

SEEDS (CERTIFICATION AND STANDARDS) REGULATIONS, 2018

EPISODE 41

171. Laboratory analysis

1) The official seed testing laboratory shall

a) register and identify samples;

b) create a process of tracking the identity of the samples from the receiving end to the final evaluation and storage;

c) ensure that analysis tests of seed samples and definitions of analysis terms are in accordance with the rules of the International Seed Testing Association;

d) ensure that imported seeds are accompanied with an international recognized certificate; and

e) conduct

i. Moisture content, analytical purity and germination tests;

ii. Noxious weed tests; and

iii. Seed health and varietal purity tests which may be determined by morphological, physiological, cytological or chemical means.

2) A producer or dealer of seeds may request for further tests to be conducted.

3) Laboratory testing shall commence within forty-eight hours after receipt of the sample by qualified personnel of the official seed testing laboratory or any accredited laboratory.

4) Each seed quality parameter section of the laboratory shall prepare a test report and complete an analysis card for each test.

5) The official seed testing laboratory shall keep a reference sample for one year in its cold room for testing.

6) The analyst shall state in respect of each batch of seed analyzed that the seed conforms to the seed standards prescribed in relation to that seed.

7) The certifying authority shall develop a template of a seed laboratory report until a version is developed by the Economic Community of West African States.

8) The National Laboratory for Seed Testing shall issue an International Seed Analysis Certificate in accordance with the orange certificate of the International Seed Testing Association until the National Laboratory for Seed Testing becomes accredited by the International Seed Testing Association.

9) The certifying authority shall carry out post-certification control after certification on a reference sample of seeds of all categories.

10) The post-certification control may extend to parent material and pre-basic seed in the event of a dispute or a complaint.

11)The outcome of a post-certification control, with reference to pre-basic seed batches still in stock and the progeny of the controlled batches.

12)The certifying authority shall take the sample used for the quality control in accordance with the International Seed Testing Association standards and shall conserve the sample.

13)The certifying authority shall conduct post-certification control in accordance with a protocol defined by the certifying authority in consultation with relevant national research institutions.

EPISODE 42

Offences and penalties

172. Offences

A person commits an offence if that person

- a) Without lawful authority prints, alters or defaces a certificate, record, label or document specified in the Act and in these Regulations;
- b) Is an inspector or analyst who without good reason fails to perform a function required to be performed under these Regulations or gives false information in the performance of that function;
- c) Distributes, for animal or human consumption, a seed that is treated with a substance dangerous to human or animal health;
- d) Fails to keep proper ledger;
- e) Imports or exports conventional seeds without prior declaration;
- f) Imports or exports unconventional seeds;
- g) Acts fraudulently in the utilization or marketing of seeds that transit through Member States of the Economic Community of West African States; or
- h) Does anything prohibited by these Regulations or acts contrary to these Regulations?

173. Penalties

1) A person who commits an offence under these Regulations is liable on summary units or a term of imprisonment of not more than two years or to both.

2) An inspector or seed analyst who without good reason fails to perform a function required to be performed under these Regulations or gives false information in the performance of that function is liable to disciplinary action by the Minister in addition to any other penalty which that person may be liable to under these Regulations.

3) In accordance with section 66 (3) of the Act, the Minister may in the case of a persistent offender, order the withdrawal of any permit or certificate of registration issued to that offender in addition to penalties provided for under these Regulations.

174. Interpretation

In these Regulations, unless the context otherwise requires, the expressions defined In the Tenth Schedule have the meanings assigned to them in that Schedule.

175. Revocation

The following enactments are revoked:

- a) Seeds (Certification and Standards) Regulations, 1973 (L.I.802);
- b) Seed (Certification and Standards) (Amendment) Regulations, 1985 (L.I.1311); and
- c) Seeds (Certification and Standards) (Amendment) Regulations, 2001 (L.I.1677).