

Uganda

Agricultural Seeds and Plant Act

Chapter 28

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[Repealed by Seeds and Plant Act, 2007 (Act 3 of 2007) on 29 June 2007]

An Act to provide for the promotion, regulation and control of plant breeding and variety release, multiplication, conditioning, marketing, importing and quality assurance of seeds and other planting materials and for other matters connected therewith.

Part I – Interpretation

1. Interpretation

In this Act, unless the context otherwise requires—

- (a) **"agricultural value"** means the economic benefit expected from production of a given crop or item;
- (b) **"authority"** means the National Seed Industry Authority established under section 2;
- (c) **"breeder's seed"** means seed of a particular variety that is produced under the supervision of the plant breeder or owner of the variety which is the source of the initial and recurrent increase in seed production of a plant variety;
- (d) **"certification service"** means the National Seed Certification Service established under section 6;
- (e) **"certified seed"** means a class of seed produced under a certification programme that is usually produced from registered seed;
- (f) **"check variety"** means a local or exotic variety currently on the market with known genetic and agronomic characters used for comparing with a candidate variety;
- (g) **"commercial seed"** means any seed which is not grown under a certification programme but may enter the market in case of certified seed shortage and meets the same seed testing standards as certified seed;
- (h) **"director"** means the director of crop resources or any person acting on his or her behalf;
- (i) **"imported seed"** means a seed of the prescribed crop imported by a registered seed importer;
- (j) **"ISTA"** means International Seed Testing Association;
- (k) **"licensed seed testing laboratory"** means a laboratory maintained by a person authorised to carry out official tests on the kinds of seed named in the licence issued to him or her by the National Seed Certification Service;
- (l) **"listed variety"** means any variety that has passed the tests for distinctness, uniformity and stability but not necessarily released for trade in the country;
- (m) **"Minister"** means the Minister responsible for agriculture;

- (n) "**national seed testing laboratory**" means an official Government seed testing laboratory which is designated to carry out official seed tests and to issue official seed tests results in respect of national and international seed sales;
- (o) "**national variety list**" means a list of varieties released after approval by the variety release committee which are eligible for certification;
- (p) "**registered seed**" means a class of seed that is produced from foundation seed in the certification programme;
- (q) "**seed**" means parts of agricultural, forestry and horticultural plants intended for sowing or planting purposes;
- (r) "**seed analyst**" means a person designed to be a seed tester;
- (s) "**seed dealer**" means a retailer or a wholesaler licensed to deal in seed trade;
- (t) "**seed grower**" means an individual or body that grows a crop intended to produce seeds;
- (u) "**seed inspector**" means a person licensed to inspect seeds;
- (v) "**species**" means a group of interbreeding natural populations of seeds that are reproductively isolated;
- (w) "**variety**" means a population of plants which have common ancestors and which have certain characteristics such as morphological, cytological and chemical significance for the purpose of agriculture, horticulture or forestry and which when reproduced sexually or asexually retain their distinguishing characteristics;
- (x) "**variety release**" means making available to the public a variety of seeds for multiplication, conditioning and marketing for domestic and export demand.

Part II – Administration

2. National Seed Industry Authority

- (1) There is established a National Seed Industry Authority which shall consist of the following officers —
 - (a) the director of crop resources, who shall be the chairperson;
 - (b) the commissioner of forestry;
 - (c) the commissioner for cooperatives;
 - (d) the commissioner for trade;
 - (e) the director of animal resources;
 - (f) a representative of farmers;
 - (g) a representative of seed growers chosen among themselves;
 - (h) a representative of seed dealers chosen among themselves;
 - (i) two other members appointed by the Minister; and
 - (j) two representatives of the cotton industry.
- (2) The members referred to in subsection (1)(g), (h) and (i) shall be appointed by the Minister by statutory instrument for three years.
- (3) The director of national seed certification services in the Ministry responsible for agriculture shall be the secretary to the authority.

3. Functions of the authority

The functions of the authority shall be to carry out the administration of this Act by—

- (a) formulating and advising the Government on national seed policy;
- (b) establishing a system of implementing seed policies through established technical committees;
- (c) constantly reviewing the national seed supply and advising Government on the administration of the seed industry; and
- (d) coordinating and monitoring the public and private seed sector in order to achieve the national seed programme objectives.

4. The variety release committee

(1) There shall be a variety release committee which shall consist of the following—

- (a) the director general of the National Research Organisation who shall be the chairperson;
 - (b) the director of crop resources;
 - (c) the director of—
 - (i) Kawanda Research Station;
 - (ii) Namulonge Research Station;
 - (iii) Serere Research Station;
 - (iv) Kalengyere Research Station; and
 - (v) Nakawa Forestry Research Station;
 - (d) a representative of private seed dealers; and
 - (e) a representative of the Ministry responsible for trade and industry.
- (2) The Minister may, by statutory order, add to the composition of the variety release committee.
- (3) The director of national seed certification services in the Ministry responsible for agriculture shall be the secretary to the committee.
- (4) The terms and conditions of service of the members shall be determined by the Minister.

5. Functions of the variety release committee

The functions of the variety release committee shall be—

- (a) to review and maintain the national variety list and to approve new varieties of seeds;
- (b) to review the history and performance records of selected varieties of seeds;
- (c) to determine the contribution of varieties of seeds for agricultural development;
- (d) to approve variety release and entry of seeds into the seed multiplication programme;
- (e) to make recommendations on absolute varieties of seeds;
- (f) to determine the varieties of seeds to be released, rejected, referred or outclassed;
- (g) to establish standards of varieties of seeds eligible for seed certification;
- (h) to formulate the policy on allocation of seeds to breeders for multiplication of seeds;
- (i) to give advice to plant breeding organisations on market and farmers' requirements.

6. National Seed Certification Service

- (1) There is established a body to be known as the National Seed Certification Service.
- (2) The National Seed Certification Service shall be responsible for the design, establishment and enforcement of certification standards, methods and procedures and, without prejudice to the generality of the foregoing, shall be responsible for—
 - (a) receiving, adjusting, maintaining and enforcing seed standards established through research;
 - (b) advising the authority of modifications to seed standards and providing the authority with information on any technical aspects affecting seed quality;
 - (c) providing training to persons responsible for the implementation of this Act;
 - (d) the registration and licensing of all seed producers, conditioners and dealers;
 - (e) performing any other function under this Act as may be determined by the Minister.

7. Plant breeding and registration of breeders

- (1) All imported and domestic varieties of seeds or breeding materials shall be tested for a minimum of three successive generations before their release.
- (2) The variety release committee shall advise the breeder on the appropriate method and period of test for—
 - (a) agricultural value;
 - (b) genetic value in an approved number of sites in their appropriate ecological zones, for ratoons, forest and fruit trees, fibres, ornamentals, beverage crops and other plants and for zones for which a system of evaluation is not practicable.
- (3) The naming of new varieties shall be the responsibility of the relevant plant breeders and shall be subject to approval by the variety release committee.
- (4) The authority may grant breeders rights for a variety of seeds on the recommendation of the variety release committee.
- (5) All plant breeders and seed importers shall apply to the National Seed Certification Service for the release or listing of their varieties.
- (6) A variety released or listed under subsection (5) shall be eligible for certification or release and shall be entered into the national variety list.
- (7) The maintenance and supply of breeders seed shall be the responsibility of the concerned breeders and a reference sample shall be submitted to the variety release committee on initial release whenever necessary.
- (8) All plant breeders of private and public institutions and importers of varieties for seed production in Uganda shall be registered without paying.

8. Multiplication and licensing

- (1) Subject to this Act, there shall be recognised classes of seeds as may be set out in regulations made under this Act.
- (2) All seed producers shall be licensed annually on application to the National Seed Certification Service.

- (3) The Minister may, by statutory instrument, declare any area a segregated area and may, by that instrument, prohibit the planting and movement of any type of seed or plant within that area either for a specific period or until the revocation of the instrument.

9. Seed conditioner and conditioning

- (1) A person who is a seed conditioner shall be licensed annually on application to the National Seed Certification Service.
- (2) A licensed seed conditioner shall require—
 - (a) suitable and adequate facilities for receiving, drying, cleaning, grading, treating and storing of seed;
 - (b) competent and trained staff capable of carrying out efficient conditioning and handling of seeds to the required standards.
- (3) A licensed conditioner shall accept to condition only seed lot for which farm stock approval has been granted by the National Seed Certification Service, except in the case of commercial seed.

10. Seed marketing

- (1) All seed offered for sale shall be properly labelled and sealed in accordance with the specifications that may be set out in the regulations made under this Act.
- (2) A person who intends to undertake the business of importing or exporting seeds shall apply to the National Seed Certification Service for a licence in the manner prescribed by regulations made under this Act.
- (3) Only seeds of approved varieties and which—
 - (a) meet standards established for domestic seed trade;
 - (b) comply with the importing country's requirements; and
 - (c) are accompanied by a declaration of minimum certification standards on ISTA or domestic certifications and of phytosanitary certificate as provided in the Plant Protection Act,shall be imported in Uganda.

11. Seed testing laboratory

The Minister shall, for the purposes of this Act, establish a national seed testing laboratory under the National Seed Certification Service.

12. Phytosanitary standards and practices

The director may, through the National Seed Certification Service, establish phytosanitary standards and practices for any particular crop as the need arises and may, by notice in writing, direct the owner or a person having charge of seed or plant harbouring pests and diseases to destroy the seed or plants either within a specified time or immediately and in any manner.

13. Affixing labels

The National Seed Certification Service shall affix appropriate official labels and seals to all certified seed classes and may delegate its authority to a licensed seed testing laboratory or conditioner.

14. Reports and certificates

The National Seed Certification Service shall affix appropriate reports and certificates authenticating the various certification classes of seeds.

Part III – Offences, penalties and miscellaneous

15. Sale of substandard prescribed seed

- (1) If upon a test made pursuant to this Act—
 - (a) any prescribed seed does not conform to the standards of germination and purity prescribed for that seed;
 - (b) it is reported in the report on the test by a Government seed testing station that the prescribed seed does not conform to the standards,then no person shall sell that prescribed seed for sowing.
- (2) A person who sells any prescribed seed in contravention of this section commits an offence.
- (3) Upon conviction of any person of an offence under this section, the court may, in addition to any other penalty that it may impose, order the forfeiture or destruction without compensation of that substandard prescribed seed found in the possession or under the control of that person.

16. Sale of prescribed seed under different name

- (1) Any person who sells for sowing any seed under a description other than its varietal name commits an offence.
- (2) In this section, "varietal name" means the name given to a specific variety of seed by its originator or discoverer.

17. Tampering with samples

Any person who—

- (a) tampers with any prescribed seed so as to procure any sample of that prescribed seed, taken for the purpose of this Act, and the sample does not correctly represent the bulk from which that sample was taken;
- (b) otherwise tampers with any sample taken under this Act; or
- (c) with intent to deceive, causes or permits to be sent to any seed testing laboratory to be tested any prescribed seed which to his or her knowledge does not represent the bulk from which it was taken, commits an offence.

18. Altering official records, etc.

Any person who, without lawful authority, alters, defaces or removes—

- (a) any register, roll, index or other official marking maintained in pursuance of regulations made under this Act; or
 - (b) any entry appearing in any register, roll, index or other official record,
- commits an offence.

19. Altering documents and marks

Any person who, without lawful authority, alters or defaces—

- (a) any certificate, report, record, invoice, account or other document prescribed, issued, furnished or kept under this Act or regulation made under this Act; or
- (b) any label, note, docket or mark placed upon any container under this Act or under any order, requirement, condition or regulation made under this Act or removes any label, note, docket or mark from any container,

commits an offence.

20. Secrecy

Any person who—

- (a) being a person employed for the purpose of this Act, publishes or communicates to any person without lawful authority any information acquired by him or her in the course of his or her employment; or
- (b) having possession of any information which to his or her knowledge has been disclosed in contravention of this Act, publishes or communicates that information to any other person,

commits an offence.

21. Penalties

A person who commits an offence under this Act is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding four years or to both.

22. Inspection of registers

All registers and rolls maintained by the National Seed Industry Authority under this Act shall, at all reasonable times, be open to the inspection of any person applying to the director on payment of the prescribed fee.

23. General exemptions

This Act shall not apply—

- (a) to any sale of a prescribed seed which is not a Uganda certified seed and is produced by a seed producer on his or her own land and is sold by him or her—
 - (i) for sowing by the buyer, and for the purposes of resale; or
 - (ii) to a registered seed cleaner for cleaning before being sold for sowing, in which case the seed must be packed in a container with labels or a body clearly marked "for cleaning purposes only";
- (b) to any sale of prescribed seed which is not certified seed by a person who is a member of a class exempted from the provisions of this Act.

24. Exemption by the Minister

- (1) The Minister may, on written recommendation from the National Seed Industry Authority, exempt any person or class of persons from the provisions of this Act.
- (2) Any exemption granted under this section shall be by order and shall be published in the *Gazette*.

- (3) The Minister may, at any time, revoke an exemption granted under this section by order published in the *Gazette*, and the revocation shall be effective from the date stated in the exemption.

25. Regulations

The Minister may, after consultation with the National Seed Industry Authority, make regulations for the control of breeding, multiplication, marketing and certification of seed, and generally for better carrying out the provisions of this Act.