The Seeds and Plant Varieties (Amendment) Act, 2016 ......................... 645
THE SEEDS AND PLANT VARIETIES (AMENDMENT) ACT

No. 32 of 2016

Date of Assent: 31st August, 2016
Date of Commencement: 21st September, 2016

AN ACT of Parliament to amend the Seeds and Plant Varieties Act 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, 2016.

2. The long title to the Seeds and Plant Varieties Act, in this Act referred to as “the principal Act”, is amended by—

(a) deleting the word “national” appearing immediately after the words “to establish a”; and
(b) inserting the words “for food and agriculture, including indigenous seeds and plant varieties” immediately after the words “genetic resources”.

3. Section 2 of the principal Act is amended—

(a) in the definition of the phrase “national variety list” by deleting the words “are for the time being exploited commercially” and substituting therefor the words “have been tested, officially released and published in the Gazette”;
(b) in the definition of “seed” by inserting the words “plantlet, minituber” immediately after the word “sucker”;
(c) by inserting the following new definition in its proper alphabetical sequence—

“plant genetic resources for food and agriculture” means any genetic material of plant origin of actual or potential value for food and agriculture including indigenous seeds and plant varieties;

4. Section 27A of the principal Act is amended—

(a) by deleting subsection (1) and substituting therefor the following subsection—
“(1) There is established a Plant Genetic Resources Centre for Food and Agriculture, which shall be responsible for the conservation and sustainable utilization of plant genetic resources for food and agriculture, including indigenous seeds and plant varieties in Kenya.”

(b) by deleting the marginal note and substituting therefor the following new marginal note—

“Establishment of Plant Genetic Resources Centre for Food and Agriculture”

(c) in subsection (2) by—

(i) deleting the words “National Plant Genetic Resources Centre” and substituting therefor the words “Plant Genetic Resources Centre for Food and Agriculture”;

(ii) by inserting the following new paragraph immediately after paragraph (i)—

“(j) undertake the collection of all plant genetic resources for food and agriculture including wild crop varieties and the relevant intangible knowledge.”

(d) by deleting subsection (3) and substituting therefor the following new subsection—

“(3) There shall be a Plant Genetic Resources Committee for food and Agriculture, which shall provide oversight on matters relating to the Centre.”

(e) by inserting the following new subsection immediately after subsection 3—

“(3A) The management of the Centre shall comprise of the Director of the Centre and the Plant Genetic Resources Advisory Committee.”