

## **SEEDS (CERTIFICATION AND STANDARDS) DECREE, 1972 (NRCD 100)**

### ARRANGEMENT OF SECTIONS

#### Section

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IN pursuance of the National Redemption Council (Establishment) Proclamation, 1972 this Decree is hereby made:

#### **Section 1—Importation, Exportation or Sale of Seeds.**

(1) Subject to the provisions of this Decree and of the Prevention and Control of Pests and Diseases of Plants Act, 1965 (Act 307) no person shall—

(a) import, export or sell any seed unless it is of the standard prescribed and is packaged and labelled in the manner prescribed;

(b) import, export or sell any seed of a variety that is not approved for sale by the Commissioner;

(c) import, export or sell any seed under a grade name so closely resembling a grade name established by regulations made under section 8(a) and (b) of this Decree unless the seed conforms to the standard prescribed in relation to that grade and is packaged and labelled in the manner prescribed.

(2) Without prejudice to subsection (1) of this section no person shall import the seeds of any crop (including seeds which enter Ghana through diplomatic channels from foreign countries) unless such seeds are approved by the Plant Quarantine Unit of the Ministry of Agriculture.

(3) Where seeds produced in Ghana are sold or held for the purpose of cleaning; the provisions of subsection (1)(a) of this section shall not apply to such seeds.

(4) The provisions of subsection (1)(b) of this section shall not apply to seeds of roots and vegetables.

(5) Any person who does any act in contravention of any of the provisions of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₵500.00 or to imprisonment not exceeding twelve months or to both.

(6) Subject to subsection (1) of this section an importer may import the seeds of any crop for the purposes of seed production for export if at the time of importation of the seed he makes a declaration in triplicate to the Comptroller of Customs and Excise or an officer authorised by him stating—

(a) that the seeds are for his own use;

(b) that the seeds are to be used for experimental purposes only;

(c) that the seeds produced from the imported seeds shall not be sold to any person in Ghana; and

(d) that the production, distribution and disposal of the seeds shall be as authorised by the Commissioner.

(7) Any importer who knowingly makes any declaration which is false shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₵200.00 or to imprisonment for a term not exceeding six months or to both.

(8) The Comptroller of Customs and Excise shall forward two copies of such declaration to the Chief Seed Multiplication Officer.

## **Section 2—Inspectors.**

(1) The Commissioner may designate qualified persons to act as inspectors for the purposes of enforcing the provisions of this Decree.

(2) An inspector shall, for the purposes mentioned in subsection (1) of this section, have the power at all reasonable times on the production of a certificate of his appointment—

(a) to enter any place where he has reasonable grounds to believe there are seeds to which this Decree applies;

(b) to inspect any seeds found in such place and take samples thereof;

(c) to require any person in possession of any documents in respect of seeds to which this Decree applies to produce such documents for examination or for the purpose of obtaining copies thereof or extracts therefrom;

(d) to request any such person to furnish any information which he may require for said purposes.

### **Section 3—Obstruction of Inspectors.**

Any person who—

(a) obstructs an inspector exercising powers under this Decree; or

(b) fails to comply with any request made by him in exercise of those powers; or

(c) gives any information which he knows to be false,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding ø500.00 or to imprisonment for a term not exceeding twelve months or to both.

### **Section 4—Seizure of Seeds or Package.**

(1) An inspector shall have power to seize any seed or package in respect of which an offence is committed under this Decree.

(2) Any seed or package seized under subsection (1) of this section shall be retained by the inspector and—

(a) if no proceedings are commenced against the person from whom such seed or package was seized within six months of the seizure the said seed or package shall be restored to that person; or

(b) if that person is convicted of an offence under this Decree the said seed or package shall be forfeited by the Court before which he was convicted.

(3) Any seed or package forfeited by the Court under subsection (2)(b) of this section shall be delivered as soon as practicable to the Chief Seed Multiplication Officer who may dispose of such seed or package in such manner as he thinks fit.

### **Section 5—Analysts.**

For the purposes of this Decree the Commissioner may appoint qualified persons as analysts who shall examine seeds or samples of seeds which the inspectors may from time to time refer to them.

### **Section 6—Certificate of Analysts.**

A certificate duly signed by an analyst stating that he has examined any seeds or samples thereof referred to him by an inspector and stating the results of his examination shall be prima facie evidence of the facts contained in the certificate.

### **Section 7—Offences by Bodies of Persons.**

Where any offence under this Decree is committed by a body of persons then—

- (a) in the case of a body corporate (other than a partnership) every director, secretary or similar officer of the body corporate shall be deemed to be guilty of that offence;
- (b) in the case of a partnership every partner or officer of the body shall be deemed to be guilty of that offence:

Provided that no person shall be deemed to be guilty of an offence by virtue of this section if he proves that the offence was committed without his knowledge or connivance and that he exercised all due diligence to prevent the commission of the offence having regard to all the circumstances.

### **Section 8—Regulations.**

The Commissioner may by legislative instrument make regulations—

- (a) establishing a National Seed Committee and prescribing the powers and functions of the Committee;
- (b) establishing grades with appropriate names for seeds; and providing grades requiring varietal purity for the use of standards established by the National Seed Committee;
- (c) prescribing the conditions under which and the manner in which seed crops may be inspected or seeds may be graded or tested;
- (d) prescribing the minimum standards of purity, germination, quality and disease of seeds;
- (e) in respect of the marking, packaging of seeds and labelling of packages;
- (f) prescribing the conditions under which variety names of seeds may be used;
- (g) for testing of samples of seeds;
- (h) prescribing the fee to be charged for any services provided under this Decree;

- (i) prescribing the species of plants the seeds of which are weed seeds;
- (j) prescribing for such other matters as shall be deemed necessary to give effect to the provisions of this Decree.

**Section 9—Interpretation.**

In this Decree—

"analyst" means a person appointed under section 5;

"Commissioner" means Commissioner responsible for Agriculture;

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

"importer" has the meaning assigned to it in the Customs Ordinance (Cap. 167);

"inspector" means a person designated as inspector under section 2;

"label" includes legend, work mark, symbol or design applied or attached to, included in, belonging to or accompanying any seed or package;

"package" includes sack, bag, barrel, case or any other container in which seed is placed or packed;

"place" includes any vehicle, vessel, railway, aircraft, seed store, seed processing plant or seed warehouse;

"prescribed" means prescribed by regulations;

"quality" means seeds which conform to the standard prescribed;

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

"seed production" means the process of producing seed for further propagation;

"sell" includes offer for sale, expose for sale or have in possession for sale and distribution.

Made this 30th day of August, 1972.

COLONEL I. K. ACHEAMPONG

Chairman of the National Redemption Council

Date of Gazette Notification: 8th September, 1972.

