

NEPAL GAZETTE

**Published by His Majesty's Government
(Section 47) Kathmandu, 14th Paush, 2054(20 December 1997) Number 37**

Part 3

**His Majesty's Government
Ministry of Agriculture**

**Notice
The Seeds Regulation 2054, (1997)**

In exercise of the power conferred by Section 24 of the Seeds Act 2045(1988), His Majesty's Government has made the following Rules.

**Chapter-1
Preliminary**

1. Short Title and Commencement:

- (1) This Regulation may be called the "Seeds Regulation, 2054(1997)".
- (2) This Regulation shall come into force immediately.

2. Definitions : Unless the subject or context otherwise requires, in this Regulation,-

- (a) "Act" means the Seeds Act, 2015(1988).
- (b) "Sub Committee" means a sub-committee constituted under Section 6 of the Act.
- (c) "Seeds Analyst" and "Seeds Inspector" means a person appointed under Section 16 of the Act.

**Chapter -2
Provisions relating to Sub-committee**

3. Constitution of Sub-committees: (1) The Board may constitute different sub-committees as required pursuant to sub-section 6.1 of Section 6 of the Act.

(2) Without prejudice to the generality of sub-rule (1), the Board shall constitute the following sub-committees permanently:

- (a) Executive Director, Nepal Agricultural Research Council - Chairman
- (b) Director, (Crops and Horticulture), Nepal Agricultural Research Council- Member
- (c) Chief Soil Science Division, Nepal Agricultural Research Council -Member
- (d) Chief, Related Crops Research Programme - Member
- (e) Deputy Director - General, Department of Agriculture - Member
- (f) Chief, Crops Development Division, Department of Agriculture - Member
- (g) Representative Nepal Seeds Entrepreneurs Association - Member
- (h) Chief, Seeds Division, Agricultural Inputs Corporation - Member

- (i) Chief, Seeds Development and Quality Control Service Section, Department of Agriculture - Member Secretary

5. Functions, Duties and Powers of Varieties Approval, Release and Registration

Sub-committee: The functions, duties and powers of the seeds approval, release and registration sub-committee shall be as follows.

- (a) To prepare necessary prerequisites for the approval, release and registration of the developed varieties and get them approved by the Board.
- (b) To make recommendations to the Board for the release and registration of such Seeds which have come into extensive use but have not been released due to any reason.
- (c) To identify the varieties of the release Seeds and make a submission, along with necessary details, to the Board for registration thereof.
- (d) To make arrangements for the multiplication of the certified and released Seeds
- (e) To encourage the private sector to develop new varieties of Seeds and make recommendations to the Board for the approval release and registrations of the Seeds so developed.
- (f) If it is deemed necessary to remove any varieties of the released Seeds from the list due to a technical reason to make recommendations to the Board for the deletion of the varieties of such Seeds from the registration
- (g) To make arrangements for the promotion and protection of the varieties of the released Seeds
- (h) To carry out other functions relating to varieties release approval and registration.

6. Constitution of Planning Formulation and Monitoring Sub-committee: - (1) There shall be constituted a planning formulation and monitoring sub-committee for the arrangements of planning formulation and monitoring relating to Seeds.

(2) The sub-committee referred to sub-rule (1) shall consist of the members as follows

- (a) Joint Secretary Planning Division- Ministry of Agriculture - Chairman
- (b) Deputy Director General (Planning -Department of Agriculture) - Member
- (c) Director (Crops and Horticulture) Nepal Agricultural Research Council - Member
- (d) Chief Crops Development Division, Department of Agriculture - Member
- (e) Chief, Related Crops Research Programme, Nepal Agricultural Research Council -Member
- (f) Chief, Seeds Division, Agricultural Inputs Corporation - Member
- (g) Chief, Loan Department, Agricultural Development Bank - Member
- (h) Representative, Nepal Seeds Entrepreneurs Association - Member
- (i) Chief, Seeds Development and Quality Control Service Section, Department of Agriculture - Member Secretary

7. Functions, Duties and Powers of Planning Formulation and Monitoring Sub-

Committee: The Functions duties and powers of the planning formulation and monitoring sub-committee shall be as follows.

- (a) To formulate programmes required to arrange for the supply of Seeds as per the national requirements and submit them to Board for the approval.
- (b) To monitor the production and consumption of the Seeds in accordance with the approved programmes
- (c) To arrange for the foundation Seeds and certified Seeds
- (d) To render assistance to the Board to maintain coordination between the private and government sector in the acts of production, sale and distribution of Seeds
- (e) To prescribe other functions relating to the production, sale and distribution of Seeds.

8. Constitution of Quality-Standards Determination and Management Sub-committee: (1) There shall be constituted a quality-standards determination and management sub-committee to carry out functions relating to the determination of quality-standards and management of Seeds.

(2) The sub-committee constituted pursuant to sub-rule(1) shall consist of the members as follows.

- (a) Director General, Department of Agriculture, Chairman
- (b) Director (Crops and Horticulture) Nepal Agricultural Research Council - Member
- (c) Chief, Crops Development Division, Department of Agriculture, Member
- (d) Chief, Nepal Agricultural Botany Division, Nepal Agricultural Research Council - Member
- (e) Chief, Crops Disease Science Division, Nepal Agricultural Research Council - Member
- (f) Chief, Seeds Division, Agricultural Inputs Corporation, Member
- (g) Representative, Nepal Seeds Entrepreneurs Association, Member
- (h) Chief, Related Crops Research Programme, Member
- (i) Chief Seeds Development and Quality Control Service Section, Department of Agriculture, Member Secretary

9. Functions, Duties and Powers of Quality-Standards Determination and Management Sub-committee: The Functions duties and powers of the Quality-Standards Determination and Management Sub-committee shall be as follows.

- (a) To submit any Seeds to the Board for the determination of the quality-standards thereof prior to distributing such Seeds to the public in general
- (b) To make recommendations to the Board for the approval of the quality-standards for the Seeds determined by the domestic or foreign bodies.
- (c) To determine the minimum criteria of quality-standards for Seeds.
- (d) To carry out other functions relating to the determination of quality standards for Seeds.

10. Procedures relating to Meeting of Sub-committee: (1) The meeting of the sub-committee shall be held on such date, in such time and place as appointed by the chairman of the sub-committee.

- (2) If fifty percent members of the total number of members of the sub-committee are present at a meeting of the sub-committee, it shall be deemed to constitute a quorum for the meeting.
- (3) Any meeting of the sub-committee shall be chaired by the chairman of the sub-committee, and in the event of his absence, it shall be chaired by a member selected by the members present at the meeting from amongst themselves.
- (4) The opinion of the majority shall prevail at the meetings of the sub-committee and in the event of ties; the chairman shall exercise the casting vote.
- (5) The decisions of the sub-committee shall be authenticated by the member secretary.
- (6) Any sub-committee may, if it necessary, invite any officer of His Majesty's Government or any other expert to participate in its meeting as an observer.
- (7) Other procedures relating to the meetings of the sub-committee shall be as decided by the sub committee itself.

Chapter -3
Provisions relating to Approval, Release and Registration and Ownership of Seeds

11. Process Relating to Approval, Release and Registration of Seeds: The process on the approval, release and registration of the Seeds of new varieties shall be as follows.

- (a) The breeder shall have to get approval, release and registration of Seeds of the new varieties.
- (b) Any breeder who desires to get approval, release and registration of Seeds of the new varieties pursuant to clause (a) shall have to submit an application accompanied by a sample of such seeds, to the variety approval, release and registration sub-committee, in the format referred to in Schedule-1.
- (c) After the submission of an application pursuant to clause (b) the variety approval release and registration sub-committee shall follow the following procedures and make recommendations for the approval release and registration of the Seeds of new varieties.
 - (1) To examine whether there exists novelty uniformity and permanency of the Seeds as determined by the Board: and also to test the Seeds in the event of necessary and bring out the matter to the information of the public in general.
 - (2) To forward the variety to the concerned body of His Majesty's Government as per necessity while conducting the test pursuant to sub-clause (1).

12. Provisions Relating to Records of Seeds: (1) After the Seeds of new varieties have been approved, released and registered the variety approval, release and registration sub-committee shall maintain records thereof in the format referred to in Schedule-2.

(2) After the Seeds of new varieties have been approved, release and registered, the variety approval, release and registration sub-committee shall give the concerned breeder a certificate in the format referred to in Schedule-3 and maintain records thereof.

13. Right of Ownership: (1) If any breeder desires to acquire the right of ownership of the Seeds of a new variety bred or selected by him, he shall have to submit an application to the Board in the format referred to in Schedule-4.

(2) Having taken necessary action into the application submitted to sub-rule(1), the Board shall also taking into account of utility and importance of such Seeds, grant the right of ownership thereof to the concerned breeder in the format referred to in Schedule-5.

(3) If two or more than two breeders have bred or selected or are proved to have bred or selected the Seeds of new varieties of the same kind, the right of ownership shall be granted to one whose application and Seeds have been registered first.

(4) If the varieties of Seeds bred or selected by any breeder subsequently seem not to be appropriate or necessary, the name of the variety of such Seeds may be deleted from the list of the Notified Seeds. If the variety of any Seeds is so deleted from the list of the Notified Seeds, a notice thereof shall have to be published in the Nepal

Gazette, The right of ownership of the variety of such Seeds shall also be deemed to have *ipso facto* been terminated upon the expire of two crop veers of such publication of the notice in the Nepal Gazette.

Chapter -4 **Provisions relating to Seeds, Authentication and Export and Import**

14. Functions, Duties and Powers of Seeds Authentication Body:

In addition to the functions, duties and powers set forth in the Act the functions, duties and powers of the Seeds authentication body shall be as follows:

- (a) To supervise acts and actions pertaining to Seeds authentication at the central and regional level.
- (b) To submit disputes concerning the quality standards for Seeds to the quality-standards determination and management sub-committee for their settlement.
- (c) To deep records of information obtained from the Seeds Inspectors regarding the fastening or removing of the labels by them.
- (d) To cause to compulsorily keep the labels of quality-standards for the sale and distribution of Seeds.
- (e) To cause to apply the quality-standards and process of authentication of the approved Seeds through-out the Kingdom of Nepal in an equal manner.
- (f) To render assistance and service taking into consideration of the interests of the producers and consumers of Seeds.
- (g) To carry out the directions received from the Board.

15. Procedures relating to Authentication of Seeds: (1) The Procedures to be followed while authenticating the Seeds shall be as follows:-

- (a) To inspect the purity, isolation, distance of Seed crops standing at the time of inspection of the field, the diseases affecting Seeds, the weeds, adversely affecting the quality standards of Seeds, and the condition of the crops.
- (b) To inspect the process of harvesting, threshing, cleaning and storage of the Seed crops.
- (c) To examine the foundation Seeds.
- (d) To test quality-standards of source Seeds.

(2) If, while following the procedures pursuant to sub-rule(1), any Seeds seem to be appropriate from technical viewpoint, the Seeds authentication body shall make recommendation to bring out such Seeds for sale, distribution or use.

16. Functions, Duties and Powers of Central Seeds Testing Laboratory:

The functions, duties and powers of the central Seeds Testing Laboratory shall be as follows:-

- (a) To prepare procedures relating to the test of Seeds specified in the procedures adopted by the international seed test organization.
- (b) To perform the purity test of the samples of Seeds, the germination test, moisture test, purity test, vigor and grow out test.

Provided that the Laboratory shall not be compelled to test the samples which have not been received in such form and with details as prescribed.

- (c) To test the received samples of foundation Seeds and forward reports thereof.
- (d) To up-date analysis report of the samples of Seeds
- (e) To send referee samples to all laboratories operated in non-governmental sector in order to maintain uniformity in the functions of seeds test laboratories established in governmental and non-governmental sectors.

17. Restrictions on Sale and Distribution of Notified Seeds:

No person shall distribute, keep for sale give for sale, exchange or provide to anyone in any other manner, the following Notified Seeds, in addition to the Notified Seeds

pursuant to Section 13 of the Act:-

- (a) The Seeds of which test date and lot number are not clear
- (b) The Seeds of which area of use is not clear, and
- (c) The Seeds of which quantity is not clear

18. Export or Import of Notified Seeds: (1) Any person or body who desires to export or import the Notified Seeds of any variety or species shall have to submit an application to the Member Secretary of the Board in the format referred to in schedule-6.

(2) After an application is received under sub-rule(1) the Member Secretary shall examine whether or not the Notified Seeds are appropriate to be exported or imported and if he deems it appropriate shall issue the permit in the format referred to in Schedule-7.

(3) While importing or exporting the Notified Seeds the details referred to in Schedule-8 shall be made available for the purpose of sub-section 15.3 of the Act.

(4) Notwithstanding anything contained in sub-rules (1) (2) and (3), it shall be as decided by the Board while importing the Seeds in the event of natural calamity occurred in the Kingdom of Nepal.

Chapter - 5 Miscellaneous

19. Functions, Duties and Powers of Seeds Inspector: (1) The functions, duties and powers of the central Seeds Inspector shall be as follows:-

- (a) To inspect the fields of Seed crops and prepare reports thereof.
- (b) To inspect the processes of harvesting, threshing, cleaning and storing Seed crops.
- (c) To make lots of Seeds, take samples, and seal the bags.
- (d) To have processed and treated the lots of Seeds appeared to be of the minimum standard on the basis of the report of field inspection and Seeds analysis, and then take samples, apply labels, and seal the same, and give information thereof to the seeds authentication body.
- (e) To send the samples taken pursuant to clause (d) to the Seed test laboratory for their analysis and testing.
- (f) To make arrangement to mobilize the Seeds and the reports of the samples of Seeds are received.

- (g) To inspect the storage of Seed Breeder.
- (h) To assist Seed Breeders in the process of applying labels upon inspecting and processing the Seeds sealing them and drawing samples are
- (i) To collect samples on the Seeds to be bred and sold and distributed by government or non government sector, examine and inspect labels thereof and if any error is seen while doing inspection to direct to sell Seeds by making necessary corrections.
- (j) To remove or cause to be removed the labels from the lots of Seeds not found to be of standard from the Seeds analysis report and give information thereof to the Seeds Authentication Body.

20. Functions, Duties and Powers of Seeds Analyst: The Seeds Analyst shall analyze the Seeds in accordance with the procedures set by the Central Seeds Laboratory and make available the results thereof to the concerned body.

21. Authority to Hear Cases: For the purpose of Section 2.2 of the Act the concerned Regional Agricultural Director shall be the authority to hear the cases.

22. Powers to Make Manual: The Board may, subject to the Act and this Regulation make necessary manuals. Such manuals shall come into force only upon being approved by His Majesty's Government.

23. Change and Alteration in Schedules: His Majesty's Government may upon publishing a notice in the Nepal Gazette make change and alteration in Schedules as per necessary.

Schedule - 1
(Relating to Clause (b) or Rule 1)
Application to be made for approval, release and registration of the Seeds

To,

The variety approval, release and registrations sub-committee

.....
.....
.....

Sub: - As, I/we have bred/selected the Varieties of new varieties described below; I/We hereby make this application for the approval/release/registration of the Seeds of the Varieties.

(a) General Information:

1. Kind of crop :-
2. Proposal name(varieties):-
3. Symbolic name used in testing:-
4. Cross(parents):-
5. Country of Origin:-
6. Source(year in which it was first brought and name of testing/experiment)-
7. Year and place of testing of the Seeds in Nepal

S.N.	Year	Place of Resume
1.-----		
2.-----		
3.-----		

8. Comments of farmers (testing in the field of farmers, square meters).
9. Others, if any:-

(b) Recommendation

1. Area:-
2. Time of Strewing and planting:-
3. Production and management aspect (please add detailed information, if required, on the agricultural method and inputs recommended):-

(c) Condition of supply of Seeds

S.N.	Standard	Received quantity (Kg)	Place of receipt	Responsible person
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1. Bred
2. Original

(d) Summary of Varietal Characteristics

Relating to the crops:

- Height of Plant (Centimeter):
- Days to 50% flowering from seeding:
- Days to maturity from seeding:
- Production of fruits(kilograms and hector):

- Other yield components:
- 2. Pressure, counter-pressure (to be specified);
 - Adverse climate and soil conditions:
 - Insects:
 - Diseases:
 - Weeds:
- 3. Fruit:
 - Characteristics of fruit(shape, size colour etc. of fruit)
 - Nutritional quality (if available):
 - Processory characteristics (cutting, grinding etc.)

Applicant's -
Name, Surname-
Signature-
Address-
Date-

Schedule - 2
(Relating to Sub-rule (1) of Rule 12)

Matters to be set out in the records while approving, releasing and registering

- 1.Type of Crop:-
- 2.Approved Name:-
- 3.Recommended area:-
- 4.Duration of crop ripening(in days)
- 5.Production capacity - Kilogram per hectare:-
- 6.Specialty:-
- 7.Pedigree:-
- 8.Full name and address of breeder
- 9.Date of certification, release and registration:-
10. Recommendation, decision number:-
11. Certificate number:-
12. Date of certificate issuance:-

Record Keeper

Certifying Officer's

Name:-
Signature:
Designation:-
Date:-

Name, Surname
Signature:-
Designation:
Date:-

Schedule - 3
(Relating to sub-rule (2) or Rule 12)
Certificate of approval, release and registration
Seeds release approval and registration sub-committee

To,

.....
.....
.....

Sub:-

Upon taking action on the application dated..... may by you/that office, this certificate is hereby given to you/that office, by registering the Seeds mentioned below subject to the terms and restrictions as laid down in the Seeds Act, 2045(1988) and the Seeds Regulation, 2054(1997).

- 1.Type of Crops:
- 2.Recommended Name:
- 3.Permitted area:
- 4.Date of coming into force:
- 5.Terms prescribed at time of approving:

Certifying Officer's
Name, surname:
Signature:
Designation:
Date:

Schedule - 4
(Relating to sub-rule (1) or Rule 13)
Application to be made for the right of ownership of the Seeds

The member Secretary,
Secretariat of National Seeds Board

Sub:-

Dear Sir,

As I/we have produced/selected the Seeds of new varieties as described below, I/we hereby request to obtain the right of ownership pursuant to sub-section 5.6 of Section of the Seeds, 2045(1988).

- (a) Variety:
- (b) Species:
- (c) Standard:

Applicant's:
Name, Surname:
Signature:
Date:

Schedule - 5
(Relating to sub-rule (2) of Rule 13)
Certificate of Ownership of Seeds

His Majesty's Government
Ministry of Agriculture
Secretariat of National Seeds Board

To,
Mr.....

Sub:-

As per the application made by you on... for a certificate of ownership of the Seeds and the details submitted by you, and according to the decision dated..... of the Board, this certificate of ownership is hereby issued to you in respect of the Seeds described below, pursuant to sub section 5.6 of Section 6 of the Seeds Act, 2045(1988) and sub-rule (2) of Rule 13 of the Seeds Regulation 2054(1997)

- (a) Variety:
- (b) Species:
- (c) Standard:

Certificate Issuing Authority's:
Name, Surname:
Signature:
Designation:
Date:

Schedule - 6
(Relating to sub-rule (1) of Rule 18)
Application to be made for export or import of Seeds

The Member Secretary,
Secretariat of National Seeds Board

.....

Sub:-

Dear Sir,

Having read the Seeds, Act, 2045(1988) and the Seeds Regulation, 2054(1997) and being desirous of carrying out the acts in accordance therewith. I/we hereby make this application to obtain a permit to export/import the following Notified Seeds, the description of the Seeds to be exported/imported is enclosed herewith. I/we hereby request to obtain the permit of export/import the Notified Seeds pursuant to Section 15 of the Act.

(a) Applicant's

1. Name, surname:
2. Permanent address:
3. Address for correspondence:
4. Telephone number

(b) Place where the Notified Seeds to be exported/Imported are stored:

(c) Details of the Notified Seeds intended to be exported/imported.

1. Variety:
2. Species:
3. Standard:
4. Quantity:
5. Sale or distribution area:]
6. Export/import date
7. Exporting/importing country and company or organization

While exporting/importing one Seeds I/we shall provide samples in the quantity as determined by the Board.

Certificate Issuing Authority's:

Name, Surname:

Signature:

Date:

Schedule - 7
(Relating to sub-rule (2) of Rule 18)
Permit to Export or import of Seeds

His Majesty's Government
Ministry of Agriculture
Secretariat of National Seed Board

Mr.....
.....

Sub:-

Permit Number-

As per the application made by you.....for a permit to export/import the Notified Seeds, and the description submitted by you, this permit is issued to export/import the Notified Seeds subject to the observance of the following terms and restrictions.

Terms and restrictions:

1. This permit shall have to be shown if the concerned authority requires it.
2. This permit shall remain valid for a period of one year from the time of issuance.
3. At the time of inspection, the Seed inspectors shall be allowed to inspect the place where the Notified Seeds are kept.
4. Acts and actions shall be performed being subject to the Seeds Act 2045(1988) and the Seeds Regulation 2054(1997)

Permit Issuing Authority's
Name, surname
Designation
Date:

Schedule - 8
(Relating to sub-rule (3) of Rule 18)
Description to be submitted while exporting or importing the Notified
Seeds

The Member Secretary,
Secretariat of National Seeds Board

.....

Sub:-

Dear Sir,

I/We hereby request that I/We export/Import the Seeds of the following description pursuant to Sub-section 15.3 of the Seeds Act, 2045(1988).

- (a) Varieties:
- (b) Species:
- (c) Standard:
- (d) Quantity:
- (e) Area of Sale and distribution

Applicant's
Name, surname
Signature:
Date:
By order,

Surya Nath Upadhyaya
Secretary of His Majesty's Government