

Seeds (Appeal Board) Regulations 2022

GN No. 233 of 2022

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THE SEEDS ACT

Regulations made by the Minister, after consultation with the National Plant Varieties and Seeds Committee under sections 31 and 33 of the Seeds Act

1. Short title

These regulations may be cited as the **Seeds (Appeal Board) Regulations 2022**.

2. Interpretation

In these regulations –

"Act" means the Seeds Act;

"aggrieved person" means a person who feels aggrieved by a decision of NPVSO;

"Appeal Board" means the Appeal Board appointed by the Minister under section 31(2) of the Act;

"Registrar" means a person appointed as such under regulation 4(1).

3. Jurisdiction of Appeal Board

The Appeal Board shall have jurisdiction to hear and determine an appeal made by any person who feels aggrieved by any decision taken by NPVSO under the Act or any regulations made under the Act.

4. Registrar of Appeal Board

(1) The Minister shall appoint a Registrar to the Appeal Board who shall assist in the conduct of the business of the Appeal Board and who shall keep the minutes of proceedings of the Appeal Board.

(2) The Registrar shall be appointed on such terms and conditions as the Minister may determine.

5. Proceedings of Appeal Board

(1) The Appeal Board shall sit at such time and place as the Chairperson of the Appeal Board may determine.

(2) The Appeal Board shall regulate its own proceedings and may –

(a) summon any person to appear before it to give evidence or produce any record, document or article; or

- (b) take evidence on oath, solemn affirmation or declaration and, for that purpose, administer an oath, solemn affirmation or declaration, as the case may be.
- (3) (a) Where, in the course of appeal proceedings, a person refuses, on the ground of confidentiality, to communicate or produce any record, document or article, the Registrar may apply to the Judge in Chambers for an order directing that person to communicate or produce the record, document or article required for the purpose of the proceedings.

(b) Where the Judge is satisfied that the record, document or article sought is bona fide required for the purpose of the proceedings, he may make an order under paragraph (a).

6. Appeal procedure

- (1) An aggrieved person who wishes to appeal to the Minister shall, within 30 days of receipt of the decision of NPVSO –
 - (a) lodge with, or send by registered post to, the Registrar a written appeal indicating –
 - (i) his name and address;
 - (ii) the decision of NPVSO that is being appealed;
 - (iii) the facts of the case;
 - (iv) the grounds for the appeal; and
 - (b) pay 1,000 rupees as appeal fee.
- (2) (a) On receipt of an appeal under paragraph (1), the Registrar shall confirm to the aggrieved person that the appeal has been received and will be forwarded to the Appeal Board.

(b) The Appeal Board shall, within 90 days from the date on which an appeal under paragraph (1) is lodged with, or received by registered post by, the Registrar, hear and determine the appeal.
- (3) On hearing the appeal, the Appeal Board may –
 - (a) confirm, set aside or vary the decision made by NPVSO or give such other determination as it considers appropriate;
 - (b) order NPVSO to implement the decision of the Appeal Board.
- (4) The decision of the Appeal Board shall be made in writing and shall be copied to NPVSO, the aggrieved person and any other concerned party.

7. Commencement

These regulations shall come into operation on 1 September 2022.

Made by the Minister, after consultation with the National Plant Varieties and Seeds Committee, on 4 July 2022.
