LEGAL NOTICE NO. 215

THE SEEDS AND PLANT VARIETIES ACT

(Cap. 326)

IN EXERCISE of the powers conferred by sections 3 and 9 of the Seeds and Plant Varieties Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries makes the following Regulations:—

THE SEEDS AND PLANT VARIETIES (VARIETY EVALUATION AND RELEASE) REGULATIONS, 2016

1. These Regulations may be cited as the Seeds and Plant Varieties (Variety Evaluation and Release) Regulations, 2016.

2. In these Regulations, unless the context otherwise requires—

“application” means an application to submit a plant variety for national performance trials and Distinctness, Uniformity and Stability (DUS) tests under section 9(2) or 9 (3) of the Act for the purpose of variety evaluation and release;

“check variety” means plant variety under commercialization used to compare the candidate varieties in the national performance trial;

“commercialization” means the distribution, sale or offering a crop variety for sale to the public in any manner, including undertaking seed multiplication, conducting market research or seeking pre-market approval for a released crop variety;

“Distinctness, Uniformity and Stability (DUS) test” means an evaluation to determine whether a new plant variety is distinct from any known plant variety in respect of specified characteristics, uniform in morphological, physiological or other accepted characteristics; and stable in its description after repeated reproduction or propagation;

“Managing Director” means the Managing Director of the Kenya Plant Health Inspectorate Service;

“National Performance Trials Committee” means the National Performance Trials Committee, established under regulation 3;

“National Variety List” means the list of all plant varieties which are for the time being have been tested, officially released and published in the Kenya Gazette

“official variety list” means a list of plant varieties published and maintained by a designated authority other than the Service and includes any list of plant varieties published by authorities established by the regional economic blocks within which Kenya has harmonized variety evaluation and release laws and regulations;
“plant variety” means a plant grouping within a single botanical taxon of the lowest known rank, defined by the expression of the characteristics resulting from a given genotype or combination of genotypes distinguished from any other plant grouping by the expression of at least one of the said characteristics and considered as a unit in relation to its suitability for being propagated unchanged;

“performance trials” means National Performance Trials specified under section 9 of the Act;

“registration” means the inclusion of a released variety in the National Variety List;

“plant variety release” means a process whereby a plant variety has satisfactorily undergone trials for yield or other special attributes; and distinctness, uniformity and stability tests and is approved for release by the National Variety Release Committee;

“reproductive material” means the reproductive part of a plant including seeds and other vegetative propagation material;

3. There is established a National Performance Trials Committee which shall consist of—

(a) the Managing Director who shall be the chairperson and provide the Committee Secretariat;
(b) one representative from the State Department responsible for Agriculture;
(c) the Chairperson of the Seed Trade Association of Kenya or his or her representative;
(d) the Chairperson of the Plant Breeders Association of Kenya;
(e) the Secretary of the Plant Breeders Association of Kenya; and
(f) not more than six crop specialists from the public and private sector co-opted into the committee as and when necessary.

4. The National Performance Trial Committee shall—

(a) review applications for performance trials and exemptions;
(b) oversee the conduct of performance trials;
(c) review performance trials protocols and guidelines including identification of sites;
(d) evaluate the performance trials and distinctness, uniformity and stability test reports and make recommendations to the National Variety Release Committee;
(e) provide feedback to the applicants on performance of their entries in the performance trials; and
(f) any other function necessary for the proper conduct of the performance trials.
5. (1) The National Performance Trials Committee—
(a) shall meet at least twice a year; and
(b) shall develop rules for the conduct of its meetings.

(2) The chairperson shall give at least fourteen days’ notice, in writing—
(a) to every member of the Committee for every meeting of the Committee; and
(b) requesting the attendance of the applicants with candidate varieties under consideration in a particular meeting.

6. (1) The varieties of all the crops listed in the First schedule shall be eligible for entry into National Performance Trials.

(2) Subject to regulations 8 and 12, the crop varieties listed in the Second Schedule shall undergo performance trials before commercialization in accordance with these Regulations.

7. (1) The Service may, upon application, authorize competent private or public persons or institutions to undertake specific National Performance Trials.

(2) The application for authorization under paragraph (1) shall be made subject to such conditions as the Service may set from time to time.

(3) The Service shall give authorization in writing and shall specify the scope and aspects of authorized activities.

(4) The Service shall keep an updated register of all authorized persons and institutions and such register shall contain scope, aspects of authorized activities and other relevant information.

(5) The Service shall publish the names of authorized persons and those whose authorization has been withdrawn in the Gazette at least once in every year.

8. (1) A person who intends to commercialize any crop variety shall ensure that the variety has undergone variety evaluation in accordance with these Regulations.

(2) An application for a variety evaluation shall be made to the Managing Director in Form NPT 1 set out in the Third Schedule and shall be accompanied by such other information relating to the variety as the Service may prescribe.

(3) An application under paragraph (2), shall be submitted—
(a) between the 1st December and the 15th February for testing in the long rain seasons;
(b) between the 15th July and the 31st August for testing in the short rain seasons; and
(c) at least thirty days before the planting date, for varieties for testing under irrigation.
(4) An application under paragraph (2) shall be accompanied with a reference sample to the Service which shall also be submitted to at least two authorities of Member States of the regional body releasing the variety, where such variety is intended for release in the region:

Provided that the sample—

(a) satisfies the minimum requirements for germination, species and analytical purity, health, and moisture content specified by the Authority;

(b) be visibly healthy;

(c) have vigour;

(d) free from quarantine pest or disease, and

(e) has not undergone any treatment that would affect the expression of the characteristics of the variety but where the Authority allows or requests such treatment, details of the treatment shall be supplied.

9. (1) A person may apply for exemption from performance trials and distinctness, uniformity and stability tests under section 9(3) of the Act on the following grounds—

(a) food security;

(b) national interest; or

(c) the variety has been released in two countries within the regional economic blocks to which Kenya is a member and has harmonized regional plant variety release regulations and procedures.

(2) An application for exemption from performance trials under section 9(3) of the Act shall be made in Form NPT 2 set out in the Third Schedule.

(3) An application made under paragraph (2) shall be tabled for consideration and recommendation before the National Performance Trials Committee and National Variety Release Committee.

(4) An application made under paragraph (2) shall be tabled before National Variety Release Committee for release subject to the verification of evidence of release as submitted with Form NPT 2.

(5) Where a recommendation for exemption has been made by both Committees, the recommendation shall be forwarded to the Cabinet Secretary for grant of exemption.

10. (1) An applicant shall, within fourteen days of a request in writing or such longer period as the Service may specify, deliver to the Director such additional information, documents, records, materials or illustrations in support of an application made under these Regulations.

(2) If an applicant fails to deliver the additional information requested under paragraph (1), the application shall be deemed incomplete and rejected.
(3) Where it appears to the Service that it would not be practicable to undertake trials for the plant varieties submitted, in that season, the Service may defer the commencement of the performance trials to the next season and communicate the deferment to the applicant, in writing.

11. The Service shall evaluate the applications and submit a report to the National Performance Trials Committee.

12. (1) All varieties submitted and approved for performance trials shall undergo testing for at least two seasons under rain-fed conditions or two cropping cycles under irrigated conditions.

(2) A plant variety which has been officially released in any country within the regional economic blocks to which Kenya is a member shall undergo performance trial for at least one season in similar agro ecological zones:

Provided that:

(a) the country referred to in paragraph (2) has harmonized its variety release regulations and procedures with the harmonized regional variety release regulations and procedures; and

(b) the applicant shall provide the data leading to release of the plant variety in that other country to the Service.

(3) A plant variety that has been officially released in at least two countries within the regional economic blocks to which Kenya is a member shall be exempted from performance trial if the conditions in the proviso to paragraph (2) are met.

4) All varieties shall meet other release criteria prescribed in these Regulations.

13. (1) The Service shall—

(a) ensure appropriate site selection, timely planting and proper management of the performance trials in accordance with the protocols and manuals on each crop including records of the various activities;

(b) upon giving adequate notice, organize a visit for applicants to the performance trials sites to evaluate the conduct of the trials and the performance of the varieties;

(c) ensure proper data collection and analysis from all performance trials sites and compilation of the final report;

(d) send the draft report to the members of the National Performance Trials Committee and the applicants entering the candidate varieties at least fourteen days before the National Performance Trials Committee meeting;

(e) convene a National Performance Trials Committee meeting which shall evaluate and make a summary report to the National Variety Release Committee;
(f) prepare a summary report to the National Variety Release Committee which shall include results of distinctness, uniformity and stability testing and recommendations of the National Performance Trials Committee; and

(g) ensure confidentiality of all materials and information provided by the applicant under these Regulations.

(2) If at any time after the commencement of a performance trial and before the completion thereof, an applicant informs the Director, in writing, that he intends to withdraw his application, the application shall be deemed withdrawn without prejudice to the ongoing performance trial.

14. There is established a National Variety Release Committee comprising of—

(a) the Head of the Directorate in charge of crops in the state department responsible for Agriculture who shall be the chairperson;

(b) the Managing Director, Kenya Plant Health Inspectorate, who shall be the secretary;

(c) the Head of Division, responsible for Agricultural Advisory Services in the state department responsible for Agriculture;

(d) a representative of the Governors' Council;

(e) the Chairperson of the Seed Trade Association of Kenya or his or her representative;

(f) the Chief Executive Officer of Kenya National Agricultural Farmers' Federation (KENAFF);

(g) the Chairman of the Plant Breeders Association of Kenya or his or her representative; and

(h) a representative of an academic institution of higher learning offering training in agriculture or seed related sciences nominated by the National Variety Release Committee during its first sitting.

15. The National Variety Release Committee shall—

(a) consider the report of the National Performance Trials Committee and its recommendations;

(b) consider the Distinctness Uniformity and Stability report;

(c) approve and release qualifying varieties;

(d) determine fees for any application under these Regulations;

(e) hear and determine on any disputes relating to these Regulations;
(f) advice on policies and procedures on performance trials;

(g) prepare a list of approved and released plant varieties and forward the same to the Managing Director for publication in the Gazette and recommend exemptions to the Cabinet Secretary for approval and publication in the Gazette;

(h) review status of released varieties and advise the Service accordingly; and

(i) review and approve the nomenclature to be applied to new varieties.

16. (1) The National Variety Release Committee shall be convened by the chairperson and shall meet at least once in every year.

(2) The chairperson shall give at least fourteen days' notice, in writing, to every member of the National Variety Release Committee, for every meeting of the Committee.

(3) The National Variety Release Committee shall invite applicants of successful candidate plant varieties to attend variety release meetings.

(4) Subject to these Regulations, the National Variety Release Committee shall regulate its own procedure.

17. (1) A breeder of a variety which has successfully undergone variety evaluation in accordance with these Regulations shall propose a denomination for the variety as per nomenclature approved in regulation 15 (i) to the National Variety Release Committee.

(2) The National Variety Release Committee shall consider and may approve the proposed denomination if the denomination does not mislead or cause confusion in relation to the characteristics, value or identity of the variety of the breeder.

18. The Service shall compile and maintain a performance trials register in respect of every plant variety for which either an application has been made or undergone trials which shall contain the following particulars—

(a) names of the applicants, dates of applications and particulars of the plant variety entered for performance trials;

(b) names of the applicants, dates of applications and particulars of plant variety for exemption from performance trials;

(c) decisions of the National Performance Trials and National Variety Release Committees on all applications;

(d) directions given by the Cabinet Secretary under Section 9 of the Act;

(e) the date with effect from which an application for a performance trial is deemed to be withdrawn;

(f) performance trials reports; and
(g) the fee paid by the applicant.

(2) Any interested person may obtain from the Managing Director, a copy of any entry in the register or a copy of the report on the result of a performance trial of a plant variety upon payment of a fee as may be prescribed by the Service from time to time.

19. (1) The Director shall cause the names of the released varieties to be published in the Gazette within twenty one days of the National Variety Release Committee meeting.

(2) The effective date for the purposes of commercialization of the released plant varieties shall be the date of release of the varieties by the National Variety Release Committee.

20. (1) The Service shall withdraw a variety from the National Variety List where—
(a) a variety no longer conforms to its original characteristics;
(b) the maintainer cannot provide the original material;
(c) the applicant requests for its withdrawal with prior notice;
(d) it is determined that the information on the variety is incorrect; or
(e) advised by the National Variety Release Committee.

(2) Prior to withdrawal under regulation (1) (a) (b) and (e) the Service shall provide sufficient notice to variety owner to take remedial measures.

21. (1) The Service may prohibit the use of a variety in Kenya based on technical issues, including, among others, unsuitability for cultivation, or risk to other seed varieties, human health, animal health and the environment.

(2) The Service shall notify the relevant institution mandated with the management of variety release under the regional economic block of the technical issues that led to the prohibition of the use of that variety in Kenya.

22. (1) All notices and documents shall be delivered to the physical address of the applicant within Kenya specified in the application.

(2) Where the applicant is not resident in Kenya, the applicant shall give to the Director, in writing, an address within Kenya which shall be the address at which any notice or other document may be delivered to or served.

23. (1) All documents provided to the Managing Director shall be in the English.

(2) If the document required to be provided to the Managing Director is not in English—
(a) an English translation of the document shall be provided along with the copy of the document;
(b) the translation shall be certified to be an accurate translation by a competent authority; and
(c) certified copy of the translation shall be provided for every copy of the document required if more than one copy of a document is required.

(3) The Managing Director may reject a translation that he reasonably believes that is not accurate, and the copy of the document shall be deemed not to have been provided until the required translation and required copies thereof are provided.

24. All applications under these Regulations shall be subject to the payment of prescribed fees.

25. No legal proceedings shall lie against the officers of the Service or any duly authorized agent of the Service for anything done in good faith and without negligence, in the exercise of their powers, or the performance of their functions or duties under these Regulations.

26. (1) A person aggrieved by the decision of the Service or the National Performance Trials Committee on any matter relating to these Regulations, appeal, in writing, to the National Variety Release Committee for moderation.

(2) A person aggrieved by any decision of the National Variety Release Committee under paragraph (1) may appeal to the Seeds and Plants Tribunal.

27. Any person who—
   (a) with intent to defraud, gives false information to the Service;
   (b) knowingly produces or displays any document required to be produced or displayed under these Regulations which is false in any material particular; or
   (c) contravenes any provision of these Regulations,
   commits an offence and shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or both.

# FIRST SCHEDULE

## PRESCRIBED SEEDS

### Cereals

<table>
<thead>
<tr>
<th>Seed Type</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barley</td>
<td>Hordeum vulgare L.</td>
</tr>
<tr>
<td>Finger Millet</td>
<td>Eleusinecoracana (L.) Gaertn</td>
</tr>
<tr>
<td>Maize</td>
<td>Zea mays S.</td>
</tr>
<tr>
<td>Oats</td>
<td>Avena Sativa L.</td>
</tr>
<tr>
<td>Pearl Millet</td>
<td>Pennisetumglaucum(L.) R.Br.</td>
</tr>
<tr>
<td>Rice</td>
<td>Oryza Sativa L.</td>
</tr>
<tr>
<td>Rye</td>
<td>Secale cereale L.</td>
</tr>
<tr>
<td>Sorghum</td>
<td>Sorghum bicoor (L.) Moench.</td>
</tr>
<tr>
<td>Triticale</td>
<td>TricosecaleWittm</td>
</tr>
<tr>
<td>Wheat</td>
<td>Triticum spp</td>
</tr>
</tbody>
</table>

### Sugar crops

<table>
<thead>
<tr>
<th>Seed Type</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sugar cane</td>
<td>Saccharum spp.</td>
</tr>
<tr>
<td>Stevia</td>
<td>Stevia spp</td>
</tr>
</tbody>
</table>

### Pulses

<table>
<thead>
<tr>
<th>Seed Type</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beans</td>
<td>Phaseolus vulgaris L.</td>
</tr>
<tr>
<td>Broad bean</td>
<td>Viciafaba L.</td>
</tr>
<tr>
<td>Chick pea</td>
<td>Cicer arietinum L.</td>
</tr>
<tr>
<td>Cluster bean</td>
<td>Cyamopsistetragonoloba</td>
</tr>
<tr>
<td>Cowpea</td>
<td>Vignaunguiculata (L.) Waip</td>
</tr>
<tr>
<td>Dolichos bean</td>
<td>Dolichos lablab L.</td>
</tr>
<tr>
<td>Pea</td>
<td>Pisum sativum L.</td>
</tr>
<tr>
<td>Pigeon pea</td>
<td>Cajanuscajan.</td>
</tr>
<tr>
<td>Green gram</td>
<td>Vignaradiata L.</td>
</tr>
<tr>
<td>Common Vetch</td>
<td>Vicia sativa L.</td>
</tr>
</tbody>
</table>

### Any other related species

- **Oil Crops**
  - Castor bean | Ricinuscommunis L. |
  - Coconut | Cocos nucifera |
  - Ground nut | Arachishypogaea L. |
  - Jojoba | Simmondsiachinensis |
  - Linseed | Linumusitatissimum L. |
  - Oil seed rape | Brassica napus L. |
  - Oil-palm | Elaeisquineensis |
  - Safflower | Carthamus tinctorius L. |
  - Sesame | Sesamumindicum L. |
  - Sunflower | Helianthus annuus L. |
  - Soya bean | Glycine max (L.) Merr. |
  - Any other related species

### Fibre Crops

- Cotton | Gossypiumsp |
- Flax | Linumusitatissimum L. |
- Kenaf | Hibiscus cannabinus L. |

### Any other related species

- **Root and Tuber Crops**
  - Beet | Beta vulgaris L. |
Cassava ............................................. \textit{Manihot esculenta}  
Irish potato ........................................ \textit{Solanum tuberosum}  
Sweet potato ....................................... \textit{Ipomoea batatas}  
Turnip .................................................. \textit{Brassica rapa L.}  
Any other related species  

\textbf{Fruit Trees}  

\textbf{Apple} ......................................... \textit{Pyrus malus L.}  
\textbf{Pear} .............................................. \textit{Pyrus communis L.}  
\textbf{Peach} .............................................. \textit{Prunus persica L.}  
\textbf{Nectarine} ....................................... \textit{Prunus sp. L.}  
\textbf{Quince} .......................................... \textit{Cydonia oblonga}  
\textbf{Plum} .............................................. \textit{Prunus salicina L}  
\textbf{Plum} .............................................. \textit{Prunus domestica L.}  
\textbf{Apricot} .......................................... \textit{All citrus species}  
\textbf{Citrus} ............................................. \textit{Persea Americana Persea Americana}  

\begin{itemize}  
\item Pawpaw (mountian) \textit{Carica papaya}  
\item Guava \textit{Psidium guajava}  
\item Mango \textit{Mangifera indica}  
\item Loquat \textit{Eriobotrya japonica}  
\item White Sapote \textit{Casimiroa edulis}  
\item Litchi \textit{Litchi chinensis}  
\item Litchi \textit{Nephelium litchi}  
\end{itemize}  

\textbf{Other Fruits}  

\begin{itemize}  
\item Passion fruit \textit{Passiflora edulis}  
\item Bananas and plantains \textit{Musa spp.}  
\item Straw berries \textit{Fragaria vesca Fragaria chiloensis}  
\item Cape gooseberry \textit{Physalis peruviana}  
\item Mulberries \textit{Ananas comosus}  
\item Berries \textit{Rubus spp}  
\item Date palm \textit{Phoenix peruviana}  
\item Custard apple \textit{Annona sp.}  
\item Melons \textit{Cucumis melo Citrullus vulgaris}  
\item Grapes \textit{Vitis spp}  
\end{itemize}  

Any other fruits of economic value  

\textbf{Nut crops}  

\begin{itemize}  
\item Cashew nut \textit{Anacardium occidentale}  
\item Macadamia nuts \textit{Macadamia sp.}  
\item Pistachio nut \textit{Pistacia vera}  
\item Oyster nut \textit{Tefaria pedata}  
\end{itemize}  

All others except scheduled oil crops.  

\textbf{Beverage crops}  

\begin{itemize}  
\item Cocoa \textit{Theobroma cacao}  
\item Coffee \textit{Coffeea spp}  
\item Mate \textit{Ilex paraquariensis}  
\item Tea \textit{Camellia sinensis}  
\end{itemize}  

\textbf{Medicinal and Aromatic Plants}  

\begin{itemize}  
\item Geranium \textit{Pelargonium sp.}  
\end{itemize}
<table>
<thead>
<tr>
<th>Plant Type</th>
<th>Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pyrethrum</td>
<td><em>Tanacetum cinerariifolium</em></td>
</tr>
<tr>
<td>Stimulants</td>
<td><em>Nicotiana tabacum</em></td>
</tr>
<tr>
<td>Tobacco</td>
<td></td>
</tr>
<tr>
<td>Flowers</td>
<td></td>
</tr>
<tr>
<td>Chrysanthemums</td>
<td><em>Chrysanthemum spp</em></td>
</tr>
<tr>
<td>Several other species</td>
<td>Mostly <em>Liliaceae</em></td>
</tr>
<tr>
<td>Any other related species</td>
<td></td>
</tr>
<tr>
<td>Herbage Grasses</td>
<td></td>
</tr>
<tr>
<td>Blue stem grass</td>
<td><em>Andropogon spp</em></td>
</tr>
<tr>
<td>Buffel grass</td>
<td><em>Cenchrus ciliaris</em></td>
</tr>
<tr>
<td>Cock's foot</td>
<td><em>Dactylis glomerata</em></td>
</tr>
<tr>
<td>Coloured guinea grass</td>
<td><em>Panicum coloratum</em></td>
</tr>
<tr>
<td>Columbus grass</td>
<td><em>Sorghum almum</em></td>
</tr>
<tr>
<td>Congo signal</td>
<td><em>Brachiaria ruzieiens</em></td>
</tr>
<tr>
<td>Kikuyu grass</td>
<td><em>Pennisetum clandestinum</em></td>
</tr>
<tr>
<td>Napier grass</td>
<td><em>Pennisetum purpureum K. Schum</em></td>
</tr>
<tr>
<td>Papsalum grass</td>
<td><em>Paspalum spp</em></td>
</tr>
<tr>
<td>Rhodes grass</td>
<td><em>Chloris gayana</em></td>
</tr>
<tr>
<td>Rye grass</td>
<td><em>Lolium spp</em></td>
</tr>
<tr>
<td>Seteria</td>
<td><em>Seteria anceps</em></td>
</tr>
<tr>
<td>Sudan</td>
<td><em>Sorghum sudanense</em></td>
</tr>
<tr>
<td>Love grass</td>
<td><em>Eragrostis spp</em></td>
</tr>
<tr>
<td>insertion done</td>
<td></td>
</tr>
<tr>
<td>Any other related species</td>
<td></td>
</tr>
<tr>
<td>Lawn Grass</td>
<td></td>
</tr>
<tr>
<td>Barnuda grass</td>
<td><em>Cynodon dactylon</em></td>
</tr>
<tr>
<td>Any other related species</td>
<td></td>
</tr>
<tr>
<td>Pasture Legumes</td>
<td></td>
</tr>
<tr>
<td>Butterfly pen</td>
<td><em>Clitoria ternatea</em></td>
</tr>
<tr>
<td>Centro</td>
<td><em>Centrosema pubescens Benth</em></td>
</tr>
<tr>
<td>Clover</td>
<td><em>Trifolium spp</em></td>
</tr>
<tr>
<td>Greenleaf</td>
<td><em>Desmodium intortum (Miller)</em></td>
</tr>
<tr>
<td>Leucaena</td>
<td><em>leucaena leucocephala</em></td>
</tr>
<tr>
<td>Lucerne</td>
<td><em>Medicago sativa</em></td>
</tr>
<tr>
<td>Lupin</td>
<td><em>Lupinus spp.</em></td>
</tr>
<tr>
<td>Silverleaf</td>
<td><em>Desmodium uncinatum</em></td>
</tr>
<tr>
<td>Siratro(Purple Bush Bean)</td>
<td><em>macroptilium atropurpureum</em></td>
</tr>
<tr>
<td>Stylo</td>
<td><em>Stylosanthes guianensis</em></td>
</tr>
<tr>
<td>Any other related species</td>
<td></td>
</tr>
<tr>
<td>Vegetables</td>
<td></td>
</tr>
<tr>
<td>Amaranth</td>
<td><em>Amaranthus spp</em></td>
</tr>
<tr>
<td>Artichoke</td>
<td><em>Cynara scolymus</em></td>
</tr>
<tr>
<td>Asparagus</td>
<td><em>Asparagus officinalis</em></td>
</tr>
<tr>
<td>Bean</td>
<td><em>Phaseolus vulgaris</em></td>
</tr>
<tr>
<td>Beet</td>
<td><em>Beta vulgaris L.</em></td>
</tr>
<tr>
<td>Broccoli</td>
<td><em>Brassica oleracea var. botrytis</em></td>
</tr>
<tr>
<td>Brussels sprouts</td>
<td><em>Brassica oleracea var. gemmifera</em></td>
</tr>
<tr>
<td>Cabbage</td>
<td><em>Brassica oleracea var. capitata</em></td>
</tr>
<tr>
<td>Canteoupe/muskmelon</td>
<td><em>cucumisnemo L.</em></td>
</tr>
<tr>
<td>Carrot</td>
<td><em>Daucus carota L.</em></td>
</tr>
</tbody>
</table>
Celery/Celeriac .............................................. Apium graveolens L.
Chicory .......................................................... Cichorium intybus L.
Chinese cabbage .................................................. Brassica chinensis
Chirvil .......................................................... Anthriscus cerefolium
Collards/Kales .................................................. Brassica oleracea var. ancephala DC
Corriander ......................................................... Coriandrum sativum
Cucumber .......................................................... Cucumis sativus L.
Dill .......................................................... Arethusa graveolens L.
Egglants .......................................................... Solanum melongena L.
Endive .......................................................... Cichorium endivia L.
Garden cress ...................................................... Lepidium sativum L.
Karella .......................................................... Cucumis spp.
Kohl rabi .......................................................... Brassica oleracea var. Gongylodes
Leek .......................................................... Allium porrum L.
Lettuce .......................................................... Lactuca sativa
Okra .......................................................... Hibiscus esculentus L.
Onion .......................................................... Allium cepa L.
Parsley .......................................................... Petroselinum crispum (Mill) Nym.
Parsnip .......................................................... Pastinaca sativa L.
Pea .......................................................... Pisum sativum L. Sensulato
Pepper .......................................................... Capsicum spp
Pumpkin/Squash/Courgette .................. Cucurbita pepo L.
Radish .......................................................... Raphanus sativus L.
Rhubarb .......................................................... Rheum rhabonticum L.
Rutabaga .......................................................... Brassica napus var. Napobrassica L.
Spinach .......................................................... Spinacea oleracea L.
Spider plant .......................................................... Cleome gynandra
Swiss chard ...................................................... Beta vulgaris
Tomato .......................................................... Lycopersicon esculentum P. Mill
Turnip .......................................................... Brassica rapa L.
Water cress ......................................................... Nasturtium officinale R.br.
Water melon ......................................................... Citrullus lanatus

Any other related species
<table>
<thead>
<tr>
<th>Cereals</th>
<th>Grasses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maize</td>
<td>Setaria</td>
</tr>
<tr>
<td>Wheat</td>
<td>Rhodes grass</td>
</tr>
<tr>
<td>Barley</td>
<td>Sudan grass</td>
</tr>
<tr>
<td>Sorghum</td>
<td>Congo signal</td>
</tr>
<tr>
<td>Millet</td>
<td>Panicum spp.</td>
</tr>
<tr>
<td>Rice</td>
<td>Buffel grass</td>
</tr>
<tr>
<td>Oats</td>
<td>Columbus grass</td>
</tr>
<tr>
<td>Triticale</td>
<td>Pasture legumes</td>
</tr>
<tr>
<td>Pulses</td>
<td></td>
</tr>
<tr>
<td>Bean (dry)</td>
<td>Centro</td>
</tr>
<tr>
<td>Bean (Green podded)</td>
<td>Stylo</td>
</tr>
<tr>
<td>Pea</td>
<td>Clover</td>
</tr>
<tr>
<td>Green gram</td>
<td>Lucerne</td>
</tr>
<tr>
<td>Cow pea</td>
<td>Siratro</td>
</tr>
<tr>
<td>Pigeon pea</td>
<td>Lupins</td>
</tr>
<tr>
<td>Oil crops</td>
<td>Root crops</td>
</tr>
<tr>
<td>Sunflower</td>
<td>Irish potato</td>
</tr>
<tr>
<td>Oil-seed rape</td>
<td>Sweet potato</td>
</tr>
<tr>
<td>Linseed</td>
<td>Cassava</td>
</tr>
<tr>
<td>Soyabean</td>
<td></td>
</tr>
<tr>
<td>Ground nut</td>
<td>Fibre crops</td>
</tr>
<tr>
<td>Sesame</td>
<td>Cotton</td>
</tr>
</tbody>
</table>
THIRD SCHEDULE
FORM NPT I (r. 8(2))
SEEDS AND PLANT VARIETIES ACT

To: The Managing Director
Kenya Plant Health Inspectorate Service.
P.O. Box 49592-00100
NAIROBI, KENYA

APPLICATION FOR NATIONAL PERFORMANCE TRIALS (Each entry will require a separate form)

1. Name and address of the applicant(s) .................................................................

2. Name and address of the agent (if any): ...............................................................

3. Name and address of breeder or discoverer and developer:

4. Name or other designation of the plant variety: ..............................................

5. Type of Variety (e.g Hybrid/OPV) ......................................................................

6. Nature of Propagation (true seed, vegetative etc)...........................................

7. Kit/Agro-ecological/maturity Group ..................................................................

8. Special attributes to be tested (NOT yield) ........................................................

9. Other relevant information .................................................................................

10. Are you the holder of rights for the plant variety? YES/NO
   (i) If yes, attach certified copy of certificate of grant
   (ii) If not, attach the owner's consent to make this application.

11. Name of the country in which the plant variety was bred or discovered and developed: ........................................................................................................

12. Is the name of the plant variety included in the official variety list of any other country? YES/NO
   (i) If yes, 
      (a) Name of the country: .....................................................................................
      (b) Title of the official variety list: .................................................................
      (c) Date of inclusion in the official variety list: ..............................................

13. Document(s) in support of the application which should include:
   (a) Trials Data: ......................................................................................................
14. Quantity of seed submitted

15. The technical report of DUS is attached (where applicable):

Dated at .............................................. Day of ....................................... 20............

Signature of the applicant/agent (indicate as appropriate)
FORM NPT 2

SEEDS AND PLANT VARIETIES ACT

To: Managing Director
Kenya Plant Health Inspectorate Service
P.O. Box 49592-00100
NAIROBI, KENYA

APPLICATION FOR EXEMPTION FROM NATIONAL PERFORMANCE TRIALS UNDER SECTIONS 3(3)(j) AND 9(3) OF THE ACT

1. Name and address of the applicant(s) ..............................................................
2. Name and address of the agent (if any): ...............................................................
3. Name and address of breeder or discoverer and developer: ........................................
4. Species ...............................................................................................
5. Name or other designation of the plant variety: .......................................................
6. Type of Variety (e.g Hybrid/OPV) ................................................................
7. Nature of Propagation (true seed, vegetative etc)..................................................
8. Kit/Agro-ecological /maturity Group................................................................
9. Special attributes to be tested (NOT yield).......................................................
10. Other relevant information....................................................................................
11. Are you the holder of rights for the plant variety? YES/NO
   (i) If yes, attach certified copy of certificate of grant
   (ii) If not, attach the owner’s consent to make this application.
12. Has the variety been released in any country/countries? YES/NO.
   (1) If yes,
      (a) Country of first release ...........................................................................
         (i) Name of country and date ......................................................................
         (ii) Title of the official variety list and date of inclusion in the register...........
         (iii) Documents in support of the application .............................................
      (b) Country of subsequent release(s)
         (i) Name(s) of country/countries and date(s) ..............................................
         (ii) Title(s) of the official variety list(s) and date(s) of inclusion..................
         (iii) Documents in support of the application .............................................
   (2) If no, give reasons for seeking exemptions ..................................................

WILLY BETT,
Cabinet Secretary for Agriculture, Livestock and Fisheries.