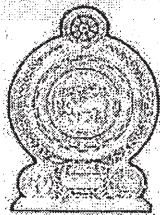


Appendix 7 : Seed Act No. 22 of 2003



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

SEED ACT, No. 22 OF 2003

[Certified on 30th July, 2003]

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[Certified on 30th July, 2003]

L.D.—O: 61/98:

AN ACT TO REGULATE THE QUALITY OF SEED AND PLANTING MATERIALS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Seed Act, No. 22 of 2003.

Short title.

PART I

ADMINISTRATION OF THE ACT

2. The Director-General of Agriculture (hereinafter in this Act referred to as the "Director-General") shall be in charge of general administration of this Act and shall discharge the functions assigned to him by this Act.

Director-General of Agriculture to be in charge of the administration of the Act.

3. The Director-General shall designate such officers of the Department of Agriculture as may be necessary for the purposes of assisting him in carrying out or giving effect to the provisions of this Act. The officers so designated are hereinafter referred to as "authorised officers".

Authorised officers.

PART II

ESTABLISHMENT OF THE NATIONAL SEED COUNCIL

4. (1) There shall be established a National Seed Council (hereinafter referred to as the "Council") for the purposes of this Act.

Establishment of the National Seed Council.

(2) The Council shall consist of—

(a) the following *ex-officio* members, namely—

(i) the Secretary;

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- (ii) the Director-General;
 - (iii) the Director in charge of Seed Certification in the Department of Agriculture (hereinafter in this Act referred to as the "Director");
 - (iv) the Executive Director of the Sri Lanka Council for Agricultural Research Policy;
 - (v) the Director-General of the Sri Lanka Standards Institution established by the Sri Lanka Standards Institution Act, No. 6 of 1984; and
- (b) not more than four members appointed by the Minister from among seed producers, seed users and seed importers (hereinafter referred to as the "appointed members"). However two of such persons shall be appointed to represent the farming community who are seed users.
- (3) The Secretary shall be the Chairman of the Council.

Term of office of members:

5. (1) Every appointed member shall, unless he resigns or is removed from, or otherwise vacates office hold office for a period of three years.

(2) An appointed member may at any time resign his office by a letter to that effect addressed to the Minister and such resignation shall take effect upon it being accepted by the Minister.

(3) Where any appointed member is temporarily unable to discharge the functions of his office on account of ill health, absence from Sri Lanka or any other cause, the Minister may appoint some other person to act in his place.

(4) The Minister may remove any appointed member from office for reasons assigned, and thereupon that member shall be deemed to have vacated his office.

(5) Where an appointed member vacates office by resignation, removal or otherwise, the Minister may appoint another person in his place and the person so appointed may hold office for the unexpired period of the term of office of the member whom he succeeds.

(6) An appointed member vacating office by effluxion of time shall be eligible for re-appointment.

(7) The members of the Council may be paid such remuneration as the Minister may determine in consultation with the Minister in charge of the subject of Finance.

(8) Subject to the other provisions of this Act and any regulation made thereunder, the Council may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

6. Subject to the provisions of this Act, the functions of the Council shall be— Functions of the Council.

(a) to establish guidelines and principles to ensure production and distribution of seed and planting materials of the highest quality ;

(b) to undertake periodic review of the progress of seed and planting materials production ;

(c) to advise the Minister and other relevant authorities on all matters regarding the production of quality seed and planting materials and the supplying of seed and planting materials to farmers ;

(d) to review the quality standards of seed and planting materials, periodically, with a view to developing the seed and planting materials industry ;

(e) to establish appropriate minimum limits for germination viability, genetic purity, physical purity and appearance of seeds and planting materials and

maximum limits for genetic impurities, damaged seeds, water content and pests (including weed seeds) allowed in seeds available in the market :

- (d) to determine the minimum labelling requirements for seed containers and for planting materials available in the market;
- (e) to determine the quality and minimum size of the seed containers for each species, kind or variety of seed available in the market; and
- (f) to take appropriate action with regard to the protection of new plant varieties.

Powers of the Council.

7. The Council shall have power—

- (a) to recommend fees for any services or facilities provided by the agencies of the Department of Agriculture and for the registration of seed handlers;
- (b) to identify the need for seeds and planting materials and to facilitate the provision of technical assistance to produce quality seeds and planting materials;
- (c) to co-ordinate with public sector agencies in working towards the development of the private sector seed industry and to address issues relating to seeds and planting materials;
- (d) to secure funding and manpower resources required to develop a viable seed and planting materials industry; and
- (e) to appoint special committees to carry out the decisions of the Council.

PART III

REGISTRATION PROCEDURE

8. (1) All seed handlers shall be registered with the Director.

Registration of seed handlers.

(2) Every application for registration shall be in writing and shall be made to the Director in such manner as may be specified by the Director.

(3) A registration under this section—

(a) shall be issued on payment of the registration fee by the applicant;

(b) shall be in writing and unless previously cancelled in accordance with any terms subject to which the registration was issued, shall continue in force for a period of two years; and

(c) shall set out the terms and conditions subject to which the registration is being issued.

9. A registration issued under section 8, shall be renewable on an application made in that behalf to the Director, before the expiry date specified in the registration form.

Renewal of registration.

10. (1) The Director may cancel a registration issued under this Act, if he is satisfied that the seed handler to whom the registration relates—

Cancellation of registration.

(a) has contravened any term or condition subject to which such registration was issued;

(b) has failed to carry out any directions given along with such registration; and

(c) has committed any offence under this Act or any regulation made thereunder.

(2) Notice of cancellation shall be communicated in writing to the registered seed handler.

(3) Any person who is aggrieved by the decision of the Director -

- (a) refusing a registration;
- (b) refusing the renewal of a registration; or
- (c) cancelling a registration.

may within thirty days of the communication of such decision to him, appeal in writing against such decision to the Secretary giving grounds for such appeal, and the appeal shall be decided by the Appeals Panel appointed under section 15.

PART IV

Procedure

Entry for purpose
of inspection on
premises.

11. (1) It shall be lawful for the Director-General or an authorised officer having reasonable grounds therefor to enter with or without assistants, at all reasonable times, upon any premises for the purpose of inspecting and examining seeds and planting materials found thereon and to take appropriate samples of such seeds and planting materials for examination and testing and the user, producer or the importer of such seed or planting materials or the owner or the occupier of such premises as the case may be, shall afford all reasonable facilities for such inspection and examination. The identity of the authorised officer shall be shown to the owner or occupier of the premises, before entry into the premises.

(2) After the inspection and examination referred to in subsection (1) if the Director-General or the authorized officer is satisfied that any seed and planting materials stored, conditioned or offered for sale at any premises is in contravention of the provisions of this Act or regulations made thereunder or is not in conformity with the standards prescribed by the Council, the Director-General or the

authorised officer shall communicate his decision, in writing with the reasons therefor, to the user, producer or the importer of such seed or planting materials or the owner or the occupier of premises as the case may be and direct him to carry out such preventive measures or execute such work in relation to such seed or planting materials as may be specified in such direction.

(3) It shall be the duty of the producer or the importer of such seed or planting materials or the owner or occupier of such premises as the case may be, to comply with any direction made by Director-General or the authorised officer under subsection (2), unless such producer or the importer, owner or occupier of premises prefers an appeal against such direction through the Secretary for decision by the Appeals Panel appointed under section 15.

12. Neither the Director-General, nor any authorised officer, or any person assisting them, shall be deemed a trespasser by reason of entry into any premises or action taken or thing done under this Act or any regulation made thereunder or be liable to any damages or prosecution by reason of anything done or omitted to be done in carrying out any of the provisions of this Act or of any regulation made thereunder, unless the same was done or omitted to be done by him, *malafide* and without reasonable and probable cause.

Director-General or authorised officer or person assisting them not to be deemed trespasser by reason of entry &c.

13. (1) Where any user, producer, importer, of any seed or planting material or the owner, or occupier of any premises is required or directed under section 11, to carry out any measures or to execute any work in relation to any seed or planting material in or upon any premises, and if such person fails, neglects, or refuses to comply with such requirement or direction, the Director-General or an authorised officer with or without assistants may enter such premises for the purpose of carrying out such measures or executing such work.

Power of the Director-General or authorised officer to carry out measures or execute work and recover the expenses thereof

(2) The Director-General or an authorised officer entering any premises under subsection (1), may take with him such equipment, machinery and vehicles as is or are necessary for the purpose of facilitating the exercise of his powers under subsection (1).

(3) All reasonable expenses incurred by the Director-General or any authorised officer for the purpose of carrying out any measures or executing any work in or upon any premises under subsection (1), and any expenses incurred by the State shall be payable by the person who was required or directed under section 11 to carry out such measures or execute such work, and may be recovered from that person in the manner hereafter provided.

(4) Any reasonable expenses payable by any person under subsection (3) may be recovered, upon application made by the Director-General or any authorised officer authorised in that behalf by the Director-General to the Magistrate's Court within whose jurisdiction such person is resident or the measures were carried out or the work was executed, in like manner as a fine imposed by that court, notwithstanding that the amount of such expenses may exceed the amount of the fine which such court may in the exercise of its ordinary jurisdiction impose.

(5) The recovery of expenses from any person under subsection (4) shall not relieve such person from any prosecution for any offence to which he may be liable by reason of his failure, neglect or refusal to comply with the requirement or the direction made under this section.

PART V

SEED CERTIFICATION SERVICE

Seed Certification Service.

14. (1) The Director shall—

- (a) exercise the exclusive right to certify seed and planting materials grown in Sri Lanka;
- (b) issue seals, stickers, stamps and labels with the mark or seal of the Seed Certification Service;
- (c) prohibit any locally produced seed of any crop variety or hybrid from being described and sold as "certified seed" of that crop variety or hybrid if it

has not been produced in accordance with the rules for production of certified seed published and administered by the Seed Certification Service of the Department of Agriculture, and in the case of imported seed, prohibit any seed of any crop variety or hybrid being described and sold as "Certified Seed" of that crop variety or hybrid unless the Seed Certification Service of the Department of Agriculture has recognized the official system of seed certification in the country of origin of that seed:

- (d) monitor the production and processing of seed and check that the standards for certification are met;
 - (e) enter premises and inspect seed conditioning and storage facilities;
 - (f) check registers of seed movement and identity;
 - (g) implement the standards for seed certification as may be determined by the Council;
 - (h) use approved procedures in field inspection, seed testing, monitoring, seed conditioning, collecting seed samples and affixing certified labels to seed lots that qualify for certification;
 - (i) ensure that certified seed are packed, sealed and labelled in the prescribed manner;
 - (j) take samples of locally produced and imported seeds and check conformity with prescribed standards;
 - (k) establish and publish standards for seed certification; and
 - (l) maintain and publish a list of producers and suppliers of certified seed and planting materials.
- (2) For the purposes of this section the seed testing laboratories of the Department of Agriculture shall be the designated laboratory.

PART VI

APPEALS

Appeals.

15. (1) An Appeals Panel shall be appointed by the Minister, for the purposes of this Act.

(2) The Appeals Panel shall consist of the Secretary, a Seed Technologist and a Seed Pathologist.

(3) The Secretary shall be the Chairman of such Appeals Panel.

(4) The Appeal Panel shall deliver its decision not later than sixty days from the date of the receipt of the appeal by the Secretary.

(5) The decision of the Appeal Panel shall be final and conclusive and shall be communicated immediately by the Secretary to the Appellant and the Director.

(6) The members of the Appeal Panel may be paid such remuneration as the Minister may determine in consultation with the Minister in charge of the subject of Finance.

PART VII

OFFENCES AND PENALTIES

Offences.

16. (1) Every person who, without lawful authority or excuse contravenes any provision of this Act or any regulation made thereunder, or does or omits to do anything which under the provisions of this Act or of any regulation made thereunder he ought not to do, or omit to do, or acts as a seed handler without being registered under this Act or resists or obstructs, or assists in resisting or obstructing, or incites any person to resist or obstruct, the Director-General, Director or any authorised officer, or any person assisting them, in the implementation of any provision of this Act or any regulation made thereunder, shall be guilty of an offence under this Act.

(2) Any person who is guilty of an offence under this Act shall be liable on conviction before a Magistrate after summary trial to imprisonment of either description for a term not less than one month and not exceeding six months, or to a fine not less than fifty thousand rupees, or to both such fine and imprisonment.

17. Where an offence against this Act has been committed by a body of persons then:

Offences committed by a body of persons.

(a) If that body of persons is a body corporate, every director, manager, secretary, or officer of that body corporate; or

(b) If that body is a firm, every partner and every manager of that firm;

shall be guilty of that offence unless he proves that the offence was committed without his consent or concurrence and that he exercised all due diligence to prevent the commission of such offence.

PART VIII *General*

18. (1) The Minister may make regulations in respect of any matter required by this Act to be prescribed or in respect of which regulations are authorised by this Act to be made.

Regulations

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1) the Minister may make regulations prescribing—

(a) the quality of locally produced or imported seeds and planting materials that may be allowed to be marketed and the labelling requirements of the seeds and planting materials being marketed;

(b) the manner in which a certification for the standard to determine the quality of seed and planting material shall be issued;

- (e) the protection of seed users and the promotion of the production of seed and planting materials;
- (f) the procedure for inspecting, sampling, analysis, testing or examination of seed and planting materials;
- (g) the procedure for labelling and the details to be placed on labels of seeds and planting materials and the rules and practices for quality seeds and planting material production;
- (h) the establishment and functions of committees;
- (i) the specification of regulated species, types and varieties of seeds and planting materials;
- (j) the procedures and standards for testing; and
- (k) the determination of fees to be charged for services and facilities provided.

(3) Every regulation made under Subsection (1) shall be published in the Gazette and shall come into operation on the date on such publication or upon such later date as may be specified in the regulation.

(4) Every regulation made under Subsection (1) shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded from the date of its disapproval but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation is deemed to be rescinded under subsection (4) shall be published in the Gazette.

19. The Council may make rules in respect of all matters in respect of which rules are authorized to be made by this Act.

Rules.

20. Nothing in this Act shall apply to any seed or any kind or variety grown by a person and sold or delivered by him on his own premises direct to another person for being used by that other person for the purpose of sowing or planting.

Application of the Act.

21. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

22. In this Act, unless the context otherwise requires—

Interpretation

"Certified seed" means breeder seed, registered seed, pre-basic seed, basic seed, standard seed, or nucleus seed produced and labelled as "certified seed" in accordance with the standards and procedures specified in section 14 of this Act;

"importer" means any person by whose act any seed or planting material has been landed in or entered into Sri Lanka;

"pest" shall include any biotic agent capable of causing injury or damage or economic losses to plant or plant products and shall include weed seed;

"premises" shall include any land, building, establishment, stores, freight container, vehicle, vessel or conveyance wholly or partially used for keeping, storing, conditioning, transplanting or growing plants or for keeping or storing seeds;

"prescribed" means prescribed by regulation;

"Secretary" means Secretary to the Ministry of the Minister in charge of the subject of Agriculture;

"seed" means: (1) the mature fertilized part of the plant, containing an embryo ready for germination and transformation into a seedling.

(2) seed potatoes, bulbs rhizomes, and

(3) planting materials.

"seed handler" means any person who as producer, importer, distributor, conditioner, repackager, agent, or retailer is responsible for causing a seed to be placed in the market in Sri Lanka;

"seed lot" means a definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerance, for the factors which appear on the label; and

"variety" means a plant grouping within a single taxon of the lowest rank including transgenies which can be distinctly differentiated from another of the same kind by at least one characteristic recognizable with the naked eye and is sufficiently uniform and stable after repeated propagation.



**POLICY OF THE GOVERNMENT OF
SRI LANKA ON SEED AND
PLANTING MATERIAL INDUSTRY**

Ministry of Agriculture, Lands & Forestry

March 1997

POLICY OF THE GOVERNMENT OF SRI LANKA ON SEED & PLANTING MATERIAL INDUSTRY

1. BACKGROUND

The seed industry in Sri Lanka is rapidly maturing into a dynamic and effective force to bring the best and most adapted varieties of crops and horticultural plants to the farmers and home gardeners of Sri Lanka.

The Department of Agriculture (DOA) took the leadership in the late 1950's in developing an organized seed production programme, with the development of high yielding varieties through breeding and selection. The activity of producing and distributing seed of about 70 varieties of more than 20 crops, continued to be the responsibility of the DOA until recently. Additionally, grafts, and seedlings of a wide array of horticultural crops are produced and distributed by the DOA.

2. PURPOSE

In the light of the changing situation, where the private sector is expected to play a role in this sector, it is necessary to provide guidelines to encourage private sector participation in producing the country's requirement of quality seed, in addition to the role of the Department of Agriculture of meeting the basic seed requirement. What is expected eventually is the establishment of viable seed industries. This is being done to facilitate the Sri Lankan farmers gaining easy access to the highest quality seed available, either from domestic sources or through importation thereby enhancing yields, production and farm income. This new policy, therefore, is focussed towards the formation and establishment of seed enterprises, which will produce and market the seed. The government agencies, including the DOA will be playing a more active role in providing the required support, ensure high quality seed production and co-ordination.

3. NEW SEED POLICY

The Seed & Planting Material Policy consists of the following components.

- a. **Varietal development and release**
- b. **Provision of basic seed and planting material**
- c. **Commercial seed production, processing, marketing and utilization.**
- d. **Importation of quality seed and planting material.**
- e. **Co-ordination and development assistance.**
- f. **Certification and quality promotion**
- g. **Other support activities.**

a. Varietal Development & Release

- i. The Ministry of Agriculture, Lands & Forestry (MALF) will invite seed and planting material entrepreneurs to be members in the National Seed & Planting Material Committee which has the mandate for decision making on the general seed programme, varietal release and seed & planting material standards. Through this process better use would be made of the technical capacities of the public sector research agencies.
- ii. MALF will share the manpower, facilities and other resources with the private sector. Detailed procedures mutually acceptable to the government and private sector will be worked out.
- iii. DOA will make available basic genetic material and advance lines developed locally to public and private sector organizations interested in breeding and or testing such material.
- iv. MALF will encourage enactment of Breeder's Rights as an incentive to plant breeders in the next 3 years.
- v. Varietal development organizations will continue to maintain the purity of their respective varieties.
- vi. Testing and release of new local varieties developed by the public and private sectors, requiring official certification will be carried out by DOA in a timely manner.

b. Provision of Basic Seed & Planting Material

- i. DOA will provide adequate quantities of basic seed of the recommended varieties of crops to the private seed enterprises at negotiated prices.
- ii. Certified seed production/distribution programme of the DOA will be progressively reduced and eventually phased out. In the medium term, DOA will focus on the provision of basic seed. When independent seed enterprises mature to become capable of producing basic seed, the production of this class of seed by the DOA will be reduced correspondingly.
- iii. Information on promising cultivated varieties of crops will be made available to growers. contd.....

- iv. Limited quantities of plants of varieties that are not yet tested and recommended will be made available to growers to test in suitable regions on an "all care-no responsibility" basis so that interested growers may try them.

c. Commercial Seed Production, Processing, Marketing & Utilization

- i. The government will not compete with the private sector in commercial seed production.
- ii. Seed enterprises will be given assistance for commercial seed production. The concept of "Seed Enterprise" would include Farmer Organizations, Co-operatives, Agro-industrial Firms, Individual Companies, NGO's and others. Assistance to be provided includes;
 - Plant Quarantine Services
 - Basis Seed when required
 - Technical Assistance/Training
 - Custom Cleaning and Storage Services to the extent possible.
 - Market Information
 - Internal Quality Control and Certification
 - Quality Promotion
- iii. Tax concessions applicable to investments in agriculture will be made available to those engaged in the Seed Industry.
- iv. To ensure price stabilization every effort will be made to maintain buffer stocks of selected crops.
- v. No duties will be levied on machinery and equipment imported for seed production, processing and quality control.

d. Importation of Quality Seed & Planting Material

- i. The private sector will continue to import seed and planting material in a manner not to retard the progress of the seed industry.
- ii. All seeds and planting material imports should be subject to plant quarantine and quality control.

e. Seed Certification and Quality Promotion

- i. An intensive programme on the use of quality seeds will be undertaken.
- ii. Official Certification will be essential for seed and planting material that are produced and offered for sale as certified or quality assured seed. All seeds marketed must meet the minimum standards prescribed by the Seed Certification Services of the DOA. A unified seed container labelling system will be implemented.
- iii. All seeds imported or locally produced must be labelled for minimum standards laid down in the Seed Law. Until such time the Seed Law passed, the standards established by the seed Certification and Plant Quarantine Centre of DOA will be applicable.

f. Development & Co-ordination

The National Seeds & Planting Material Committee (NSPMC) will be established with the participation of the public and private sectors to include seed producers and seed importers to assist in the development of the seed industry and to co-ordinate activities relating to the industry. This Committee will meet twice a year before each cultivation season, in January/February in respect of Yala and in July/August in respect of Maha. The Committee will be chaired by the Secretary, Ministry of Agriculture, Lands & Forestry.

Functions of the Committee are as follows:

- i. to establish basic guidelines and scientific principles to ensure sustenance and production of highest quality seed at competitive prices.
- ii. to review policy and advice the government on the needed policy directives to achieve the objective of a viable seed industry.
- iii. to undertake periodic review of the progress of the seed industry.
- iv. to identify the needs and facilitate the provision of technical assistance to produce quality seed.

- v. to co-ordinate among public sector agencies in working towards the development of the private sector industry.
- vi. to secure funding and manpower resources required to develop a viable seed industry.
- vii. to review the quality standards of seed periodically with a view to assist in the development of the industry.
- viii. to supervise the development of a seed sector data base.

The Seed and Planting Materials Development Centre of the DOA will function as the Secretariat to this Committee.

8. スリランカ国種子法（和文仮訳）

スリランカ国種子法（仮訳）

スリランカ民主社会主義共和国国会

種子法：2003年 No.22

承認：2003年7月30日

1. この法律は、種子法 2003 年 No.22 として引用される。

第 1 部 法律の管理

2. 農業局長（局長という）が、この法律の総管理者とする。そして、この法律により負わされた義務を履行する。
3. 局長は、この法律の実施及び効果を上げるために支援をする農業局の職員を指名する。指名された職員たちは、委任された職員と呼ばれる。

第 2 部 国家種子委員会の設立

4. (1) この法律の目的のために、国家種子委員会（委員会という）を設立する。
(2) 委員会は下記から成る。
 - (a) 職務上のメンバーは、
 - (i) 委員長
 - (ii) 局長
 - (iii) 農業局の種子認証担当部長（部長という）
 - (iv) スリランカ農業研究政策会議執行部長
 - (v) スリランカ標準協会法 1984 年 No.6 により設立された、スリランカ標準協会会長
 - (b) 種子生産者、種子使用者、種子輸入者から大臣により任命された 4 名以内のメンバー
 - (3) 委員長は、この委員会の議長となる
5. (1) すべての任命されたメンバーは、辞職、解職、あるいはその他で退職する以外は、3 年間勤務する
(2) 任命されたメンバーは、大臣宛て手紙を出すことによりいつでも辞職することができる。そして、大臣の許可により辞職が確定する
(3) 任命されたメンバーが、病気、スリランカにいないなどの理由で、一時的に業務をできない場合、大臣は代理を選ぶことができる
(4) 大臣は任命したメンバーを理由を明らかにして解任することができ、メンバーは退職しなければならない

- (5) 任命されたメンバーが辞職、解任、その他で退職した場合、大臣は代替りの者を任命する。
代替りに任命されたものは前任の残された任期の間勤務する
- (6) 任命されたメンバーが任期を終えた場合、再任が可能である
- (7) 委員会のメンバーは、報酬をもらえる。大臣は、財務担当大臣と相談し報酬を決める
- (8) この法律の他の規定や制定された規則に関し、委員会は会議の手順や会議のやり方規則を規制できる

6. この法律の規定に関しての、委員会の任務は、

- (a) 質の高い種子及び苗の生産、配布のためのガイドラインや方針の策定
- (b) 種子及び苗生産把握のための定期的進捗レビュー
- (c) 大臣や関連する人に対する、優良種子・苗生産や種子・苗の農民への供給に関する進言
- (d) 種子及び苗産業開発のための、定期的な種子及び苗の質の基準見直し
- (e) 種子及び苗の発芽率、遺伝的純度、物理的純度、外見の適切な基準の策定と市場で認められる種子の遺伝的不純度、種子の傷み、水分含量、病害虫（雑草種子）の限度
- (f) 市場に出回る種子容器と苗の最低限のラベリング内容の決定
- (g) 市場に出回る作物、品種別の種子容器の質とサイズの決定
- (h) 新作物品種保護のための必要な計画実行

7. 委員会は、下記を行う

- (a) 農業局の関連事務所によるサービスあるいは施設利用と種子取り扱い業者の登録に係る価格の提示
- (b) 種子及び苗の需要把握と優良種子及び苗生産のための技術的支援の促進
- (c) 民間種子産業の発展のために民間との協調、種子及び苗に関する問題点解決
- (d) 種子及び苗産業の活性化のために必要な資金と人材の確保
- (e) 委員会の決定を実施する特別委員会の任命

第3部 登録手順

8. (1) すべての種子取り扱い業者は登録しなければならない

(2) すべての登録申請は、局長の指定したやり方で文書にて局長に提出される

(3) 登録する

- (a) 申請者による登録料支払いを受けて発給される
- (b) 文書にて申請し、登録証発給のキャンセルがない限り、2年間継続される
- (c) 登録に際し条件を付ける

9. 8項においての登録は、登録証に記された期限前に局長に申請することにより更新される

10. (1) 局長は、登録した種子取り扱い者が下記を満たした場合、この法律の下で発行された登録の取り消しができる。

- (a) 登録証が発行された条件に反する
 - (b) 登録証に沿った指導に従わない
 - (c) この法律、あるいは規則に違反する
- (2) 取り消しの連絡は、登録種子取り扱い者に対し文書で知らされる
- (3) 局長の決定に不服な者
- (a) 登録を拒否された
 - (b) 再登録を拒否された
 - (c) 登録を取り消された

決定の知らせから 30 日以内に、委員長に対し文書にて上訴することができ、15 項において任命される審査委員会にて審議される

第 4 部 手順

11. (1) 局長あるいは委任された職員は、種子及び苗の検査・視察目的のために補助者の有無にかかわらず、常識的な時間に、家屋敷に入れる。また、適量の種子及び苗を検査・試験のために持ち出せる。種子及び苗の使用者、生産者、輸入者、あるいは、その家屋の持ち主、入居者などは、検査・視察のためすべての施設への入場を受け入れなければならない。委任を受けた職員の証明は、その家屋の持ち主あるいは入居者に家屋に入る前に示さなければならない。
- (2) (1) にある検査・視察後、局長、あるいは委任された職員は、その家屋敷で保存、調整、販売されている種子及び苗が、種子法や規則に反していないか、あるいは、委員会の規定した標準に合っていないか吟味する。局長、あるいは委任された職員は、種子及び苗の使用者、生産者、輸入者、あるいは、その家屋敷の持ち主、入居者などに、その決定を文書にて知らせる。そして、予防策や種子及び苗に関しての決定の実施を行う。
- (3) 種子及び苗の生産者、輸入者、あるいは、その家屋敷の持ち主、入居者などは、(2) にあるように、局長、あるいは任命された職員の決定に従うのが義務である。生産者、輸入者、あるいは、その家屋敷の持ち主、入居者などがその決定に対し反論のある場合は、委員長を通して 15 項にて任命される審議委員会の決定を仰ぐことができる。
12. 局長、任命された職員、あるいは彼らを支援するいかなる者も、どのような家屋敷への立ち入り、実施工動、この種子法や規則下での活動は不法侵入とはならない。また、損害、種子法や規則下での活動が理由なしに悪意を持って行われた場合以外は、法的責任はない。
13. (1) 種子及び苗の使用者、生産者、輸入者、あるいは、その家屋の持ち主、入居者などは、11 項による決定に対する種子及び苗に関する対応がその家屋敷内にて必要である。もしも、この指示に従わない者がいる場合は、支援する人の有無にかかわらず、局長、あるいは任命された職員は、その対応実施のために家屋敷に立ち入ることができる。
- (2) (1) において家屋敷に入る局長、あるいは任命された職員は、(1) を実行するために必要な資機材、車などを持ち込むことができる。
- (3) (1) において家屋敷にて必要な活動を行う局長、あるいは任命された職員にかかる費用、ま

た、政府によるかかる費用は、11 項で対応を行うことを指示された者が支払う。そして、下記の方法で受け取られる。

- (4) (3) において支払われる費用は、局長、あるいは任命された職員による申請により徴収される。局長の代理として、居住地、業務地などで裁判所が罰金を徴収するのと同様に管轄の裁判所が行う。この費用は、裁判所での罰金額より多いこともある。
- (5) (4) における者からの費用の徴収は、この項において対応、指示に応えない犯罪者のように軽減されない。

第 5 部 種子認証サービス

- 14. (1) 局長は、
 - (a) スリランカで栽培される種子及び苗の認証の特権的権利をもつ
 - (b) 種子認証サービスのシール、ステッカー、ラベルを発行する
 - (c) 農業局の種子認証サービス部による認証種子生産の規則に沿って生産されないいかなる作物品種の国内生産種子、あるいはハイブリッドを「認証種子」として売ることを禁止する。輸入種子に関しては、輸入種子の原産地における種子認証の公式認証システムを農業局の種子認証サービス部が認めない限り、いかなる作物品種あるいはハイブリッドも「認証種子」として販売することを禁止する。
 - (d) 種子の生産、調整など認証標準が守られているかの監視
 - (e) 家屋敷に入り、種子の状況、保存施設を視察する
 - (f) 種子の動きと身元登録のチェック
 - (g) 委員会で決められる種子認証の標準の実施
 - (h) 圃場検査、種子検査、監視、種子調整、種子抽出、認証種子への認証ラベルの添付などの承認された手順の実施
 - (i) 種子は実施要領に従って袋詰め、封印、ラベル添付が確実に行われる
 - (j) 国内生産種子と輸入種子からサンプルをとり、定められた標準にてチェックする
 - (k) 種子認証の標準の確立と広報
 - (l) 認証種子と苗生産者及び供給者のリストの作成と広報
- (2) この項の目的のために、農業局の種子検査室を指定検査室とする

第 6 部 上訴

- 15. (1) この法律の目的のために大臣は上訴委員会を任命する
- (2) 上訴委員会は、委員長、種子技術者、種子病理者から成る
- (3) 委員長は、上訴委員会の議長となる
- (4) 上訴委員会は、委員長から上訴を受けてから 6 日以内に決定をしなければならない
- (5) 上訴委員会の決定は、最終的なものであり、上訴委員会の委員長から上訴人と局長に直ちに知らせる

- (6) 上訴委員会のメンバーは、報酬をもらえる。大臣は、財務省の担当者と協議してその額を決める

第7部 罪と罰

16. (1) 法的に権限、あるいはこの法律、規則の違反免除がない者、この法律、規則ではならぬこと、あるいは怠る者、種子取り扱い業者として登録しないで商売をする、あるいは反抗や妨害、反抗、妨害の助け、他人が反抗、妨害するのを扇動する者は、局長、部長、任命された職員、彼らを支援する者がこの法律、規則の実施をするにあたり、この法律の下、犯罪として罰せられる。
- (2) この法律で罰せられる者は、裁判の後判事の前で、最低1カ月、最高6カ月の投獄、あるいは、5万Rs.の罰金、あるいは、罰金と投獄の両方、の有罪に処せられる。
17. この法律に組織として罪を犯した場合は、
- (a) 法人組織の場合は、すべての重役、管理者、秘書、職員
 - (b) 会社の場合は、その会社のすべてのパートナー、管理者
- 個人が、罪を知らないうちに行われたり、その罪を防ごうとしたという証明ができない場合は、罰せられる。

第8部 共通

18. (1) 大臣は、この法律に必要な規則を策定する、あるいはどの規則が法律により認定されるべきかを決定する
- (2) 特に、(1)において与えられる権限で、大臣は以下につき規則を策定する
- (a) 市場で販売許可されるあるいは、国内生産種子、輸入種子や苗のラベル記載条件や国内生産種子、輸入種子や苗の質
 - (b) 種子及び苗の質を決定する標準認証方法
 - (c) 種子使用者の保護と種苗生産の促進
 - (d) 種苗の検査、抽出、分析、試験、の手順
 - (e) ラベルの添付法、種苗ラベルの記載事項、そして、上質の種苗生産法
 - (f) 委員会の設立と実施要領
 - (g) 種苗の規制品種、タイプの明細
 - (h) 検査の方法と標準
 - (i) 施設、サービスに係る費用の決定
- (3) 上述(1)のすべての規則は公報で公表する。そして、広報された日、あるいは規則で決められた日に効力を発揮する
- (4) 上述(1)のすべての規則は公報で公表された後、速やかに国会での承認のため審議される。

国会で承認されない場合は、承認されなかった日付で廃止される。しかしながら、以前に起こったことは変更しない。

(5) (4) により廃止された規則の日時は、広報で発表される。

19. 委員会は、この法律により決められたすべてにつき規則を作る

20. 個人で育てられたすべての種子、品種、または、その人の家屋敷で播種や植え付けを目的に直接他の人に販売されるか配達された種子には、この法律は適用されない。

21. この法律のシンハラ語とタミール語の文章に不一致があった場合は、シンハラ語を優先する。

22. この法律では、下記のように定義する

- **Certified seed** とは、この法律の 14 項に記されている標準と手順により生産され、ラベルを添付された育種家種子、登録種子、前原種種子、原種種子、標準種子、あるいは核種子をいう
- **Importer** とは、種苗をスリランカに持ち込んだ人をいう
- **Pest** とは、植物や植物生産物に傷、損害や経済的損失を与える能力のある生物をいい、雑草の種子も含まれる
- **Premises** とは、土地、建物、店舗、輸送用コンテナ、車両、船舶のすべてあるいは一部で、植物を保存、調整、移植、生育したり、種子を保存するのに使われているものをいう
- **Prescribed** とは、規則に規定されていることをいう
- **Secretary** とは、農業担当大臣の省の秘書官をいう
- **Seed** とは、
 - ① 植物の成熟した受精して発芽可能で苗になる胚を含む部分をいう
 - ② 種イモ、球根、根茎
 - ③ 苗 をいう
- **Seed handler** とは、スリランカの市場に種子をもたらす、生産者、輸入業者、卸業者、調整業者、再梱包業者、小売業者をいう
- **Seed lot** とは、ロット番号、ラベルに沿った認可できる均一なバッグや塊で確認できる種子をいう
- **Variety** とは、裸眼で確認できる少なくともひとつの特性により、同種の違う品種と明らかに区別がつく遺伝子導入種子を含む分類上の植物グループである。また、十分に均一で、繰り返し増殖にも安定していることをいう

9. スリランカ国種子政策（和文仮訳）

スリランカ国種子政策（仮訳）

農業・土地・林業省（農業省）

1997年3月

1. 背景

スリランカの種子産業は、農民や家庭菜園を持つ者に、優良で最適な作物や果樹苗を供給することを目的に、ダイナミックかつ効果的に急速成長している。農業局は、1950年代後半に交配や選抜による高収量品種の開発など、組織的な種子生産プログラム開発を主導してきた。20作物以上の約70品種の種子の生産と配布活動は、近年まで農業局の責任で行われていた。さらに、農業局によって多くの種類の果樹の接木や苗も生産、配布された。

2. 目的

民間セクターが種子関連事業で重要な役割を担うという状況変化のなかで、農業局が原種種子の需要を満たすという役割に加えて、国内の優良種子需要を満たすための生産に民間が進んで参加できるようガイドラインを作る必要がある。最終的に、期待されるのは健全な種子産業の確立である。スリランカの農民が国内あるいは輸入による優良種子に容易にアクセスすることができ、それによって生産及び農業収入を上げることにより成し遂げられる。この新しい政策は、それゆえ、種子を生産し販売する種子会社の設立に焦点を当てている。農業局をはじめ政府の機関は、優良種子生産と調整を確実にするため、更なる必要な支援を行う役割がある。

3. 新しい種子政策

種苗政策は、下記の構成から成っている。

- a. 品種の開発とリリース
- b. 原種と苗
- c. 商業種子生産、調整、流通、利用
- d. 優良種苗の輸入
- e. 調整と開発の支援
- f. 認証と質の向上
- g. その他の支援活動

a. 品種の開発とリリース

- i. 農業・土地・林業省は、種苗を扱う企業家を種子プログラム、品種のリリース、種苗の標準などを決める国家種苗委員会に招聘する。このプロセスにより政府機関の技術を有効に使えるようになる。
- ii. 農業・土地・林業省は、民間と人材、施設、そしてその他の資源を共用する。詳細は政府と民間相互に共用できるよう検討される。
- iii. 農業局は、国内で開発された基本的遺伝材料や進んだ遺伝材料を、官民で育種や試験に興味を持つ組織に供与する。

- iv. 農業・土地・林業省は、3年以内に作物育種家へのインセンティブとしての育種家の権利の法制化を進める。
 - v. 品種改良組織は、それぞれの品種の純度を維持する。
 - vi. 官民で開発されたローカル品種の試験とリリースは、農業局の時機を得た認証が必要である。
- b. 原種と苗
- i. 農業局は、推奨品種の十分な量の原種子を適切な価格で民間に供与する。
 - ii. 農業局の標準種子生産と、配布プログラムは、徐々に縮小され廃止される。中期的には、農業局は原種に焦点を当てる。民間種子企業が原種生産できるに従い、農業局は原種生産から徐々に手を引く。
 - iii. 有望な栽培品種の情報は、生産者に入手できるようにする。
 - iv. まだ試験されていないか、推奨されていない品種の一部に関しては、生産者が適地において試験できるようにする。
- c. 商業種子生産、調整、流通、利用
- i. 政府は、商業種子生産において民間と競争はしない。
 - ii. 種子業者は、商業種子生産において支援が与えられる。この種子業者には、農民組合、協同組合、農業関連企業、個人の企業、NGO、そしてその他が含まれる。その支援とは、
 - ・植物検疫
 - ・必要なときの原種
 - ・技術的支援・研修
 - ・通関手続き・保存サービス
 - ・市場情報
 - ・質のコントロール・認証
 - ・量の確保
 - iii. 種子業に携わる者に対する農業関連投資への税金割引
 - iv. 価格の安定化のために、選択された作物の緩衝用種子の保存を行う。
 - v. 種子の生産、調整や質のコントロールに必要な機材への非課税
- d. 優良種苗の輸入
- i. 民間セクターは、種子産業の発展を妨げない限り、今までどおり種苗の輸入を行うことができる。
 - ii. すべての輸入種苗は、植物検疫と質のチェックが必要である。
- e. 種子認証と質の向上
- i. 優良種子使用に係る集中的なプログラムの実施
 - ii. 生産され販売される種苗の公的認証は不可欠である。市場に出るすべての種子は、農業局の種子認証サービス部門が定める基準を満たす必要がある。統一的な種子容器ラベリングシステムが実施される。
 - iii. すべての輸入あるいは国内で生産された種子は、種子法で定められた必要基準のラベリングが必要である。種子法が決められるまでは、農業局の種子認証・植物検疫センターにより決め

られた標準にのっとる。

f. 開発と調整

国家種苗委員会は、種子産業の発展と関連する活動の調整を支援するため、官と種子生産者、種子輸入業者を含む民間の参加をえて設置される。この委員会は年2回、各栽培シーズンの前、1月/2月（ヤラ作期）、7月/8月（マハ作期）に開かれる。委員会は、農業省の次官が議長をする。

委員会の役割は以下のとおりである。

- i. 適切な価格の優良種子の継続的生産のためのガイドラインと科学的基準作成
- ii. 政策の見直しと、活発な種子産業育成目的達成のために必要な政策の施行提案
- iii. 種子産業の進展状況把握のための定期的見直し
- iv. 必要事項と優良種子生産に係る技術的支援実施の確認
- v. 民間産業の発展のために政府機関内での調整が必要である。
- vi. 活発な種子産業発展のためには資金と人材が必要である。
- vii. 産業支援のために定期的な種子の質の標準チェックが必要である。
- viii. 種子分野のデータベース開発の監督が必要である。

農業局の種苗開発センターが、この委員会の事務局を務める。