

Seeds (Seed Production and Certification) Regulations 2022

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THE SEEDS ACT

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

1. These regulations may be cited as the **Seeds (Seed Production and Certification) Regulations 2022**.

2. In these regulations –

“Act” means the Seeds Act;

“applicant” means a producer, a dealer or other entity that wishes to enter a seed crop for certification;

“basic seed” means seed that is maintained by a breeder, an owner of the variety or other organisation which is responsible for the maintenance of a pure stock of the variety;

“certification” means the process by which a seed lot is produced under official control to ensure that it complies with minimum standards of varietal purity and seed quality;

“certification label” means an official label which is attached to a container of seed to confirm that it has been produced under the certification scheme;

“certified seed” means seed which is produced from basic seed and that is intended for sale to produce a commercial crop without further multiplication;

“registered seed producer” means a producer that has been registered by NPVSO under the Seeds (Registration of Dealer and Producer) Regulations 2022;

“seed analysis certificate” means the certificate issued under the Seeds (Sampling and Testing) Regulations 2022;

“seed lot” means a homogenous bulk of seeds which has a known origin and history and is identified by a single reference number;

“seed testing” means the procedures by which the quality attributes of a seed sample are assessed in a laboratory.

3. Application of regulations

(1) These regulations shall apply only to seeds of the species listed in the Seeds (Marketing) Regulations 2022 and to any other species for which NPVSO has recognised and

approved a scheme for the production and certification of planting materials in accordance with regulation 6.

(2) These regulations shall not apply to planters who produce seeds for their own personal use.

(3) These regulations shall not apply to seed that is produced specifically for export unless the owner of the crop requests the producer to enter the crop in the certification scheme.

4. General conditions for production and certification

(1) The certification scheme shall be administered and implemented by NPVSO.

(2) Subject to the approval of the Seeds Committee, specific activities relating to the certification of seed crops may be delegated to -

- (a) an organisation which has the necessary expertise to carry out these functions;
or
- (b) an individual who is trained to carry out specific tasks and is licensed by NPVSO for these purposes.

(3) Seed shall be produced only by -

- (a) a registered seed producer;
- (b) a farmer who is under contract to a seed producer or dealer; or
- (c) any official organisation which is authorised by the Ministry to undertake seed production.

(4) (a) Any crop which is grown to Produce seed for commercial purposes shall be -

- (i) entered in the certification scheme and shall comply with the procedures specified in regulation 5;
- (ii) of a variety which is registered in the National Variety List.

(b) Notwithstanding paragraph (a)(i) and as a transitional arrangement, NPVSO may authorise registered seed producers to produce quality declared seed according to existing procedures, provided that the conditions specified in paragraphs (2) and (3) are satisfied.

5. Procedures for seed production and certification

(1) Any seed crop which is intended for the production of basic or certified seed shall be entered in the certification scheme by the producer or by the company or institution that has entered into a contract with a producer to grow the crop.

(2) An applicant shall enter the crop for certification by completing the form set out in the First Schedule, together with a fee of 500 rupees.

(3) (a) The field in which the seed crop is to be grown shall be inspected and approved prior to sowing or planting of the crop.

(b) The minimum isolation distances for seed crops of all species referred to in regulation 3(1) shall be specified by NPVSO in an official protocol.

(4) Where the field is approved, NPVSO shall enter the crop in the certification scheme and shall issue an official reference number for the crop.

(5) The producer of the crop shall keep a record of the basic seed lot that is sown to produce the crop and shall retain a small sample of the seed lot.

(6) The crop shall be grown according to the cultural practices recommended for that particular species by NPVSO.

(7) (a) The crop shall be inspected by a seed inspector on at least 2 occasions during the growing season following the procedures established by NPVSO for each species.

(b) After each inspection, a report shall be prepared in accordance with the form set out in the Second Schedule.

(8) (a) Where a seed crop is rejected for any reason as a result of the field inspection, the producer may be given an opportunity to rectify the issue that gave rise to the rejection within a defined period of time.

(b) After any rectification made under paragraph (a), the crop may be re-inspected.

(9) Where a crop is rejected at the time of inspection or re-inspection, and where the problem cannot be rectified, the crop shall be destroyed or used for a different purpose but shall not be harvested as seed.

(10) After harvest, the crop shall be kept as a single identified lot and shall be stored in a secure environment until it is transported to a processing centre for further cleaning.

(11) Where the crop is cleaned to an acceptable standard, a sample shall be taken according to the procedures specified in the Seeds (Sampling and Testing) Regulations 2022 and tested at the official seed testing laboratory.

(12) Where a seed analysis certificate is issued for the seed lot, and if it meets the minimum quality standards specified in the Seeds (Marketing) Regulations 2022, NPVSO shall issue a certificate in the form set out in the Third Schedule to confirm that the seed lot has been certified.

(13) The producer or owner of the seed lot shall retain this certificate until the seed lot has been sold or otherwise disposed of.

(14) Where a certified seed lot is sold in its entirety to another party, the certificate issued by NPVSO shall be transferred to that party.

(15) (a) All containers of certified seed shall have an official label showing the reference number of the seed lot and the date on which the certificate was issued.

(b) Basic seed lots shall have a white label and certified seed lots shall have a blue label.

(c) In consultation with the Seeds Committee, NPVSO shall decide on the detailed format of the official label.

(16) Where required by NPVSO, a sample of the seed lot may be used to grow a post-control plot as specified in the Seeds (Sampling and Testing) Regulations 2022 in order to confirm the identity or varietal purity of the sample.

6. Validation of quality control schemes for vegetative planting materials

(1) NPVSO may approve separate quality control schemes that have been developed in Mauritius to meet the needs of crops that are not reproduced from true seeds.

(2) Any such scheme shall be documented in the form of a protocol and submitted to NPVSO for review.

(3) The protocol shall define clearly the technical procedures that will be followed at each stage of the production and the organisation that is responsible for supervising the scheme.

(4) Where officers are required to carry out specific quality control tasks within the scheme, these persons shall be approved by NPVSO.

(5) Seed inspectors shall have the same rights of access for these crops as specified in regulation 5.

7. Importation of certified seeds

(1) Any seed lot that has been certified under the OECD Seed Scheme, or under an established regional seed scheme, shall be recognised as being certified under these regulations without further testing.

(2) The importer of such certified seed shall retain a copy of the certificate and any other documentation that confirms the status of the seed lot.

8. 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.

FIRST SCHEDULE

[Regulation 5(2)]

APPLICATION TO ENTER A SEED CROP FOR CERTIFICATION

Name of applicant (producer or dealer)

Address of applicant

Contact details

Name of person responsible for growing the crop (if not the applicant)

.....

Location of field

Crop and variety to be grown

Area of crop to be grown

Expected date of sowing/planting

Reference number or origin of seed to be sown

UNDERTAKING

I hereby request NPVSO to enter this crop in the certification scheme.

I agree to follow the guidelines issued by NPVSO for the production of seed of this crop.

I agree to allow inspection of the field and the crop and other seed processing and storage areas and to follow any instructions given by inspectors regarding the field or crop.

I agree to pay any fees applicable to the certification of this crop.

.....

Signature of applicant

.....

Date

Note

Any supplementary information regarding this crop, for example describing its precise location, can be provided on a separate sheet attached to this form.

FOR OFFICIAL USE ONLY

Name of Inspector

Date of inspection

Field approved/rejected*

If rejected, state reason(s)

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Additional remarks on the status of the crop

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Additional remarks or instructions given to grower

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Reference number issued for crop

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Signature of Inspector

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Date

SECOND SCHEDULE

[Regulation 5(7)(b)]

REPORT ON INSPECTION OF A SEED CROP

Crop and variety

Reference number of crop

Confirmation of crop area

Stage of growth/development of crop

This is the inspection of this crop

General condition of the crop and any specific problems observed

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.....
.....
.....

Recommendations to the grower

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Any additional information can be noted on a separate sheet if necessary.

Based on the inspection carried out today, I confirm that this crop –

- meets the requirements of the certification scheme
- does not meet the requirements of the certification scheme
- may be re-inspected

The grower present/absent* at the time of the inspection

.....
Name of Inspector

.....
Signature of Inspector

.....
Date

.....
Office stamp

* Delete as appropriate.

THIRD SCHEDULE

[Regulation 5(12)]

SEED LOT CERTIFICATE

Crop and variety

Total weight of seed lot

Number and type of containers

Season of production/date of harvest

Reference no. of seed crop

Producer/owner* of seed lot

Reference no. of seed lot

Results of laboratory test Purity% Germination %

Other quality attributes assessed

Date of seed analysis certificate No. of seed analysis certificate

I confirm that the seed lot described above complies with all requirements of the certification scheme and may be marketed as certified seed.

.....
Name of Officer-in Charge

.....
Signature of Officer-in Charge

.....
Date

.....
Office stamp
