

PROPOSED SEED REGULATIONS

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These Seed Regulations are applicable to all agricultural crops of which the seed is eligible for sale for cultivation. The minimum standards include field and seed standards for individual crops. The word "seed" or "seeds" is designated for all propagating material.

PART I – PRELIMINARY

1. The Purpose of Seed Regulations

over all The purpose of seed regulations is to maintain and make available to farmers and growers in The Republic of Malawi seed of high genetic quality of registered/notified kinds and varieties of plants. Seed regulations are also designed to ensure genetic purity and identity and to achieve prescribed seed quality standards. Seed regulations are a measure to ensure the maintenance of existing cultivars, as well as new cultivars. This means that cultivars must be maintained as they were described and developed by the breeders.

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PART II - ADMINISTRATION

2. Controller of Seeds

The administration of these Seed Regulations shall be conducted by the Controller of Seeds who shall be appointed by Minister of Agriculture for this task.

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3. Seed Producer

Seed Producer means a farmer, organization or company who produces seed.

4. Eligibility Requirements for Crop Varieties

Seeds of only those varieties that are listed in the Variety List and prescribed by the Minister shall be eligible for production for cultivation (see Schedule 1).

Strategy

PART III – CLASSES OF SEED

5. Classes of Seed

(a) Breeder Seed

Breeder Seed is the seed of a particular generation of an inbred line or variety which has been produced under supervision of the breeder thereof, the person to whom the right therein has been transferred, or another person who maintains the generation concerned. The tag shall be of a white colour.

(b) Basic Seed

1. Basic Seed shall be the progeny of Breeder Seed.
 2. In the case of short supply of Breeder Seed the Minister shall allow the production of Basic Seed from Basic Seed.
 3. Minimum Seed Standards for both Breeder and Basic Seed shall be as specified in the seed certification scheme.
 4. The tag shall be of a purple colour for Basic Seed.
- Strategy*

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5. Production of Basic Seed shall be supervised and approved by the Controller of Seed and shall be required to conform to standards specified for the ~~crop~~ ~~variety~~ (See Schedule 2).

(c) Certified Seed

1. Certified Seed I shall be the progeny of Basic Seed. It shall conform to a specific genetic identity and purity in accordance with standards prescribed for the crop/variety (See Schedule 1).
2. Certified Seed II may be produced from Certified Seed I when the National Seed Organization is satisfied that there is a shortage of Certified Seed I and that the genetic identity and genetic purity will not be significantly altered.
3. Only two stages of Certified Seed, namely I and II, shall be produced and such multiplication shall not exceed three generations beyond Basic Seed.
4. Certified Seed II produced from Certified Seed I shall not be eligible for further seed multiplication.
5. The tag of Certified Seed II shall be superscribed with the words "not eligible for further seed increase".
6. Certified Seed I tag shall be of a blue colour with a single stripe. On the tag shall appear in clearly legible writing the words "Seed - Certified I".
7. Certified Seed II tag shall be of a blue colour with two stripes. On the tag shall appear in clearly legible writing the words "Seed - Certified II".

(d) Quality Declared Seed

Quality Declared Seed.

1. Shall be tagged with a red coloured label on which shall appear in clearly legible writing the words "Seed - Quality Declared".
2. Shall be required to conform to certain standards specified for the crop/variety (See Schedule 3).

PART IV REGISTRATION ~~XXXXXXXXXX~~

6. Registration of Growers

- ~~XXXXXXXXXX~~ (a) Any grower or seed company/organization who wishes to produce Certified Seed *strategy* shall apply in writing on an approved form to the Controller of Seeds for registration prior to growing the seed crop and shall furnish with the application all information and particulars required by the Controller of Seeds. On receipt of an application the Controller of Seeds may register the applicant as a grower of Certified Seed when the Controller of Seeds is satisfied that the applicant is experienced and has adequate facilities to produce Certified Seed and may inform the applicant accordingly.

- ~~XXXXXXXXXX~~ (b) The Controller of Seeds may cancel the registration of a grower if he/she does not comply with any instruction of the Seed Inspector in relation to a registered crop or the seed produced therefrom.

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7. Stages of Seed Production

- (a) Receipt and scrutiny of application by the Controller of Seeds.

- (b) Verification of seed source, class and other requirements of the seed used for raising the seed crop as specified by the Controller of Seeds.
- (c) Field inspections to verify genetic purity and conformity to the prescribed field standards as prescribed by the Controller of Seeds.
- (d) Supervision at post-harvest stages including cob selection, processing, packaging, seed treatment and packaging.
- (e) Drawing seed samples for seed quality analysis by an authorised seed testing laboratory to verify conformity to the prescribed standards in relation to analytical and genetic purity, germination, and seed health.
- (f) Grant of certificate and tags, and sealing when the Controller of Seeds is satisfied with the seed quality as per the prescribed standards.
- (g) Post-control sampling and grow-out plots to ensure that the Certified Seed complies with the quality and genetic purity standards.
- (h) For export purposes, seed samples shall only be drawn by the internationally accredited seed testing laboratory.

8. Verification of Seed Source

The person/organization who wishes to produce Certified Seed shall:

- (a) provide evidence such as tags, seals, labels, seed containers, purchase and/or sale records or other specified information upon demand;
- (b) confirm whether the stock seed used for growing the crop has been obtained from the approved source and conforms to the required standards and conditions mentioned in Section 5. This requirement also applies to the seed production of parental lines of a hybrid.

The person/organization who wishes to produce Certified Seed shall provide evidence, when demanded by the Controller of Seeds to confirm that the seed conforms to the required standards and conditions mentioned in Section 5.

9. Registration of Crop

- (a) A grower/seed producing organization shall submit an application on an approved form to the Controller of Seeds not later than the date fixed for submission of application for registration of the crop to be produced, specifying the location where the crop is grown, crop area, kind, variety and class of seed.
- (b) The Controller of Seeds shall register the crop to be produced if he/she is satisfied that:
 - (i) the land on which the crop is grown is suitable for production of seed of the kind variety and class applied for; and
 - (ii) the seed used is from an appropriate source.

10. Terms of Crop Registration

- (a) The registration of a crop shall be valid only from the date of issue of the certificate of registration of the unit to the removal of the seed crop from the unit concerned. The registration shall only apply to one growing season.
- (b) The registration of a crop shall be cancelled when the Controller of Seeds rejects the crop for production and the crop is not accepted for further certification.

11. Unit of Production

The entire crop area grown for seed production by the grower shall constitute one unit, provided:

- (a) it is all under one kind and variety of seed.
- (b) the crop is almost of the same stage of growth.
- (c) it is a single crop and not mixed.
- (d) the crop is grown under good crop husbandry.

PART V - INSPECTION

12. Field Inspection

- (a) the field inspection shall be performed by a technically-trained, qualified and licensed seed inspector who has been so authorized by the Controller of Seeds.
- (b) the crop to be certified shall be inspected at appropriate growth stages as prescribed for the kind and variety of seed concerned.
- (c) field inspection shall be carried out without prior notice to the seed producer.
- (d) the grower of the crop shall notify the seed inspector when the crop registered for production is ready for inspection.
- (e) soon after the completion of the field inspection, the seed inspector shall hand over a signed copy of the report to the seed producer or his authorized representative.
- (f) if the crop fails to conform with the required standards and is not approved, the seed inspector shall submit a copy of the report to the Controller of Seeds within ten days of the inspection.

13. Re-inspection

- (a) If a crop has failed to conform to the prescribed standards at any field inspection, the seed producer/grower, after corrective measures have been carried out, may request the seed inspector to re-inspect the crop.

The Controller of Seeds may carry out one or more re-inspections if it is satisfied that such removal of contaminated plants can ensure conformity of the crop to the prescribed standards and provided further that no irreversible damage has been caused to the seed quality by the contaminant(s).

- (b) The Controller of Seeds may also perform one or more re-inspections, if considered necessary.

PART VI – SEED

14. Harvesting, Processing and Cleaning of Seed

The seed crop which has been field inspected and approved shall be harvested, processed and cleaned by the grower/seed producer taking due precautions to ensure that there is no blending and deterioration of seed. This shall be affirmed by a Seed Inspector.

15. Bulking of Seed

The Controller of Seeds may grant written approval for the blending of seeds provided the seed meets the following requirements:

- (a) blended lots should meet the stipulated minimum seed standards;
- (b) belong to the same crop, variety and class of seed;
- (c) produced in the same season and under similar agro-climatic conditions;
- (d) adequately homogeneous in composition.

16. Seed Lot

A seed lot is a physically identifiable quantity of homogeneous seed.

17. Lot Size

The maximum size of seed lot shall be as stipulated in the relevant tables of ISTA rules.

The quantities in excess of the stipulated maximum limits shall be sub-divided and a separate lot identification shall be given to it.

18. Seed Lot Number

A code number which has been allocated to a particular seed field for purposes of identification and which differs from the lot numbers of any other seed field shall be assigned to each seed lot to facilitate maintaining its identity and origin; handling in stores, transit, accounting and inventory maintenance; and referring or communicating about a certain quantity of seed. There shall be a set procedure for assigning lot numbers.

19. Seed Processing *steady*

Seed processing includes cleaning, drying, grading, treating and any other operation that will improve the quality of seed. As soon as the seed is harvested from the fields which have conformed to the standards, it shall be transported to the authorized/licensed processing plant for processing. The seed shall also be cleaned and graded according to a specified screen aperture size so that weed seeds and small, damaged, broken and shriveled seeds, straw, chaff, leaves, twigs, stones, soil particles and other contaminants are removed.

20. Seed Treatment

- (a) The Controller of Seeds may require the seed to be chemically treated with a recommended insecticides or fungicide before packaging.

- (b) The information about the seed treatment shall also be displayed on seed containers as given below:
- (i) that the seed has been treated;
 - (ii) the commonly accepted chemical or abbreviated chemical name of the applied substance;
 - (iii) if the chemical used for seed treatment is harmful to human beings and other vertebrate animals, a caution statement such as 'DO NOT USE FOR FOOD, FEED OR, OIL EXTRACTION PURPOSES'. The word "POISON" shall be prominently displayed in a bold type size in red on the seed container in case of mercurial and similarly toxic chemical substances.

21. Drawing of Seed Samples

The Seed Inspector shall draw a representative seed sample soon after the completion of the seed processing or after seed treatment as the case may be, according to the procedure specified by the International Seed Testing Association (ISTA).

22. Seed Analysis Report *Shahery*

- ~~(a)~~ (a) The seed sample submitted by the Seed Inspector shall be analyzed by an authorised Seed Testing Laboratory according to the procedures specified by ISTA.
- ~~(b)~~ (b) The Seed Testing Laboratory shall ^{on} send the completed Seed Analysis Report to the Controller of Seeds within ~~30~~ days from the date of receipt of the samples unless the seed is subjected to such tests which require more than 30 days for completion of the test.

23. Seed Standards of Genetic and Physical Purity

- ~~(a)~~ (a) All Certified Seed lots shall conform to the Minimum Standards for Genetic Purity as specified for each crop.
- ~~(b)~~ (b) The Controller of Seeds shall conduct grow-out tests to determine genetic purity of a seed lot where ever it is a pre-requisite for the granting of a certificate and also on the seed lots where a doubt has arisen about the genetic purity. The isozyme test using electrophoresis may be used, if suitable facilities are available, in place of a grow-out test for rapid determination of genetic purity.

24. Re-cleaning, Re-sampling and Re-testing *Shahery*

The Controller of Seeds or seed producer may permit re-cleaning, re-sampling and re-testing of the seed lot under certification which does not meet the required seed quality standards.

25. Seed Standards for Defects

A seed lot under certification shall not have apparent or visible evidence of damaged seed (broken, weevilled, immature, rodent-damaged or rotten seeds) for both Basic and Certified Seed classes in excess of that specified (see Schedule 2).

26. Seed Moisture Content

Seed standards for seed moisture content shall be met at the time of packing of seed (See Schedule 2).

27. Downgrading of Seed Class

The Controller of Seeds may accept the request of the seed producer to downgrade a seed crop or a seed lot if it is found not to meet the prescribed standards for the class for which it was registered but conforms to the required standards to the immediate lower seed class. Downgrading shall not be applicable in the case of hybrids and their parents.

PART VII - LABELING

28. Tag or Label

- (a) The tag/label shall be as prescribed by the Controller of Seeds.
- (b) The tag for Basic Seed shall be purple and for Certified Seed I and II the tag shall be blue. The tag of Certified Seed I shall have one stripe and for Certified Seed II two stripes.
- (c) The tag or label for Quality Declared Seed shall be red.
- (d) The contents and layout of the tag must be approved by the Controller of Seeds.

29. Packaging, Sealing and Issuing of the Certificate

- (a) A seed lot should be labeled before sampling. After sampling the seed lot should be sealed. Thereafter seed may only be removed from the seed lot once a Certificate has been issued.
- (b) If the field inspections confirm that the variety complies with the prescribed requirements for trueness to variety, and the results of the Seed Testing Laboratory indicate that the seed lot conforms to the weed seed content and other requirements, then a certificate of approval must be issued as soon as possible. An authorized official of the Controller of Seeds shall sign on the reverse of each tag, by means of a rubber stamp or suitable alternative, details of the officials name and designation.
- (c) Sealing must be carried out soon after sampling is done.
- (d) The Controller of Seeds shall preserve all documents for 6 (six) years and the Seed Testing Laboratory shall guard seed samples pertaining to certification of each seed lot for 1 (one) year from the granting/extension of the certificate unless and otherwise required for a longer period.

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30. Refusal of Approval

- (a) The Controller of Seeds shall have the authority to refuse approval of any seed production field or any seed lot or both that does /do not conform to the Minimum Standards prescribed for the particular crop and class of seed. However, such refusal will be subject to any appeal made by the aggrieved person or seed producer concerned to the Appeal Board constituted under the Seed Act.
- (b) All the documents in respect of rejected crops or seed lots shall be preserved by the Controller of Seeds for 2 years from the date of communication of rejection unless and otherwise required for a longer period.

31. Validity Period of the Certificate

- (1) The Validity period of the Certificate shall be 1 (one) year from the date of seed test at the time of issue of the initial certificate. The validity period may be further extended provided the seed is re-tested in the authorized Seed Testing Laboratory and is found to conform to the required standards in respect of purity, germination and insect damage. The extension of validity period of certified seed shall be for a period of six months at each subsequent validation as long as the seed lot conforms to the prescribed standards.
- (2) A complete record shall be maintained by the Controller of Seeds of each seed lot offered for extension of the validity period and all the tags issued, destroyed or retained.

32. Revocation of Certificate

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The Controller of Seeds, may without prejudice to any other penalty to which the holder of the certificate may be liable under the Seed Act, revoke the certificate under the provisions of the Seed Act when –

- (a) the certificate granted by it under the Seed Act has been obtained by misrepresentation, as to an essential fact; or
- (b) the holder of the certificate has failed to comply with the conditions subject to which the certificate has been granted or has contravened any of the provisions of the Seed Act or the Seed Regulations made thereunder.

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PART IX - FEES

33. Fees

The fees prescribed for certification and quality control shall be payable at the time of submission of the application.

PART X – SEED INSPECTION AND STANDARDS

34. Requirements to be complied with by a Person/Agency carrying on the Business of Certified Seeds

- (a) No person or agency shall sell, keep for sale, offer to sell, barter or otherwise supply any Certified Seed of any notified kind or variety under the Seed Act, after the date recorded on the container, mark or label as the date up to which the seed may be expected to retain the germination not less than that prescribed in the seed standard.
- (b) No person shall alter, obliterate or deface any mark, tag or label attached to the container of any seed.
- (c) Every person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of notified kind or variety under the Seed Act shall keep over a period of 3 years a complete record of each lot of seed sold except that any seed sample may be discarded one year after the entire lot represented by such sample has been disposed of. The sample of seed kept as a part of the complete record shall be as large as the size prescribed in the ISTA rules.
- (d) A person/agency carrying on the business of Certified Seed shall maintain –
 - (i) a stock record of seeds; and
 - (ii) a record of the sale of seeds.

35. Procedure to be Followed by Seed Inspector

- (a) Whenever a Seed Inspector intends to take a sample of any seed or variety for analysis, –
 - (i) the client requesting the service shall fill in a seedlot sampling request form;
 - (ii) the Seed Inspector shall take one representative sample, except in special cases, in the prescribed manner and mark and seal or fasten up each sample in such manner as its nature permits.
- (b) When samples of any seed of any notified kind or variety are taken under subsection (a) of this article, the Seed Inspector shall –
 - (i) deliver the sample in good condition to an authorized seed testing laboratory;
 - (ii) the seed testing laboratory shall retain part of the sample, after the required tests have been completed, for 1 (one) year..
- (c) Where a Seed Inspector takes any action in connection with the contravention of the Act –
 - (i) shall use all dispatch to ascertain whether or not the seed contravenes any provisions of the Act and if it is ascertained that the seed does not so contravene, forthwith revoke the order passed or, as the case may be, take such action as may be necessary for the return of the stock of the seed seized
 - (ii) if the stock of the seed is seized, the magistrate having jurisdiction, shall be informed as soon as possible, and shall take his order as to the custody thereof;

(iii) without prejudice to the institution of any prosecution, if the alleged offence is such that the defect may be removed by the possessor of the seed, shall, on being satisfied that the defect has been so removed, forthwith revoke the order passed under the said clause.

(d) Where a Seed Inspector seizes any record, register, document or any other material object, shall as soon as possible, inform a magistrate having jurisdiction and take his orders as to the custody thereof.

36. Seed Standards

The seed standards for Basic and Certified Seed are given in Schedule 2.

The seed standards for Quality Declared Seed are given in Schedule 3.

PART XI – SEED SERVICES FUND

37 Seed Services Fund

- (a) Inspection, seed testing and certification fees collected shall be used for the payment of the costs of inspection, sampling, analysis, and other expenses necessary for the administration and enforcement of the Act and any regulations enacted under the Act.
- (b) The Fund shall be used to finance the activities of the Seed Services including but not limited to travel costs; purchasing, replacing, or repairing equipment; analytical fees; purchasing and replacing office supplies and replacing expendable equipment.
- (c) A portion of the Seed Services Fund, depending on availability, shall be held in reserve to facilitate the continued operation of Seed Services in periods when the fees are less than projected.
- (d) The Controller of Seeds shall be responsible for the management of the Seed Services Fund.
- (e) The management and accounting procedures to be used in applying the Seed Services Fund shall be fixed by a joint agreement between the Minister and the Minister of Finance.

Schedule 1

The seed listed in this schedule shall be prescribed seed for purposes of the Act.

Scientific Name	English Name
<i>Arachis hypogaea</i>	Groundnuts
<i>Cajanus cajan</i>	Pigeon pea
<i>Glycine max</i>	Soybean
<i>Gossypium hirsutum</i>	Cotton
<i>Helianthus annuus</i>	Sunflower
<i>Hordeum vulgare</i>	Barley
<i>Nicotiana tabaccum</i>	Tobacco
<i>Oryza sativa</i>	Rice
<i>Phaseolus vulgaris</i>	Beans
<i>Pisum sativum</i>	Peas
<i>Sorghum bicolor</i>	Sorghum
<i>Triticum aestivum</i>	Wheat
<i>Vigna unguiculata</i>	Cow peas
<i>Zea mays</i>	Maize
<i>Manihot esculenta</i>	Cassava
<i>Ipomea batatas</i>	Sweetpotato
<i>Solanum tuberosum</i>	Potato
<i>Voandezia subterranea</i>	Ground beans