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**THE SEEDS AND PLANT VARIETIES
(AMENDMENT) BILL, 2025**

A Bill for

AN ACT of Parliament to amend the Seeds and Plant Varieties Act to introduce a standards-based seed registration system to facilitate timely approval of seed varieties, and for connected purposes

ENACTED by the Parliament of Kenya, as follows —

1. This Act may be cited as the Seeds and Plant Varieties (Amendment) Act, 2025.

Short title.

2. The Seeds and Plant Varieties Act, in this Act referred to as “the principal Act” is amended by inserting the following new definitions in their proper alphabetical sequence—

Amendment of section 2 of Cap. 326.

“Bureau” means the Kenya Bureau of Standards established under section 3 of the Standards Act; and

Cap. 496.

“standards-based seed registration system” means the registration system established under section 10A.

3. The principal Act is amended by inserting the following new sections immediately after section 10—

Insertion of a new sections 10A, 10B and 10C of Cap. 326.

Standards-based seed registration system.

10A. (1) There is established a standards-based seed registration system to be administered by the Bureau for the approval and registration of seed varieties that meet minimum quality standards prescribed under this Act.

Application for registration.

10B. (1) A person who intends to register a seed variety under the standards-based seed registration system shall submit an application to the Bureau in the prescribed form.

(2) The application under subsection (1) shall include—

- (a) technical data demonstrating compliance with minimum germination and purity standards;

- (b) proof of absence of noxious weeds and seed-borne diseases;
 - (c) proof that the entity applying for the registration of a seed variety is a registered seed merchant with the Service;
 - (d) a physical sample of the variety seeking to be registered, which shall serve as the genetic reference sample for the seed variety; and
 - (e) any other information as may be prescribed.
- (3) Upon receipt of the application, the Bureau shall within sixty days —
- (a) examine the application to assess compliance with the prescribed minimum quality standards;
 - (b) verify that the seed variety proposed for registration is genetically distinct from any currently registered variety; and
 - (c) in writing, approve or reject the application.
- (4) Where the Bureau approves an application, it shall—
- (a) register the seed variety; and
 - (b) issue a certificate of registration to the applicant.
- (5) A certificate of registration issued under subsection (4) is—
- (a) valid for five years from the date of issuance; and
 - (b) renewable upon application by the holder in the prescribed form at a prescribed fee.
- (6) The Bureau may revoke a certificate of registration where—

- (a) the seed variety fails to meet the prescribed standards during post-market monitoring;
- (b) the registration was obtained through misrepresentation or fraud; and
- (c) post-market monitoring detects a counterfeit variety that does not match the reference seed sample submitted at registration.

10C. (1) The seed varieties of the crops listed in the Seventh Schedule is eligible for registration under the standards-based seed registration system if they include—

Eligibility for registration.

- (a) climate-resilient seed varieties intended for rapid deployment in response to environmental challenges;
 - (b) seed varieties that have already undergone testing and for which there is sufficient evidence of compliance with prescribed standards;
 - (c) seed varieties developed for low-risk, low-sensitivity niche markets, including those for urban farming and specialised crops that do not require extensive agro-ecological trials;
 - (d) other seed varieties intended for domestic consumption and not requiring extensive agro-ecological trials; and
 - (e) any other seed varieties as may be prescribed or exempted by regulation.
- (2) The Cabinet Secretary may, by notice in the Gazette, amend the list of crop varieties provided in the Seventh Schedule.
- (3) Seed varieties that require certification through the Service and are not eligible for registration under the standards-based system, are —

- (a) hybrid seed varieties intended for large-scale commercial farming;
 - (b) seed varieties intended for export markets;
 - (c) seed varieties requiring comprehensive agro-ecological trials to determine their performance and suitability; and
 - (d) any other seed varieties as may be prescribed or exempted by regulation.
- (4) The Cabinet Secretary shall, in consultation with the Bureau, make regulations to provide for—
- (a) the procedures, forms, and fees for applications under the standards-based seed registration system;
 - (b) the minimum quality standards and criteria for seed varieties to be registered under the standards-based seed registration system, including germination rates, genetic purity, and freedom from noxious weeds and seed-borne diseases;
 - (c) post-market monitoring and enforcement mechanisms to ensure compliance with seed quality standards;
 - (d) the procedures for handling, maintaining, and verifying reference seed samples registered under the standards-based seed registration system; and
 - (e) any other matter necessary for the effective functioning of the standards-based seed registration system.
- (3) Despite any provision of this Act or any regulations, the standards-based seed registration system established under this

section shall prevail with respect to the registration, approval, and quality assurance of seed varieties covered under subsection (1).

4. The principal Act is amended by deleting section 11 and substituting therefor the following new section—

Amendment of section 11 of Cap. 326.

Seed testing stations.

11. The Service shall, in consultation with relevant county governments, establish and maintain official seed testing stations in such areas as may be necessary for purposes of this Act.

5. The principal Act is amended by inserting the following new schedule immediately after the Sixth Schedule —

Insertion of a new Schedule Seven of Cap. 326.

SEVENTH SCHEDULE**[s. 10C]****CROP VARIETIES ELIGIBLE FOR THE
STANDARDS-BASED SEED REGISTRATION
SYSTEM**

1. Sudan Grass
2. Pigeon Peas
3. Cereal Rye
4. Oats
5. Lupins
6. Chickpeas
7. Barley
8. Canola
9. Linseed
10. Grain Sorghum
11. Wheat
12. Fava/broad beans
13. Millets
14. Dry/ common/ French beans/ Green beans
15. Lab lab
16. Sunflowers
17. Mung Beans
18. Rhodes grass
19. Peas

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the Seeds and Plant Varieties Act (Cap. 326) to introduce a standards-based seed registration system administered by the Kenya Bureau of Standards (KEBS) as an alternative to the existing certification process overseen by the Kenya Plant Health Inspectorate Service (KEPHIS). This amendment seeks to address the inefficiencies in the current seed approval process which has led to significant delays, averaging four years, and hindered farmers' access to quality and climate-resilient seed varieties.

This amendment will create a flexible and efficient regulatory framework that facilitates the timely approval of seed varieties, promotes innovation in seed development and enhances farmers' access to affordable and climate-smart seeds to ensure food security and sustainable agricultural growth.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement of how the Bill concerns County Governments

The Bill directly concerns county governments since agriculture is a devolved function under Paragraph 1 of Part 2 of the Fourth Schedule to the Constitution and the enactment of the Bill will significantly enhance food security and agricultural productivity at the local level.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 5th March, 2025

LEDAMA OLEKINA,
Senator.