

THE SEEDS (REGULATION OF STANDARDS) ACT, 1973

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THE UNITED REPUBLIC OF TANZANIA



No. 29 OF 1973

I ASSENT,

Julius K. Nyerere
 President

6th...DECEMBER, 1973

An Act to make provision for the control and regulation of agricultural seed standards and for matters connected therewith and incidental thereto

[_____]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Seeds (Regulation of Standards) Act, 1973 and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

Short title and commencement

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

"analyst" means a person appointed or designated as an analyst pursuant to section 7;

"Certification Agency" means the Tanzania Official Certification Agency established under this Act;

"common seed" with respect to seed means seed of any kind that has no pedigreed status, a variety of which is authorized for sale in Tanganyika;

"grade name" includes any mark, description or designation of a grade;

"inspector" means a person appointed or designated as an inspector pursuant to section 7;

"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 for the time being responsible for agriculture;

"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;

"prescribed" means prescribed either by regulations made under section 5 or by orders made under section 6 -

Interpretation

"seed" means the seed of any cereal, forage, legume, tree, turf, root, vegetable, tobacco, fibre or oil bearing crop, grown, sold or offered for sale for the purposes of propagation;

"sell" includes sell, offer for sale, expose for sale, have in possession for sale and distribute or give away;

"Tanzania pedigreed grade" means a grade that contains one of the words "breeders", "foundation" or "certified" as part of the grade name.

General
restrictions
as to sale,
importation
and
exportation
of seed

3. (1) Except as may be prescribed otherwise, no person shall-

- (a) sell, import into Tanganyika or export out of Tanganyika any seed grown or produced in Tanganyika unless the seed conforms to the prescribed standard and is marked and packed and the package is labelled in the prescribed manner; or
- (b) sell or advertise for sale in Tanganyika seed of a variety that is not prescribed for sale or importation into Tanganyika.

(2) Any person who contravenes or fails to comply with the provisions of this section or of any regulations or orders made under this Act in respect of the matters specified in this section shall be guilty of an offence.

General
prohibition
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importation
or
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of seed
except in
accordance
with
prescribed
requirements

4. (1) No person shall-

- (a) sell, import into Tanganyika or export from Tanganyika any seed under a grade name or designation so closely resembling a grade name prescribed under the provisions of this Act as to be likely to be mistaken therefor; or
- (b) apply to any seed or package containing seed a grade name or other designation so closely resembling a grade name prescribed under the provisions of this Act as to be likely to be mistaken therefor.

unless the seed meets the requirements prescribed for the grade, has been graded and inspected as required by the regulations or orders and is marked and packed and the package is labeled in the prescribed manner.

(2) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence.

Regulations

5. The Minister may make regulations for any purpose for which regulations may be made under this Act and generally for the purpose of carrying this Act into effect and, in particular, but without prejudice to the generality of the foregoing provisions, may make regulations-

- (a) establishing a certification agency to ensure the varietal purity of all foundation and certified seed produced in Tanganyika;
- (b) prescribing the terms and conditions under which and, the manner in which seed crops may be inspected or seeds may be graded, or tested;
- (c) prescribing the minimum standards of purity germination, quality and disease for seeds;
- (d) respecting the packing and marking of seeds and labeling of the packages thereof;

- (e) prescribing the terms and conditions under which varieties, of a kind may be certified;
- (f) for exempting any seed or any person from the operation of all or any of the provisions of this Act or of any subsidiary legislation made hereunder;
- (g) respecting the taking of samples and the testing of seeds for the purposes of this Act;
- (h) respecting the fees that may be charged for any services provided or for anything to be done under this Act;
- (i) prescribing the forms to be used and the particulars to be furnished for any of the purposes of this Act;
- 0) generally prescribing anything which is by this Act required or authorized to be prescribed.

6. The Minister may make orders-

- (a) prescribing the varieties of seeds that may be sold in Tanganyika or imported into Tanganyika;
- (b) prescribing the species of plants the seeds of which he deems are weed seeds for the purpose of establishing grades under this Act;
- (c) respecting the detention of anything seized or placed under stop sale under the provisions of this Act and for preserving or safeguarding anything so detained;
- (d) respecting the disposition of anything forfeited to the Government' under this Act.

Matters in which Minister may make order

7.-(1) The Minister may appoint or designate fit and proper persons to be inspectors or analysts who shall have and exercise powers generally respecting seeds as are provided for in this Act or as may be prescribed.

Appointment of inspectors and analysts

(2) Every person appointed or designated as an inspector under this section shall be furnished with a certificate or other document showing proof of his appointment or designation and on entering any place in exercise of his powers under this Act shall, if so required, produce the certificate or other document to the person in charge thereof.

8.-(1) Any inspector may, at any reasonable hour 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 reason to believe contains any 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 hereunder are being complied with.

Powers of inspectors

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

- (a) take samples of any seed found in any package or place, and shall submit such samples to the official seed laboratory for testing;

(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 place described in this section and every person found therein shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and functions under this Act and shall furnish him with such information with respect to the administration of this Act and the regulations and orders made hereunder as the inspector may reasonably require.

(4) Whenever an inspector believes on reasonable grounds that any of the provisions of this Act or of regulations or orders made hereunder has been violated, he may seize or stop sale the seed or package by means of or in relation to which he reasonably believes the violation was committed:

Provided that any seed 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 six months from the day of seizure or stop sale unless before that time proceedings have been instituted in respect of the violation, in which event the seed or package may be detained until the proceedings are finally concluded.

(5) Any person who-

- (a) obstructs an inspector in the exercise of his powers conferred upon him by this section, or who neglects or refuses to produce to the inspector any book or record which the inspector may request to be produced for his inspection; or
- (b) willfully makes a false or misleading statement either verbally or in writing to an inspector or other official engaged in carrying out his duties or functions under this Act, shall be guilty of an offence.

9.-(1) Any act which if done by an individual would be an offence against this Act or any regulations or orders made hereunder 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 the circumstances.

(2) If an offence against this Act or any regulations or orders made hereunder has been committed by a partner in a firm, every person who at the time of the commission of the offence was a partner in that firm, or was purporting to act in that capacity, shall be deemed to be guilty of that offence 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 the circumstances.

Vicarious
criminal
responsi-
bility

10. No proceedings in respect of an offence under this Act or any Limitation subsidiary legislation made hereunder shall, be instituted more than two years after the time when the subject matter of "the proceedings arose, where the offence is a misrepresentation of the variety name or purity of variety of a seed.

11. In any proceedings for a contravention of any of the provisions Evidence document purporting to be a certificate signed by an analyst stating that he has examined a substance or a sample submitted to him by an inspector and stating the result of his examination shall be admissible as evidence of the matters stated therein, but any party to the proceedings may require the person by whom the examination was made to be called as witness.

12. Any person guilty of an offence against the provisions of this Penalties Act or of any subsidiary legislation made hereunder shall, except as otherwise provided, be liable on conviction to a fine not exceeding fourteen thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment, and in addition to any penalty imposed under this Act the Court may 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.

13. Without prejudice to the provisions of section 284A of Penal indemnity Code, no matter or thing done by any person exercising or purporting to exercise any function under this Act or under any subsidiary legislation made hereunder shall, if done in good faith in the execution or purported execution of his functions under any of the provisions of this Act or such subsidiary legislation, subject any such person as aforesaid to any action, liability, claim or demand whatsoever.

Passed in the National Assembly on the twenty-second day of November, 1973.


M. Mwindadi
 Clerk of the National Assembly