

21<sup>st</sup> April, 2011.

The following Bill which will be introduced in the National Assembly is published for general information.

*S.E. Isaac*  
Clerk of the National Assembly



**GUYANA**

**BILL NO. 5 OF 2011**

**SEEDS BILL 2011**

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**A BILL  
Intituled**

AN ACT to regulate the production, sale, import, export and quality of certain seeds  
for sowing; to provide for certification of seeds and for related matters.

Enacted by the Parliament of Guyana:-

A.D. 2011.

**PART I  
PRELIMINARY**

Short title and  
commencement.

1. This Act may be cited as the Seeds Act 2011 and shall come into operation on such date as the Minister may, by order, appoint.

Interpretation.

2. (1) In this Act, unless the context otherwise requires, -

- (a) "Agency" means the Seed Quality Control and Certification Agency established under section 3;
- (b) "Board" means the Board of Directors of the National Agricultural Research and Extension Institute Board established under section 3 of the National Agricultural Research and Extension Institute Act 2010;
- (c) "certification tag" means a tag or label of the design specified by the Agency;
- (d) "certified seed" means the seed that fulfils all requirements for certification under section 18 as basic seed as certified I seed or certified II seed or any variety of seed and notified by the Agency;
- (e) "certified seed producer" means a person who grows or distributes certified seed in accordance with the procedures and standards set by the Agency;
- (f) "container" means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which any article is placed or packed;

No. 31 of 2010.

- (g) “export” means taking seeds out of Guyana by land, air or sea;
- (h) “import” means bringing seeds into Guyana by land, sea or air;
- (i) “licensed seed importer or exporter” means a person registered as such under section 26;
- (j) “Laboratory” means the National Seed Laboratory established by the Agency under section 32;
- (k) “notified variety” in relations to any seed, means any variety notified under this Act in the *Gazette*;
- (l) “prescribed seed” means any seed certified as such under section 15;
- (m) “producer” means a person, group of persons, firm, company or organisation who produces or organises to produce seeds;
- (n) “seed” means any type of living embryo or propagule capable of regeneration and giving rise to a plant of agriculture which is true to such type;
- (o) “Seed Analyst” means a Seed Analyst appointed under section 33;
- (p) “Seed Inspector” means a Seed Inspector appointed under section 29;
- (q) “Seed Multiplication Unit” means any facility established or declared as such under section 4;
- (r) “seed processing” means the process by which seeds and planting materials are dried, threshed, shelled, ginned or delinted (in cotton), cleaned, graded or treated;
- (s) “transgenic variety” means seed or planting material synthesized or developed by modifying or altering

the genetic composition by means of genetic engineering;

- (t) “variety” means a cultivar or botanical grouping within a single botanical taxon of the lowest known rank which can be-
- (i) defined by the expression of the characteristics of a given genotype or combination of genotypes;
  - (ii) distinguished from any other plant grouping by the expression of at least one of the said characteristics; and
  - (iii) considered as a unit, with regard to its suitability to be propagated unchanged.

**PART II**  
**SEED QUALITY CONTROL AND CERTIFICATION AGENCY**  
**AND REGISTRATION OF VARIETY OF SEED**

Establishment of Seed  
Quality Control and  
Certification Agency.

3. (1) The Minister shall by notification establish an Agency to be known as the Seed Quality Control and Certification Agency, which shall be responsible to the Minister and the Board to carry out the functions entrusted to it under this Act.

(2) The Agency shall consist of the following members nominated by the Minister-

- (a) one representative each from the Ministry of Agriculture, National Agricultural Research and Extension Institute Board, seed importers, seed distributors, agencies involved with non-traditional crops, rice producer’s association;
- (b) one representative from the Guyana Rice Development Board;
- (c) one representative from the Guyana Sugar Corporation;
- (d) two representatives from the seed growers;
- (e) one representative from the University of Guyana.

(3) The members shall elect one of their number as the Chairman of the Agency.

(4) The members of the Agency, including the Chairman, shall hold office for a period of two years and shall be eligible for re-appointment.

(5) Notwithstanding subsection (4), no member of the Agency other than the representatives of the Ministry of Agriculture and the National Agricultural Research and Extension Institute Board shall hold office for more than two consecutive terms, but such member shall be eligible for re-appointment after the expiration of one year of ceasing to become a member.

(6) The Chairman and members of the Agency shall be entitled to travelling and daily allowance or incidental expenses as may be determined by the Minister.

(7) The Agency may, subject to the prior approval of the Minister, make by-laws fixing the quorum and regulating its own procedure and conduct of all business to be transacted by it.

(8) The Minister may appoint a person to serve as the Secretary of the Agency and, on the recommendation of the Agency, such other staff as may be necessary for it to carry out its functions.

Seed Multiplication  
Unit.

4. The Agency shall establish a Seed Multiplication Unit or declare any facility as such, to carry out the functions entrusted to it under this Act.

National Register  
of Seeds.

5. (1) For the purposes of this Act, a register of all varieties of seed to be called the National Register of Seeds shall be kept by the Agency wherein all specifications, as may be prescribed, shall be maintained.

(2) The Register shall be kept under the control and management of the Agency.

(3) The Agency shall, within specific intervals and in any manner as it thinks appropriate, publish the list of varieties of seed which have been registered during that interval.

Registration of  
seeds.

6. (1) No seed of any variety shall, for the purpose of sowing or planting by any person, be sold unless the seed is registered under subsection (2) by the Agency in the manner as may be prescribed.

(2) The Agency may register any variety of seed on the basis of information furnished by the producer on the condition of multi location trials for at least three seasons for the variety and after making sure that all the various agro ecological zones of the country are covered under the trials.

(3) The Agency may grant provisional registration to the variety of seed which is available in the market on the date of commencement of this Act for any period as may be prescribed by it.

(4) A registration made under this Act shall be valid for a period of fifteen years in the case of annual and biennial crops, and eighteen years for long duration perennials.

(5) At the expiry of the period of registration, the variety of seed may be re-registered by the Agency on the conditions referred to in subsection (2) to re-establish performance of that variety.

(6) The Agency shall have the power to issue any directions to protect the interests of a producer against any abusive act committed by any third party during the period between the date of filing of application for registration and the date of decision by the Agency on the application.

Procedure for  
registration.

7. (1) Every application for registration under this Act shall be made in the form and manner and accompanied with the fees as may be determined by the Agency.

(2) On receipt of an application for registration under this Act, the Agency may, after an enquiry as it deems fit and after satisfying itself that the variety of seed to which the application relates conforms to the claims made by the importer or by the seller, as the case may be, as regards the efficacy of the variety and safety to human beings and animals, register the variety of the seed on any conditions as may be specified by it and allot a registration number to it and issue a certificate of registration.

(3) The Agency may, having regard to the efficacy of the seeds and safety to human beings and animals, vary the conditions subject to which a certificate of registration has been granted and may, for that purpose, require the certificate holder by notice in writing to deliver the certificate to it within the time as may be specified in the notice.

Special provisions for registration of transgenic varieties.

8. (1) Notwithstanding anything contained in section 7, no seed of any transgenic variety shall be registered unless the applicant has obtained clearance in respect of the same as required under any written law:

Provided that the Agency, subject to the provisions of this Act, may grant provisional registration, for a period not exceeding two years on the basis of information furnished by the producer on the results of multi location trials in the prescribed manner.

(2) Save as otherwise provided in subsection (1), the form and manner in which and the procedure for registration of transgenic variety of seed and the fee payable for it shall be the same as applicable in the case of registration under section 7.

Cancellation of registration.

9. (1) The Agency may cancel a registration granted under section 7 or section 8 on any one or more of the following grounds-

- (a) that the holder of the certificate has violated any of the terms and conditions of registration;
- (b) that the registration has been obtained by misrepresentation or concealment of essential data;
- (c) that the variety of seed is not performing in accordance with the information provided by the producer under the Act or has become obsolete or has outlived its utility;
- (d) that prevention of commercial exploitation of the variety of seeds is necessary-
  - (i) in the public interest;
  - (ii) to protect public order or public morality; or



(iii) to protect human beings, animal and plant life and health to avoid serious prejudice to the environment.

(2) No order of cancellation of registration under this section shall be made unless the holder of registration or the affected person has been given a reasonable opportunity of showing cause in respect of the grounds for the cancellation.

Notification of cancellation of registration.

10. The Agency shall notify the cancellation of registration of a seed of any variety made under section 7 or any registration made under section 8, in the *Gazette*.

No registration of certain variety of seeds.

11. (1) Notwithstanding anything contained in this Act, no registration of any variety of seed shall be made under this Act, if prevention of commercial exploitation of such variety is necessary to protect public order or public morality or human, animal or plant life and health, or to avoid serious prejudice to the environment.

(2) A variety of seed containing any technology, which is harmful, or potentially harmful, shall not be registered.

(3) For the purposes of this subsection (2), the expression "technology" includes genetic use restriction technology and terminator technology.

Evaluation of performance.

12. The Agency may, for conducting trials to assess performance, accredit other agencies of the Ministry of Agriculture, University of Guyana or any other national or international organisation or institution fulfilling the eligibility requirements as may be prescribed, to conduct trials to evaluate the performance of any variety of seed.

Seed producers and seed processing units to be registered.

13. (1) No producer shall grow or organise the production of seeds unless he is registered under this Act.

(2) No person shall maintain a seed processing unit unless the unit is registered under this Act.

(3) Every application for registration under this section shall be made in the form and manner and shall be accompanied by the fee as may be prescribed.

(4) The Agency may, after making any enquiry and subject to any conditions as it thinks fit, grant a certificate for maintaining a seed producing or a seed processing unit in the form as may be prescribed.

Seed dealers,  
importers, exporters  
and researchers to be  
registered.

14. (1) Every person who desires to carry on the business of selling, keeping for sale, offering to sell, bartering, conducting research, import or export or otherwise supply any seed by himself or by any other person on his behalf shall obtain a registration certificate from the Agency.

(2) Every applicant for registration under subsection (1) shall be required to furnish information about seed stocks, sales and other related information as may be prescribed.

(3) Every application for registration under subsection (1) shall be made in the form and manner and shall be accompanied by the fee as may be prescribed.

(4) The Agency may, after making any enquiry and subject to any condition as it thinks fit, grant a certificate of registration under subsection (1) in the form as may be prescribed.

(5) Every dealer registered under this section shall furnish the Agency all information and returns regarding seed, stocks, seed lots, expiry date of seed lots and other related information as may be prescribed.

(6) The Agency may, after giving the dealer an opportunity of being heard, suspend or cancel a certificate granted under this section if-

- (a) the registration had been obtained by misrepresentation of any material fact;
- (b) the dealer has contravened any requirement stipulated under this Act.

### PART III PRESCRIBED SEED

Prescribed seed.

15. If the Minister, after consultation with the Agency, is of the opinion that it is necessary or expedient to regulate the quality of seed of any variety intended to be sold for agricultural purposes, he may by notice in the *Gazette*, declare the seed as prescribed seed for the purposes of this Act.

Power of Minister to specify quality attributes.

16. The Minister may, after consultation with the Agency and by notice in the *Gazette*, specify the following quality attributes for the purposes of section 15-

- (a) the minimum limits of germination, genetic purity, physical purity and other quality attributes of the prescribed seed;
- (b) a label to be affixed to any container of the prescribed seed indicating that it conforms to the minimum limits specified under paragraph (a); and
- (c) any other information which may be included on the label, including but not limited to the name and address of the seller, the date of testing, the date of expiry, or other relevant information.

Prohibition to sell, barter, etc. of prescribed seed.

17. No person shall, himself or by another person, sell, keep for sale, offer to sell, barter, or otherwise supply for agricultural purposes any seed other than prescribed seed.

### PART IV CERTIFIED SEED

Certified seed.

18. The Agency may notify in the *Gazette*, a variety of a prescribed seed to be certified seed which may be cultivated for the purpose of producing seed and to be certified by the certification agency.

Certified seed  
producer.

19. (1) Any person desiring to produce a notified variety may apply to the Agency in the form and manner and accompanied with the fee as may be prescribed for registration as a certified seed producer if he desires to have the seed certified by the Agency.

(2) The Agency may grant a person referred to in subsection (1), registration as a certified seed producer, within the time and in the manner as may be prescribed.

(3) While considering an application for registration or at any time after it is granted, any representative of the Agency may, at any reasonable time, enter and inspect the farmland, warehouse, storage, or other facilities, which the applicant proposed to use in producing seed for certification.

(4) When registering the applicant as a certified seed producer, the Agency may impose any condition as it deems necessary, including but not limited to restrictions on the area to be used in the cultivation of a particular notified variety, restrictions on which notified variety may be produced, or other matters.

Register of certified  
seed producers.

20. The Agency shall keep and maintain a register of certified seed producers.

Cancellation of  
registration of certified  
seed producers.

21. (1) In the event that a person, while his registration as a certified seed producer is in effect-

- (a) fails to comply with the provisions of this Act;
- (b) is convicted of an offence under this Act;
- (c) parts with the possession of, or is dispossessed from, the land described in the application and upon which the notified variety intended for certification is being produced; or
- (d) dies, or being a company, partnership, or other legal person, is wound up or dissolved,

the Agency shall cancel the registration of that certified seed producer.

(2) In the event of a cancellation of registration under subsection (1), the successor in interest to the certified seed producer may continue production of the crop extant at the time of such cancellation and shall within six months apply under this Act for registration as a certified seed producer if he intends to continue seed production on the land identified in the application of the certified seed producer whose registration was cancelled.

Certification standards.

22. The Agency shall establish standards for certified seed, which standards shall not be lower than the minimum limits for germination, purity, and other attributes specified for that seed under this Act.

Qualifications for certified seed.

23. (1) For a seed to be qualified as a certified seed, the following conditions shall be complied with, namely, the seed-

- (a) is of known derivation;
- (b) has been produced by a certified seed producer;
- (c) has been sown, cultivated, and produced as prescribed seed;
- (d) has been inspected during cultivation as prescribed seed; and
- (e) has been tested in the Laboratory,

in accordance with the requirements established under this Act and found to conform to the prescribed certification standards.

(2) The Agency shall designate the seed that satisfies the conditions referred to in subsection (1) as certified seed and shall issue to the certified seed producer a certificate in the prescribed form, entering the particulars of certification in the register of certified seed producers.

Requirements by certified seed producer.

24. (1) Upon any sale of certified seed, the certified seed producer shall at the time of sale-

- (a) produce for inspection by the buyer his certificate granted under section 19 (2); and
- (b) furnish to the buyer a true copy of the certificate countersigned by him as the producer of such certified seed.

(2) The certified seed producer shall, when selling certified seed for sowing, attach a certification tag to every sealed container of the seed, or if the certified seed is sold in bulk, provide a written statement to the buyer in the prescribed form.

Revocation of  
certificate.

25. Without prejudice to any other penalty to which the holder of a certificate issued under section 13 may be liable, if the Agency discovers that-

- (a) the certificate was obtained by misrepresentation as to any essential fact: or
- (b) the holder of the certificate has contravened other requirements established under this Act;

the Agency may, after providing the certificate holder an opportunity to be heard, revoke the certificate of registration.

## PART V IMPORT AND EXPORT OF SEED

Licensed seed  
importer or  
exporter.

26. (1) Any person intending to import or export seed shall apply to the Agency in the form and manner and accompanied with the fee as may be prescribed for registration as a licensed seed importer or exporter.

(2) Any import of seed shall conform to minimum limits of germination, genetic and seed health as may be prescribed.

(3) The registration shall be subject to furnishing of information by the importer on the results of multi-location trials for at least three seasons, making sure that all various agro-ecological zones of the country are covered under the trials.

(4) Notwithstanding anything contained in this Act, the Minister may by notification published in the *Gazette*, permit the import of an unregistered variety of seed in any quantity and subject to the conditions as may be specified in the notification for the purposes of research.

(5) The Minister may, on the recommendation of the Agency, restrict, by notification published in the *Gazette*, export of any variety of seed if it is found that the export is likely to adversely affect the food security of Guyana or in the public interest or on any other ground as may be prescribed.

(6) The Agency shall keep and maintain a register of licensed seed importers and exporters.

Conditions to  
designate seed as  
imported seed.

27. (1) Upon it being shown to the satisfaction of the Agency that a particular shipment of imported seed-

- (a) has been imported into Guyana by a licensed seed importer;
- (b) has been designated certified seed under the laws of the country of origin;
- (c) has been tested in accordance with the requirements established under this Act;
- (d) has been produced under conditions that conform to standards equal to or higher than those established for certified seed in Guyana;
- (e) if packaged, is inside a container complying with the requirements established under this Act; and
- (f) is accompanied by identifying documents, certificates, certification tags, or other information which fulfill the requirements under this Act,

the certification agency may designate the seed as imported seed.

(2) For the purpose of facilitating the designation of imported seed as certified seed under this Act, the Agency may deem the requirements under this section to be satisfied as to seed certified by particular seed certification agencies in any foreign country.

(3) Having designated any imported seed as certified seed, the Agency shall issue to the licensed seed importer a certificate in the prescribed form, entering the particulars of certification in the register of licensed seed importers.

Conditions of  
import.

28. For importing any variety of seed by any person-

- (a) the person shall be registered as a licensed seed importer;
- (b) the seed shall conform to the minimum certification standards established under section 22 or is designated imported seed under section 27 (1); and
- (c) the genus, species, and variety of the seed, and the country of origin, shall be shown on an invoice or delivery note accompanying the seed at the time of its importation.

**PART VI**  
**SEED INSPECTION AND SEED ANALYSIS**

Seed Inspectors.

29. (1) The Agency may appoint as many Seed Inspectors as necessary with the prescribed qualifications and experience to carry out the functions assigned to them under this Act.

(2) The Agency shall issue to each Seed Inspector, a certificate of authority, which shall be produced upon demand by any person affected by the exercise of any powers under this Act by the Seed Inspector.

Powers of Seed  
Inspectors.

30. (1) A Seed Inspector may, upon written requisition of the Agency-

- (a) take samples of prescribed seed from-
  - (i) any person selling the seed;
  - (ii) any person who is in the course of conveying, delivering or preparing to deliver the seed to a purchaser or consignee; or
  - (iii) any purchaser or consignee after delivery of the seed, and send such sample to the Laboratory as designated for any analysis;
- (b) enter and search at all reasonable times, with any assistance, as he considers necessary, any place in which he has reason



to believe that an offence under this Act has been or is being committed;

- (c) break open any container in which any prescribed seed may be contained or break open the door to any premises where the seed may be kept for sale in the event of the owner or other person at that time inside the premises has been asked and has refused to open the door;
- (d) order in writing, any person who is in possession of prescribed seed-
  - (i) not to dispose of any stock of the seed for a specified period not to exceed thirty days; and
  - (ii) to remove any defect in the seed and submit the seed for a further inspection at a date to be set by the Seed Inspector; or if the person does not wish to remove the defect and to resubmit the seed for further inspection, the Seed Inspector may allow that person to use the seed for food or feed, or to destroy the seed if it has been treated with hazardous chemicals;
- (e) seize the stock of any prescribed seed in respect of which an offence under this Act has been or is being committed;
- (f) examine any record, register, document, or other thing found in any place mentioned in paragraph (b) and seize any article if he has reason to believe that it may furnish evidence of commission of an offence made punishable under this Act; and
- (g) exercise any other powers as may be necessary for carrying out the purposes of this Act.

(2) Where the person against whom an order has been issued under subsection (1) (d) submits the seed for further inspection under paragraph (d) (ii) or has used or destroyed the seed in accordance with that paragraph and provided

evidence for use or destruction in the prescribed manner, the Seed Inspector shall countersign the order, certifying that the order has been discharged.

Procedure on  
seizure.

31. Where a Seed Inspector exercises any power under section 30 (1) (e) to (g), he shall-

- (a) give to the person from whom such article was taken a receipt completed and signed in the prescribed manner;
- (b) notify the Agency within fourteen days of seizure of any article;
- (c) return the stock of any prescribed seed seized once any investigation has been completed or once an order issued under section 30 (1) (d) has been discharged under section 30 (2).

National Seed  
Laboratory.

32. The Agency shall establish a National Seed Laboratory to carry out the functions entrusted to it under this Act.

Seed Analysts.

33..(1) The Agency shall appoint as many Seed Analysts as necessary with the prescribed qualifications and experience to carry out the functions assigned to them under this Act.

(2) The Agency shall issue to a Seed Analyst a certificate of authority to be used in the exercise of the powers granted under this Act.

(3) A Seed Analyst shall-

- (a) receive the samples submitted to the Laboratory for the purpose of carrying out any tests to determine their suitability for commerce;
- (b) receive all fees on behalf of the National Seed Laboratory for the testing of samples from persons other than the Seed Inspectors;
- (c) issue a certificate showing the precise germination, purity, moisture content, incidence of seed borne diseases and other

quality attributes of the prescribed seed on behalf of the Laboratory;

- (d) notify the Seed Inspector where any seed does not meet the requirements for certification or commerce;
- (e) retain a portion of the submitted sample for a specified period in the event of legal proceedings or where a re-test is requested, as directed by the Laboratory.

## PART VII MISCELLANEOUS

Prohibition of possession, etc., of seed not certified.

34. (1) No person shall mark, label, possess, import, export, buy or offer to buy, cultivate, produce, sell or offer to sell any seed not certified by the Agency:

Provided that a person may possess or cultivate any seed not certified by the Agency for his own use and not for sale.

(2) The Minister may exempt any person from complying with any requirement under this section for a period of twelve months from the date of commencement of this Act.

Obstructing Seed Inspectors in exercise of duty.

35. Any person who-

- (a) willfully obstructs or impedes a Seed Inspector in the due exercise of his duties under this Act;
- (b) refuses to furnish to a Seed Inspector, on request, any particulars or information to which a Seed Inspector is entitled under this Act; or
- (c) willfully or recklessly gives any false or misleading information-
  - (i) with respect to any fact or matter to which a Seed Inspector is entitled under this Act; or
  - (ii) in making any application or filing any document under this Act;

commits an offence.

Altering, etc., of  
official records.

36. Any person who, without lawful authority, alters, defaces, or removes-
- (a) any register, index, certificate, label, or other official record created or issued under this Act; or
  - (b) any entry appearing in any such register, index, certificate, label, or other official record.

commits an offence.

Permitting etc., of  
seed for testing or  
tampering with  
samples.

37. Any person who, with intent to deceive-
- (a) causes or permits to be sent for testing any seed sample which to his knowledge does not represent the stock from which it was taken; or
  - (b) tampers with any sample taken under this Act,

commits an offence.

Publication, etc., of  
information without  
lawful authority.

38. Any person who is employed or appointed under this Act and who publishes or communicates to any person without lawful authority any information acquired by him in the course of his duties commits an offence.

Punishment for  
contravention.

39. Any person who fails to comply with any requirement under this Act or otherwise contravenes any provision of this Act is liable on summary conviction for a first offence, to a fine of fifty thousand dollars and three months imprisonment and in the case of a continuing offence, to an additional fine of one hundred thousand dollars and six months imprisonment.

Regulations.

40. (1) The Minister may make regulations for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of subsection (1), the regulations may provide for-

- (a) the functions and management of the Seed Multiplication Unit;

- (b) the qualifications, terms of reference and conditions of service relating to the post of Secretary of the Agency;
- (c) the functions and management of the Agency;
- (d) the procedures for applying for seed certification;
- (e) the qualifications and duties of Seed Inspectors and Seed Analysts;
- (f) the manner of labelling containers of prescribed seed;
- (g) the manner of making an application to be a certified seed producer and the required fees;
- (h) the form and contents of the register of certified seed producers and the manner in which it shall be maintained;
- (i) the requirements for production, inspection, and testing of samples;
- (j) the forms and certificates to be granted and the fees, if any, which should accompany any application under the Act generally;
- (k) the form of the certificate of authority to be issued and the particulars of authority it should contain;
- (l) the labelling requirements for the certification tag;
- (m) the particulars of written statements to be furnished to any buyer of seed, if certified seed is sold in bulk;
- (n) the manner of making an application to be a licensed seed importer and the required fees;
- (o) the form and contents of the register of licensed seed importers and the manner in which it shall be maintained;
- (p) the forms of records to be kept by the certification agency and the Seed Inspectors;
- (q) the forms of records to be kept by the Seed Analyst and the forms of the certificates to be granted;
- (r) the types of tests to be conducted on seed samples submitted to the Laboratory;

- (s) the fees to be charged for each test conducted;
- (t) the length of time that the Seed Analyst must retain a portion of sample after tests have been completed on that sample;
- (u) the form and manner of registration of a seed processing unit;
- (v) the form and entries to be made in the National Register of Seeds;
- (w) the functions and management of the Laboratory;
- (x) the particulars to be specified in the granting of provisional registration of seeds;
- (y) any other matter which the Minister deems necessary to carry out the purposes of this Act.

## EXPLANATORY MEMORANDUM

This Bill provides for regulating the production, sale, import, export and quality of certain seeds for sowing and provides for certification of seeds.

Clause 1 sets out the short title to the Act and its commencement.

Clause 2 deals with the definition of terms and expressions used in the Bill.

Part II of the Bill establishes a Seed Quality Control and Certification Agency and identifies the different associations or bodies from which the Minister will nominate the members. It provides also for the Agency to establish Seed Multiplication Units or declare any facility as such a unit. It provides for the Agency to keep under its control and management a register of all varieties of seed, which will be called the National Register of Seeds. The Agency is also obligated to publish within specific intervals and in any manner it thinks appropriate, a list of the varieties of seeds which have been registered within a period. It makes special provisions for registration of transgenic varieties. This Part provides for the registration of seed producers, seed processing units and any person who desires to carry on the business of selling, importing or exporting seeds.

Part III deals with prescribed seed. It provides that if the Minister after consultation with the Agency is of the opinion that it is necessary to regulate the quality of seeds of a variety intended to be sold for agricultural purposes, the Minister may declare the seed as prescribed seed by notice in the *Gazette*. The Minister also specifies the quality attributes by notice in the *Gazette* of prescribed seed.

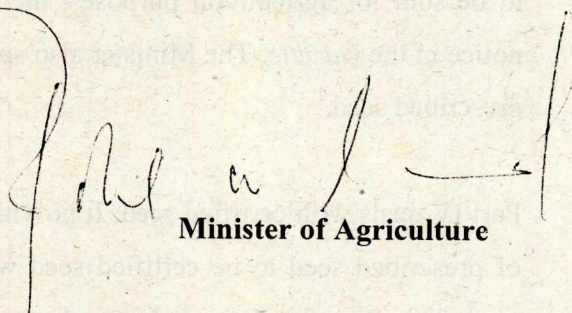
Part IV deals with certified seed. It provides that the Agency may notify in the *Gazette* a variety of prescribed seed to be certified seed which may be cultivated for the purpose of producing seed. This Part also provides for a person who desires to produce a notified variety to apply to the Agency to be a certified seed producer and that the Agency shall keep and maintain a register of certified seed producers. The Agency may cancel the registration of certified seed producers

under certain conditions. The Agency also establishes standards for certified seed and specifies the conditions which must be complied with for a seed to qualify as a certified seed.

Part V deals with the registration of importers and exporters of seed. It also sets out the minimum requirements of imported seed. This Part empowers the Minister to publish in the *Gazette* the import of an unregistered variety of seed for the purposes of research. Additionally, the Minister may on the recommendation of the Agency, restrict by notification published in the *Gazette*, export of any variety of seed which is likely to adversely affect the food security of Guyana or in the public interest. This Part also provides that the Agency keep and maintain a register of licensed seed importers and exporters. This Part further stipulates the conditions to designate seed as 'imported seed' and the conditions of import.

Part VI makes provision for the appointment of Seed Inspectors, Seed Analysts and the establishing of a National Seed Laboratory. This Part outlines the powers of Seed Inspectors and the Seed Analysts who will be issued by the Agency certificates of authority to be used in the exercise of their powers under this Act. Additionally the procedure of seizure of any article by the Seed Inspector is also outlined.

Part VII sets out what constitutes an offence under the Act and the penalties that can be imposed if an offence is committed. This Part empowers the Minister to make regulations for carrying into effect the purposes of this Act.



Minister of Agriculture