

CHAPTER 308
THE SEEDS ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

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SCHEDULE

CHAPTER 308

THE SEEDS ACT

An Act to make provisions for the control and regulation of the standards of agricultural seeds and for matters incidental to and therewith.

[1st February, 2005]

[GN. No.85 of 2005]

Acts Nos.
18 of 2003
2 of 2010
4 of 2014
3 of 2020

PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Seeds Act.

Interpretation

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

“advertisement” includes any statement, picture, design or device-

(a) published in any newspaper or other publication in general circulation to the public; or

(b) contained in any publication or any other matter in any form which is distributed to members of the public through the public or brought to the public in any other manner;

“analyst” means a person appointed or designated as analyst pursuant to section 8;

“basic grade” with respect to seeds means the approved progeny of breeders seed produced by seed growers authorised by the institute for production of this grade and which has been managed as to maintain genetic purity and identity to provide a source for the initial and recurring increase of seeds; or if of foreign origin, that the seed is certified by a recognised certification agency or by the Chief Seed Quality Controller as being of basic grade;

“breeders grade” means approved seed of a variety that has been produced by the breeder responsible for breeding and maintenance of that variety under condition which ensure that the specific characteristics of the variety are maintained and which provide the source for the initial land recurrent increases of seeds of the pedigree grades; or if of foreign origin, that the seed is certified by a recognised certification agency as being of breeders grade;

“Certification Institute” means an Institute appointed by the Minister pursuant to section 11;

“certified grade” means the approved progeny of breeder, foundation, registered or certified seed managed to maintain satisfactory genetic identity and purity the production of which is supervised and approved by the Institute and which provides the source of the initial and recurring increase of seeds; or if of foreign origin, that the seed is certified by a recognised certification agency or by the Chief Quality Controller as being of certified grade;

“Committee” means the National Seed Committee established under section 3 of this Act;

“class name” includes any mark, description or designation of a class;

“inspector” means a person appointed or designated as an inspector pursuant to section 8;

“Director” means a person responsible for agricultural development;

“label” includes any legend, word, mark, symbol or design applied or attached to, included in, belonging to or accompanying any seed or package;

“Minister” means the Minister responsible for agriculture;

“noxious weed seed” means any seed potentially injurious to agriculture so declared by the Minister by notice published in the *Gazette* to be noxious weed seed for the purposes of this Act;

- “package” includes a sack, bag, barrel, case or any other container in which seed is placed or packed;
- “place” includes any building, vehicle, vessel, railway, car or aircraft;
- “person” includes an individual, corporation, society, association, enterprise, trustee, receiver or any other institution;
- “Quality Declared Seed” means seed produced by a registered smallholder farmer which conforms to the specified standards for crop species concerned and which has been subject to the quality control measures prescribed in the regulations to be made under this Act;
- “Recognised Certification Agency” means a registered certification agency of a country, which is a member to an International Seed Organisation to which Tanzania is also a member or an official seed certification agency from a country, whose seed quality standards have been approved by the Director to be similar or higher than those prescribed under this Act or regulations;
- “standard seed” means emergency seed authorised for use by the Minister;
- “seed” means that part of plant which is or is intended to be used for propagation and includes any true seed, any vegetative material including seedling, corn, cutting, bulb, bulbil, layer, marcott, root, runner, scion, set, split, stem, stock, stump, sucker or tuber used or intended to be used;
- “seed dealer” includes importers, exporters, processors, producers, sellers and distributors of seeds and owners of seed testing laboratories or any other person dealing with seed under this Act;
- “sell” includes sell, offer for sell, expose for sell, have in possession for sale, and distribution or give away;
- “sub-committee” means seed sub-committee established under section 7;
- “Tanzania Pedigree Class” means a class that contains one of the words;

“Breeders”, “Basic”, “Certified 1”, “Certified 2”, where 1, means first generation and 2 means second generation;
 “variety” means plant variety;
 “weed seed” means any plant injurious to agriculture, which is declared to be so by the Minister for the purpose of the Plant Health Act.

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PART II

ESTABLISHMENT OF THE NATIONAL SEEDS COMMITTEE

Establishment of
National Seeds
Committee

3. There is hereby established a technical Committee to be known as the National Seeds Committee.

Committee
membership
Act No.
2 of 2010 s. 31

4.-(1) The National Seeds Committee shall be composed of the following members-

- (a) the Chairman appointed by the Minister among persons not holding any political post or Chief Executives of the Government;
- (b) the officer responsible for co-ordination and supervision of the seeds industry in the Ministry and shall be the secretary to the Committee;
- (c) the head of the division in the Ministry for the time being responsible for crop research;
- (d) the head of the division in the Ministry for the time being responsible for crop development;
- (e) the Chief Seed Quality Controller; and
- (f) the Registrar of Plant Varieties.

(2) The Minister shall appoint the following to be members of the National Seeds Committee-

- (a) a representative from the Tanzania Seed Trade Association;
- (b) a representative from higher learning institution responsible for agriculture; and
- (c) a representative from seed consumers' association.

(3) The Chairman of the Committee may after consultation with members co-opt other members to attend and speak on any matter at any meeting of the Committee, but a person co-opted shall not have the right to vote.

Functions of
Committee

5.-(1) The National Seeds Committee shall be a stakeholders' forum responsible for advising the Government on all matters relating to the development of the Tanzania seed industry.

(2) Without prejudice to the generality of subsection (1), the functions of the National Seeds Committee shall include to-

- (a) advise the Ministry on formulation and implementation of the seed industry policy and implementation of guidelines;
- (b) advise the Ministry on the implementation and amendment of the seeds legislation;
- (c) advise the Minister on all matters relating to seeds;
- (d) give general advice in the co-ordination and supervision of the seed industry;
- (e) advise the Minister on approval of plant varieties.

Meetings of
Committee

6. The Committee shall regulate its own procedures of conducting its meetings.

Establishment of
sub-committees

7. The National Seeds Committee may, for the purpose of effective implementation of the functions of the Committee, establish such number of sub-committees to perform specific functions as it may deem necessary.

Seed inspector,
sampler and
analyst
Act No.
4 of 2014 s. 20

8.-(1) The Minister shall, by notice published in the *Gazette*, appoint or designate qualified persons to be Chief Seeds Certification Officer, seeds inspectors, samplers and analysts who shall exercise powers in accordance with the provisions of this Act.

(2) For proper seeds inspection, the Minister may, in consultation with the Minister responsible for local government, establish the modalities for the appointment and accountability of the inspector, samplers or analysts of the local government authorities levels.

(3) Every officer appointed or designated pursuant to subsection (1) shall be issued a certificate, identity card or a document as a proof of his appointment or designation and such documents shall be produced on entering at any place in the exercise of powers under this Act.

(4) The Chief Seeds Certification Officer may permit an analyst to perform internal seeds quality control for a private specified producer, processor and seller or distributor of seeds.

Engagement in
seed activities
Act No.
4 of 2014 s. 21

9.—(1) A person shall not, when holding the office of Chief Seeds Inspector Certification, inspector, sampler or analyst, engage in any business connected to seeds production, processing, marketing, importation, exportation or distribution either by himself or by agent.

(2) A person who contravenes subsection (1), commits an offence and on conviction, shall be liable to a fine of not less than five million shillings and not more than ten million shillings or to imprisonment for a term of not less than three years and not more than five years or to both.

(3) For the purposes of section 8 and this section “authorised inspector, sampler and analyst” means a persons authorised to undertake seed quality control activities for and on behalf of the Tanzania Official Seed Certification Institute.

[s. 8A]

Issuance of
permits

10. The Chief Seed Quality Controller may permit a private specified producer, processor, seller or distributor to employ an analyst appointed under section 8 to effect the internal seed quality control.

[s. 9]

Establishment of
Seed Certification
Institute

11.—(1) There is hereby established a body cooperate to be known as the Tanzania Official Seeds Certification Institute or in its acronym “TOSCI” which shall-

- (a) have perpetual succession and a common seal;
- (b) be capable of entering into contracts in its own name;
- and

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(c) be capable of purchasing or acquiring any movable and immovable property.

(2) Any proceedings against the Institute in contract may only be instituted by or against the Government in accordance with the Government Proceedings Act.

(3) The provisions of the Schedule to this Act shall have effect as to the constitution, tenure of office, management and proceedings of and other matters relating to the Governing Council of the Institute.

[s. 10]

Delegation
of powers of
Minister

12.—(1) The Minister may, with the exception of his power of delegation, assign or delegate some or all of his powers under this Act to any competent institution or individual.

(2) Every assignment or delegation shall be revocable at will, and delegation shall not prevent the exercise of any power by the Minister.

(3) In exercising the powers of delegation, assignment or appointment, the Minister may enter into contracts with competent institutions or individuals under such terms and conditions as the Minister may determine.

[s. 11]

Minister to make
orders

13. The Minister may make orders—

- (a) prescribing the varieties of the seeds of which may be sold in Tanzania or imported into Tanzania;
- (b) classifying the species of plants the seeds of which he deems are weed seeds or noxious seed weed in relation to seed classes under this Act;
- (c) in respect of the detention of anything seized or placed under stop sale under the provisions of this Act and for the preservation or safeguarding anything detained; or
- (d) in respect of the disposition of anything forfeited to the Government under this Act.

[s. 12]

PART III

IMPORTATION, EXPORTATION AND SALES OF SEEDS

Condition for
importation,
exportation and
sale of seeds

14.—(1) A person, who intends to deal with importation, exportation, production, processing, distribution, sale or advertisement for sale of seeds shall obtain a permit from the Director or any other person authorised by the Director.

(2) The Director shall, before granting the permit or licence required under subsection (1) ensure that the standards and conditions for importation, production, processing, distribution, sale or advertisement for sale of seeds, as provided for in the Plant Health Act and in this Act, have been complied with.

(3) The Minister shall for the purpose of this Act, prescribe the plant varieties and standards of the seeds for importation, exportation, production, processing and distribution.

(4) A person who contravenes or fails to comply with a provision of this section, orders or regulations made under this Act in respect of matters specified in this section, commits an offence.

[s. 13]

Seeds standards
Act No.
4 of 2014 s. 22

15.—(1) A person who-

- (a) sells, displays for sale, imports, exports any seed under a class name or designation so closely resembling a class name prescribed under this Act so as is likely to be mistaken; or
- (b) applies, to any seed or package containing seed, a class name prescribed under this Act so as is likely to be mistaken,

shall have the duty to ensure that, the seed meets the requirements prescribed for the class name and is marked, packed and labeled according to the provisions of this Act.

(2) A person who, produces or acquires any prescribed seed which has not been tested pursuant to this section or deemed to have been tested under this Act and intends to sell the same for

sowing, shall, prior to offering the same for sale, cause a sample to be taken in the manner prescribed, and delivered to the institute together with a written statement specifying the origin, kind, variety and quantity of the seed, and other particulars as may be prescribed and pay the fees required for testing.

(3) A person who sells for sowing, any prescribed seed which has been tested or deemed to have been tested in accordance with the provisions of this Act and found to conform to the prescribed standards shall-

- (a) where the prescribed seed is sold in sealed containers, cause to be printed or stamped upon each container a label attached or enclosed in clear and legible letters or figures, the following particulars-
 - (i) the name and address of the dealer;
 - (ii) the seed class;
 - (iii) the name and percentage by weight of each in the mixture, in order of its predominance;
 - (iv) the name of the variety of each plant species in the mixture;
 - (v) the germination percentage of each component of the mixture, in order of its predominance;
 - (vi) month and year of germination test;
 - (vii) in the case of a seed that is imported, the name of the country of production; and
 - (viii) such other particulars as may be prescribed in the regulations.
- (b) where the prescribed seed is sold in bulk quantities and a seller is-
 - (i) a person who caused the test to be made, furnish to the buyer at the time of sale a statement in writing in the prescribed form, containing the name and address of the certifying agency where the test was made, the date of the test, and a declaration of the seller that the bulk quantity sold is all or part of that from where tested was taken, together with such other particulars as may be prescribed in the regulations;

- (ii) not a person who caused the test to be made or furnished a copy of the statement to the buyer at the time of sale, in accordance with the provisions of subparagraph (i); or
 - (iii) a person who caused such test to be made, endorse there upon a declaration that the bulk quantity sold is all or part to which the statement related at the time he procured the same, together with a statement of the seller containing other particulars as may be prescribed in the regulations.
- (4) A registered seed dealer shall not produce, process, test, sale, import, export or distribute any seed unless-
 - (a) such seed is an approved variety for use in Tanzania and its production, processing, testing, sale or importation has been made subject to conditions or limitations prescribed in this Act;
 - (b) such seed conforms to the standards of germination and purity and other requirements prescribed;
 - (c) such seed is packed in a container that complies with the requirements prescribed in the regulations;
 - (d) where it is imported, the genus, species and variety of such seed, and the country of its origin, is shown in the invoice or delivery not accompanying such seed at the time of its importation; or
 - (e) such seed has previously been tested in accordance with the provisions of this Act and has been found to be of standards of germination and purity prescribed for such seed.
- (5) A person who-
 - (a) sells seed which is not certified under the provisions of this Act;
 - (b) sells or intends to sale or distribute any seed which upon test by the authorised inspector or the institute is found not to conform to the standards of germination

and purity prescribed for such seed, or is one reported in the prescribed test results not be sold by any person for sowing;

- (c) sells for sowing, any prescribed seed under any description other than its varietal name;
- (d) sells in bulk quantities, any seed for sowing, without having in his possession or under his control, a prescribed certificate or a copy issued or furnished under this Act;
- (e) sells certified seed or imported certified seed, for sowing, and fails to furnish to the buyer, at the time of such sale, a prescribed certificate or a copy of certificate required to be furnished in respect of such seed; or
- (f) tests, or purports to test, any prescribed seed, in any place not being registered or approved by the Institute, commits an offence and on conviction, shall be liable to a fine of not less than one hundred million shillings and not more than five hundred million shillings or to imprisonment for a term of not less than five years and not more than twelve years or to both.

(6) On conviction for an offence under this section, the court may in addition to a penalty imposed, order any seed or equipment used in commission of offence to be forfeited or destroyed, without compensation.

(7) It shall be a responsibility of a seed dealer to ensure quality of his own seed by establishing internal system of quality control and adherence to the provisions of this Act.

(8) It shall be the duty of the Chief Seeds Certification Officer, inspector, sampler or analyst to establish the extent of damage suffered by another as a result of offence committed under this Act.

[s. 14]

Compensation
for loss caused
by seed
Act No.
4 of 2014 s. 22

16.—(1) Where a person is convicted by a court of any offence for contravention of section 15, and it appears from the evidence of Chief Seeds Certification Officer, inspector, sampler or analyst that some other person, being a farmer or

a person who ordinarily is expected to use seeds which are the subject of the offence committed, has suffered material loss or personal injury in consequence of the offence committed and that substantial compensation is, in the opinion of the court, recoverable by that person by civil suit, the court may, in its discretion and in addition to any other lawful punishment, order the person convicted to pay to that other person such compensation, in kind or in money, as the court deems fair and reasonable.

(2) Where a person is convicted of any offence under section 15, the power conferred on the court by subsection (1) shall be deemed to include a power to award compensation to any purchaser of any seeds in good faith in relation to which the offence was committed for the loss of crops that ordinarily would have been grown or such other pecuniary loss that is directly or indirectly caused if the seed failed to grow or is destroyed or otherwise declared to be unfit for use.

[s. 14A]

PART IV

REGISTRATION OF SEEDS DEALERS

Registration of
seed seller
Act No.
4 of 2014 s. 23

17.—(1) A person shall not deal in seed business in Tanzania, unless he is registered in accordance with the provisions of this Act.

(2) A person who imports, exports, produces, processes, distributes or sells shall, before commencing the business, register with the Institute.

(3) A person, who owns or operates a seed processing factory or seed testing laboratory shall, before commencing business, obtain certificate of registration from the Institute.

(4) An application for registration under this section shall be made to the Institute in the form and manner prescribed in the regulations.

(5) The Chief Seeds Certification Officer shall, after receipt of application and upon being-

- (a) satisfied that the applicant complies with the prescribed requirements, enter the name, address and principal business address of the applicant in the appropriate register as a registered seed dealer and issue certificate of registration in the prescribed form; or
- (b) dissatisfied that the applicant complies with the prescribed requirements, require the applicant to correct the defects in the application or refuse to register the applicant.

(6) The Institute shall, if it deems necessary for the purposes of consideration of the application, make inspection on such holdings, warehousing, storage and other facilities which the applicant proposes to use in the business of a seed dealer.

(7) Any registration under this section shall, unless cancelled, be valid until the expiry of time provided for in the registration certificate.

(8) A person who contravenes preceding provisions of this section commits an offence and on conviction, shall be liable to a fine of not less than five million shillings and not more than ten million or to imprisonment for a term of not less than three years and not more than five years or to both.

[s. 15]

Issuance of
certificate of
registration

18.-(1) The Director shall, after granting the registration, issue a certificate of registration to a seed dealer subject to such terms and conditions as may be determined by the Minister.

(2) A registration certificate granted shall be conspicuously displayed on the business premises of a registered seed dealer.

[s. 16]

Cancellation
of certificate of
registration

19.-(1) The Director may, where he is satisfied that any conditions subject to which a seed dealer was registered have not been complied with, cancel the certificate of registration issued to a seed dealer.

(2) The Director shall not cancel the registration of a seed dealer under this section unless the dealer has been given an opportunity to show cause as to why the registration should not be cancelled.

[s. 17]

Appeals

20. A person who is not satisfied by the decision of the Director for refusal of registration, cancellation of registration or permit under the provisions of this Act may, within thirty days, appeal to the Minister whose decision shall be final.

[s. 18]

Prohibition

21.—(1) A person shall not—

- (a) import, export, produce, process, distribute or sell seeds unless he is registered as such under this Act; or
- (b) test, process or multiply seeds otherwise than in a registered laboratory seed processing factory or a seed multiplication farm.

(2) Notwithstanding subsection (1), this Act shall not be construed as preventing the sale of quality declared seeds as such to a neighbour farmer, whereby such seeds are grown by a smallholder farmer for use as seeds in his own farm.

(3) Where a registered seed dealer contracts any person to import, export, produce, process, distribute or sell seeds, that person shall be bound by the terms and conditions provided for under this Act.

[s. 19]

Duty to keep records

22.—(1) Every producer, processor, seller or distributor of seeds shall have the duty to keep within his premises, detailed records, by lot, of seed produced, purchased, sold, tested, and labelled or treated and such records shall be provided to the inspector whenever requested.

(2) A person who contravenes the provisions of this section, commits an offence and on conviction shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three months or to both.

[s. 20]

Approval and
listing of varieties

23.—(1) The Minister shall upon advice by the National Seeds Committee approve any new plant variety.

(2) The Director shall establish and maintain a national catalogue of approved plant varieties and shall cause to be entered therein varieties imported, sold or distributed in Tanzania.

(3) Subject to the recommendations of the National Seeds Committee, the Director shall publish in the *Gazette* the seed varieties entered in the national catalogue.

[s. 21]

Powers of
inspectors

24.—(1) An inspector may, at any reasonable time, enter any place where he reasonably believes there is any seed to which this Act applies and may open any package found therein that he has reasons to believe contains such seed and may sample the same for the purpose of ensuring that the provisions of this Act or of any regulations or orders made under this Act are being complied with.

(2) An inspector may, for the purposes of securing compliance with the provisions of this Act or of any regulations or orders made under this Act or for the purposes of detecting and establishing any breach of any such provisions-

- (a) conduct field inspection and or take samples of any seed found in any package or place and submit such samples to the official seeds testing laboratory for testing; or
- (b) require any person to produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading or other documents or papers relating to any seed to which this Act applies.

(3) The owner or person in charge of any premises described under this section and every person found therein, shall give to an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and functions under this Act.

(4) An inspector may where he has reasonable grounds, that any of the provisions of this Act or regulations or orders made under this Act has been violated, seize, issue or stop sale of the seeds or package by means of or in relation to which the violation was committed:

Provided that, any seeds or package seized or placed under stop sale pursuant to this subsection shall not be detained after-

- (a) the provisions of this Act and the regulations and orders have, in the opinion of the Inspector, been complied with; or
- (b) the expiration of three months from the day of seizure or stop sale, unless before that date proceedings have been instituted in respect of the violation, in which event the seeds or package may be detained until the proceedings are finally concluded.

(5) An inspector shall, before inspection of the premises, take such steps as are reasonably practical to afford the owner of any seeds an opportunity to be present while an inspection under this Act is being carried out.

[s. 22]

Substandard
seeds
Act No.
4 of 2014 s. 24

25.—(1) Where an inspector is satisfied that any seed regulated by this Act is unfit for intended purpose or the provisions of this Act, he may-

- (a) affix to that seed a mark, seal or other designation to stop selling such seed or seed lot;
- (b) without compensation, destroy or dispose of that seed in any way at owner's cost; or
- (c) take such seed to a post-entry quarantine station for further inspection, treatment and disposal.

(2) An inspector shall, before destroying or disposing of any seed in any way other than in accordance with subsection (1)-

- (a) record or cause to be recorded-
 - (i) a description or other particulars of the seed or seed lot;

- (ii) description of premises where the seed was found;
 - (iii) any witness available and his signature; and
 - (iv) the grounds upon which his decision have been made.
- (b) forward a report containing particulars stipulated in paragraph (a) to the Chief Seeds Certification Officer.
- [s. 22A]

Obstruction of
inspectors

26. A person, being the owner or person entrusted with the charge and custody of any seed lot who-

- (a) refuses to allow the inspector to take a sample of the seed from any premises which he is authorised under this Act to take a sample or who otherwise wilfully delays or obstructs the inspector; or
- (b) wilfully makes false or misleading statement either verbally or in writing to the inspector or other official engaged in carrying out his duties or functions under this Act,

commits an offence.

[s. 23]

Analysis of
sample

27. An analyst, who receives a sample taken under the provisions of this Act from an inspector, shall as soon as is practicable analyse the same, and shall give a report in the prescribed form specifying the result of the analysis.

[s. 24]

Recognition of
seed certification
agencies of
foreign countries
Act No.
3 of 2020 s. 80

28. The Minister may, on the recommendation of the Institute and by notice published in the *Gazette*, recognise for the purposes of this Act, any seed certification agency established in any foreign country.

[s. 24A]

Tempering with
samples

29. Any person, who fraudulently tampers or interferes with any seed lot that any sample of it is taken or submitted for analysis under this Act does not correctly represent the seed

lot, or fraudulently tampers or interferes with any sample taken or submitted for analysis under this Act, commits an offence.

[s. 25]

PART V

MISCELLANEOUS PROVISIONS

Offences and
penalties
Act No.
3 of 2020 s. 81

30.—(1) A person, who contravenes a provision of this Act or of any subsidiary legislation made under this Act, commits an offence and on conviction except as otherwise provided, shall be liable to a fine of not less than one million shillings but not exceeding fifty million shillings or to imprisonment for a term not exceeding five years or to both.

(2) The court may, in addition to any penalty imposed under this Act, order any article in respect of which such offence has been committed or which has been used for the commission of such offence to be forfeited.

(3) The Minister shall be responsible for the disposal of anything forfeited to the Government under subsection (2).

(4) Where an offence has been committed and by reason of that commission a person has suffered a direct damage or loss of his property, the court may, in addition to the penalty provided for under subsection (1), order the offender to compensate the person who has suffered such loss or damage.

(5) The court may, in the case of a persistent offender, order, in addition to penalties provided for under this section, the withdrawal of any permit or, certificate of registration or any other right held by the offender under this Act.

[s. 26]

Offences by body
corporate or firm

31.—(1) Any act which if done by an individual would be an offence against this Act or any regulations or orders made under this Act shall, if done by a body corporate, be an offence by every director, secretary and manager thereof unless he proves that the offence was committed without his consent or

connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all circumstances.

(2) Where an offence against this Act or any regulations or orders made under this Act has been committed by a partner in a firm, every person who at the time of the commission of the offence was partner in that firm, or was purporting to act in that capacity, shall be deemed to have committed that offence unless he proves that the offence was committed without his consent and or connivance and he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

[s. 27]

Evidence

32.—(1) Any document purporting to be a report under the hand of an analyst appointed under the provisions of this Act, on any sample duly submitted to him for analysis and report, may be admitted in evidence in any civil or criminal proceedings relating to the seed sampled without further proof, and shall be sufficient evidence of the facts stated therein unless the defendant or person charged requires that the analyst be called as a witness.

(2) Where the defendant or person charged requires that the analyst be called as a witness, he shall pay any reasonable costs incurred by such analyst in attending the trial.

(3) A sample which has been taken in the prescribed manner by an inspector shall, unless proved otherwise be deemed to be of the same composition to have the same qualities and to possess in all other respects the same properties of the seed lot from which it was drawn.

[s. 28]

Limitation

33. Proceedings in respect of an offence under this Act or under any subsidiary legislation made under this Act shall not be instituted after the expiry of two years from the date when

the subject matter of the proceedings arose, if the offence is a misrepresentation of the plant variety name or purity of the plant variety.

[s. 29]

Indemnity
Cap. 16

34. Without prejudice to the provisions of section 284A of the Penal Code, matter done by any person exercising or purporting to exercise any function under this Act or under any subsidiary legislation made under this Act shall not if done in good faith in the execution or purported execution of the functions under any of the provisions of this Act or such subsidiary legislation, subject any such person to any action liability, claim or demand whatsoever.

[s. 30]

Exempted sales

35.—(1) The provisions of this Act shall not apply to a sale, offer or exposure for sell, where such sale is made by a bailiff, court broker or other officer in the course of executing any order or process of a court.

(2) The term “sell” under subsection (1) shall not be construed to mean selling of seeds or anything, which otherwise does not meet quality standards prescribed under this Act or regulations made under this Act.

[s. 31]

Repeal and
savings

36.—(1) [Repeals Seed (Regulations of Standards) Act, No. 29 of 1973]

(2) Notwithstanding subsection (1), any applicable regulations, rules, order or notice made under the repealed Act, shall remain in force until such time as it is revoked, cancelled or replaced.

[s. 32]

Compounding
of offences
Act No.
3 of 2020 s. 82

37.—(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act or any other sector legislation, the Chief Seed Certification Officer or a person authorised by him in writing may, at any time prior to the

commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding one half of the amount of fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where the person fails to comply with compounding order issued under this section within the prescribed period, the Chief Seed Certification Officer or a person authorised by him may, in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where the person fails to comply with subsection (2), the Chief Seed Certification Officer may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Chief Seed Certification Officer shall submit quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.

(5) Forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.

[s. 32A]

Power to make
regulations
Act No.
3 of 2020 s. 83

38.—(1) The Minister may, after consultation with the Committee, make regulations for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations—

- (a) prescribing various forms to be applied under various provisions of this Act;
- (b) prescribing the manner in which—
 - (i) returns and information shall be rendered or furnished;
 - (ii) seeds intended for sale shall be packed, labelled, marked and sealed, and the manner in which seeds may be advertised or exposed for sale; and
 - (iii) seed samples are to be taken and dealt with;
- (c) prescribing the methods by which analyses are to be carried out by analysts under the provisions of this Act;

- (d) prescribing the terms and conditions and the manner in which seed may be inspected, classified and tested;
 - (e) prescribing the minimum field and seed standards for pre-basic, basic, certified 1, certified 2, quality declared seed and also seed standards for standard seed class;
 - (f) prescribing standards for a seed testing laboratory, processing factory, seed warehouses, seed selling or distribution points shops;
 - (g) prescribing procedures for the establishment of quality declared seed production;
 - (h) prescribing the fees that may be charged for any services rendered under this Act; and
 - (i) generally prescribing anything which requires to be prescribed under this Act.
- (3) The Minister may restrict the application of any of the regulations made under the provisions of subsection (1) to specialised areas or to any group or groups of people or premises.
- (4) Regulations made under this section may provide for penalties for the breach thereof not in excess of the penalties mentioned in this Act.
- (5) All regulations made under this section shall be published in the *Government Gazette*.

[s. 33]

SCHEDULE

(Made under section (11)(3))

CONSTITUTION, FUNCTIONS AND MANAGEMENT OF THE SEED CERTIFICATION INSTITUTE

Management of
institute

1. The power to carry out the functions and management of the business and affairs of the Institute shall be vested in the Institute's management committee.

Constitution of
Management
Committee

2.-(1) The Management Committee of the Institute shall comprise of the following members-

- (a) one member from the Crop Development Division of the Ministry of Agriculture responsible for seed issues;

	(b) the Head of the National Post-entry Plant Quarantine Station; (c) one member from the Research and Development Division of the Ministry of Agriculture, responsible for biotechnology issues; and (d) the Chief Seed Certification Officer who is the head of the Tanzania Official Seed Certification Institute.
	(2) The Minister shall appoint the Chairman of the Management Committee and one member from the Tanzania Seed Trade Association to be a member of the Management Committee.
Term of management committee members	3. Members of the Management Committee shall hold office for a period of three years and shall be eligible for re-appointment.
Quorum	4.-(1) Three members of the Management Committee shall constitute a quorum at any meeting and all decisions to be arrived at by the Management Committee shall be decided by a simple majority of the members present. (2) Each member of the Management Committee shall have one vote and in the event of equality of votes, the Chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.
Minutes of Management Committee	5. Minutes in proper form of each meeting of the Management Committee have to be properly kept and shall be confirmed by the Management Committee at its next sitting and signed by the Chairperson of the meeting.
Procedures	6. The Management Committee shall have power to regulate its procedures in respect of meetings and proper conduct of its business.
Functions of Institute	7.-(1) The Institute shall have the following duties to- (a) conduct seed field inspections; (b) effect sampling and testing; (c) conduct seed inspections; (d) accredit seed sampling and seed testing laboratories; (e) charge fees or otherwise generate revenue from the services rendered; (f) ensure that the revenue accruing from the fees or any other charge guarantees sustainable and quality services; (g) train seed producers, seed inspectors and seed analysts; (h) liaise with other International Organisations such as the International Seed Testing Association on seed related issues; (i) carry out variety performance tests; and (j) carry out pre and post control tests. (2) The Institute shall not engage itself, directly or indirectly in any trade or business connected with the production, processing, importation, sale or distribution for sale of any seed.

Appointment of institute's Chief Certification Officer	8. The Minister, in consultation with the Management Committee, shall appoint the Chief Certification Officer.
Management Committee may appoint employees of Institute	9. The Management Committee may, appoint at such salaries and upon such terms and conditions such officers and employees, for the proper and efficient performance of the Institute's functions and it may grant pensions gratuities and allowances to any officer or employee and appoint or employ agents and contractors as it may deem necessary.
Seal of Institute	10. —(1) There shall be a Common Seal of the Institute which shall be of such shape, size and form as the Management Committee may determine. (2) The Seal of the Institute shall not be affixed to any instrument except in the presence of the Principal and one Management Committee member.
Accounts and audit	11. The Institute shall keep and maintain proper books of accounts and records relating to its transactions in accordance with acceptable accounting standards— (a) the financial year of the Institute shall end on 30 th June of each year; (b) the books of accounts shall be audited at the end of each financial year by an authorised auditor duly registered under the Accountants and Auditors (Registration) Act, and the auditors shall be appointed by the Management Committee; (c) the accounts and reports of the auditors shall be submitted to the Management Committee not later than four months after the end of each financial year, and the Management Committee shall submit a copy of the audit report to the Institute within two months after they have been audited; and (d) the Institute shall submit a copy of the Institute's Audit Report to the Minister.
Cap. 286	