

*Government Notice No. 231 of 2022***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. Short title**

These regulations may be cited as the Seeds (Sampling and Testing) Regulations 2022.

2. Interpretation

In these regulations –

“Act” means the Seeds Act;

“grow-out test” means a test which is carried out to establish the varietal identity or purity of a seed lot by growing a sample in a field plot;

“official seed sample” means a sample which has been taken by an official or licensed seed sampler according to the procedures specified in the Manual of Procedures for Seed Sampling and Testing issued by NPVSO;

“Official Seed Testing Laboratory” means the laboratory referred to in regulation 3;

“seed analysis certificate” means the certificate which is issued by the Official Seed Testing Laboratory after the analysis of a seed sample has been completed;

“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;

“Senior Seed Analyst” means the analyst in charge of the Official Seed Testing Laboratory;

“statutory sample” means a sample taken from the premises of the owner of a seed lot, or at a point of entry into Mauritius, for the purpose of monitoring or enforcing compliance with the standards specified in the Seeds (Marketing) Regulations 2022.

3. Official Seed Testing Laboratory

(1) For the purpose of section 13 of the Act, there shall be a seed testing laboratory to be known as the Official Seed Testing Laboratory.

(2) (a) The Senior Seed Analyst or any other officer designated by NPVSO shall –

- (i) prepare a manual of procedures for the management of the Official Seed Testing Laboratory and be responsible for implementing those procedures;
- (ii) issue official seed analysis certificates;
- (iii) monitor any other laboratory which is licensed by NPVSO to carry out seed testing under these regulations.

(b) NPVSO may designate any officer of the Official Seed Testing Laboratory to issue seed analysis certificates.

(3) NPVSO may, where it considers necessary, delegate the conduct of specific quality assessments to another laboratory, which is suitably equipped for that purpose.

(4) All procedures for the testing of seeds shall be in accordance with the latest edition of the Rules for Seed Testing published by the International Seed Testing Association (ISTA).

(5) (a) The Senior Seed Analyst shall prepare a Manual of Procedures for Seed Sampling and Testing based on ISTA Rules, for sampling and testing those species for which quality standards have been established under the Act or any regulations made under it.

(b) The Manual of Procedures for Seed Sampling and Testing shall be submitted to, and approved by NPVSO.

(6) (a) NPVSO may, in consultation with the Seeds Committee, license other laboratories to carry out seed testing provided they have the necessary facilities and expertise.

(b) Any such licensed laboratory shall be subject to routine inspection and monitoring by the Official Seed Testing Laboratory.

(c) A laboratory which is licensed under subparagraph (a) shall have a person designated as the Analyst in Charge who shall be responsible for the management of the laboratory and for the test results produced.

(d) Any person designated as the Analyst in Charge shall be required to demonstrate his competence to, and shall be subject to monitoring by, the Senior Seed Analyst.

4. Seed sampling

(1) Sampling of seed lots shall be carried out by officers designated by NPVSO as official seed samplers or by licensed seed sampler as authorised under paragraph (4).

(2) Every official seed sampler shall carry an identification card at all times whilst on duty.

(3) (a) An official seed sampler may enter, at any reasonable time, any premises where seed is being stored or sold, for the purpose of taking a statutory sample.

(b) Where entry is refused, the owner or occupier of the premises shall give reasons for such refusal in writing.

(4) (a) NPVSO may authorise other persons to act as licensed seed samplers to carry out seed sampling provided they have been trained and have passed a proficiency test.

(b) A person who wishes to become a licensed seed sampler shall apply in writing to NPVSO.

(c) Any seed sampler licensed under subparagraph (a) shall be subject to inspection or checking of their work by an official seed sampler.

(d) Licensed samplers shall not have any right of entry to any premises.

(5) The procedures and terminology used in relation to the sampling of seed lots, including minimum sample sizes for each species, shall be in accordance with ISTA Rules on seed sampling.

(6) (a) When a sample is taken from a seed lot, the seed sampler shall fill in the form set out in the First Schedule and that form shall be attached to the sample.

(b) In the case of a statutory sample, the sampler shall indicate clearly on the form referred to in subparagraph (a) that the sample has been taken for statutory purposes and not in response to the request from the owner of the seed lot.

(c) It shall be the responsibility of the sampler to ensure that the sample is delivered to, and registered by, a seed testing laboratory with the minimum of delay.

(7) When a seed lot is in the form of small or sealed packets, special procedures shall be followed by the sampler to maintain the viability of opened packets and to minimise the loss of high-value seeds.

(8) (a) The owner of a seed lot may request a sample to be taken for information purposes and may specify which tests are to be carried out on the sample.

(b) The sampler shall indicate the specification in the form set out in the First Schedule.

(9) The owner of a seed lot may take a sample himself and submit it for testing but the laboratory shall not issue an Official Certificate.

5. Seed testing

(1) (a) Seed testing shall be carried out to determine the purity, germination, moisture content and health status of a seed sample.

(b) The manual of procedures prepared by the senior seed analyst shall include the procedures to be used for these assessments for the species listed in the Seeds (Marketing) Regulations 2022.

(c) Additional tests may be carried out if necessary depending on the requirements or risks associated with a particular crop species and, where appropriate, in consultation with the National Plant Protection Office.

(2) On receipt of a sample at the laboratory, it shall be registered and given a code number that shall be used for all of the tests carried out in the laboratory.

(3) The sample submitted to the laboratory shall be subdivided in such a way as is necessary to carry out the required or requested tests.

(4) (a) On completion of the required or requested tests, the laboratory shall issue an official seed analysis certificate for the seed lot in the form set out in the Second Schedule.

(b) The original certificate shall be signed by the Senior Seed Analyst or a designated officer and sent to the person who requested the tests to be carried out.

(c) In the case of a statutory sample, the official analysis certificate shall be sent to NPVSO.

(d) Official Seed Analysis Certificates shall only be issued by the Official Seed Testing Laboratory.

(5) (a) The seed analysis certificate shall be valid for a period of one year from the date of issue.

(b) Where a new sample is taken from the same seed lot after the expiry of a certificate, a fresh certificate may be issued on the basis of a germination test only.

(6) The laboratory shall keep a copy of every analysis certificate that it issues for a period of 3 years from the date of the test.

(7) (a) For each official test carried out, the laboratory shall keep a reference sample in secure storage for a period of 3 years.

(b) Subparagraph (a) shall not apply to tests carried out for information purposes.

(c) Subparagraph (a) may be waived in the case of high value seeds.

(8) If a grow-out test is considered necessary to assess the varietal purity or identity of a seed lot, a sample of appropriate size shall be allocated for this purpose and shall be delivered to the test location at the next suitable time for growing a crop.

6. Fees

(1) For the purposes of these regulations, the fees specified in the Third Schedule shall be levied by NPVSO.

(2) The same fee shall apply for tests carried out for official purposes or for information.

(3) Where special tests are requested to be carried out on a seed sample, and if the Official Seed Testing Laboratory is equipped for this purpose, NPVSO may determine an appropriate fee for such a test and shall inform the applicant.

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.

FOR OFFICE USE ONLY

Number of samples taken

Date of sampling

Date of delivery to the Official Seed Testing Laboratory

.....
Name of Sampler
.....

.....
Signature of Sampler
.....

Date

Office stamp

Notes

** Delete as appropriate.*

Additional notes or information may be recorded on the other side of this form.

In the case of a statutory sample, the reason for taking the sample shall be stated.

SECOND SCHEDULE

[Regulation 5(4)]

OFFICIAL SEED ANALYSIS CERTIFICATE

This certificate confirms that the seed lot described below has been tested by the Official Seed Testing Station and complies with the minimum standards of quality as set out in the Seeds (Marketing) Regulations 2022

Crop and variety

Brand and reference number of seed lot

Quantity of seed (Total weight or number of units)

Owner/producer* (Company/Individual*)

Address of owner/producer

..... (Company address/Residential address of individual*)

Date of issue of certificate Certificate no.

This certificate is valid for one year from the date of issue.

Results of test

Purity (%) No. of weed seeds found

Germination (%) Moisture content (%)

Health tests

.....

.....

.....

Name of Senior Seed Analyst

Signature of Senior Seed Analyst

.....

Office stamp

Date



THIRD SCHEDULE

[Regulation 6]

FEES

| | | (Rs) |
|----|------------------------|-------------|
| 1. | Sampling for seed lot | 50 |
| 2. | Sampling on site | 500 |
| 3. | Testing of seed sample | 20 |
| 4. | Re-testing | 10 |
