchant shall arrange the packages in such a way as to enable the seed inspector to reach all packages and draw samples.

(6) The sampling of seed lots shall be conducted in accordance with the current International Seed Testing Association procedure.

(7) Crops from different fields of the same origin, species and cultivar which have passed field inspection may be blended and bulked to constitute one seed lot.

[Subsidiary]

(8) The seed merchant shall provide reliable scales for ascertaining the weight of a seed lot.

(9) The seed merchant shall pay the appropriate fees for seed sampling prescribed in the Fifth Schedule.

14. Seed testing

(1) Seed testing for the purposes of certification shall be conducted by an official seed tester and seed analyst in accordance with section 12 of the Act.

(2) The samples to be tested in the seed laboratory shall be official samples drawn by a seed inspector and submitted to an official seed tester together with Form SR 9 in the Sixth Schedule, or private samples submitted by farmers or private individuals to the seed testing laboratory.

(3) The official seed tester shall—

- (a) test seeds in accordance with the International Seed Testing Association procedure for seed testing upon payment of the appropriate fee prescribed in the Fifth Schedule by the merchant or private individual submitting the seed for testing;
- (b) record the results of the seed test on a certificate in Form SR 10A in the Sixth Schedule in the case of official samples or Form SR 10B in the Schedule in the case of private samples;
- (c) state whether the tested seeds have met the minimum standards of germination capacity, purity and health as set out in the Fourth Schedule and whether they are marketable;
- (d) furnish the results of the seed testing to the seed merchant in a test certificate or to the private individual as a test report;
- (e) furnish a special report where the lot has been tested for unique seed health; and
- (f) store the sample under optimal storage conditions for at least twelve months from the date the test results certificate is issued.

15. Packing, labelling and sealing

(1) Seed lots shall not be labelled or sealed before the official seed tester has released a test result certificate, save in cases of early movement of seed.

(2) In case of early movement of seed, the seed merchant shall—

- (a) prove that the seed lots passed all other tests;
- (b) provide the purchaser with a written statement indicating that the seed lots is being marketed prior to the release of official seed testing results;
- (c) upon receipt of an order to stop sale in Form SR 11 in the Sixth Schedule, withdraw all seed lots that have not reached the prescribed minimum standards of germination capacity.

(3) Certified seed lots which have met the prescribed minimum standards shall be packed in bags or containers, securely closed, sealed by a seed inspector and labelled with a certification label whose serial number shall be entered into the work order used in processing the seed.

(4) The certificate label referred to in paragraph (3) shall specify the—

- (a) seed class;
- (b) species and cultivar of seed;
- (c) lot number;

- (d) date of sealing;
- (e) weight of the packet, bag or container;
- (f) warning text in cases where the seed is dressed; and
- (g) the approximate date of expiry or period of validity of declaration.

(5) The seed merchant shall pay the appropriate fee for labelling and sealing prescribed in the Fifth Schedule.

(6) No person, other than the ultimate user, shall remove labels, seals or open mechanically sewn or closed packets of seed.

(7) Labelling and sealing shall not be conducted for seed packets of less than ten kilograms in weight provided—

- (a) that the seed is drawn from sealed containers;
- (b) packets or containers are sealed or closed;
- (c) the phrase “Government certified” is printed on the packet or container;
- (d) the lot number, date of sampling, cultivar name and species name is printed on the packet or container;
- (e) warning text, in cases where the seed lot is dressed in printed on the packet or container.

(8) Where certified seed lots are returned for re-packing, the re-packing shall be done only with the approval of the Director and under the supervision of a seed inspector.

(9) Any merchant who sells seed whose quality has been declared under these Regulations and whose weight is less than ten kilograms shall label each package of seed being offered for sale and such label shall state the species, cultivar, seed lot number, date of sampling, weight of the package and period of validity of the declaration.

(10) In cases of natural disasters as provided for under regulation 10(6), the merchant shall print the expression “Standard Seed” on all seed packets or containers.

(11) Any person who contravenes the provisions of paragraphs (2), (5) and (8) of this Regulation shall be guilty of an offence.

16. Validity certification and quality declaration

(1) Unless earlier revoked—

- (a) the validity of certification for cereals, pulses, oil crops and fibre crops shall be twelve months from the date of sampling; and
- (b) the validity of certification for herbage grass, legumes, root crops, vegetables and stimulant crops shall be six months from the date of sampling.

(2) Unless earlier revoked, the declaration of quality for all kinds of species of seed shall be valid for twelve months from the date of sampling.

(3) It shall be the responsibility of the seed merchant or agent to call inspectors for re-sampling, re-testing and re-sealing of seed lots whose validity of certification has expired.

(4) Any merchant who contravenes the provisions of this regulation shall be guilty of an offence.

17. Seed sale

(1) No seed shall be offered for sale unless it has been certified or it has had its quality declared under regulation 16.

[Subsidiary]

(2) No species of seed specified in the Second Schedule shall be offered for sale unless it has been certified.

(3) The merchant shall, pursuant to the provisions of regulation 16(1), be responsible for the quality of any seed he sells or offers for sale.

18. Seed sellers

(1) Every seed merchant shall appoint an agent, a sub-agent and stockists with knowledge, ability and appropriate facilities to maintain the quality and viability of the seed offered for sale.

(2) The agent, sub-agent or stockists appointed under paragraph (1) shall apply to the Director for a seed seller's licence by completing Form SR 12 in the Sixth Schedule.

(3) The Director shall, upon receipt of an application under paragraph (2), and on payment of the fee prescribed in the Fifth Schedule issue a seed seller's licence in Form SR 13 in the Sixth Schedule.

(4) There shall be attached to the licence issued under this regulation conditions relating to the maintenance of seed to be exposed for sale, and such licence shall be valid for twelve months from the date of issue:

Provided that the Director may vary the duration of validity as he may deem necessary, and shall withdraw such licence where the attached conditions are breached.

(5) No person shall sell seed unless he holds a valid licence issued under this regulation.

(6) The Director or his representative may enter and inspect any premises where seed is stored for sale.

(7) The Director shall maintain a register of all seed sellers licensed under this regulation.

(8) A seed inspector or seed analyst shall, on annual basis, conduct sampling and re-testing of all seed stored for sale by licensed sellers and shall issue an order to stop sale in respect of seed lots whose germination capacities are below the minimum prescribed standards.

(9) Where an order to stop sale under paragraph (8) is issued, the merchant shall retrieve the affected seed lots from all agents, sub-agents and stockists and shall destroy all such seed.

19. Post control plots

(1) Seed lots officially sampled and tested under these Regulations shall be grown in post control plots in accordance with the Organization for Economic Co-operation and Development Scheme for cultivar purity standards; and such plots shall be open to examination and assessment by all parties interested in the seed industry.

(2) Upon completion of the examination and assessment of post control plots, the Director, an officer authorized by him or his agent shall write a report on the number of off-types, foreign cultivars, diseased plants and other diversions observed in the plots, and shall attempt to determine the sources of the diversions and possible remedies to eradicate such diversions in subsequent seasons.

20. Seed importation and exportation

(1) No person shall import seed for sale unless—

- (a) he is a registered seed merchant;

[Subsidiary]

- (b) such seed complies with the minimum standards set out in the Fourth Schedule, and has been tested for adaptability in Kenya and found to be a variety the agro-ecological value of which may surpass, in one or more characteristics, that of existing varieties according to results obtained from official tests, and to have performed well in a manner similar agro-ecological zone;
- (c) he has submitted a notice of intention to import such seed in Form SR 14 in the Sixth Schedule, and has, with the approval of the authorised officer, been issued with a seed import permit in Form SR 15 in the Schedule.

(2) The notice under subparagraph (1)(c) shall specify the quantity, the species and the cultivar of the intended import.

(3) Any seed imported under this Regulation shall not be sold unless its quality has been examined, tested and post controlled, and the importer has given a unique seed lot number to the consignment.

(4) The marketing of imported seed shall be subject to the provisions of regulation 16 of these Regulations.

(5) All imported seed shall be accompanied by a phytosanitary certificate and an international orange certificate of the International Seed Testing Association, and shall meet Kenyan quarantine requirements as set out in the Plant Protection Act (Cap. 324).

(6) The Director may regulate the certification of imported seed lots in accordance with the certification scheme in Kenya, or restrict the importation of any species and cultivar of seeds.

(7) Where there is surplus seed the authorized officer shall, on written application addressed to him, issue an export permit.

(8) All seed for export shall meet the minimum standards set out in the Fourth Schedule.

[L.N. 57/1999, s. 2.]

21. Appeals

(1) Any person aggrieved by the decision of an inspector or the Director may appeal to the Seed Regulation Committee.

(2) Any person aggrieved by a decision of the Seed Regulation Committee may appeal to the Seeds Tribunal.

22. Offences and penalties

(1) Any person who—

- (a) with intent to defraud, gives false information to a seed inspector or a seed analyst; or
- (b) wilfully obstructs or interferes with or fails to comply with any lawful order given by any inspector in execution of his powers or duties under these Regulations; or
- (c) produces or displays any certificate required to be produced or displayed under these Regulations which is false in any material particular; or
- (d) sells or exposes for sale any seed which does not correspond with the description in any certificate required to be produced or displayed under these Regulations; or
- (e) contravenes any of the requirements of these Regulations,

shall be guilty of an offence.

[Subsidiary]

(2) Any person found guilty of any offence under these Regulations shall be liable to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.

23. Protection from liability in certain cases

(1) No legal proceedings shall lie against any officer for anything done *bona fide* and without negligence, in the exercise of their powers, or the performance of their functions or duties under these Regulations.

(2) For the purposes of this Regulation, the term "officer" includes any employee of the Kenya Government.

FIRST SCHEDULE

[Rule 3, L.N. 151/1998, s. 2.]

PRESCRIBED SEEDS

Cereals

Barley	Hordeum vulgare L.
Finger millet	Eleusine coracana (L.) Gaertn.
Maize	Zae mays S.
Oats	Avena sativa L.
Pearl millet	Pennisetum (L.) R.Br.
Rice	Oryza sativa L.
Rye	Secale cereale L.
Sorghum	Sorghum bicolor (L.) Moench.
Triticale	Tricosecale Wittm.
Wheat	Triticum spp.

Pulses

Beans	Phaseolus vulgaris L.
Broadbeans	Vicia faba L.
Chick peas	Cicer arietinum L.
Cluster bean	Cyamopsis tetragonoloba.
Cowpea	Vigna unguiculata (L.) Waip.
Dolichos bean	Dolichos lablab L.
Pea	Pisum sativum L.
Pigeon pea	Cajanus cajan.
Common Vetch	Vicia sativa L.

Oil Crops

Castor bean	Ricinus communis L.
Ground nut	Arachis hypogaea L.
Jajoba	Simmondsia chinensis.
Linseed	Linum usitatissimum L.
Oil seed rape	Brassica napus L.
Safflower	Carthamus tinctorius L.
Sesame	Sesamum indicum L.
Sunflower	Helianthus annus L.
Soya beans	Glycine max (L.) Merr.

FIRST SCHEDULE—*continued**Fibre Crops*

Cotton	Gossypium spp.
Flax	Linum usitatissimum L.
Kenaf	Hibiscus cannabinus L.

Root and Tuber Crops

Beet	Beta vulgaris L.
Irish potatoes	Solanum tuberosum.
Turnip	Brassica rapa L.

Flowers

Pyrethrum	Chrysanthemum spp.
Several other species	Mostly Liliaceae, Umbelliferae.

Herbage Grasses

Blue stem grass	Andropogon spp.
Buffel grass	Cenchrus ciliaris L.
Cock's foot	Dactylis glomerata.
Coloured guinea grass	Panicum coloratum.
Columbus grass	Sorghum almum.
Congo signal	Brachiaria ruziziensis.
Paspalum grass	Paspalum gayanus.
Rhodes grass	Chloris gayana.
Rye grass	Lolium spp.
Setaria	Setaria anceps.
Sudan	Sorghum sudanense.
Love grass	Eragrostis spp.

Lawn grass

Bermuda grass	Cynodon dactylon.
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Pasture Legumes

Butterfly pen	Crotalaria ternatea.
Centro	Centrosema pubescens Benth.
Clover	Trifolium spp.
Greenleaf	Desmodium intortum (Miller).
Leucaena	Leucaena leucocephala.
Lucerne	Medicago sativa L.
Lupin	Lupinus spp.
Silver leaf	Desmodium uncinatum.
Siratiro	Macroptilium atropurpureum.
Stylo	Stylosanthes guianensis.

Vegetables

Amaranth	Amaranthus spp.
Artichoke	Cynara scolymus.
Asparagus	Asparagus officinalis.

Seeds and Plant Varieties

[Subsidiary]

FIRST SCHEDULE—*continued*

Beans	Phaseolus vulgaris L.
Beet	Beta vulgaris L.
Broccoli/Cauliflower	Brassica oleracea var. botrytis L.
Brussels sprouts	Brassica oleracea var. gemnifera.
Cabbage	Brassica oleracea var. capitata L.
Cantaloupe/Muskmelon	Cucumis melo L.
Carrot	Daucus carota L.
Celery/Celeriac	Apium graveolens L.
Chicory	Cichorium intybus L.
Chinese cabbage	Brassica chinensis L.
Chirvil	Anthriscus cerefolium.
Collards/Kale.....	Brassica oleracea var. ancephala DC.
Corriander	Coriandrum sativum.
Cucumber	Cucumis sativus L.
Dill	Arethum graveolens L.
Eggplants	Solanum melongena L.
Endive	Cichorium endivia L.
Garden cress	Lespidium sativa L.
Karella	Cucumis spp.
Kohl rabi	Brassica oleracea var. gongylodes.
Leek	Allium porrum L.
Lettuce	Lactuca sativa.
Okra	Hibiscus esculentus L.
Onion	Allium cepa L.
Parsley	Petroselinum crispum (Mill) Nym.
Parsnip	Pastinaca sativa L.
Pea	Pisum sativum L. Sensulato.
Pepper	Capsicum spp.
<i>Pumpkin/Squash</i>	
Courgette	Cucurbita pepo L.
Radish	Raphanus sativus L.
Rhubarb	Rheum rhaponticum L.
Rutabaga	Brassica napus var. napobrassica L.
Spinach	Spinacea oleracea L.
Swiss chard	Beta vulgaris.
Tomato	Lycopersicon esculentum P. Mill.
Turnip	Brassica rapa L.
Water cress	Nasturtium officinale Ribr.
Water melon	Citrullus spp.

Seeds and Plant Varieties

[Subsidiary]

SECOND SCHEDULE

[Rule 10.]

SEED UNDER COMPULSORY CERTIFICATION

<i>Cereals</i>	<i>Grasses</i>
Maize	Setaria
Wheat	Rhodes grass
Barley	Sudan grass
Sorghum	Congo signal
Millet	Panicum spp.
Oats	Columbus grass
Triticale	<i>Pasture legumes</i>
<i>Pulses</i>	Centro
Beans (dry)	Stylo
Beans (Green podded)	Desmodium
Peas	Clover
Cow peas	Lucerne
Pigeon peas	Siratro
<i>Oil crops</i>	Lupins
Sunflower	<i>Root crops</i>
Oil-seed rape	Irish potatoes
Linseed	
Soyabeans	
Sesame	

THIRD SCHEDULE

[Rule 9(2), s. 2.]

SEED CLASSES

Code	Classes	Seed Parents	Colour of labels
Br.	Breeder	Progeny of parental stock	White
Pb.	Pre-basic	Progeny of parental stock or certified breeders seed	White
B.	Basic	Progeny certified breeders seed or certified pre-basic seed	White
C.1	Cer. 1st gen.	Progeny certified pre-basic seed or certified basic seed	Blue
C.2	Cert. 2nd gen.	Progeny of certified basic seed or certified 1st generation	Pink
C.3	Cer. 3rd gen.	Progeny of certified 1st generation or certified 2nd generation	Pink
C.4	Cer. 4th gen.	Progeny of certified 2nd generation or certified 3rd generation	Pink
Std. seed.	Standard Seed	Only used when a serious shortage of seed (for certification) of essential crops occurs	Grey

Seeds and Plant Varieties

[Subsidiary]

THIRD SCHEDULE—*continued*

- NOTE: (i) Potatoes—stock seed (SS), Pre-basic, basic, CI, CII, CIII.
(ii) Hybrid Maize—Breeders seed, Pre-basic, basic cert. I.
(All cases of hybrids).

FOURTH SCHEDULE

[Rule 11(4), L.N. 151/1998.]

FIELD AND LABORATORY STANDARDS

A.—*Field Standards*

Species	Isolational, Meters (Minimum)					Off-types of other Cultivars				
	BR	PB	B	CL	C2-C4	BR	BR	BI	C1	C2-C
<i>Cereals</i>										
<i>Maximum Number per 100 Plants (Heads)</i>										
*Maize	400	400	400	200	200	0	0	0	1	2
*Sorghum	400	400	400	200	200	0	0	0	1	2
<i>Maximum Number per 100 Square Metres</i>										
Wheat	10	10	10	4	4	1	1	1	5	6
Barley	10	10	10	4	4	1	1	1	5	6
Triticale	50	50	50	20	20	1	1	1	5	6
Oats	10	10	10	4	4	1	1	1	5	6
Finger Millet	10	10	10	4	4	1	1	1	5	6
<i>Pulses</i>										
<i>Maximum Number per 100 Plants</i>										
Beans	50	50	50	25	25	0	0	0	1	2
*Broad Beans	200	200	200	100	100	0	0	0	1	2
Soya Beans	10	10	10	4	4	0	0	0	1	2
Cowpeas	50	50	50	25	25	0	0	0	0	0
Pea	50	50	50	25	25	0	0	0	1	2
<i>Oil Crops</i>										
<i>Maximum Number per 100 Plants</i>										
†Sunflower	4,000	4,000	4,000	1,000	1,000	2m 5f..	2m 5f..	2m 5f..	5m 10f.	5m 10f.
Safflower	400	400	400	200	200	0	0	0	2	3
Rapeseed	400	400	400	200	200	0	0	0	2	3
<i>Herbage Grasses</i>										
<i>Maximum Number per 100 Square Metres</i>										
*Rhodes grass	200	200	100	100	100	4	4	4	10	12
*Setaria grass	200	200	100	100	100	4	4	4	10	12
Congo Signal	50	50	25	25	25	4	4	4	10	12
Guinea grass	50	50	50	25	25	4	4	4	10	12
*Sudan grass	400	400	400	200	200	0	0	0	1	2
Columbus grass	400	400	400	200	200	0	0	0	1	2

Seeds and Plant Varieties

[Subsidiary]

FOURTH SCHEDULE—continued

Species	Isolational, Meters (Minimum)					Off-types of other Cultivars				
	BR	PB	B	CL	C2-C4	BR	BR	BI	C1	C2-C
<i>Pasture Legumes</i>										
Stylo	200	200	200	100	100	0	0	0	1	2
Desmodium	200	200	200	100	100	0	0	0	1	2
Siratro	200	200	200	100	100	0	0	0	1	2
Clover	800	800	800	400	400	0	0	0	1	2
Lucerne	800	800	400	400	400	0	0	0	1	2
<i>Vegetables</i>										
<i>Maximum Number per 100 Plants</i>										
Tomato	100	100	100	50	50	0	0	0	5	6
Lettuce	100	100	100	50	50	0	0	0	2	3
<i>Root Crops</i>										
<i>Maximum Number per 100 Plants</i>										
Potato	100	100	100	50	50	0	1	2	2	3

* Open pollinated.

† Off-types in male parents m.

Off-types in female parents f.

ADDITIONAL FIELD STANDARDS

- The seed inspector may reject a crop should it be excessively weedy or severely lodged.
- Inspection shall be done for the following diseases.

Crop	Disease	Tolerance
(a) Maize	Headsmut (<i>Sphaceiotheca reiliana</i> (Kuhn) Clint)	2 plants per hectare
†	Loose smut (<i>Ustilago maydis</i> (DC) Corda)	2 plants per hectare
(b) Wheat	Bunt (<i>Tilletia Foetida</i> (Wair. Liro)	1 head per 100 sq. m.
Oat		
Barley	Loose smut (<i>Ustilago</i> spp.)	1 head per 100 sq. m.
Triticale		
†	Covered smut (<i>Ustilago hordei</i> (pers.) Lagerh)	1 head per 100 sq. m.
(c) Sorghum	Bunt	1 plant per 1,000 plants
	Mildew	1 plant per 1,000 plants
(d) Beans	Halo blight (<i>Pseudomonas phaseolicola</i>)	None during final inspection
‡	Anthraxnose (<i>Collectotricum lindemuthianum</i>)	None during final inspection
	Bean common mosaic virus	None during final inspection
	Common blight (<i>Xanthomonas phaseoli</i>)	None during final inspection
(e) Peas and	Leaf spots (<i>Ascochyta</i> spp)	None during final inspection
Cowpeas	Pod spots (<i>Mycosphaerella pinodes</i>)	None during final inspection
	Bacterial blight (<i>Xanthomonas vignicola</i>)	None during final inspection

Seeds and Plant Varieties

[Subsidiary]

FOURTH SCHEDULE—continued

<i>Crop</i>	<i>Disease</i>	<i>Tolerance</i>				
(f) Soyabean ‡	Bacterial blight (<i>Pseudomonas</i> spp)	None during final inspection				
	Bacterial pustule (<i>Xanthomonas phaseoli</i>)	None during final inspection				
(g) Sunflower §	Sclerotinia wilt and Head rot (<i>Sclerotinia sclerotiorum</i>)	5 plants per 1,000 plants				
	Verticillium Wilt (<i>Verticillium dahliae</i>)	5 plants per 1,000 plants				
	Botrytis head rot or grey mould (<i>Botrytis cinerea</i>)	5 plants per 1,000 plants				
	Downey mildew (<i>Plasmopara halstedii</i>)	5 plants per 1,000 plants				
	<i>Alternaria helianthi</i>	5 plants per 1,000 plants				
(h) Potatoes	Bacterial wilt or Brown rot (<i>Pseudomonas solanacearum</i>)	Nil during any inspection				
	Wart disease (<i>Synchytrium endobioticum</i>)	Nil during any inspection				
	Golden nematode (<i>Heterodera rostochionis</i>)	Nil during any inspection				
	Ring rot (<i>Corynebacterium sepeclonicum</i>)	Nil during any inspection				
	Potato spindle viroid	Nil during any inspection				
	Mycoplasma	Plants per thousand				
		SS	PB	B	C1	C2
Black leg (<i>Erwinia</i> spp)		0	0	0	0	—
Severe virus disease (leafroll, Y-group virus, severe mosaic)		2	4	5	10	1
Mild mosaic visible in the field		0	5	10	13	15
Fusarium wilt, Verticillium wilt		0	1	2	3	3
Nematodes (<i>Meloidogyne</i> spp. and <i>Ditylechus</i>)		0	0	2	3	4

3. Inspection shall be done for the following weeds:

<i>Crop</i>	<i>Weed</i>	<i>Tolerance</i>
Ley pastures	Important pasture weeds	
Wheat	Wild oats (<i>Avena fatua</i>)	Nil
Barley	<i>Avena sterilis</i> (<i>Avena ludoviciana</i>)	Nil
Oats	Thorn apple (<i>Datura stramonium</i>)	Nil
Triticale		

For tolerance of other weeds see 1 of this table.

KEY:

- † No roguing
- ‡ Roguing is notifiable
- § No roguing on disease

4. Hybrid seed production

(1) Maize:

Detasselling of female plants shall be inspected at least 3 times during tasselling period—

- (i) if 1% or more of the female plants possess receptive silks and more than 1 per 100 of them are shedding pollen at any one inspection, visit or more than 2 per 100 cumulatively during 3 days of inspection (3 inspection visits) then the crop shall be rejected;

FOURTH SCHEDULE—*continued*

- (ii) the neighbouring seed crop adjacent to a rejected seed shall also be rejected if—
- (a) the female plants shedding pollen in the rejected field exceeds either 2 per 100 on any one inspection or 4 per 100 on a combination of 3 visits;
 - (b) the failed crop shall have more than 2 per 1,000 off-type plants in its pollen parent;
 - (c) the rejected neighbouring crop has more than 4 smutted plants per hectare;
- (iii) the neighbouring seed crop adjacent to a rejected crop shall not be rejected if isolation is in accordance with these Regulations;
- (iv) all seed fields shall have eight guard rows round the seed field.

(2) *Sunflower.*

When 2% (basic and above) and 5% (certified) of the female plants have pollen receptive flowers, there should not be more than the number of off-type plants stated in the schedule and also not more than 5 plants per 1,000 female pollen shedders (basic and above) or 10 plants per 1,000 female pollen shedders (certified).

B.—Processing Standards

[Rule 12(5).]

<i>Crop</i>	<i>Screens* (bottom sieve) (mm)</i>	<i>Screenings Allowed</i>	<i>Grades</i>
Hybrid maize	7.8	5	LF, LR, MR, MF, HP
Open pollinated maize	6.75	5	LF, LR, MF, MR, HP
Wheat	2.2	5	—
Barley	2.3	5	—
Oats	2.0	5	—
Triticale	2.0	5	—
Potatoes	28.0-45.0	—	(5 tubers per 50 bag)
	46.0-60.0	—	All owed

*The requirement can be varied depending on variety and general crop performance as may be agreed upon by the Seed Regulation Committee.

NOTE:

1. *Maize*

A seed lot shall not be allowed to contain more than 2.5% of cracked, diseased and shrivelled seeds.

2. *Wheat, Barley, Oats and Triticale*

(a) Maximum of 1 seed per litre will be allowed in basic seed lots and 2 seeds per litre for certified seed lots.

(b) *Weed Seeds.*—A maximum of 2 seeds per litre will be allowed in basic seed lots and 4 seeds per litre for certified lots. No seed of wild oats, thorn apple or other noxious weeds shall be allowed.

(c) *Damaged Seeds*

(i) In basic seed lots a maximum of 10% of naked seeds and 10% of cracked seeds in barley and oats shall be allowed, while for certified seed the maximum will be 5%.

(ii) In basic seed lots a maximum of 10% of all discoloured seeds, e.g. blue pointed seeds (germ end) and 10% of insect damaged seeds allowed, while for certified seed the maximum will be 5%.

Seeds and Plant Varieties

[Subsidiary]

FOURTH SCHEDULE—*continued*

- (d) *Sprouted Seeds*.—In basic seed lots a maximum of 10% short sprouts and 5% long sprouts will be allowed while a maximum of 5% short sprouts and 2% long sprouts will be allowed in certified seed lots.
- (e) The combination of the factors mentioned in (c) and (d) above shall not exceed 10% for basic seed and 5% for certified seed.
3. *Sunflower*
- (i) Mixtures with other varieties—Maximum of 2 seed per litre allowed.
- (ii) Seeds with cracked seed coat—Maximum of 5% allowed.
- (iii) Noxious weed seed, e.g. *Datura*—None will be allowed.
4. *Beans, Peas and Cowpeas*
- (a) *Mixture with other Crop Seeds*.—None allowed in basic seed while a maximum of 1 seed per 1,000 of clearly distinguishable other bean seeds will be allowed for certified seed but seed of other species will not be allowed.
- (b) *Weed Seeds*.—Free from all weed seeds.
- (c) *Other Factors*.—
- (i) Spotted beans and heat damaged beans—Maximum 0.5% allowed.
- (ii) Rejects (insect-damaged beans, off-coloured seeds, beans with cracked skin, broken beans, too small seeds, etc.)—Maximum 3 allowed.
5. *Rape*
- Weed Seeds*.—A maximum of one seed per litre of wild radish (*Raphanu raphanistrum*) shall be allowed. No seed of darnel (*Lolium temulentum*) thorn apple, or wild oats shall be allowed in a seed lot.
6. *Sorghum*
- (a) *Mixtures with other Crop Seeds*.—A maximum of 1 seed per litre will be allowed in basic seed lots and 2 seeds per litre on certified seed lots.
- (b) *Weed Seeds*.—A maximum of 2 seeds per litre will be allowed in basic seed lots and 4 seeds per litre for certified seed. No seed of wild oat or thorn apple, striga and orobanche shall be allowed.
7. *Potatoes*
- The following diseases/abnormalities will be permitted upto the stated tolerances:

<i>Disease Abnormality</i>	TOLERANCE (TUBERS PER 50 KG. BAG)	
	<i>Basic</i>	<i>Certified</i>
Scab (<i>Streptomyces</i> spp., <i>Spongospora subterranea</i>) No more than 50% tuber covered)	25%	50%
Rhizoctonia (<i>Rhizoctonia solani</i>)	10%	30%
Pink rot (<i>Phytophthora erythroseptica</i>) Soft rot (<i>Erwinia</i> spp)	0%	1%
Severe tuber moth	2%	5%
Mis-shapen and damaged tubers	0%	5%

Seeds and Plant Varieties

[Subsidiary]

FOURTH SCHEDULE—continued

C.—Laboratory Standards

[Rule 14(3)(c).]

1. Quality requirements with respect to analysis figures concerning purity, germination capacity, other crop seed, weed seed and moisture content.

Species	Minimum purity % by weight	Maximum other crops seed % by number	Maximum weed seeds % by weight	Minimum germination capacity %	Maximum moisture content %
CEREALS					
Maize	99	trace	trace	90	13
Wheat	99	trace	0·1	85	13
Barley	99	trace	0·1	90	13
Sorghum	95	1	1	70	11
Millet	95	1	1	70	11
Oats	99	trace	0·1	85	13
Triticale	99	1	0·1	80	13
Rye	99	trace	0·1	85	13
Rice	99	1	1	70	11
PULSES					
Beans	99	trace	0·1	80	15
Broadbeans	99	trace	0·1	80	15
Chickpeas	99	0·1	0·5	75	15
Cluster beans	98	0·1	0·5	75	15
Cowpea	98	0·1	0·3	80	12
Dolichos bean	99	trace	0·1	80	15
Pea (garden)	98	0·1	0·3	80	12
Pigeon peas	98	0·1	0·3	80	12
Common vetch	98	trace	0·1	70	14
French beans	99	trace	0·1	80	15
Sugar peas	98	0·1	0·3	75	12
OIL CROPS					
Sunflower	99	trace	trace	85	10·0
Oil seed rape	99	trace	0·1	85	10·0
Safflower	99	trace	trace	85	10·0
Soya beans	98	trace	0·1	75	14·0
Groundnuts	97	trace	trace	80	14·0
Castor beans	98	trace	0·1	75	14·0
FIBRE CROPS					
Cotton	98	—	—	75	10·0
Flax	98	—	—	80	10·0
Kenaf	98	—	—	75	10·0

Seeds and Plant Varieties

[Subsidiary]

FOURTH SCHEDULE—continued

Species	Minimum purity % by weight	Maximum other crops seed % by number	Maximum weed seeds % by weight	Minimum germination capacity %	Maximum moisture content %
ROOT AND TUBER CROPS					
Beet	97	0.3	0.1	75	11.0
Irish Potato	99	—	—	—	—
Turnip	98	0.5	0.3	75	10.0
FLOWERS					
Pyrethrum	30	—	—	40	—
Other species					
VEGETABLES					
Amaranth	98	0.1	0.1	75	9.0
Artichoke	98	0.1	0.1	75	9.0
Asparagus	96	0.5	0.5	70	9.0
Broccoli	97	1.0	0.3	75	10.0
Brussels sprout ..	97	1.0	0.3	75	10.0
Cabbage	97	1.0	0.3	75	10.0
Cantaloupe/ melon	98	0.1	0.1	75	9.0
Carrot	95	1.0	1.0	65	9.0
Cauliflower	97	1.0	0.3	70	10.0
Celeriac/Celery	97	1.0	0.5	70	10.0
Chicory	95	1.5	0.5	65	10.0
Chinese cabbage	97	1.0	0.3	75	10.0
Collard/ kale	97	1.0	0.3	75	10.0
Cucumber	98	0.1	0.3	80	9.0
Dill	98	0.3	0.3	65	10.0
Eggplant	96	0.5	0.3	65	10.0
Endive	95	1.0	0.5	65	11.0
Garden cress	98	0.1	0.5	80	9.0
Gourdss (Several species).....	97	0.1	0.5	60	9.0
Kohl rabi	97	1.0	0.3	75	10.0
Leek	97	0.5	0.5	65	11.0
Lettuce	95	0.5	0.5	75	8.0
Okra	98	0.1	0.5	75	11.0
Onion	97	0.5	0.5	70	11.0
Parsley	97	1.0	0.5	65	10.0
Parsnip	98	0.1	0.5	60	10.0
Pepper	97	0.5	0.5	65	9.0
Pumpkin/squash/ cougette	98	0.1	0.3	75	9.0
Radish	97	1.0	1.0	60	8.0

Seeds and Plant Varieties

[Subsidiary]

FOURTH SCHEDULE—continued

Species	Minimum purity % by weight	Maximum other crops seed % by number	Maximum weed seeds % by weight	Minimum germination capacity %	Maximum moisture content %
Rhubarb	95	1.0	0.3	60	6.0
Rutabaga	98	0.5	0.3	75	10.0
Spinach/Swiss chard	97	0.5	1.0	70	11.0
Tomato	97	0.5	0.3	75	9.0
Turnip	98	0.5	0.3	75	10.0
Water melon	98	0.1	0.3	75	9.0
Other vegetable seeds	95	1.0	0.5	50	9.0
<i>Grasses</i>		<i>Purity</i>	<i>Germination</i>	<i>PGS %</i>	
Blue stem grass		40	50	20	
Buffel grass		} Same for all grasses			
Cock's foot					
Paspalum					
Rye grass					
Setaria					
Rhodes grass					
Sudan grass					
Congo signal					
Coloured guinea					
Columbus grass					
Love grass					
LAWN GRASS					
Bermuda grass					
PASTURE LEGUMES					
Centro		98	55		
Stylo		97	65		
Desmodium		95	70		
Clover		98	75		
Lucerne		98	75		
Siratro		98	80		
Glycine		97	70		

Seeds and Plant Varieties

[Subsidiary]

FIFTH SCHEDULE

[Rule 11(1), L.N. 151/1998, s. 2, L.N. 49/2009, s. 2.]

PART A – FIELD INSPECTION FEES (KSh.)

Crop under certification	Inspection per hectare	Minimum per field	Re-inspection on appeal at owner's request	
			Per hectare	Min. per field
Inbred maize	600	2100	710	2470
Hybrid maize	600	2100	280	2470
Open pollinated maize	280	1290	710	2470
Wheat (certified)	280	1290	710	2470
Wheat (Standard)	280	1290	710	2470
Barley (certified)	280	1290	710	2470
Barley (standard)	280	1290	710	2470
Oats	280	1290	710	2470
Grasses (certified)	280	1290	710	2470
Grasses (standard)	280	1290	710	2470
Sorghum (certified)	280	1290	710	2470
Sorghum (standard)	280	1290	710	2470
Potatoes (certified)	430	1935	710	2470
Potatoes (standard)	430	1290	710	2470
Hybrid sunflower	430	1290	710	2470
Open pollinated sunflower	280	1290	710	2470
Safflower	280	1290	710	2470
Beans (standard)	280	1290	710	2470
Peas	280	1290	710	2470
Rape seed	280	1290	710	2470
Vegetable (certified)	840	1290	880	2470
Vegetable (standard)	840	1290	880	2470
Sudan and Columbus grass	430	1290	495	2470
Other crops	280	1290	710	2470

PART B – SAMPLING AND SEALING FEES IN (KSh)

[Rule 13(9).]

Crop under Certification	Sampling and lot examination	Sampling and lot examination	Resampling seed lots		Resampling
			Min. per lot	Per 100 kg.	Per 100 kg.
Inbred maize	30	30	990	15	15
Hybrid maize	30	30	990	15	15
Open Pollinated Maize	30	30	990	15	15

Seeds and Plant Varieties

[Subsidiary]

FIFTH SCHEDULE—continued

Crop under Certification	Sampling and lot examination	Sampling and lot examination	Resampling seed lots		Resampling
			Min. per lot	Per 100 kg.	
Wheat (Certified)	30	30	990	15	15
Wheat (Standard)	73	73	990	15	15
Barley (Certified)	30	30	990	15	15
Barley (Standard)	73	73	990	15	15
Oats	30	30	990	15	15
Grasses (Certified)	150	150	990	15	15
Grasses (Standard)	150	150	990	15	15
Sorghum (Certified)	30	30	990	15	15
Sorghum (Standard)	73	73	990	15	15
Potatoes (Certified)	30	30	990	15	15
Potatoes (Standard)	73	73	990	15	15
Hybrid Sunflower	30	30	990	15	15
Open Pollinated Sunflower	30	30	990	15	15
Safflower	30	30	990	15	15
Beans (Certified)	30	30	990	15	15
Beans (Standard)	73	73	990	15	15
Peas	73	73	990	15	15
Vegetables (Certified)	198	198	990	15	15
Vegetables (Standard)	198	198	990	15	15
Other crops	140	140	990	15	15

PART C – LABORATORY SEED TESTING FEES (KSh.) PER SAMPLE

[Rule 14(3)(a).]

Crop under certification	Purity/ Germination	Moisture Test	Seed Health	Tetrazolium test	1000 seed count	Vigour test	ISTA Certification	Retesting for purity/ germination
Inbred maize	1500	500	1000	1000	200	1000	1000	1000
Hybrid maize	1500	500	1000	1000	200	1000	1000	1000
Open pollinated maize	1500	500	1000	1000	200	1000	1000	1000
Wheat (certified)	1500	500	1000	1000	200	1000	1000	1000

Seeds and Plant Varieties

[Subsidiary]

FIFTH SCHEDULE—continued

<i>Crop under certification</i>	<i>Purity/ Germination</i>	<i>Moisture Test</i>	<i>Seed Health</i>	<i>Tetrazolium test</i>	<i>1000 seed count</i>	<i>Vigour test</i>	<i>ISTA Certification</i>	<i>Retesting for purity/ germination</i>
Wheat (Standard)	1500	500	1000	1000	200	1000	1000	1000
Barley (certified)	1500	500	1000	1000	200	1000	1000	1000
Barley (standard)	1500	500	1000	1000	200	1000	1000	1000
Oats	1500	500	1000	1000	200	1000	1000	1000
Grasses (certified)	1500	500	1000	1000	200	1000	1000	1000
Grasses (standard)	1500	500	1000	1000	200	1000	1000	1000
Sorghum (certified)	1500	500	1000	1000	200	1000	1000	1000
Sorghum (standard)	1500	500	1000	1000	200	1000	1000	1000
Potatoes (certified)	1500	50	1000	1000	200	1000	1000	1000
Potatoes (standard)	73	73	1000	1000	200	1000	1000	1000
Hybrid sunflower	30	30	1000	1000	200	1000	1000	1000
Open pollinated sunflower	30	30	1000	1000	200	1000	1000	1000
Safflower	30	30	1000	1000	200	1000	1000	1000
Beans (certified)	30	30	1000	1000	200	1000	1000	1000
Beans (standard)	73	73	1000	1000	200	1000	1000	1000
Peas	73	73	1000	1000	200	1000	1000	1000
Vegetables (certified)	198	198	1000	1000	200	1000	1000	1000
Vegetables (standard)	198	198	1000	1000	200	1000	1000	1000
Rye grass	1500	500	1000	1000	200	1000	1000	1000
Flowers	1500	500	1000	1000	200	1000	1000	1000
Other crops	140	140	1000	1000	200	1000	1000	1000

Seeds and Plant Varieties

[Subsidiary]

FIFTH SCHEDULE—*continued*

PART D – SAMPLING AND PRE-CONTROLLING OF IMPORTED SEEDS FEES (KSh.)

[Rule 20.]

<i>Crop under Certification</i>	<i>Minimum fees (500 kg.)</i>	<i>Fee per (100 kg.)</i>	<i>Fee per (1,000 kg.)</i>
Inbred maize	600	130	730
*Grasses (Certified)	600	130	730
* Grasses (Standard)	600	130	730
Sorghum (Certified)	600	130	730
Potatoes (Certified)	600	130	730
Potatoes (Standard)	600	130	730
*Hybrid Sunflower	600	75	730
*Open Pollinated Sunflower	600	130	730
*Rape Seed	600	130	730
*Safflower	600	130	730
*Beans (Certified)	600	130	730
*Beans (Standard)	600	130	730
*Peas	600	130	730
*Vegetables (Certified)	600	130	730
*Vegetables (Standard)	600	130	730
*Rye Grass	600	130	730
Other crops	600	130	730

Note – Regulatory imposed crops are marked - *

MILEAGE

All inspections to include mileage charges at KSh. 35 per km.

PART E – REGISTRATION FEES (KSh.)

[Rule 7(2), Rule 9(2), Rule 8(1), Rule 18(3).]

<i>Item</i>	<i>Application fees</i>	<i>Annual fees</i>
1. Seed merchant	75,000	10,000
2. Seed grower	500	300
3. Seed sellers		
(a) Agent	30,000	5,000
(b) Sub agent	5,000	3,000
(c) Stockist	1,000	500

Seeds and Plant Varieties

[Subsidiary]

SIXTH SCHEDULE

FORM SR 1

(r. 7(1))

[L.N. 151/1998, s. 2.]

REPUBLIC OF KENYA

NATIONAL SEED QUALITY CONTROL SERVICE

APPLICATION FOR REGISTRATION AS A SEED GROWER

To: The Director, N.S.Q.C.S.
P.O. Box 1679
NAKURU

I, (full name)
being the owner/lessee of hectares of L.R. No.
situated in the Division
of District do hereby apply to be registered as a Seed
Grower for crop. I have/have not been a seed grower in
the past and I have adequate storage facilities to handle the resultant seed.

*The field where I intend to grow the seed crop was previously under

*Do you have adequate isolation? Yes/No

*Do you have enough labour to detassel, rogue, grade, etc.? Yes/No

*If you are a contracted grower, have you been made aware that only seed
that has met the minimum standards shall be accepted by the merchant? Yes/No

*If this application is successful you will be required to furnish the details of the crop Form SR 5.

I enclose a non-refundable fee of two hundred shillings (KSh. 200) in a form of cheque in
payment of this registration.

*Delete the inapplicable.

Date Signature

FOR OFFICIAL USE ONLY

Application Received

Decision: Approved/Rejected Reg. No.

Note.—Secretary seed growers allocation panel shall notify both the unsuccessful and successful
applicants.

FORM SR 2

(r. 8(2))

REPUBLIC OF KENYA

NATIONAL SEED QUALITY CONTROL SERVICE

CERTIFICATE OF REGISTRATION AS SEED GROWER

Registration No.

To (Name)

of (Address)

You are hereby registered as a Seed Grower to grow hectares

SIXTH SCHEDULE, FORM SR 2—continued

of (species) on your farm at

This registration is valid from, 20..... to, 20

Signature Date

Director, N.S.Q.C.S.

FORM SR 3

(r. (2))

REPUBLIC OF KENYA

NATIONAL SEED QUALITY CONTROL SERVICE

APPLICATION FOR REGISTRATION AS A SEED MERCHANT

To:

The Secretary,
Seed Regulation Committee,
P.O. Box 1679,
NAKURU.

I/We hereby apply to be registered as a Seed Merchant under the

Name

Postal Address

Telephone Number

Location of the premises

I/We wish to deal in:

- (i) Production
(ii) Processing
(iii) Marketing

(Please tick)

- (1) Merchant Do you have adequate and knowledgeable personnel who are conversant with seed matters? Yes/No
(2) Production (i) Do you have adequate land and equipment to handle basic seed? Yes/No
(ii) Do you have contractual agreement with growers you have recruited? Yes/No
(iii) Do you have an adequate field officer to supervise and advise growers on all operations of seed production? Yes/No
(3) Processing (i) Do you have adequate equipment and machinery to process seed? Yes/No
(ii) Do you have adequate storage space? Yes/No
(iii) Do you have a capacity to print and label packets/containers as required by the regulations? Yes/No
(4) Marketing (i) Do you have adequate distributive channels that covers all agriculturally important regions of the country? Yes/No
(ii) Do you have an agent, sub-agent and stockist? Yes/No
(iii) Does your agent, sub-agent and stockist have an agreement with you for distributing seed on your behalf? Yes/No

Seeds and Plant Varieties

[Subsidiary]

SIXTH SCHEDULE, FORM SR 3—continued

(Please tick)

- (iv) Do they have a card that makes them identifiable as your agent, sub-agent or stockist? Yes/No
- (v) Do they have adequate understanding and knowledge of seed? Yes/No
- (vi) Do they have adequate storage facilities? Yes/No
- (vii) Do they understand that seed is living and should not be mixed with dangerous chemicals, kept on moist floors, too high humidity and excessive temperatures? Yes/No
- (viii) Do they make sales returns to you? Yes/No
- (ix) Do they know that packets/containers should not be opened, i.e. sell seed in the whole units as packed by you? Yes/No

The seed will be kept in a store where adequate provisions are available to separate the various seed lots and where no other articles will be kept which could have an adverse effect on the quality of the seeds.

At anytime during official working hours, even without previous appointment, I/we will allow the inspector(s) of the entry of the seed store(s) and thereby provide them/him/her with the facilities necessary to carry out the inspection work as laid down in Seed Regulations. In addition, I/we will send a stock list of all seed lots in our stores on 15th May and 15th November or at such a date as can be mutually agreed upon between the Director, N.S.Q.C.S. and ourselves.

I/we enclose the sum of fifty-seven thousand five hundred shillings (KSh. 57,500) only in payment for this registration in form of a cheque payable to the Director, N.S.Q.C.S.

Declaration: In signing this application, I/we also declare that I/we are conversant with and shall observe the various clauses and conditions of the Seed Regulations.

Date Signature

Note.—Secretary seed committee shall inform the unsuccessful applicants and shall send back their cheque to them.

FORM SR 4

(r. 9(4))

REPUBLIC OF KENYA

NATIONAL SEED QUALITY CONTROL SERVICE

CERTIFICATE OF REGISTRATION AS A SEED MERCHANT/PROCESSOR

S/No.
 For the year 20
 Company
 Postal Address
 Tel. No.
 Location of premises
 For the category of (i) Agricultural crops
 (ii) Horticultural crops

Registration No.

Note.—If your renewal is not done for two consecutive years, you shall lose your status and apply anew.

Signature Date

Director, N.S.Q.C.S.

SIXTH SCHEDULE—continued

FORM SR 5

(r. 11(1))

REPUBLIC OF KENYA

NATIONAL SEED QUALITY CONTROL SERVICE

To:

The National Seed Quality Control Service,
P.O. Box 1679,
NAKURU.

APPLICATION FOR FIELD INSPECTION OF A SEED CROP

- 1. Full name of grower
- 2. Postal Address (3) Tel. No.
- 3. Farm on which crop is being grown L/R. No.
- 4. Details of crop (Every crop regardless of size must be mentioned separately. A crop is field planted within 5 days).

<i>Species</i>	<i>Variety</i>	<i>Crop</i>	<i>Lot No. of seed used</i>	<i>Hectares</i>

- 5. Seed rate per hectare kg.
- 6. Registered seed merchant to whom the entire seed stock will be sold
- 7. I enclose a cheque of the sum of shillings in payment of this inspection and number of labels from packets/containers of the seed for this crop(s); as proof of origin.
- 8. The person who will be daily in charge of his seed crop is
- 9. *Declaration:*

In signing this application, I also declare that I am conversant with and shall observe the various clauses and conditions of the Seed Regulations. In case this application is for seed maize, I also declare that I have no knowledge of maize head smut (*Sphacelotheca reiliana*) on this land for the previous three seasons. In case this application is for seed potatoes, I also declare that I have no knowledge of bacterial wilt (*Pseudomonas solanacearum*) on this farm for the previous six years.

FARM MAP AND LOCATION

Seeds and Plant Varieties

[Subsidiary]

SIXTH SCHEDULE, FORM SR 5—continued

1. Indicate the situation of the different crops, stores access from the nearest public road.
2. Number each crop as 1, 2, 3, etc. and complete the following:

Crop No.	Variety	Date planted	Approximate date of harvest	Previous cropping for the 3 seasons
1.				
2.				
3.				
4.				
5.				
6.				

Date Signature of Applicant

FORM SR 6

(r. 11(5))

REPUBLIC OF KENYA

NATIONAL SEED QUALITY CONTROL SERVICE

FIRST INSPECTION RESULT

Growers Name and No.
 Species Variety Crop No.
 Class Hectares
 Does the crop have proper cultivar characteristics

Counts	Off-types	Diseases	Other features	Noxious	Other crops weeds
1.					
2.					
3.					
4.					
5.					
6.					
Total					
Average					
Percentage					
Identity					

The isolation distance/time of days/meters is adequate and should be corrected.
 General condition of crop, e.g. drought, crop husbandry, etc.

Seeds and Plant Varieties

[Subsidiary]

SIXTH SCHEDULE, FORM SR 6—continued

Further remarks
.....
.....
.....

Estimated yield bags/hectares.

This crop is approved/ rejected.

Signature of seed grower or representative Date

Signature Date
Director, N.S.Q.C.S.

FORM SR 6A

(r. 11(7))

REPUBLIC OF KENYA

NATIONAL SEED QUALITY CONTROL SERVICE

FINAL FIELD INSPECTION

Growers Name and No.

Species Variety Crop No.

Class Hectares

Factor	1st Inspection	2nd Inspection	3rd Inspection	Total No. or %
Off-types				
Diseases				
Tassels				
Weeds				
Other Crops				
Others (Specify)				

Remarks
.....
.....
.....
.....
.....
.....
.....

This crop is approved/ rejected.

Date Signature
Director, N.S.Q.C.S.

Seeds and Plant Varieties

[Subsidiary]

SIXTH SCHEDULE—*continued*

FORM SR 7

(r. 11(10))

[L.N. 151/1998, s. 2.]

REPUBLIC OF KENYA

NATIONAL SEED QUALITY CONTROL SERVICE

SEEDS TRANSPORT ORDER

M/s.

Farm

You may transport for processing bags of your seed crop
from to on, 20

Species

Variety

Crop Nos.

Which have been clearly identified with

.....
(state type of identification)

..... Date

Director, N.S.Q.C.S.

FORM SR 8

(r. 14(2))

REPUBLIC OF KENYA

NATIONAL SEED QUALITY CONTROL SERVICE

WORK ORDER FOR

The following lot has been cleared and must be inspected for processing.

Merchant

Grower No. and Name Date of issue

Species Variety

Generation Weight of lot before processing kg.

Quantity Cleaning %

Lot No. Provision germination %

No. of Labels	Serial Nos. of Labels Issue	No. of unused Labels	Date of sealing	Nos. of Seals Used	Containers	Sample No.

SIXTH SCHEDULE, FORM SR 8—continued

Remarks if any

.....

.....

..... The Inspector
Place
Date

FORM SR 9

(r. 14(2))

REPUBLIC OF KENYA

NATIONAL SEED QUALITY CONTROL SERVICE

REQUEST FOR TESTING OF A SEED SAMPLE

To:

The Official Seed Tester,
National Seed Quality Control Service,
P.O. Box 1679,
NAKURU.

The attached sample is enclosed herewith for testing

A. Details of Sample

- 1. Name of Producer
- 2. Species
- 3. Variety Status
- 4. Lot No. Ref. No.
- 5. Seed Import Permit No. of Date
- 6. Weight of Lot
- 7. Seed Dressing
- 8. Date of Sampling
- 9. Further remarks

(e.g. noxious weeds, seed borne diseases observed in field)

B. Test required*

PURITY/GERMINATION/MOISTURE/INJURIOUS WEEDS/DISEASE/PESTS

Test to be paid for by P.O. Box

Copies to: National Seed Quality Control Service,
P.O. Box 1679, Nakuru.
P.O. Box 249, Kitale.

I certify that this sample was drawn by me in the prescribed manner.

.....
The Sampler

Date

* To be deleted as necessary.

Seeds and Plant Varieties

[Subsidiary]

SIXTH SCHEDULE—continued

FORM SR 10A

(r. 14(3)(b))

REPUBLIC OF KENYA
 NATIONAL SEED QUALITY CONTROL SERVICE
 OFFICIAL SEED TESTING STATION
 SEED TESTING CERTIFICATE

OFFICIAL SAMPLE:	TEST NUMBER				
Date received:					
Lot Number:	Weight of lot:				
Crops species and variety:	As stated by Seed Inspector				
Country of origin:					

RESULTS OF ANALYSIS

Purity				Germination					Pure germinating seeds $\frac{P \times G}{100}$	Moisture	
Pure seed (P)	Inert matter (1)	Other crop seeds (2)	Weed seeds (3)	First count		Capacity (G)	Hard	Fresh ungerm seeds			Remainder
%	%	%	%	days	%	days	%	%	%	%	%

*Incl. % abnormal sprouts of which % broken germs.
 NOTE: Marketable or not marketable

- (1)
- (2)
- (3)

Special test

.....
Official Seed Tester
 Date
Director, N.S.Q.C.S. Seed Testing Laboratory

Paid	
Deposit	
Govt.	
Unpaid	

Copies to
 (1)
 (2)

Any inquiries concerning this test must quote the Test number.

Seeds and Plant Varieties

[Subsidiary]

SIXTH SCHEDULE—continued

FORM SR 10B

(r. 14(3)(b))

[L.N. 151/1998, s.2.]

REPUBLIC OF KENYA

NATIONAL SEED QUALITY CONTROL SERVICE

OFFICIAL SEED TESTING STATION

TEST REPORT

PRIVATE SAMPLE:	TEST NUMBER
Report on private samples are for the information to the sender only.	
Date received:	
Lot Number:	Weight of lot:
Crops species and variety:	As stated by the sender
Country of origin:	

RESULTS OF ANALYSIS

Purity				Germination							Pure germinating seeds $\frac{P \times G}{100}$	Moisture
Pure seed (P)	Inert matter (1)	Other crop seeds (2)	Weed seeds (3)	First count		Capacity (G)		Hard	Fresh ungerm seeds	Remainder		
%	%	%	%	days	%	days	%	%	%	%	%	%

*Incl. % abnormal sprouts of which % broken germs.
 (1)
 (2)
 (3)

.....
Official Seed Tester
 Date
Director, N.S.Q.C.S. Seed Testing Laboratory

Seeds and Plant Varieties

[Subsidiary]

SIXTH SCHEDULE FORM SR 10B—continued

Paid		Copies to
Deposit		
Govt.		
Unpaid		

(1)
(2)

Any inquiries concerning this test must quote the Test number.

FORM SR 11

(r. 15(2)(c))

[L.N. 151/1998, s. 2.]

REPUBLIC OF KENYA

NATIONAL SEED QUALITY CONTROL SERVICE

STOP-SALE ORDER

Date

Merchant

Address

The following lots of seeds are found to be in violation of Seed Regulations:

Species	Variety	Lot No.	No. of containers	Quantity	Kind of violation	Sampled	
						Yes	No

By this notice you are ordered to hold/these lot/lots of seed intact at: until compliance with the Law has been achieved and the seed has been released from this order.

As soon as steps have been taken to remove the violation, please advise:

Director,
National Seed Quality Control Service,
P.O. Box 1679, Nakuru Tel.
.....

Other instructions

Signed
Inspector
Date

Seeds and Plant Varieties

[Subsidiary]

SIXTH SCHEDULE, FORM SR 13—continued

for trading of seeds at (Name of premises)
of the period 20 to 20

This licence is subject to the following conditions:

1. The seed must at all times meet minimum germination standards.
2. Sealed containers shall not be tampered with.
3. Seed will always remain in a cool and dry atmosphere with no direct sunlight.
4. Seed will be kept away from chemicals and such other substances as can be injurious to the seed.
5. Upon licensing the licensee shall:
 - (a) Pay appropriate fee.
 - (b) Renew the licence upon expiry.

Date
Director, N.S.Q.C.S

FORM SR 14

(Rule 20(1)(b))

REPUBLIC OF KENYA
NATIONAL SEED QUALITY CONTROL SERVICE
NOTICE TO IMPORT/EXPORT

To:
The National Seed Quality Control Service,
P.O. Box 1679,
Nakuru.

I/We hereby apply to the import/export the seeds as described below in accordance with the terms laid down in the Seeds and Plant Varieties Act, and the Seeds Regulations made therein.

1. Full name of applicant
2. Postal address
-
- Tel No.
3. N.S.Q.C.S. Registration Number
4. Locational of the stores where the seeds will be kept after arrival
-
5. Quantities on seed of same variety in stock
-
6. Name and address of supplier
-
7. Particulars of seed import

Crops species	Variety	Category	Weight in kg.

Seeds and Plant Varieties

[Subsidiary]

SIXTH SCHEDULE, FORM SR 14—continued

8. Declaration from individual merchants:

In signing this application, I also declare that the seeds as above will, under no circumstances, be distributed for commercial purposes.

9. The seed consignment shall be accompanied by:

- (a) A Phytosanitary certificate;
- (b) The Orange International (I.S.T.A.) certificate.

Date Signature

FOR OFFICIAL USE ONLY

(1) Recommendation of the Director, N.S.Q.C.S.

I have examined the application and I have established that:

- (a) The cultivar has/has not been tested for adaptability in Kenya.
- (b) The source of importation is/is not reliable.
- (c) From the sales returns, the quantities of seed of the same cultivar held in stock within the country is kilograms/tons.
- (d) The applicant has/has not a valid registration certificate.

In view of the above, I recommend/do not recommend the application.

Name

Signature

Director, N.S.Q.C.S.

Note.—This is subject to approval by the Director of Agriculture and the Supplier or Merchant shall fulfil the requirements of the Ministry of Trade regarding the importation of seeds.

FORM SR 15

(r. 20(1)(b))

REPUBLIC OF KENYA
 MINISTRY OF AGRICULTURE
 P.O. BOX 30028, NAIROBI
 SEED IMPORT/EXPORT PERMIT

(Seeds and Plant Varieties Act, 1972) S/No.

Permit No.

Date

Permission is hereby granted to

of

with N.S.Q.C.S. Registration No.

to import from

the following seeds:

Species	Variety	Category	Weight in kg.

Seeds and Plant Varieties

[Subsidiary]

SIXTH SCHEDULE, FORM SR 15—continued

subject to the following conditions:

1. The consignment of seed shall be accompanied by—
 - (1) Phytosanitary certificate.
 - (2) International Orange (I.S.T.A.) certificates.
2. The consignment shall be subjected to Kenya Plant Quarantine Regulations and on arrival in your stores shall be inspected by plant inspectors.
3. The seeds shall not be distributed prior to the outcome of the results of samples unless with express permission of an authorized officer or his agent.
4. Payment of sampling and testing fees as stipulated in Schedules 5 to the Seeds Regulations shall be honoured.
5. Fulfilment of commerce/customs requirements and adherence to regulations pertaining to importation of seed.
6. Additional conditions

Signature

Permanent Secretary
Ministry of Agriculture

c.c. The Director,
National Seed Quality Control Services,
P.O. Box 1679,
Nakuru.
