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REPUBLIC OF KENYA



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THE SENATE
THIRTEENTH PARLIAMENT | FIFTH SESSION

PAPERS LAID	
DATE	24/03/2026
COMMITTEE	Majority Whip Agriculture, Livestock and Fisheries
CLERK AT THE TABLE	Chirrop

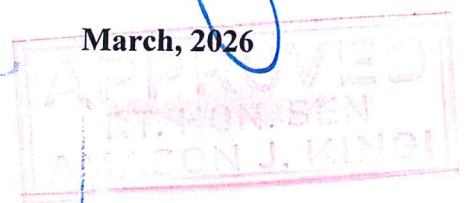
STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES

REPORT ON THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL,
2025 (SENATE BILLS NO. 4 OF 2025)

Clerk's Chambers,
The Senate,
First Floor, Parliament Buildings,
NAIROBI.

Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 18/03/26

[Signature]
19/03/26



March, 2026

TABLE OF CONTENTS

TABLE OF CONTENTS.....	1
LIST OF ABBREVIATIONS AND ACRONYMS.....	2
ESTABLISHMENT AND MANDATE OF THE COMMITTEE.....	3
MEMBERSHIP OF THE COMMITTEE.....	5
CHAIRPERSON'S FOREWORD.....	6
CHAPTER ONE:.....	8
INTRODUCTION.....	8
1.1. Background.....	8
1.2. Objects of the Bill.....	8
1.3. Situational Analysis on the Seed Sector in Kenya.....	8
1.4. Legal Framework on the Seed Sector.....	9
1.5. Institutional Framework.....	10
1.6. Overview of the Bill.....	10
CHAPTER TWO:.....	12
PUBLIC PARTICIPATION AND STAKEHOLDER SUBMISSIONS.....	12
2.1. Overview of Public Participation.....	12
2.2. Summary of submissions from Stakeholders and Committee Resolution.....	12
2.3. General Comments.....	15
2.4. Specific Prayers to the Committee.....	15
CHAPTER THREE:.....	16
COMMITTEE OBSERVATIONS AND RECOMMENDATIONS.....	16
3.1. Committee Observations.....	16
3.2. Committee Recommendations.....	17
LIST OF APPENDICES.....	18

LIST OF ABBREVIATIONS/ACRONYMS

ADC:	Agricultural Development Corporation
BIBA-K:	Biodiversity and Biosafety Association of Kenya
EAC:	East African Community
FAO:	Food and Agriculture Organization
KEBS:	Kenya Bureau of Standards
KEPHIS:	Kenya Plant Health Inspectorate Service
LRFSN:	Lake Region Food Systems Network
PBAK:	Plant Breeders Association of Kenya
UPOV:	International Union for the Protection of New Varieties of Plants
ISTA:	International Seed Testing Association
OECD:	Organisation for Economic Co-operation and Development
DUS:	Distinctness, Uniformity, Stability
NPT:	National Performance Trials
ASAL:	Arid and Semi-Arid Lands

ESTABLISHMENT AND MANDATE OF THE COMMITTEE

The Standing Committee on Agriculture, Livestock and Fisheries is established under standing order 228(3) of the Senate Standing Orders and is mandated to consider all matters relating to agriculture, irrigation, livestock, fisheries development and veterinary services.

In undertaking its mandate, the Committee oversees the following State Departments-

1. Ministry of Agriculture and Livestock Development;
 - i. The State Department for Crops Development; and
 - ii. The State Department for Livestock Development.
2. Ministry of Sanitation, Water and Irrigation;
 - i. State Department for Irrigation.
3. Ministry of Mining, Blue Economy and Fisheries;
 - i. State Department for Blue Economy and Fisheries.
4. The Committee also oversees the following State Agencies among others-
 - i. Agriculture and Food Authority (AFA);
 - ii. Agricultural Finance Corporation (AFC);
 - iii. Agricultural Development Corporation (ADC);
 - iv. Kenya Seed Company (KSC);
 - v. Kenya Plant Health Inspectorate Services (KEPHIS);
 - vi. Kenya Agricultural and Livestock Research Organization (KALRO);
 - vii. Kenya Veterinary Vaccine Production Board (KVVPB);
 - viii. Kenya Veterinary Board (KVB);
 - ix. Kenya Meat Commission (KMC);
 - x. Kenya Dairy Board (KDB);
 - xi. Kenya Leather Development Council (KLDC);
 - xii. Kenya Fisheries Service (KFS);
 - xiii. Kenya Fish Marketing Authority (KFMA);
 - xiv. Kenya Marine and Fisheries Research Institute (KEMFRI);
 - xv. Kenya Fishing Industries Corporation; and
 - xvi. National Irrigation Board (NIB).

The Committee also works closely with the Council of Governors (CoG), and the County Assemblies Forum (CAF) and non-state actors including among others-

1. Kenya Private Sector Alliance (KEPSA);
2. Agricultural Council of Kenya (AgCK);
3. Food and Agriculture Organization (FAO);
4. Kenya National Farmers' Federation (KENAFF);

MEMBERSHIP OF THE COMMITTEE

- | | |
|--|-------------------|
| 1. Sen. David Wafula Wakoli, MP | -Chairperson |
| 2. Sen. Alexander Munyi Mundigi, MP | -Vice-Chairperson |
| 3. Sen. Moses Otieno Kajwang', CBS, MP | -Member |
| 4. Sen. Wahome Wamatinga, MP | -Members |
| 5. Sen. Mwenda Gataya (Mo Fire), CBS, MP | -Member |
| 6. Sen. Sheikh Mohamed Abbas, CBS, MP | -Member |
| 7. Sen. Catherine Muma, MP | -Member |
| 8. Sen. (Prof.) Tom Ojienda, SC MP | -Member |
| 9. Sen. Hezena Lemaletin, MP | -Member |

5. Centre for Agriculture and Bioscience International (CABI); and
6. Agricultural Industry Forum (AIF).

CHAIRPERSON'S FOREWORD

Honourable Speaker,

The Seeds and Plant Varieties (Amendment) Bill, 2025 (Senate Bills No. 4 of 2025) was published vide Kenya Gazette Supplement No. 66 on 9th May, 2025. It was introduced in the Senate by way of First Reading on Wednesday, 9th July, 2025, and subsequently stood committed to the Standing Committee on Agriculture, Livestock and Fisheries pursuant to Standing Order 145.

Honourable Speaker,

The Seeds and Plant Varieties (Amendment) Bill, 2025 (Senate Bills No. 4 of 2025) seeks 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). This system is proposed as an alternative to the existing certification process overseen by the Kenya Plant Health Inspectorate Service (KEPHIS).

The Bill aims to address delays in seed approval, promote innovation, and enhance farmers' access to climate-resilient and high-yield seed varieties.

Honourable Speaker,

In line with Article 118 of the Constitution and Standing Order 145(5) of the Senate Standing Orders, the Standing Committee on Agriculture, Livestock and Fisheries proceeded to undertake public participation on the Bill. In this regard, the Committee published an advertisement in the Daily Nation and Standard newspapers on Tuesday, 15th July, 2025, inviting members of the public to submit written memoranda to the Committee on the Bill for consideration.

Having conducted public participation, the committee noted that the Bill generated significant debate among stakeholders, particularly regarding the proposed dual regulatory system and the potential for institutional overlap. An overview of the submissions is set out at Chapter Two of this report, while the detailed observations and recommendations are set out at Chapter Three of this Report.

This report presents the findings of the Standing Committee on Agriculture, Livestock and Fisheries following extensive public participation and stakeholder consultations. It reflects the diverse views of farmers, seed merchants, research institutions, civil society, and government agencies.

Honourable Speaker,

The recommendation of the Committee is that the Seeds and Plant Varieties (Amendment) Bill, 2025 (Senate Bills No. 4 of 2025) should not be proceeded with. In this regard is that the Kenya Plant Health Inspectorate Service (KEPHIS) be further strengthened to continue performing its mandate as the national seed certification authority. KEPHIS possesses the requisite technical expertise, infrastructure, and international accreditation, representing Kenya in global platforms such as the International Seed Testing Association (ISTA) and the Organisation for Economic Co-operation and Development (OECD) seed schemes.

The Committee further recommends that any reform to the seed regulatory framework must safeguard Kenya's international obligations, avoid institutional overlap and uphold the scientific integrity of agroecological trials, including Distinctness, Uniformity and Stability (DUS) testing and National Performance Trials (NPTs), which are essential for ensuring seed quality and suitability across diverse farming zones.

Honourable Speaker,

The Committee acknowledges the efforts of all stakeholders who submitted memoranda. Their contributions have been invaluable in shaping the Committee's observations and recommendations.

I also wish to thank the offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this important assignment.

Lastly, I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Seeds and Plant Varieties (Amendment) Bill, 2025 (Senate Bills No. 4 of 2025) successful.

Honourable Speaker, it is now my pleasant duty, pursuant to standing order 148(1) of the Senate Standing Orders, to present the Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Seeds and Plant Varieties (Amendment) Bill, 2025 (Senate Bills No. 4 of 2025).

Signed



Date: 13th March, 2026

Sen. David Wafula Wakoli, CBS, M.P,

Chairperson,

Standing Committee on Agriculture, Livestock and Fisheries

CHAPTER ONE:

INTRODUCTION

1.1. Background

The Seeds and Plant Varieties (Amendment) Bill, 2025, was published in the Kenya Gazette on Friday, 9th May 2025 and read for the first time in the Senate on Wednesday, 15th May 2025. The Bill was subsequently committed to the Standing Committee on Agriculture, Livestock, and Fisheries for consideration.

1.2. Objects of the Bill

The principal object of the Bill is to amend the Seeds and Plant Varieties Act to introduce a standards-based seed registration system to be administered by the Kenya Bureau of Standards (KEBS). This system is intended to operate alongside the existing certification system managed by the Kenya Plant Health Inspectorate Service (KEPHIS).

The Bill proposes the insertion of new sections 10A, 10B, and 10C into the principal Act, establishing the legal framework for the parallel registration system. It also amends Section 11 on seed testing stations and introduces a new Seventh Schedule listing crop varieties eligible for the standards-based system.

The Bill is sponsored by Sen. Ledama Ole Kina, who argues that the current seed certification process is slow, averaging four years, and hinders farmers' access to improved seed varieties. The proposed system is expected to reduce approval timelines to 60 days for eligible varieties.

1.3. Situational Analysis on the Seed Sector in Kenya

Kenya's seed sector is critical to national food security, economic growth, and agricultural transformation. The sector supports over 75% of the population directly or indirectly and contributes significantly to the country's GDP.

The Kenya Plant Health Inspectorate Service (KEPHIS) has been the sole statutory body responsible for seed certification, plant variety protection, and phytosanitary regulation since its establishment in 1996. It is accredited to international bodies such as the International Seed Testing Association (ISTA) and the Organisation for Economic Co-operation and Development (OECD). The current process is regulated by KEPHIS under the Seeds and Plant Varieties Act (Cap 326), involves the following steps:

- a) **Seed Merchant Registration** – Individuals or institutions must register as seed merchants, growers, or sellers by meeting specific requirements, such as land ownership, storage facilities, and technical expertise.
- b) **Field Inspection** – Registered seed merchants must have their fields inspected to verify the origin and purity of seed crops, ensure compliance with isolation distance requirements, and check for disease-free status.
- c) **Seed Processing** – Harvested seed crops undergo processing to remove impurities, grade seed sizes, and apply protective treatments.
- d) **Seed Testing** – Laboratory tests are conducted to assess purity, germination rate, moisture content, and seed-borne diseases.
- e) **Labelling and Sealing** – Once a seed lot meets the required standards, it is labelled and sealed to prevent tampering or contamination.
- f) **Post-Control Tests** – Follow-up tests verify that the seed's characteristics remain unchanged throughout multiplication.
- g) **Post-Certification Monitoring** – KEPHIS conducts market and field surveys to ensure certified seed quality is maintained until planting time, addressing any complaints about low-quality seeds.

1.4. Legal Framework on the Seed Sector

The Constitution of Kenya, 2010: Articles 11, 43 and 69 recognize the right to food, the protection of biodiversity, and the promotion of indigenous knowledge. These provisions are central to the debate on seed sovereignty and farmers' rights.

Seeds and Plant Varieties Act (Cap. 326): This is the principal legislation governing seed certification, plant variety protection, and seed trade in Kenya. It designates KEPHIS as the lead agency in seed regulation.

The Standards Act (Cap. 496): Establishes the Kenya Bureau of Standards (KEBS) and mandates it to develop and enforce standards for goods and services, including agricultural inputs.

The Agriculture and Food Authority Act, 2013: Creates the Agriculture and Food Authority (AFA) and outlines the roles of various agencies in the agricultural sector.

The Kenya Plant Health Inspectorate Service Act, 2012: Establishes KEPHIS as the national regulatory body responsible for overseeing plant health, seed certification, and plant variety protection. The Act mandates KEPHIS to regulate matters related to seeds, plant varieties, and phytosanitary measures; enforce sanitary and food safety standards;

conduct seed testing and certification; administer plant breeders' rights; and inspect agricultural imports and exports. It empowers KEPHIS to advise the government on seed and plant health issues, operate service laboratories, and ensure compliance with international standards for agricultural produce.

International Agreements: Kenya is a signatory to the International Treaty on Plant Genetic Resources for Food and Agriculture, the Convention on Biological Diversity, and the UPOV Convention, all of which influence national seed laws and policies.

1.5. Institutional Framework

Kenya Plant Health Inspectorate Service (KEPHIS): Responsible for seed certification, plant variety protection, phytosanitary measures, and quality assurance of planting materials.

Kenya Bureau of Standards (KEBS): Mandated to develop and enforce standards for all goods and services, including seeds. KEBS has existing technical committees on seed standards.

Agricultural Development Corporation (ADC): Supports seed multiplication and distribution.

Kenya Agricultural and Livestock Research Organization (KALRO): Conducts research on new seed varieties and agronomic practices.

Plant Breeders Association of Kenya (PBAK): Represents the interests of plant breeders and advocates for intellectual property protection.

Council of Governors (CoG): Represents County governments, which are responsible for agricultural extension services and local seed systems.

1.6. Overview of the Bill

Clause 2 of the Bill amends the Seeds and Plant Varieties Act (Cap. 326) (the principal Act) by introducing new definitions. It introduces two key definitions, namely "Bureau" defined as the Kenya Bureau of Standards (KEBS) and "standards-based seed registration system," which is established under the newly proposed section 10A. These definitions set the foundation for a standards-based seed registration system administered by KEBS.

Clause 3 of the Bill proposes new sections 10A, 10B, and 10C, which establish and regulate the standards-based seed registration system. The proposed section 10A

establishes a standards-based seed registration system to be administered by the Kenya Bureau of Standards (KEBS). This system is designed to approve and register seed varieties that meet the minimum quality standards prescribed under the Act.

The proposed section 10B provides the application process for seed registration, requiring applicants to submit technical data demonstrating compliance with germination and purity standards, proof of the absence of noxious weeds and seed-borne diseases, proof of registration as a seed merchant, and a physical sample of the variety. KEBS is required to review and respond to applications within sixty days, after which it may either approve or reject the application. Once approved, the applicant is issued a certificate of registration valid for five years, renewable upon application.

The proposed section 10C outlines the eligibility criteria for seed varieties that qualify for the standards-based registration system, prioritizing climate-resilient varieties, seeds with prior testing, and niche-market seed varieties that do not require extensive agro-ecological trials. The Cabinet Secretary is also granted the authority to update the list of eligible crops and establish regulations governing application procedures, quality standards, and post-market monitoring.

Clause 4 of the Bill proposes to amend section 11 of the Seeds and Plant Varieties Act (Cap. 326) by deleting the existing provision and replacing it with a new provision which requires the Service, in consultation with county governments, to establish and maintain official seed testing stations in necessary locations.

Clause 5 of the Bill introduces a Seventh Schedule under the proposed section 10C of the Seeds and Plant Varieties Act (Cap. 326), listing crop varieties eligible for the standards-based seed registration system. These include Sudan grass, pigeon peas, cereal rye, oats, lupins, chickpeas, barley, canola, linseed, grain sorghum, wheat, fava/broad beans, millets, dry/common/French beans/green beans, lab lab bean, sunflowers, mung beans, Rhodes grass, and peas.

CHAPTER TWO:

PUBLIC PARTICIPATION AND STAKEHOLDER SUBMISSIONS

2.1. Overview of Public Participation

The Committee conducted public participation between 1st June and 15th June 2025, inviting written and oral submissions from stakeholders. Advertisements were placed in the *Daily Nation* and *Standard* newspapers on Tuesday, 15th July, 2025, and notices were posted on the Parliament website and social media platforms.

The Committee received submissions from several stakeholders, including government agencies, seed companies, farmers' associations, research institutions, civil society organizations, and individual farmers.

2.2. Summary of submissions from Stakeholders and Committee Resolution

Clause 3: Insertion of New Sections 10A, 10B, and 10C

Ministry of Agriculture (KEPHIS): Rejected the establishment of a standards-based seed registration system under KEBS. Argued that seed standards are better handled by KEPHIS due to its technical expertise, international accreditation, and existing legal mandate. Noted jurisdictional ambiguity since KEBS falls under the Ministry of Trade while the Seeds and Plant Varieties Act is administered under Agriculture.

KEBS: Supported the Bill and proposed amendments to designate KEBS as a lead agency for seed quality standards. Sought expanded post-market monitoring powers, including unannounced inspections and penalties.

Plant Breeders Association of Kenya (PBAK): Opposed the Bill, citing regulatory confusion, increased costs, and scientific impracticality of a 60-day approval limit. Called for retention of field-based DUS and NPT trials.

Seed Trade Association of Kenya (STAK): Opposed the transfer of seed registration and certification functions to KEBS, noting that KEPHIS already holds the legal and technical mandate under Cap. 326. Highlighted risks of duplication, inefficiency, and conflicting decisions if KEBS were introduced as a parallel regulator. Recommended streamlining KEPHIS's approval timelines, upgrading its online certification systems, and expanding crop eligibility under the standards-based pathway while retaining rigorous NPT and DUS testing for hybrids and high-value crops.

Agricultural Development Corporation (ADC): Recommended retaining KEPHIS as sole certifier, citing its long-standing technical expertise and international alignment. Supported automation and accreditation of private inspectors under KEPHIS.

Lake Region Food Systems Network (LRFSN): Opposed KEBS involvement, affirming KEPHIS's technical infrastructure and field capacity.

Interplant Agriculture Ltd / Spice World Ltd / Kapa Oil Refineries Ltd: Supported KEBS but called for deletion of Section 10C (3), citing confusion over oversight roles.

Amka Africa Justice Initiative (with partners): Rejected KEBS-administered registration, citing duplication, lack of capacity, and unrealistic timelines.

BIO Food Products Ltd: Supported KEBS system but called for clarity, inclusion of hybrid/export varieties, and public participation.

Biodiversity and Biosafety Association of Kenya (BIBA-K): Rejected the entire Bill and called for a comprehensive review of the parent Act. Raised concerns about institutional conflict and vague terminology.

Shomoro Farm Supplies Ltd / p. namuma: Called for deletion of Section 10C (3) and retention of KEPHIS as certifier.

Council of Governors: Opposed parallel certification; urged retention of KEPHIS as sole authority.

Western Seed Company Ltd: Proposed KEBS oversight of standard seed quality and online publication of descriptors.

Margaret Otaro Osogo: Rejected Clause 3, citing discriminatory framework in the parent Act.

Pure Seeds E.A Ltd: Proposed amendment to Clause 10B(2)(c) to align registration with KEBS, but also suggested repeal of Clause 3 and retention of KEPHIS as certifier.

Nature Kenya: Proposed proof of non-invasiveness and assignment of registration system to KEPHIS.

Committee Resolution (Clause 3): The Committee acknowledged all submissions and resolved that KEPHIS retains the mandate of seed certification under Cap. 326. Certification must remain with the internationally accredited body, KEPHIS, to safeguard

Kenya's credibility, farmers' interests, and compliance with ISTA, OECD Seed Schemes, and IPPC.

Clause 4: Amendment of Section 11 on Seed Testing Stations

KEPHIS: Noted that seed testing labs have already been established in Nakuru and Kitale and five others accredited. Existing legislation is adequate.

Seed Trade Association of Kenya (STAK): Recommended allowing independent ISO/IEC 17025-accredited laboratories to complement county seed testing stations. Argued that such independent labs would enhance capacity, credibility, and international competitiveness, while avoiding duplication of roles and ensuring alignment with global standards.

Western Seed Company Ltd: Proposed limiting county government roles to farmer training and extension to avoid duplication.

Pure Seeds E.A Ltd: Recommended KEBS create a digital seed register at county and national levels.

Committee Resolution (Clause 4): The Committee accepted KEPHIS's and Western Seed's proposals, affirming that seed testing stations are already provided for under the Act and best managed administratively. The Committee rejected Pure Seeds' proposal, finding that certification and verification functions remain with KEPHIS.

Clause 5: Insertion of New Schedule Seven

Shomoro Farm Supplies Ltd: Proposed inclusion of hybrid maize under the standards-based system.

Pure Seeds E.A Ltd: Recommended expanding the list to include fodder crops such as Napier grass, Brachiaria, and Lucerne.

Western Seed Company Ltd: Proposed inclusion of maize.

Lake Region Food Systems Network (LRFSN): Called for participatory review to include traditional and indigenous crops.

Interplant Agriculture Ltd: Proposed additions of pasture grasses, legumes, and cover crops.

Committee Resolution (Clause 5): The Committee rejected all proposals, consistent with its Clause 3 decision. Certification and registration processes shall continue to be

administered solely by KEPHIS, with efficiency gains pursued through strengthening its existing capacity.

2.3. General Comments

Ministry of Agriculture: Disputed the Bill's claim of inefficiencies in the current seed approval process, noting that recent evaluations show an average release time of two years, with some varieties released within one year.

KEBS: Asserted that it has the capacity to implement the Bill subject to the development of supporting regulations and collaboration with KEPHIS.

Seed Trade Association of Kenya (STAK): Emphasized the importance of aligning reforms with Kenya's international trade obligations, particularly the WTO Agreement of Sanitary and Phytosanitary Measures (SPS Agreement), and safeguarding access to both domestic and export seed markets. Called for robust public participation under Article 10(2)(a) of the Constitution to ensure that regulatory changes reflect the realities of the seed sector.

Nature Kenya: Called for exemptions for indigenous seed varieties and measures to prevent the introduction of invasive species.

Jones Kyalo & Others: Raised constitutional objections, arguing that the Bill undermines farmers' rights and indigenous seed systems.

Grace F. Simba: Urged the Senate to uphold constitutional protections for indigenous knowledge and farmers' rights, warning against privileging commercial breeders under UPOV 1991.

2.4. Specific Prayers to the Committee

BIBA-K: Called for the rejection of the Bill and a comprehensive review of the parent Act.

PBAK: Recommended aligning the Bill with regional seed policy frameworks to avoid creating parallel systems.

ADC: Urged the Senate to strengthen KEPHIS's capacity rather than introducing a dual system.

Farmers' Representatives: Requested the inclusion of a farmer compensation clause and grievance redress mechanisms.

CHAPTER THREE:

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.1. Committee Observations

The Committee makes the following key observations:

1. KEPHIS vs KEBS Capacity and Mandate

The Committee notes that KEPHIS is the legally designated and internationally accredited authority for seed certification in Kenya. It has built technical capacity over decades, including laboratories, field stations, and trained personnel for conducting Distinctness, Uniformity and Stability (DUS) testing and National Performance Trials (NPTs). KEBS, while competent in standards development, lacks the specialized infrastructure and international recognition required for seed certification. Introducing a parallel system under KEBS risks regulatory duplication, institutional conflict, and confusion among seed developers and farmers.

The Committee also notes that in KEBS submissions to the Committee, they indicated a willingness to take on an expanded role in seed regulation, including post-market monitoring. However, KEBS also acknowledged that it would require resources and capacity building to effectively perform the mandates. This admission reinforces stakeholder concerns that KEBS currently lacks the technical capacity, field presence, and international accreditation necessary for seed certification. The Committee finds that assigning regulatory functions to an institution that has itself acknowledged capacity gaps would be premature and potentially disruptive to the sector.

2. International Obligations and Market Access

The Committee notes that KEPHIS represents Kenya in key international platforms such as the International Seed Testing Association (ISTA), the Organisation for Economic Co-operation and Development (OECD) seed schemes, and the International Plant Protection Convention (IPPC). These affiliations are essential for Kenya's compliance with global phytosanitary standards and for facilitating seed exports. The Bill does not adequately address how KEBS would assume or maintain these international roles, raising concerns about Kenya's continued access to regulated markets and its credibility in global seed trade.

3. Scientific Integrity of Agroecological Trials

The Committee notes that the proposal to reduce the seed variety approval timeline to 60 days was widely criticized as scientifically untenable. Agroecological trials, particularly DUS and NPTs, require multiple seasons and diverse ecological zones to generate reliable data. Compressing these timelines undermines the scientific rigor of the process could lead to the release of poorly adapted or low-performing varieties, ultimately harming farmers and food security. Stakeholders emphasized that efficiency should be pursued through capacity strengthening, not by compromising trial integrity.

A case in point is the performance of hybrid maize varieties such as H614 and H6213, which thrive in high-rainfall regions like Kitale but consistently fail in semi-arid areas like Kitui due to drought stress and shorter growing seasons. These failures are not due to poor breeding but to ecological mismatch, something that only rigorous agroecological trials can detect and prevent.

4. Seed Release Timelines

The Committee observes that concerns were raised regarding the duration it takes to release climate-resilient seed varieties under the current certification framework. However, data provided by the Kenya Plant Health Inspectorate Service (KEPHIS) indicates that the average timeline for seed variety release is approximately two years, contrary to the cited estimate of four years.

5. Indigenous Seeds and Community Seed Systems

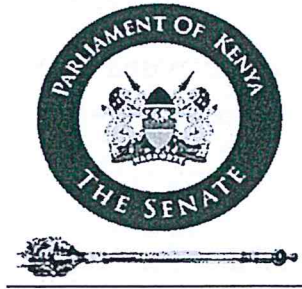
The Committee notes the strong submissions from stakeholders calling for explicit recognition and protection of indigenous and community seed systems. These submissions emphasized constitutional provisions under Articles 11, 40, 43, and 69, which safeguard cultural heritage, biodiversity, and the right to food. Concerns were raised that the Bill, by privileging commercial certification pathways, may risk marginalizing farmer-led breeding, traditional seed exchange, and indigenous knowledge systems. The Committee observes that this matter is currently the subject of ongoing judicial proceedings.

3.2. Committee Recommendations

Having considered the Seeds and Plant Varieties (Amendment) Bill, 2025 (Senate Bills No. 4 of 2025) and the submissions received thereon, the Standing Committee on Agriculture, Livestock and Fisheries recommends to the Senate that the Bill **be not be proceeded with.**

LIST OF APPENDICES

- Appendix 1: Minutes of the Committee Meetings;
- Appendix 2: The Seeds and Plant Varieties (Amendment) Bill, 2025;
- Appendix 3: Public Participation Advertisements;
- Appendix 4: Stakeholder Submissions Matrix;
- Appendix 5: Proposed Amendments to the Bill; and
- Appendix 6: Copies of Stakeholder Submissions



**MINUTES OF THE ONE HUNDRED AND SEVENTY SEVENTH MEETING
OF THE SENATE STANDING COMMITTEE ON AGRICULTURE,
LIVESTOCK AND FISHERIES, HELD ON THURSDAY, 7TH AUGUST 2025 IN
COMMITTEE ROOM 5, MAIN PARLIAMENT BUILDINGS AT 10:00 A.M.**

PRESENT

- | | | |
|-------------------------------------|---|-------------------------|
| 1. Sen. David Wafula Wakoli, MP | - | Chairperson |
| 2. Sen. Alexander Munyi Mundigi, MP | - | Vice-Chairperson |
| 3. Sen. Wahome Wamatinga, MP | - | Member |
| 4. Sen. (Prof.) Tom Ojienda, SC MP | - | Member |

ABSENT WITH APOLOGIES

- | | | |
|--|---|--------|
| 1. Sen. Catherine Mumma, MP | - | Member |
| 2. Sen. Moses Kajwang', CBS, MP | - | Member |
| 3. Sen. Abbas Sheikh, CBS, MP | - | Member |
| 4. Sen. Hezena Lemaletian, MP | - | Member |
| 5. Sen. Mwenda Gataya (Mo Fire), CBS, MP | - | Member |

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------|
| 1. Mr. Peter Mulesi | - | Clerk Assistant I |
| 2. Ms. Caroline Njue | - | Clerk Assistant II |
| 3. Mr. Hillary Cheruiyot | - | Research Officer III |
| 4. Ms. Faith Cheruto | - | Legal Counsel |
| 5. Ms. Winnie Atieno | - | Audio Officer |
| 6. Ms. Juliet Masinde | - | Media Relations Officer |
| 7. Ms. Sarah Rukwaro | - | SAA |

MIN/SEN/SCA/1170/2025 -

PRELIMINARIES

The meeting was called to order at 10:20 a.m. followed by a word of prayer and introductions.

MIN/SEN/SCA/1171/2025 -

ADOPTION OF THE AGENDA

The agenda was adopted after being proposed by Sen. Wahome Wamatinga, MP and seconded by Alexander Mundigi, MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of the Minutes of the One Hundred and Seventy Sixth sitting held Thursday, 4th August, 2025 at 10:00 a.m.
4. Matters arising;
5. Stakeholder Engagement on the Plants and Seed Varieties (Amendment) Bill, 2025 (Senate Bills No. 1 of 2025) (*Committee Paper No. 135*);
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MIN/SEN/SCA/1172/2025 -

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

The Minutes of the One Hundred and Seventy Sixth sitting held on Thursday, 31st July, 2025 at 10:00 a.m. were confirmed as a true record of the proceedings having been proposed by Sen. Alexander Mundigi, MP. and seconded by Sen. Wahome Wamatinga, MP.

MIN/SEN/SCA/1173/2025 -

MATTES ARISING FROM THE PREVIOUS MINUTES

Under Minutes of the 176th sitting: Ex. MIN/SEN/SCA/1167/2025 – MEETING WITH THE RESEARCHERS TO DELIBERATE ON THE RESEARCH ON THE INFLUENCE OF ON FARM PESTICIDES PRACTICES AND PROCESSING METHODS ON PESTICIDE RESIDUE LEVELS IN POTATO TUBERS IN NYANDARUA COUNTY

1. Presentation from researchers

The Committee made the following observations:

- i. The Ministry of Agriculture and Livestock Development should be invited to actualize and benefit from the research that was done on the tubers;
- ii. The research should be broken down in digestible versions and be shared with farmers;
- iii. Hold a multisectoral stakeholder forum with the MoALD, KEBS and other organizations to find out what everyone is doing on the issue of food safety in the Country;
- iv. Engage with researchers who did research on all banned chemicals in Kenya; and

- v. Egerton University has an extension services program that can benefit Counties.

2. Visit to Nyandarua County

The Committee was informed that the visit to Nyandarua County was scheduled from **Thursday, 11th September, 2025 to Sunday, 14th September, 2025.**

MIN/SEN/SCA/1174/2025 - STAKEHOLDER SUBMISSION ON THE SEEDS AND PLANT VARIETIES BILL, 2025 (SENATE BILLS NO. 1 OF 2025) (COMMITTEE PAPER NO. 135)

The Committee was informed that the Council of Governors (CoG) and the Ministry of Agriculture and Livestock Development (MoALD) had communicated that they would not be able to attend the Committee meeting due to prior official engagements.

Committee Resolutions

1. The Committee resolved that all submissions should be consolidated into a matrix and be considered on **Tuesday, 9th September, 2025;**
2. The Committee to undertake a stakeholder engagement after the presentation of the matrix to deliberate on any gaps that might come up for clarifications;
3. The Committee to undertake a report writing retreat on the bill.

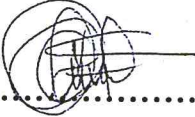
MIN/SEN/SCA/1175/2025 - ANY OTHER BUSINESS

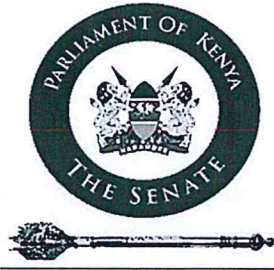
1. **Foreign Travel** – The Committee was taken through a budget that caters for all nine (9) members of the Committee and four (4) members of the secretariat to travel to both Uganda and Ethiopia from 12th to 20th October, 2025. The Committee approved the budget and the dates;
2. **Concept Note - Visit to Uasin Gishu County and Kenya Seed in Kitale**
 - i. The Committee was taken through a concept note on the visit to Kenya Seed Company in Kitale (Trans Nzoia County);
 - ii. The Committee and resolved to undertake the visit from **Sunday, 24th August, 2025 to Wednesday, 27th August, 2025** with **Monday, 25th August, 2025** being a visit to Eldoret (Uasin Gishu County) (NCPB) and **Tuesday, 26th August, 2025** visit Kenya Seed Company in Kitale and return to Nairobi on **Wednesday, 27th August 2025.**
 - iii. The Committee deliberated on its involvement in the Devolution Conference and was disappointed that the inclusion of the Committee was dropped and only Devolution and CPAC Committees were considered to attend. However, the Committee was informed that Sen. Catherine Mumma, MP who is in both Agriculture and Devolution Committee, was

the one who was to present a paper on behalf of the Agriculture Committee. The Committee disagreed with the resolution of Sen. Catherine Mumma, MP. to represent the Committee and resolved that the Chairperson should be the one to represent the Committee.

MIN/SEN/SCA/1176/2025 - ADJOURNMENT

There being no other business, the meeting adjourned at 11:20 a.m. The next meeting will be on notice.

SIGNED:  DATE: 12/08/2025
SEN. DAVID WAFULA WAKOLI, MP
(CHAIRPERSON)



**MINUTES OF THE ONE HUNDRED AND NINETY FOURTH MEETING OF
THE SENATE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK
AND FISHERIES, HELD ON TUESDAY, 24TH FEBRUARY, 2026 IN
COMMITTEE ROOM 5 AT 10:00 A.M.**

PRESENT

- | | | |
|-------------------------------------|---|-------------------------|
| 1. Sen. David Wafula Wakoli, MP | - | Chairperson |
| 2. Sen. Alexander Munyi Mundigi, MP | - | Vice-Chairperson |
| 3. Sen. Abbas Sheikh, CBS, MP | - | Member |
| 4. Sen. (Prof.) Tom Ojienda, SC MP | - | Member |
| 5. Sen. Catherine Mumma, MP | - | Member |
| 6. Sen. Hezena Lemaletian, MP | - | Member |

ABSENT WITH APOLOGIES

- | | | |
|--|---|--------|
| 1. Sen. Moses Kajwang', CBS, MP | - | Member |
| 2. Sen. Mwenda Gataya (Mo Fire), CBS, MP | - | Member |
| 3. Sen. Wahome Wamatinga, MP | - | Member |

SECRETARIAT

- | | | |
|--------------------------|---|----------------------|
| 1. Mr. Peter Mulesi | - | Clerk Assistant 1 |
| 2. Ms. Ivy Nyambura | - | Clerk Assistant III |
| 3. Ms. Faith Cheruto | - | Legal Counsel |
| 4. Mr. Hillary Cheruiyot | - | Research Officer III |
| 5. Ms. Winnie Atieno | - | Audio Officer |
| 6. Ms. Sarah Rukwaro | - | S-A-A |
| 7. Mr. Abubakar Ekuwom | - | Intern |

MIN/SEN/SCA/1297/2026 -

PRELIMINARIES

The meeting was called to order at 10:27 a.m. followed by a word of prayer and introductions

MIN/SEN/SCA/1298/2026 -

ADOPTION OF THE AGENDA

The agenda was adopted after being proposed by Sen. Alexander Mundingi, MP and seconded by Sen. (Prof.) Tom Ojienda, SC MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of the minutes of the 190th, 191st, 192nd and 193rd Sittings;
4. Matters arising;
5. **Consideration of the Report on the Seeds and Plant Varieties (Amendment) Bill, 2025 (Senate Bills No. 4 of 2025) (Committee Paper No. 150);** and
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MIN/SEN/SCA/1299/2026 - CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

- a) The Minutes of the One Hundred and Ninety Third sitting held on Thursday, 19th February, 2026 were confirmed as a true record of the proceedings after being proposed by Sen. Alexander Mundingi, MP and seconded by Sen. Catherine Mumma, MP;
- b) The Minutes of the One Hundred and Ninety Second sitting held on Tuesday, 2nd December, 2025 were confirmed as a true record of the proceedings after being proposed by Sen. Hezena Lemaletian, MP and seconded by Sen. Abbas Sheikh, CBS, MP; and
- c) The Minutes of the One Hundred and Ninety First sitting held on Monday, 17th November, 2025 were confirmed as a true record of the proceedings after being proposed by Sen. Abbas Sheikh, CBS, MP and seconded by Sen. Hezena Lemaletian, MP.

MIN/SEN/SCA/1300/2026 - MATTERS ARISING FROM THE PREVIOUS MINUTES

The following matter arose under The Minutes of the One Hundred and Ninety Third sitting held on Thursday, 19th February, 2026 as follows-

Under MIN/SEN/SCA/1286/2025 –Meeting with the Governor Marsabit County to deliberate on the implementation status of the drought resilience programme

The Committee resolved as follows—

- a) The Secretariat was tasked with preparing a proposal indicating suitable dates in March 2026 for a Committee visit to Marsabit County. The proposal should also include a comprehensive logistical plan covering additional areas within the Northern Counties Circuit; and
- b) The Secretariat was further tasked with reviewing issues of national interest raised during a meeting of the Senate CPAIC Committee, particularly concerning the utilization of Ksh.55.9 million by the County Government of Wajir for a seedling project, and reporting back to the Committee.

MIN/SEN/SCA/1301/2026 - CONSIDERATION OF THE REPORT ON THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL, 2025 (SENATE BILLS NO. 4 OF 2025)

This Committee considered and adopted the report after having been proposed by Sen. Abbas Sheikh, CBS, MP and seconded by Sen. Catherine Mumma, MP with the recommendation that to the Senate **that the Bill be not proceeded with.**


MIN/SEN/SCA/1303/2026 - ANY OTHER BUSINESS

- a) The Legal Counsel informed the Committee that consideration of the Report on the Livestock Protection and Sustainability Bill, 2024 (Senate Bills No. 32 of 2024) would be further delayed due to the lack of concurrence with the counterpart Committee in the National Assembly. The Legal Counsel further indicated that she is currently preparing the proposed Committee Stage Amendments, which will be presented to the Committee in the coming week.
- b) The Committee was further informed of the pending Bills currently under consideration by Mediation Committees, namely—
 - i. The Food and Feed Safety Control Coordination Bill, 2023 (National Assembly Bills No. 21 of 2023); and
 - ii. The Mung Beans Bill (Senate Bills No. 13 of 2022).
- c) The Chairperson undertook to engage with counterparts in the National Assembly to expedite consideration of the Bills. The Chairperson further indicated that the matter would be raised before the Liaison Committee,

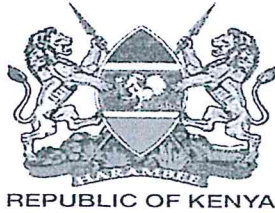
particularly the need to ensure that Members appointed to Mediation Committees possess prior knowledge and familiarity with the contents of the respective Bills.

MIN/SEN/SCA/1304/2026 - ADJOURNMENT

There being no other business, the meeting adjourned at 11:10 a.m. The next meeting will be on notice.

SIGNED:  DATE: 26/02/26

**SEN. DAVID WAFULA WAKOLI, MP
(CHAIRPERSON)**



REPUBLIC OF KENYA

**MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT
OFFICE OF THE CABINET SECRETARY**

Telephone: 2718870/9
Website: www.kilimo.go.ke
Email: cabinetsecretary@kilimo.go.ke
When replying please quote;

KILIMO HOUSE
CATHEDRAL ROAD
P. O. Box 30028
NAIROBI

REF: MOALD/CS/ADM/12 VOL.VIII/

4th August 2025

J. M. Nyegenye, CBS
Clerk of the Senate
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

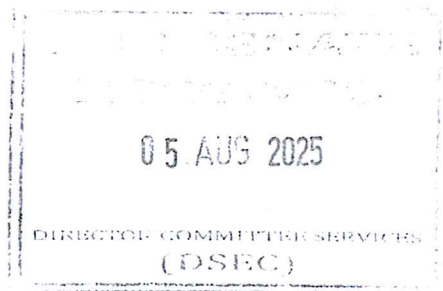


**SUBMISSION ON THE SEEDS AND PLANT VARIETIES BILL, 2025
(SENATE BILL NO. 4 OF 2025)**

Reference is made to your letter Ref: SEN/DSEC/SCA/CORR/07/2025/277 dated 10th July 2025 concerning the above subject.

Attached herewith is the submission on the proposed Seeds and Plants Varieties Bill 2025.

Sen. Mutahi Kagwe, EGH
CABINET SECRETARY

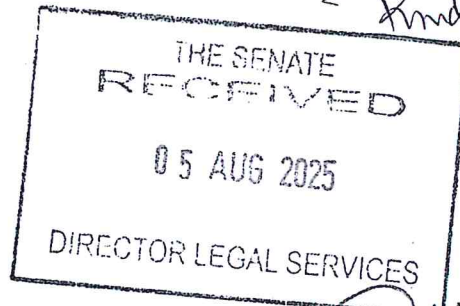


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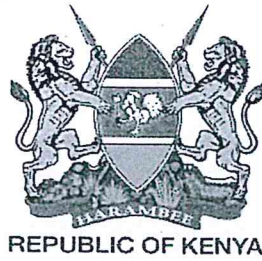
Encl.

Copy to: Dr. Kipronoh Ronoh P. CBS
Principal Secretary
State Department for Agriculture
NAIROBI

② DSEC (BL)
Kindly deal
[Signature]
05/08/2025



③ Mr. Mwesi
Kindly deal
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05/08/2025



REPUBLIC OF KENYA

MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT

**SUBMISSION ON THE SEEDS AND PLANT VARIETIES BILL,
2025 (SENATE BILL NO. 4 OF 2025)**

BY

**SEN. MUTAHI KAGWE, EGH
CABINET SECRETARY**

JULY 2025

Introduction

The Kenya Plant Health Inspectorate Service (KEPHIS) is a government agency established in 1996 and restructured in 2012 to regulate and monitor plant health in Kenya. Operating under the Ministry of Agriculture and Livestock Development, KEPHIS ensures that plant products, seeds, and horticultural exports meet national and international standards by controlling pests and diseases, certifying plant materials, and safeguarding agricultural sectors from health risks.

As Kenya's National Plant Protection Organization, it promotes food security and sustainable agriculture through science-based regulatory services. KEPHIS also serves as the National Designated Authority on Seed Quality and the Plant Breeders Rights Office, implementing international agreements like the IPPC and WTO's SPS regulations. Its services include phytosanitary certification, seed certification, pest surveillance, plant variety protection, and training for farmers and stakeholders on plant health management.

Overview of KEPHIS' seed classification and certification

KEPHIS (Kenya Plant Health Inspectorate Service) oversees seed classification and certification under the Seeds and Plant Varieties Act (Cap 326) and its supporting regulations. Its role is to ensure that seeds produced, sold, and distributed in Kenya meet strict quality standards for purity, germination, and health. KEPHIS classifies seeds into categories based on origin and generation, such as Breeder, Basic, and Certified seed classes, to maintain genetic purity and performance.

According to the Third Schedule of the Seeds Regulations, KEPHIS classifies seed into several generations — each with distinct eligibility criteria and label colours. This framework ensures traceability, genetic purity, and quality control at every propagation step.

The certification process involves rigorous inspection, sampling, and testing to guarantee that seeds are true to type and free from pests and diseases, thereby supporting agricultural productivity, seed quality assurance, and compliance with national and international standards.

Under the Seeds and Plant Varieties Act (Cap 326) of Kenya, Standard Seed refers to seed that meets the established quality criteria for purity, germination, physical appearance, and health as prescribed by KEPHIS. This seed category typically meets the requirements for genetic purity and seed health. Standard Seeds are produced to ensure high performance and uniformity for planting and are legally approved for sale and distribution. The aim is to provide farmers with reliable, high-quality seed to improve crop yields and maintain the integrity of plant varieties.

The KEPHIS seed system is in line with international best standards and are particularly guided by the International Union for the Protection of New Varieties of Plants (UPOV), Organisation for Economic Co-operation and Development (OECD) Seed schemes and the International Seed Testing Association (ISTA) of which KEPHIS is a member on behalf of Kenya.

Through the implementation of existing Acts and the related Regulations, KEPHIS has managed to efficiently evaluate and release 1,081 varieties since inception with an average variety testing and release duration of two years. KEPHIS certified 68, 810 tons of seed in 2024 by overseeing field inspection, processing, labelling, import and export of seeds.

Observations, comments and recommendations on the Seeds and Plant Varieties (Amendment) Senate Bill No. 4 of 2025

- The Seeds and Plant Varieties (Amendment) Senate Bill No. 4 of 2025 aims to introduce another body (Kenya Bureau of Standards) to implement parts of the Seeds and Plant Varieties Act to certify standard-based seeds which will by-pass the rigorous standards necessary for the production, processing and marketing of high quality seeds and which are set according to international best practices.
- The enactment of the Bill will negatively impact on agricultural productivity and export of agricultural produce leading to huge losses in foreign exchange earnings and food insecurity. This is because farmers will not be able to access superior, high yielding seed and planting materials since Breeder's novel varieties will not be

protected by Kenya Bureau of Standards. KEPHIS is the designated National Plant Breeders Rights Office (NPBRO) and National Plant Protection Office (NPPO) for the purpose of regulating seed companies, plant breeders, plant importers and exporters.

- The Proposed Bill Section 10B (3) (c) provides, "Upon receipt of the application, the Bureau shall within sixty days in writing, approve or reject the application. This section when read together with Section 10C(1)(c) and (d) that states seed varieties not requiring extensive agro-ecological trials implies approvals will be done based on laboratory tests ONLY. This will be a big mistake since environmental conditions significantly affect the performance of different plant varieties, leading to variations in yield, growth and other traits. Understanding genotype (G)-by-environment (E) interactions (GxE) is crucial for optimizing crop production and making informed breeding decisions.
- Section 10B (5) (c) provides for renewal of the variety registration certificate after every 5 years upon payment of a renewal fee, which is not prescribed. This is likely to result to high costs to breeders to maintain their varieties. This cost will be passed on to farmers resulting to higher seed prices and no access to affordable seeds especially for resource poor small-scale farmers.
- Passing of the proposed Bill will result in increased plant breeders' disputes. Currently, breeders, seed companies and owners of plant varieties are invited by KEPHIS for a JOINT observation of experimental plots for NPT and DUS trials. During observation, a breeder can object to the registration of a variety in case of alleged infringement of their plant breeders' rights. With the proposed laboratory tests only lasting less than 60 days, joint observations will not be possible and other breeders will be denied an opportunity to scrutinize alleged new varieties, which amounts to discrimination contrary to the Constitution of Kenya.
- The Bill if enacted will create gaps, conflicts and overlaps that include;
 - i Inadequately regulated parallel seed system.
 - ii Poor application of science in seed system management.
 - iii Duplication of functions.

Specific comments on the Bill

The comments are provided in the attached matrix. The matrix provide clause by clause analysis draft Seeds and Plant Varieties Act.

Comments and recommendations on the proposed the Seeds and Plant Varieties bill 2025 (Senate Bill No. 4 of 2025)

	SECTION/CLAUSE	Comments	Justification	Recommendation
1	<p>Long Title/Introduction- 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</p>	<p>KEPHIS Act of 2012 (CAP 349) Gives this mandate and functions to KEPHIS</p>	<p>KEPHIS is required to, in consultation with other relevant agencies, develop and implement standards for seed and plant materials. The Bill will result in duplication and overlap with existing functions.</p>	<p>The Bill in its current form is not suitable for processing.</p>
2	Clause 3: Insertion of a new sections 10A, 10B and 10C of Cap.326			
	<p>Standards-based seed registration system Establishment of standard based seed registration system to be administered by the Kenya Bureau of standards (KEBS)</p>	<p>The draft Bill does not specify which Cabinet Secretary will implement this law since KEBS is incorporated under the Ministry of Investments, Trade and Industry while the Seeds and Plant Varieties Act is administered under the Ministry of Agriculture and Livestock Development.</p>	<p>The function is already adequately being undertaken by KEPHIS hence providing that KEBS administer seed standards will lead to jurisdictional conflict and multi-legislation</p>	<p>Seed Standards are better handled by KEPHIS</p>

<p>Application for registration. Application for Registration of seed varieties under standards Based registration system</p>	<p>The Seeds and Plant Varieties Act sections 7-9 provides for the release of plant varieties. The Seeds and plant Varieties (Varieties Evaluation and release) Regulations 9-14 provide for exemption based on Food security, National interest and Varieties which have already been released in regional blocks with harmonized regulations allowing for quick release of varieties of national interest such as Climate resilient varieties. KEPHIS has allowed for client- managed evaluation trials to facilitate cheaper and faster release of varieties</p>	<p>The function is already adequately being undertaken by KEPHIS hence providing that KEBS administer seed registration will lead to jurisdictional conflict and multi-legislation on existing functions.</p>	<p>Existing legislations are adequate for standard seed registration</p>
<p>10B. (6) Provision for revocation of registration certificate for varieties found not meeting standards during variety post market monitoring</p>	<p>The Seeds and Plant Varieties Act provides for such offences in section 10 while the Seeds and Plant Varieties (Seeds) Regulations provides for Market surveillance, stop sale and seizure of non-conforming seeds in regulations 17-21</p>	<p>The provision is likely to create regulatory conflicts and market confusion</p>	<p>Existing legislations are adequate for ensuring quality</p>
<p>3 Clause 4: Amendment of section 11 of Cap. 326. Establishment of seed testing laboratories by the service in consultation with County Governments</p>	<p>KEPHIS (The Service) has already established seed testing laboratories in Nakuru and Kitale Counties besides accrediting another 5 laboratories in Nairobi, Nakuru and Kitale to test for seed quality. KEPHIS consults widely</p>	<p>Establishment of seed testing centres is provided for in the seeds and plant varieties Act and requirement and actual putting up of seed</p>	<p>Existing legislations are adequate for ensuring quality centre is operational and better managed administratively</p>

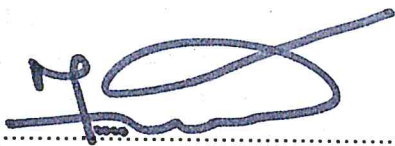
		with County Governments in implementation of its Mandate including on seed quality Monitoring.		
4 Clause 5: Insertion of a new Schedule Seven of Cap. 326	Introduction of the seventh schedules for 19 crops to be certified according to the standards-based seed registration system	The Seeds and Plant Varieties (Seeds) regulations provides for the certification of 152 crops under regulation 6 (1) including the listed crops with 38 of varieties put under compulsory certification in regulation 6 (2) due to their economic importance to food security. KEPHIS in consultation with stakeholders allowed for quick and easy certification of some crops with only one inspection under the standard seed certification scheme	Crops limitation, duplication and overlap with existing functions	Existing legislations are adequate for scheduling crops for standard registration
5 Statement of the Objects and Reasons for the Bill	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	KEPHIS in collaboration with stakeholders embraces innovation and quickly adapts to new technologies allowing for the rapid release of 18 climate resilient varieties in the last two years and authorization of its seed certification mandate to private inspectors and private seed testing labs for more efficient services. KEPHIS is ready to consider along with stakeholders and implement new ways of further enhancing this efficiency in plant	Misrepresentation of facts as recent evaluation of the variety release process found that the average release time for varieties is now 2 years with some varieties of National interest released within 1 year.	Given the nature of function and level of technology between 1 – 2 years release time is very reasonable.

innovation in seed development and enhances farmers' access to affordable and climate-smart seeds to ensure food security and sustainable agricultural growth	varieties release and seed certification		
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Conclusion

The proposed amendment to the Seeds and Plant Varieties Act will result in duplication of mandates and create confusion in the seed regulatory space. This will negatively impact farmer access to seeds in addition to other adverse effects such as circulation of poorly performing varieties; increase in counterfeit and substandard seeds; reduce access to climate-resilient and region-specific varieties and eroded farmers' trust in certified seed. Weakening the seed system will disrupts the entire agricultural value chain and undermines the country's "Bottom-Up Economic Transformation Agenda (BETA)" and "Vision 2030", leading to reduced agricultural productivity, exports, and rural livelihoods.

It is our humble recommendation that the proposed Seeds and Plant Varieties Act (Amendment) Senate bill No. 4 of 2025 be withdrawn.

Signature 

Date 4th AUG. 2025.

**SEN MUTAHI KAGWE, EGH
CABINET SECRETARY**

National News

Probe The Kikuyu, Luo, Luhya, Kamba and Kalenjin communities comprise 304 of the 506 employees

KNBS taken to task over skewed hiring

Five dominant ethnic communities account for over half of the total workforce

BY EDWIN MUTAI

The statistics bureau is on the spot over the recent employment of staff from five dominant ethnic communities who already account for over half of the total workforce at the exclusion of 14 other ethnicities who lack representation at the institution.

The Senate National Cohesion, Equal Opportunity, and Regional Integration committee put the Kenya National Bureau of Statistics (KNBS) Director-General Macdonald Obudho to task to explain why it employed new staff from the Kikuyu, Luo, Luhya, Kamba and Kalenjin communities when already comprise 304 of the employees.

Appearing before the committee to provide information on the representation of Kenya's diversity in staff composition, Dr Obudho told the committee that, out of the 506 staff, Kikuyu account for 102, Luo 84, Luhya 60, Kamba 58, and Kalenjin 50.

The Somali, Embu, Meru and Borana have 31, 13, 10 and nine employees respectively.

Other tribes employed at the KNBS are Mijikenda (8), Gabra (5), Kura (4), Pokot (3), and Turkana (3), while Bajuni, Suba, Burji, Pokomo, Samburu, Taita and Taveta each having two employees at KNBS.

The Boni-Sanye, El Moio, Kenyan Arabs, Mbeere, Ilchamus/Njemps, Nubi, Rendile and the Sakuye each have one slot at the KNBS employment.

The committee demanded to know why the Tharaka's were not represented in the KNBS workforce, despite Professor Kithure Kindiki being the country's Deputy President.

Dr Obudho told Senators that KNBS has employed 31 out of the 45 Kenyan ethnic communities leaving out 14 tribes. He did not provide the list of the 14 ethnic communities who have no slots at the bureau.

The committee that is chaired by Marsabit Senator Mohamed



Kenya National Bureau of Statistics Director-General Macdonald Obudho addresses participants during an event at the KICC Amphitheater in early May. The agency has been put on the spot over the ethnic composition of its workforce. FRANCIS NDERITU | NATION

Chute demanded to know why the new 31 slots were not distributed among 14 ethnic communities who have no single staff representation at the KNBS.

Documents tabled by Dr Obud-

ho show that, out of the 31 new employees, two are from the Kikuyu community, three Luo, three Luhya, three Kamba, and two Kalenjin.

Article 232 of the Constitution

506

The total number of workers who are employed at the KNBS, with five major ethnic communities taking up 304 of the positions.

and Section 7 of the National Cohesion and Integration Act (NCI), 2008, requires that all government agencies seek to represent the diversity of the people of Kenya in staffing and that no public office shall have more than one third of its workers from the same ethnic community.

Mr Chute directed Dr Obudho to furnish the committee with all employment documentation, including the number of applicants, those who made it to the long and short lists and their respective scores for the committee to scrutinise.

The committee established that the bureau also has six employees who have surpassed the retirement age of 60 with the youngest employee at the State agency being a 22-year-old.

Nominated Senator Beth Syengo demanded to know why

the KNBS had left the rest of the 40 communities to fight for 40 percent of the employment given that five communities had secured 60 percent of the 506 posts.

"If you take four first communities of Kikuyu, Luo, Luhya, Kamba and Kalenjin, they already account for 60 percent of total employment. Why do you leave the rest of the 31 ethnicities to struggle for 40 percent of the slots? This is very unfair," Ms Syengo, the Orange Democratic Movement-nominated Senator said.

She also demanded to know why the KNBS had split the Kalenjin community by categorising Pokot, with three staff, as a standalone ethnic group.

Dr Obudho defended the employment composition, saying the KNBS had taken into consideration the population census for all tribes in Kenya when hiring.

"We are trying to bring on board other communities as we continue to recruit new staff," Dr Obudho said, adding, "Some ethnic communities do not apply but we are trying to undertake affirmative action to regularise the ethnic representation."

emutai@ke.nationmedia.com



PUBLIC NOTICE

NOTIFICATION OF REGULATORY IMPACT STATEMENT AND CALL FOR PUBLIC CONSULTATION

Pursuant to Section 116 (1) and (2) (b) of the Wildlife Conservation and Management Act, Cap. 376 and Section 5(3) and Section 8(1) of the Statutory Instruments Act, Cap. 24 Laws of Kenya, the Cabinet Secretary, Ministry of Tourism and Wildlife notifies the public that the Ministry has developed the Wildlife Conservation and Management (Access and Conservation) (Fees) Regulations, 2025 and its attendant Regulatory Impact Statement.

In compliance with the Constitution of Kenya 2010, the Wildlife Conservation and Management Act and the Statutory Instruments Act, the Ministry of Tourism and Wildlife invites tourism and wildlife industry stakeholders, members of the public and all interested parties to submit their comments, views and input on the aforesaid Regulations and the Regulatory Impact Statement. The Wildlife Conservation and Management (Access and Conservation) (Fees) Regulations, 2025 provide for fees payable for access and conservation of national parks, national reserves, national marine parks, national marine reserves and national sanctuaries.

The Regulatory Impact Statement on the Regulations contains detailed information on the anticipated impact of the Wildlife Conservation and Management (Access and Conservation) (Fees) Regulations, 2025.

The Wildlife Conservation and Management (Access and Conservation) (Fees) Regulations, 2025 and the Regulatory Impact Statement can be accessed in the ministry website www.tourism.go.ke and the Kenya Wildlife Service website www.kws.go.ke. Physical copies of the documents can be accessed free of charge at all the offices of Kenya Wildlife Service-managed national parks, reserves, stations and sanctuaries country wide.

The Ministry shall also hold public forums to discuss the documents. The consultations are scheduled to be held as follows:-

No.	REGION	LOCATION	DATE	TIME
01	Homa Bay	Tom Mboya University Hall	29 th July 2025	9.00 am
02	Kisumu	Tom Mboya Hall	30 th July 2025	9.00 am
03	Kitale	Kitale Polytechnic Hall	31 st July 2025	9.00 am
04	Eldoret	Uasin Gishu County Hall	1 st August 2025	9.00 am
05	Nakuru	Nakuru County Hall	2 nd August 2025	9.00 am
06	Machakos	Machakos University Hall	3 rd August 2025	9.00 am
07	Marsabit	Marsabit National Park-Museum Hall	4 th August 2025	9.00 am
08	Meru	Imenti North CDF Hall	25 th July 2025	9.00 am
09	Chogoria	Chogoria Social Hall	31 st July 2025	9.00 am
10	Nanyuki	CDF Hall	1 st August 2025	9.00 am
11	Embu	Kenya School of Government	4 th August 2025	9.00 am
12	Nyeri	Nyeri Cultural Center	5 th August 2025	9.00 am
13	Holo	Holo Primary School	28 th July 2025	9.00 am
14	Lamu	Mwanarafa Hall (Lamu Island)	30 th July 2025	9.00 am
15	Vitani	Turtle Bay Beach Club Hotel	31 st July 2025	9.00 am
16	Mombasa	Mombasa Beach Hotel	1 st August 2025	9.00 am
17	Ukunda	County Social Hall - Bongwe	2 nd August 2025	9.00 am
18	Voi	Dan Mwaza Hall	5 th August 2025	9.00 am
19	Wote	Wote Green Park Social Hall	6 th August 2025	9.00 am
20	Nairobi	Kenyatta International Convention Centre (KICC) (Amphitheatre)	8 th August 2025	9.00 am

Written submissions on the documents should be sent in the format below:

CATEGORY OF REGULATORY IMPACT	SECTION ON PUBLIC CONSULTATION	PROPOSED RECOMMENDATION	JUSTIFICATION AND RATIONALE
E.g Part II			

Written submissions should be sent to rates@kws.go.ke or hand delivered to the address provided below no later than fourteen days (14) from the date of publication of this notice addressed to:

REBECCA MIANO, EGH
CABINET SECRETARY
MINISTRY OF TOURISM & WILDLIFE

THE DIRECTOR GENERAL
KENYA WILDLIFE SERVICE, HEADQUARTERS
LANGATA, LANGATA ROAD
P.O. BOX 4024-00100
NAIROBI



REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | THIRD SESSION
THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL 2025 (SENATE BILLS NO. 4 OF 2025)

The Seeds and Plant Varieties (Amendment) Bill, 2025 (Senate Bills No. 4 of 2025) was read a First Time in the Senate on Wednesday, 9th July, 2025 and thereafter stood committed for consideration to the Standing Committee on Agriculture, Livestock and Fisheries. The Committee is required, under standing order 145(5) of the Senate Standing Orders, to facilitate public participation on the Bill and to take into account the views and recommendations of the public when the Committee makes its report to the Senate.

The principal object of the Bill is to amend the Seeds and Plant Varieties Act (Cap. 326) in order to introduce a standards-based seed registration system administered by the Kenya Bureau of Standards (KEBS) as an alternative to the existing certification process. The proposed system aims to enhance the timely approval of seed varieties, reduce delays in seed registration and improve access to climate-resilient and high-quality seeds for farmers.

In accordance with the provisions of Article 118 of the Constitution and standing order 145(5) of the Senate Standing Orders, the Standing Committee on Agriculture, Livestock and Fisheries now invites interested members of the public to submit any representations that they may have on the Bill by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P. O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk.senate@parliament.go.ke and copied to agriculturalcommittee.senate@parliament.go.ke to be received on or before **Tuesday, 29th July, 2025 at 5.00 p.m.**

The Bill and a digest that summarizes the contents and context of the Bill may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>.

J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.



REPUBLIC OF KENYA

MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT
OFFICE OF THE CABINET SECRETARY

Telephone: 2718870/9
Website: www.kilimo.go.ke
Email: cabinetsecretary@kilimo.go.ke
When replying please quote;

KILIMO HOUSE
CATHEDRAL ROAD
P. O. Box 30028
NAIROBI



REF: MOLD/CS/ADM/166

5th August 2025

J. M. Nyegenye, CBS
Clerk of the Senate
Parliament Buildings
P.O. Box 41842-00100
NAIROBI



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STAKEHOLDERS ENGAGEMENT ON THE SEED AND PLANT VARIETIES (AMENDMENT) BILL, 2025 (SENATE BILL NO. 4 OF 2025)

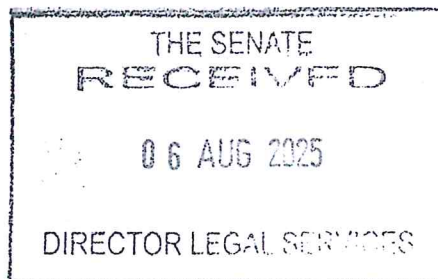
Reference is made to your letter Ref: SEN/DSEC/SCA/CORR/ 07/2025/290) dated 30th July 2025, concerning the above subject.

Regrettably, I will not be able to attend the meeting due to prior official engagements outside the country. However, I have already submitted our response via a letter Ref: MOALD/CS/ADM/12VOL.VII dated 4th August 2025.

③ Mr. Mutahi
kindly d
07/08/25

The purpose of this letter is to seek your indulgence to reschedule the meeting to a later date.

Sen. Mutahi Kagwe, EGH
CABINET SECRETARY



Copy to: Dr. Kipronoh Ronoh, CBS
Principal Secretary
State Department for Agriculture
NAIROBI

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: clerk.senate@parliament.go.ke



The Senate
Clerk's Chambers
Parliament Buildings
P.O. Box 41842 -00100
NAIROBI, Kenya

PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE

Ref. SEN/DSEC/SCA/CORR/09/2025/312

24th September, 2025

Prof. Theophilus Mutui, PhD,
Managing Director,
Kenya Plant Health Inspectorate Service,
P.O. Box 49592-00100,
NAIROBI.

Dear Sir,

**RE: INVITATION TO A MEETING OF THE STANDING COMMITTEE ON
AGRICULTURE, LIVESTOCK AND FISHERIES TO DELIBERATE ON THE
SEEDS AND PLANT VARIETIES (AMENDMENT) BILL, 2025 (SENATE BILLS
NO. 4 OF 2025)**

Reference is made to our letter, Ref. SEN/DSEC/SCA/CORR/07/2025/290, dated 30th July, 2025 inviting you to submit memoranda on the Seeds and Plant Varieties (Amendment) Bill, 2025 (Senate Bills No. 4 of 2025).

At its meeting held on Tuesday, 23rd September, 2025, the Standing Committee on Agriculture considered your memoranda and noted that the following issues required further clarification-

1. Provide a list of crop varieties that have been released within one year, as indicated in your submission, specifying the crop type, variety name and the exact time taken for release;
2. Furnish a list of crop varieties that have taken two years or more to be released, indicating the crop type, variety, name and the duration taken for release;
3. From the list provided, highlight crop varieties that are specifically climate-resilient and indicate the criteria used to classify them as such; and
4. Explain instances where seed varieties passed the standards and quality tests but failed during the agro-ecological trials and provide details of such varieties and the reasons for failing the tests.

The purpose of this letter is to invite you to a meeting of the Committee scheduled to be held on **Thursday, 2nd October, 2025** at **Committee Room 5, Main Parliament Buildings** at **10:00 a.m.** to apprise the Committee on the issues listed above.



Mr. Peter Mulesi, Clerk Assistant I (Cell Number: +254 727-544-134; Email: mulesi.peter@parliament.go.ke), is the Clerk to the Committee and is responsible for all arrangements relating to this matter.

Yours faithfully,

For: 
J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.

Copy to:

Hon. Mutahi Kagwe, EGH, ✓
Cabinet Secretary,
Ministry of Agriculture and Livestock Development,
P.O. Box 30028-00100,
NAIROBI.

Dr. Paul Ronoh, PhD,
Principal Secretary,
State Department for Agriculture,
Ministry of Agriculture and
Livestock Development,
P.O. Box 30028-00100
NAIROBI.

COMMENTS ON SUBMISSIONS BY SEN. LEDAMA OLE KINA DURING SECODN READING OF THE SENATE BILL ON AMENDMENT OF THE SEEDS AND PLANT VARIETIES ACT, 2025

Claims by the Senator

No.	Claim	Fact (s)
1	It takes 4 years to release a variety in Kenya	<ul style="list-style-type: none"> • Latest TASAI report states that it takes an average of 2 years to release a variety in Kenya. • The Act and regulations empower the Cabinet Secretary to waive requirements for testing varieties based on food security and emergency situations. • Regional harmonization has provided for varieties released under similar agro-ecology released in Kenya without further testing
2	UPOV promotes molecular testing for varieties, while OECD promotes DUS (Distinctness, Uniformity and Stability)	<ul style="list-style-type: none"> • DUS is a technical procedure that encompasses both phenotypic (observable) characteristics and molecular characteristics (DNA, Protein). • UPOV is the competent International organization that develops guidelines for DUS as test for determining if varieties qualify for grant of Plant Breeder's Rights • Both observable characteristics and molecular characteristics are necessary for delimiting varieties. Observable characteristics need to be documented as they are used for identifying a variety on a day to day basis. One cannot conduct a DNA test at every inspection
3.	KEPHIS subscribes to OECD, KEBS subscribes to UPOV	<ul style="list-style-type: none"> • KEPHIS is the National Competent Authority and focal point for UPOV and OECD Seed Schemes and attends decision making meetings – both technical and policy. • UPOV has no provisions for variety release (national listing). It only provides procedures for DUS and plant variety protection
4.	Cost of variety release is USD, 50,000 per variety. Proposes new cost to USD. 3,500	<p>Real cost is:</p> <ul style="list-style-type: none"> • NPT – USD 1200X2 seasons • DUS – USD 600 to cover 2 seasons • Total – USD 3000 • This is lower than the new cost proposed.
5.	Western Seed Company (WSC) has relocated to Zambia	<ul style="list-style-type: none"> • WSC is based in Kitale and is engaged in seed production, processing and marketing. It produces seed in Kenya and Zambia. Varieties produced have been released in Kenya. • KEPHIS facilitates importation, processing, testing and labelling of seed produced by WSC. • Zambia implements a system of variety release similar to Kenya.

6	Mentions DUS as the only test necessary for variety release	<ul style="list-style-type: none">• Fails to appreciate the role of NPT, which tests varieties for agro-ecological adaptability and performance
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**KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS)
HEADQUARTERS**

Oloolua Ridge, Karen • P.O. Box 49592 Nairobi, Kenya • Tel: 0203536171/2/ 0722 516221 / 0733874274 •
E-mail:director@kephis.org • Website: www.kephis.org

Our Ref: KEPHIS/3/64/Vol.14

Dates: 30th September, 2025

Clerk of the Senate
Clerk's Chambers
Parliament Building
P.O. Box 41842-00100
NAIROBI, Kenya

Att: Mr. Peter Mutesi
Email : mutesi.peter@parliament.go.ke

Dear *Sir,*

SUBJECT: INVITATION TO A MEETING OF THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES TO DELIBERATE ON THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL, 2025 (SENATE BILLS NO. 4 OF 2025)

Reference is made to your letter, Ref. SEN/DSEC/SCA/CORR/09/2025/312, dated 24th September, 2025 inviting us to a meeting of the committee scheduled to be held on Thursday, 2nd October, 2025 at Committee Room 5, Main Parliament Buildings at 10 am.

Attached, are KEPHIS responses to four issues that required further clarifications.

Yours *Sincerely,*

PROF. THEOPHILUS M. MUTUI, PHD
MANAGING DIRECTOR

1. **List of Crop Varieties that have been released in within the last one year.**

Table 1. Summary of Varieties released in the last one year.

SUMMARY OF VARIETIES RELEASED IN THE LAST ONE YEAR					
Number	Crop	Variety Name	Date of application	Date of release	Time taken for release
1	Beans	Waithera	20/01/2023	29/04/2024	1
2	Cashew	Kadzo	06/02/2024	16/06/2025	1
3	Cashew	Pendo	06/02/2024	16/06/2025	1
4	Cashew	Asiri	06/02/2024	16/06/2025	1
5	Cashew	Tumaini	06/02/2024	16/06/2025	1
9	Chicory	Commander(Og 145)	14/02/2023	14/11/2024	1
12	Irish potato	Sound	20/06/2024	16/06/2025	1
15	Maize	SC 561	14/02/2024	16/06/2025	1
6	Castor	NjoroKC24	14/10/2022	29/04/2024	2
7	Castor	NjoroKC15	20/09/2022	29/04/2024	2
8	Castor	KATNUU70	20/09/2022	29/04/2024	2
10	Guinea grass	Makuyu	09/11/2023	16/06/2025	2
11	Irish potato	NAPOLEON	15/02/2022	29/04/2024	2
13	Love grass	Maa grass	09/11/2023	16/06/2025	2
16	Sorghum	JASIRI	31/08/2022	29/04/2024	2
17	Sorghum	PATO 1	31/08/2022	29/04/2024	2
18	Sorghum	SMART	31/08/2022	29/04/2024	2
19	Sorghum	NDUME	31/08/2022	29/04/2024	2

20	Sorghum	HUMMER		31/08/2022	29/04/2024	2
21	Sorghum	KWS PASHO		31/08/2022	29/04/2024	2
22	Urocloa	Camello		17/11/2023	16/06/2025	2
23	Castor	Tamar		20/09/2022	16/06/2025	2
24	Common vetch	Purple J		13/06/2023	16/06/2025	2
25	Cotton	Mahyco C577 Bgii		11/02/2022	14/11/2024	2
26	Cotton	Mic 561 Bgii		11/02/2022	14/11/2024	2
27	Cotton	Mic 562 Bgii		11/02/2022	14/11/2024	2
28	Cotton	Mic 563 Bgii		11/02/2022	14/11/2024	2
29	Cotton	MIC 563		11/02/2022	29/04/2024	2
30	Cotton	MIC 561		11/02/2022	29/04/2024	2
31	Cotton	MIC 562		11/02/2022	29/04/2024	2
32	Cotton	MAHYCO C577		11/02/2022	29/04/2024	2
33	Garden peas	Greenwich		31/01/2022	29/04/2024	2
34	Garden peas	KWS Karioka		03/08/2022	29/04/2024	2
35	Green gram	KAT POJO		27/09/2022	16/06/2025	2
36	Guinea grass	Massai		15/02/2023	16/06/2025	2
37	Irish potato	SOLHY007		15/02/2022	29/04/2024	2
38	Irish potato	SOLHY012		15/02/2022	29/04/2024	2
39	Irish potato	SOLHY015		15/02/2022	29/04/2024	2
40	Irish potato	Glen		14/02/2023	16/06/2025	2
41	Irish potato	Malaika		14/02/2023	16/06/2025	2
42	Irish potato	Najah		14/02/2023	16/06/2025	2
43	Lupin	OLJK 1		02/06/2023	16/06/2025	2
44	Maize	Zt 9003		09/02/2022	14/11/2024	2
45	Maize	Mazao Kame 1		23/02/2022	29/04/2024	2

46	Maize	Mazao 1	23/02/2022	29/04/2024	2
47	Maize	Mazao 2	23/02/2022	29/04/2024	2
48	Maize	ADV2309W-EDV	16/02/2022	29/04/2024	2
49	Maize	ZU8506	15/02/2023	16/06/2025	2
50	Maize	DT MAX	12/06/2023	16/06/2025	2
51	Maize	PLH518 Kishindob	06/03/2023	16/06/2025	2
52	Oil seed rape(Canola)	Hyola Blazer TT	03/09/2021	29/04/2024	2
53	Oil seed rape(Canola)	Hyola 117 CC	16/02/2022	29/04/2024	2
54	Oil seed rape(Canola)	Hyola 140 CC	16/02/2022	29/04/2024	2
55	Paddy Rice	Kalfine	01/07/2022	29/04/2024	2
56	Paddy Rice	Kalgold	01/07/2022	29/04/2024	2
57	Sorghum	AGV KUZO	02/02/2022	29/04/2024	2
58	Sorghum	MEGA SWEET	02/09/2021	29/04/2024	2
59	Sorghum	BMR ROCKET	02/09/2022	29/04/2024	2
60	Sorghum	KWS Msonga	13/02/2023	16/06/2025	2
61	Sunflower	RGT Volcano	20/07/2023	16/06/2025	2
14	Maize	H535	14/02/2021	14/11/2024	3
62	Cassava	Umoja	18/02/2021	29/04/2024	3
63	Cassava	Mwavuli	18/02/2021	29/04/2024	3
64	Cassava	Nduma	18/02/2021	29/04/2024	3
65	Cassava	Selina	18/02/2021	29/04/2024	3
66	Cotton	Us 133 Bg2	28/09/2021	14/11/2024	3
67	Cotton	Us 244 Bg2	28/09/2021	14/11/2024	3
68	Cotton	Us 111 Bg2	28/09/2021	14/11/2024	3
69	Cotton	Us 222 Bg2	28/09/2021	14/11/2024	3
70	Cotton	Us 266 Bg2	28/09/2021	14/11/2024	3

71	Cotton	Us 255 Bg2	28/09/2021	14/11/2024	3
72	Irish potato	Lady Jane	20/07/2022	16/06/2025	3
73	Maize	ADV2401W	14/02/2021	29/04/2024	3
74	Maize	SC 811	25/02/2022	16/06/2025	3
75	Maize	SC 813	24/02/2022	16/06/2025	3
76	Maize	SC 743	24/02/2022	16/06/2025	3
77	Maize	SC 657	25/02/2022	16/06/2025	3
78	Oil seed rape(Canola)	Lumen	04/08/2020	29/04/2024	3

2. List of crop varieties that have taken two years or more to be released, indicating the crop type, variety, name and the duration taken for release

Table 2 SUMMARY OF THE VARIETIES THAT HAVE TAKEN TWO YEARS AND MORE FOR RELEASE

SUMMARY OF THE VARIETIES THAT HAVE TAKEN TWO YEARS AND MORE FOR RELEASE						
Crop	Variety Name	Date of application	Date of release	Time taken for release	Reason for taking longer time to be released	
1	Castor NjoroKC24	14/10/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety	
2	Castor NjoroKC15	20/09/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety	
3	Castor KATNUU70	20/09/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety	
4	Castor Tamar	20/09/2022	16/06/2025	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety	
5	Corn mon vetch Purple J	13/06/2023	16/06/2025	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety	
6	Cotto n Mahyco C577 Bgii	11/02/2022	14/11/2024	2	There was a court case contesting the release of the variety which caused the delay	
7	Cotto n Mic 561 Bgii	11/02/2022	14/11/2024	2	There was a court case contesting the release of the variety which caused the delay	
8	Cotto n Mic 562 Bgii	11/02/2022	14/11/2024	2	There was a court case contesting the release of the variety which caused the delay	
9	Cotto n Mic 563 Bgii	11/02/2022	14/11/2024	2	There was a court case contesting the release of the variety which caused the delay	
10	Cotto n MIC 563	11/02/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety	

11	Cotton	MIC 561	11/02/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
12	Cotton	MIC 562	11/02/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
13	Cotton	MAHYCO C577	11/02/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
14	Garden peas	Greenwich	31/01/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
15	Garden peas	KWS Karioka	03/08/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
16	Green gram	KAT POJO	27/09/2022	16/06/2025	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
17	Guinea grass	Makuyu	09/11/2023	16/06/2025	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
18	Guinea grass	Massai	15/02/2023	16/06/2025	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
19	Irish potato	NAPOLEON	15/02/2022	29/04/2024	2	The client staggered the NPT applications i.e the client did not apply for season two testing in the subsequent season after the first testing
20	Irish potato	SOLHY007	15/02/2022	29/04/2024	2	The client appealed against the decision of NPTC, which took an extra year for the final decision to be made
21	Irish potato	SOLHY012	15/02/2022	29/04/2024	2	The client appealed against the decision of NPTC, which took an extra year for the final decision to be made
22	Irish potato	SOLHY015	15/02/2022	29/04/2024	2	The client appealed against the decision of NPTC, which took an extra year for the final decision to be made
23	Irish potato	Glen	14/02/2023	16/06/2025	2	The client staggered the NPT applications i.e the client did not apply for season two testing in the subsequent season after the first testing

24	Irish potato	Malaiika	14/02/2023	16/06/2025	2	The client staggered the NPT applications i.e the client did not apply for season two testing in the subsequent season after the firsttesting
25	Irish potato	Najah	14/02/2023	16/06/2025	2	The client staggered the NPT applications i.e the client did not apply for season two testing in the subsequent season after the firsttesting
26	Love grass	Maa grass	09/11/2023	16/06/2025	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
27	Lupin	OLJK 1	02/06/2023	16/06/2025	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
28	Maize	Zt 9003	09/02/2022	14/11/2024	2	NPT was done only in the long rains, thus skipping the short rains season which made the variety to take longer time before release
29	Maize	Mazao Kame 1	23/02/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
30	Maize	Mazao 1	23/02/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
31	Maize	Mazao 2	23/02/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
32	Maize	ADV2309W-EDV	16/02/2022	29/04/2024	2	NPT was done only in the long rains, thus skipping the short rains season which made the variety to take longer time before release
33	Maize	ZU8506	15/02/2023	16/06/2025	2	NPT was done only in the long rains, thus skipping the short rains season which made the variety to take longer time before release
34	Maize	DT MAX	12/06/2023	16/06/2025	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
35	Maize	PLH518 KishindoB	06/03/2023	16/06/2025	2	NPT was done only in the long rains, thus skipping the short rains season which made the variety to take longer time before release

36	Oil seed rape(C anola)	Hyola Blazer TT	03/09/2021	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
37	Oil seed rape(C anola)	Hyola 117 CC	16/02/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
38	Oil seed rape(C anola)	Hyola 140 CC	16/02/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
39	Paddy Rice	Kalfine	01/07/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
40	Paddy Rice	Kalgold	01/07/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
41	Sorghum	JASIRI	31/08/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
42	Sorghum	PATO 1	31/08/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
43	Sorghum	SMART	31/08/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
44	Sorghum	NDUME	31/08/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
45	Sorghum	HUMMER	31/08/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
46	Sorghum	KWS PASHO	31/08/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
47	Sorghum	AGV KUZO	02/02/2022	29/04/2024	2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety

48	Sorghum	MEGA SWEET	02/09/2021	29/04/2024		2	The client appealed against the decision of NPPTC, which took an extra year for the final decision to be made
49	Sorghum	BMR ROCKET	02/09/2022	29/04/2024		2	The client appealed against the decision of NPPTC, which took an extra year for the final decision to be made
50	Sorghum	KW/S Msonga	13/02/2023	16/06/2025		2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
51	Sunflower	RGT Vollcano	20/07/2023	16/06/2025		2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
52	Urocl	Camello	17/11/2023	16/06/2025		2	The client applied for DUS testing after NPT thus causing a delay in the release of the variety
53	Cassava	Umjoja	18/02/2021	29/04/2024		3	The client appealed against the decision of NPPTC, which took an extra year for the final decision to be made
54	Cassava	Mwavuli	18/02/2021	29/04/2024		3	The client appealed against the decision of NPPTC, which took an extra year for the final decision to be made
55	Cassava	Nduma	18/02/2021	29/04/2024		3	The client appealed against the decision of NPPTC, which took an extra year for the final decision to be made
56	Cassava	Selina	18/02/2021	29/04/2024		3	The client appealed against the decision of NPPTC, which took an extra year for the final decision to be made
57	Cotton	Us 133 Bg2	28/09/2021	14/11/2024		3	There was a court case contesting the release of the variety which caused the delay
58	Cotton	Us 244 Bg2	28/09/2021	14/11/2024		3	There was a court case contesting the release of the variety which caused the delay
59	Cotton	Us 111 Bg2	28/09/2021	14/11/2024		3	There was a court case contesting the release of the variety which caused the delay
60	Cotton	Us 222 Bg2	28/09/2021	14/11/2024		3	There was a court case contesting the release of the variety which caused the delay
61	Cotton	Us 266 Bg2	28/09/2021	14/11/2024		3	There was a court case contesting the release of the variety which caused the delay
62	Cotton	Us 255 Bg2	28/09/2021	14/11/2024		3	There was a court case contesting the release of the variety which caused the delay

63	Irish potato	Lady Jane	20/07/2022	16/06/2025	3	The variety was tested in the wrong agro ecological zone, thus causing a repeat of an extra season in the correct agro ecological zone
64	Maize	H535	14/02/2021	14/11/2024	3	NPT was done only in the long rains, thus skipping the short rains season which made the variety to take longer time before release
65	Maize	ADV2401W	14/02/2021	29/04/2024	3	NPT was done only in the long rains, thus skipping the short rains season which made the variety to take longer time before release
66	Maize	SC 811	25/02/2022	16/06/2025	3	NPT was done only in the long rains, thus skipping the short rains season which made the variety to take longer time before release
67	Maize	SC 813	24/02/2022	16/06/2025	3	NPT was done only in the long rains, thus skipping the short rains season which made the variety to take longer time before release
68	Maize	SC 743	24/02/2022	16/06/2025	3	NPT was done only in the long rains, thus skipping the short rains season which made the variety to take longer time before release
69	Maize	SC 657	25/02/2022	16/06/2025	3	NPT was done only in the long rains, thus skipping the short rains season which made the variety to take longer time before release
70	Oil seed rape(C anola)	Lumen	04/08/2020	29/04/2024	3	The client applied for DUS testing after NPT thus causing a delay in the release of the variety

3. List provided, highlight crop varieties that are specifically climate-resilient and indicate the criteria used to classify them as such

Table 3 SUMMARY OF CLIMATE SMART VARIETIES RELEASED AFTER 2 OR MORE YEARS AND CRITERIA

SUMMARY OF CLIMATE SMART VARIETIES RELEASED AFTER 2 OR MORE YEARS				
Number	Crop	Variety Name	Time taken for release	Special attributes/ Criteria
1	Beans	Waithera	2	Drought tolerant Micronutrient rich bean (Iron levels is 69.5 ppm and Zinc levels is 27.65 ppm)
2	Cashew	Kadzo	2	Drought tolerant
3	Cashew	Pendo	2	Drought tolerant
4	Cashew	Asiri	2	Drought tolerant
5	Cashew	Tumaini	2	Drought tolerant
6	Cassava	Umoja	3	Resistant to Cassava Mosaic Virus (CMV)- Score of 1/5 Tolerant to Cassava Brown Streak Disease (CBSD)- Score of 2/5 Low Cyanide content(3/9)
7	Cassava	Mwavuli	3	Resistant to Cassava Mosaic Virus (CMV) - Score of 1/5 Tolerant to Cassava Brown Streak Disease (CBSD)- Score of 1/5 Low Cyanide content(3/9)

8	Cassava	Nduma	3	Resistant to Cassava Mosaic Virus (CMV)- Score of 1/5 Tolerant to Cassava Brown Streak Disease (CBSD)- Score of 1/5 Low Cyanide content(2/9) Good for cooking (Fresh market)
9	Cassava	Selina	3	Resistant to Cassava Mosaic Virus (CMV)- Score of 1/5 Tolerant to Cassava Brown Streak Disease (CBSD)- Score of 2/5 Low Cyanide content (3/9)
10	Castor	NjoroKC24	1	Drought tolerant. Tolerant to Fusarium inflorescence blight and castor rust with scores of <1.5.(Score out of 1-5, 1=least severe, 5=most severe)
11	Castor	NjoroKC15	1	Drought tolerant Tolerant to Fusarium inflorescence blight and castor rust with scores of <1.5. (Score out of 1-5, 1=least severe, 5=most severe)
12	Castor	KATNUU70	1	Drought tolerant Tolerant to Fusarium inflorescence blight and castor rust with scores of <1.5. (Score out of 1-5, 1=least severe, 5=most severe)
13	Castor	Tamar	3	Early maturing hybrid variety Resistant to lodging Excellent early providing up to weed suppression. High oil content (45%- 51%) Adaptable to different planting densities. Strong ratooning High ricinoleic

				content of above 85% lts low in FFA <2% (Free Fatty Acid)
16	Cotton	Mahyco C577 Bgii	2	Early Maturity with Resistant to Bollworms Tolerance to Sucking Pest Such as Jassids and Aphids Good Fibre Percentage, Long Staple Length With excellent fibre strength
17	Cotton	Mic 561 Bgii	2	Large Boll Size Resistant to Bollworms Tolerance to Sucking Pest such as Jassids and Aphids
18	Cotton	Mic 562 Bgii	2	Resistant to Bollworms Tolerance to Sucking Pest such as Jassids and Aphids
19	Cotton	Mic 563 Bgii	2	Early Maturity Resistant to Bollworms Medium tolerance to Sucking Pest Such as Jassids and Aphids
20	Cotton	Us 133 Bg2	2	Early Maturity Good Boll Retention Tolerant to Sucking Insect Pests (Jassids, Whitefly, Aphids, Thrips) Tolerant to Bollworms
21	Cotton	Us 244 Bg2	2	Tolerant to Sucking Insect Pests (Jassids, Whitefly, Aphids, Thrips) Tolerant to Moisture Stress Tolerant to Bollworms
22	Cotton	Us 111 Bg2	2	Early Maturity Suitable for Dual Cropping Big Bolls Tolerant to Sucking Insect Pests

23	Cotton	Us 222 Bg2	2	(Jassids, Whitefly, Aphids, Thrips) Potential to Escape Late Dry Spell Situations Chain Boll Bearing Highly Tolerant to Sucking Insect Pests (Jassids, Whitefly, Aphids, Thrips) Tolerant to Water Stress Rejuvenation Capacity Tolerant to Bollworms With Strong Fibre Strength
24	Cotton	Us 266 Bg2	2	Tolerant to Sucking Insect Pests (Jassids, Whitefly, Aphids, Thrips) tolerant to Bollworms
25	Cotton	Us 255 Bg2	2	Tolerant to Sucking, Insect Pests (Jassids, Whitefly, Aphids, Thrips) Tolerant to Moisture Stress Tolerant to Bollworms
26	Cotton	MIC 563	2	Early Maturity
29	Cotton	MAHYCO C577	2	Early Maturity
32	Green gram	KAT POJO	2	<ul style="list-style-type: none"> • Mature earlier than the KAT N26 • Large grain size (6-7 g/100 seeds) • Tolerant to bacterial blight (rating score of 3) against the susceptible lines 5-7.
33	Guinea grass	Makuyu	1	Tolerant to rust disease.

34	Guinea grass	Massai	1	Drought tolerant Suitable for silvopastoral systems High tillering capacity Tolerant to rust disease.
48	Maize	Mazao Kame 1	3	Drought tolerant
59	Maize	DT MAX	2	Drought tolerant. Early maturing Resistance to common foliar diseases with the following =scores (where 1 immune and 5 =highly susceptible):Blight:1.80, Gray Leaf Spot (GLS): 1.26, Maize Streak Virus (MSV): 0.05, Rust (RST): 1.49
68	Sorghum	JASIRI	2	97.5% Bird escaping (2.5% bird damage) Drought tolerant
69	Sorghum	PATO 1	2	95% Bird escaping (5% bird damage) Drought tolerant
70	Sorghum	SMART	2	99.4% Bird escaping (0.6% bird damage) Drought tolerant
71	Sorghum	NDUME	2	93% Bird escaping (7% bird damage) Drought tolerant
72	Sorghum	HUMMER	2	Drought tolerant 88% Bird escaping (12 % bird damage Red grains High Calcium: 50mg/100g
74	Sorghum	KWS PASHO	1	Good cold tolerance Tolerance to leaf blight (E.turcicum)
77	Sorghum	KWS Msonga	2	• Strong resistance to diseases; Anthracnose, Ergot, Leaf blight. Score <1.5

4. Instances where seed varieties passed the standards and quality tests but failed during the agro-ecological trials and provide details of such varieties and provide details of such varieties and the reasons for failing the test.

The question requested is not applicable/understood since its after agroecological trials that seed varieties will be listed then taken through the Seed Certification process where standards and quality tests in the laboratory will apply. Quality and Standard are applicable to certification of seed and not in variety testing
 However, the below table is giving instances where candidate varieties have failed the agro ecological trials test.

Table 4 INSTANCES WHERE SEED VARIETIES FAILED DURING AGRO-ECOLOGICAL TRIALS AND REASONS FOR FAILING THE TESTS

INSTANCES WHERE SEED VARIETIES FAILED DURING AGRO-ECOLOGICAL TRIALS AND REASONS FOR FAILING THE TESTS

NUMBER	CROP	VARIETY	REASONS FOR FAILING
1	Bush bean	AGV BIZZARD	<p>The variety failed in the agro ecological trial because it performed inferior to the mean of checks with a percentage above the mean of checks of -2.52% in the combined two-year analysis. Thus failing to meet the release criteria which requires that;</p> <ul style="list-style-type: none"> • CRITERIA 1: varieties yielding statistically ($P=0.05$) better than the mean yield of the checks in combined two-year analysis qualify automatically for release. • CRITERIA 2: varieties yielding statistically ($P=0.05$) similar to mean yield of checks in combined two-year analysis must have 10% and above numerical

		<p>yield (for maize except in late kit) and 5% and above (for other crop species and maize late kit) numerical yield advantage over the mean of checks in combined two-year analysis and a declared and confirmed special attribute to be recommended for release.</p>
2	AGV CHEROKEE	<p>The variety failed in the agro ecological trial because it performed inferior to the mean of checks with a percentage above the mean of checks of -10.71% in the combined two-year analysis. Thus failing to meet the release criteria which requires that;</p> <ul style="list-style-type: none"> • CRITERIA 1: varieties yielding statistically ($P=0.05$) better than the mean yield of the checks in combined two-year analysis qualify automatically for release. • CRITERIA 2: varieties yielding statistically ($P=0.05$) similar to mean yield of checks in combined two-year analysis must have 10% and above numerical yield (for maize except in late kit) and 5% and above (for other crop species and maize late kit) numerical yield advantage over the mean of checks in combined two-year analysis and a declared and confirmed special attribute to be recommended for release.
3	Sorghum KWS IMARA	<p>The variety failed in the agro ecological trial because it performed inferior to the mean of checks with a percentage above the mean of checks of -0.52% in the combined two-year analysis. Thus failing to meet the release criteria which requires that;</p> <ul style="list-style-type: none"> • CRITERIA 1: varieties yielding statistically ($P=0.05$) better than the mean yield of the checks in combined two-year analysis qualify automatically for release. • CRITERIA 2: varieties yielding statistically ($P=0.05$) similar to mean yield of checks in combined two-year analysis must have 10% and above numerical yield (for maize except in late kit) and 5% and above (for other crop species and maize late kit) numerical yield advantage over the mean of checks in combined two-year analysis and a declared and confirmed special attribute to be recommended for release.

Potato	SOLHY 017		<p>The variety failed in the agro ecological trial because it performed inferior to the mean of checks with a percentage above the mean of checks of -34.13% in the combined two-year analysis. Thus failing to meet the release criteria which requires that;</p> <ul style="list-style-type: none"> • CRITERIA 1: varieties yielding statistically ($P=0.05$) better than the mean yield of the checks in combined two-year analysis qualify automatically for release. • CRITERIA 2: varieties yielding statistically ($P=0.05$) similar to mean yield of checks in combined two-year analysis must have 10% and above numerical and maize late kit) numerical yield advantage over the mean of checks in combined two-year analysis and a declared and confirmed special attribute to be recommended for release.
	SOLHY 016		<p>The variety failed in the agro ecological trial because it performed inferior to the mean of checks with a percentage above the mean of checks of -44.40% in the combined two-year analysis. Thus failing to meet the release criteria which requires that;</p> <ul style="list-style-type: none"> • CRITERIA 1: varieties yielding statistically ($P=0.05$) better than the mean yield of the checks in combined two-year analysis qualify automatically for release. • CRITERIA 2: varieties yielding statistically ($P=0.05$) similar to mean yield of checks in combined two-year analysis must have 10% and above numerical and maize late kit) numerical yield advantage over the mean of checks in combined two-year analysis and a declared and confirmed special attribute to be recommended for release.

Note: Agro ecological trials take place until a variety is officially released and gazetted, then standards and quality tests follow later.



**KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS)
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Date: 21st July, 2025

HON. SEN. MUTAHI KAGWE, EGH
Cabinet Secretary
Ministry of Agriculture and Livestock Development
Kilimo House
NAIROBI

Dear *Sw,*

**RE: STAKEHOLDER SUBMISSIONS ON THE SEEDS AND PLANT VARIETIES BILL,
2025 (SENATE BILLS NO. 4 OF 2025)**

Reference is made to a letter Ref. SEN/DSEC/SCA/CORR/07/2025/277 dated 10th July 2025 on the above subject.

The Seeds and Plant Varieties (Amendment) Bill, 2025 (Senate Bill No. 4 of 2025) was read a First Time in the senate on Wednesday, 9th July, 2025 and thereafter stood committed to the Standing committee on Agriculture, Livestock and Fisheries for consideration.

KEPHIS as a key stakeholder has been invited alongside other stakeholders to submit representations on the Bill pursuant to the provisions of Article 118 and standing order 145(5) of the Senate Standing Orders.

Attached, please find a Memorandum on sections of the Bill, which may be conflicting with other existing laws and our considered proposals and recommendations for your consideration.

We look forward to being invited to make oral submissions.

Yours *sincerely,*

PROF. THEOPHILUS MUTUI, PHD
MANAGING DIRECTOR

Cc. Principal Secretary
State Department for Agriculture
Ministry of Agriculture and Livestock Development
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KEPHIS MEMORANDUM ON THE PROPOSED DRAFT SEEDS AND PLANT VARIETIES (AMENDMENT) SENATE BILL NO. 4 OF 2025

EXECUTIVE SUMMARY

Kenya acceded to the Organisation for Economic Cooperation and Development (OECD) Seed Schemes in 2009. The objective of OECD Scheme for the varietal certification of seed is to encourage the use of seed of consistently high quality in participating countries. The Scheme authorise use of labels and certificates for seed produced and processed for international trade according to agreed principles.

This Memorandum contains a review of the draft Seeds and Plant Varieties Act (Amendment) Senate Bill No. 4 of 2025 and respectfully **opposes** proposed amendments for the following reasons:

1. The OECD Seed Scheme recognises four categories of seed namely **Breeders seed; Pre-Basic Seed; Basic Seed and Certified Seed**. The proposed introduction of a new category of Standards-based seed would negatively affect international seed trade from Kenya since Standards-based Seed is not recognized under OECD Seed Scheme. This will lead to loss of international credibility meaning Kenyan produced seed will not access international markets thus adversely affecting the economy.
2. Kenya Plant Health Inspectorate Service (KEPHIS) is the national designated authority for matters relating to seeds and plant variety protection under Section 3A of Seeds and Plant Varieties Act. The Act provides that the Cabinet Secretary (CS) for the time being responsible for matters relating to Agriculture shall be responsible for the administration of Seeds and Plant Varieties Act. The draft Bill introduces Kenya Bureau of Standards (KEBS) under a different Cabinet Secretary (Investments, Trade and Industry) to administer standard-based seed registration system. In the proposed Bill Section 10(c)(2) states, "The CS may, by notice in the Gazette, amend the list of crop varieties provided in the Seventh Schedule". It is not clear which CS is being referred to. This will result in legal and regulatory mandate conflicts, duplication, overlaps and confusion in the market thus reducing gains in the push for One Stop Service Centre. The unscrupulous traders could exploit gaps in legal and regulatory processes to sell counterfeit seeds to farmers thereby undermining Kenya's efforts in enhancing food security and agricultural transformation.
3. The enactment of the Bill will negatively impact on agricultural productivity and export of agricultural produce leading to huge losses in foreign exchange earnings and food insecurity. This is because farmers will not be able to access superior, high yielding seed and planting materials since Breeder's novel varieties will not be protected by Kenya Bureau of Standards. KEPHIS is the designated National Plant Breeders Rights Office (NPBRO) and National Plant Protection Office (NPPO) for the purpose of regulating seed companies, plant breeders, plant importers and exporters.
4. The Proposed Bill Section 10B(3)(c) provides, "Upon receipt of the application, the Bureau **shall within sixty days** in writing, approve or reject the application. This section when read together with Section 10C(1)(c) and (d) that states seed varieties **not requiring extensive**

agro-ecological trials implies approvals will be done based on laboratory tests ONLY. **This will be a big mistake since environmental conditions significantly affect the performance of different plant varieties, leading to variations in yield, growth and other traits.** Understanding genotype (G)-by-environment (E) interactions (GxE) is crucial for optimizing crop production and making informed breeding decisions. **For example, Maize variety H 614 does very well in Trans-nzoia County but will not produce any cobs in Kitui County.** This is the reason why KEPHIS conducts agro-ecological trials (National Performance Trials-NPT and Distinctiveness, Uniformity & Stability-DUS trials) which lasts 2 seasons (on average 2 years). This time can be drastically reduced by adopting irrigation facilities and modern agricultural production technologies (precision farming techniques, automation and robotics, advanced sensors, drones, and satellite imagery to provide real-time data on crop health and environmental conditions) to enhance efficiency, sustainability and yield. This will enable farmers to optimize resource allocation and minimize waste. In addition, farmers do not have time or resources to conduct these agro-ecological trials and may result in a try and error method, which may prove very costly to them with the potential resulting in food insecurity. Section 10B(5)(c) provides for renewal of the variety registration certificate after every 5 years upon payment of a renewal fee which is not prescribed. This is likely to result to high costs to breeders to maintain their varieties. This cost will be passed on to farmers resulting to higher seed prices and no access to affordable seeds especially for resource poor small-scale farmers.

5. Passing of the proposed Bill will result in increased plant breeders' disputes. Currently, breeders, seed companies and owners of plant varieties are invited by KEPHIS for a JOINT observation of experimental plots for NPT and DUS trials. During observation, a breeder can object to the registration of a variety in case of alleged infringement of their plant breeders' rights. With the proposed laboratory tests only lasting less than 60 days, joint observations will not be possible and other breeders will be denied an opportunity to scrutinize alleged new varieties, which amounts to discrimination contrary to the Constitution of Kenya.

In conclusion, the KEPHIS Act, Seeds and Plant Varieties Act and obtaining regulations were enacted as part of International obligations and they follow international best practices and standards. They are specifically aligned to the International Union for the Protection of New Varieties of Plants (UPOV), OECD Seed Schemes and the International Seed Testing Association (ISTA) of which KEPHIS is a member on behalf of the Republic of Kenya. This expedites the worldwide standardization of seed quality assessment, use of seed of consistently high quality, facilitates seed trading nationally and internationally, and also contributes to food security. If this Bill is passed, it will cause confusion in the seed sector, lead to the lowering of seed quality and increased cost of certification without significantly improving on efficiency and innovation as alleged. Ultimately it may lead to reduced agricultural productivity, food insecurity and a threat to the national security.

INTRODUCTION

This Memorandum contains a review of the draft Seeds and Plant Varieties Act (Amendment) Senate Bill No. 4 of 2025 against existing provisions of the Seeds and Plant Varieties Act, CAP 326. This memorandum respectfully **opposes** introduction of an additional regulator for seeds and the proposed provisions in the draft Seeds and Plant Varieties Act (Amendment) Senate Bill No. 4 of 2025, highlighting its potential negative impact on the performance and responsibilities to seed industry and Kenya's Agriculture at large.

The KEPHIS Act (CAP 349): The KEPHIS Act establishes KEPHIS as the regulatory authority for plant protection, seeds, plant varieties, and plant produce to ensure compliance with national and international standards. KEPHIS is designated as the National Plant Protection Office (NPPO) and National Plant Breeder Rights Office (NPBRO), streamlining services for seed companies, plant breeders, importers and exporters.

The Seeds and Plant Varieties Act (CAP 326): This Act regulates seed transactions, providing for testing, certification; new variety introductions; seed imports control; harmful cross-pollination prevention; grants proprietary rights to plant breeders; establishes a National Centre for Plant Genetic Resources; and creates a Tribunal for appeals. KEPHIS is appointed as the National Designated Authority (NDA) for the administration of this Act.

Functions of KEPHIS: KEPHIS regulates plant protection, seeds, and varieties; monitors quality and toxic residues; advises the government on seed matters; conducts variety testing, seed certification, and quarantine control; sets standards; registers seed merchants; and represents Kenya in international conventions, namely UPOV, OECD seed schemes, and ISTA. KEPHIS's robust governance, efficiency, facilities, and expertise have made it a regional leader in seed regulation, training other African seed authorities.

Achievements: KEPHIS has evaluated and released 1,148 new plant varieties with a two-year average testing period. In 2024, it certified 68,810 tons of seed through rigorous field inspections, processing, labeling, and sales oversight. Between 2023 and 2024, KEPHIS intercepted 114 tons of fake seeds, leading to 36 court cases and 19 convictions with fines ranging from Kes. 8,000 to Kes. 300,000.

Policy Concerns: The proposed Senate Bill introduces an additional regulator to certify standard-based seeds, potentially bypassing KEPHIS's rigorous, national and international aligned standards for releasing high-yielding, resilient and climate-smart varieties. This will create **Regulatory Conflicts, Duplication and Overlaps, Delays and Confusion, gaps in regulatory processes, and reducing gains in push for One Stop Service Centre**, thereby undermining Kenya's efforts in enhancing food security and agricultural transformations.

This Memorandum therefore identifies critical issues in the draft Bill, justifying the policy concerns as stated in the Table below.

KEPHIS COMMENTS ON THE DRAFT SEEDS AND PLANT VARIETIES (AMENDMENT) SENATE BILL NO. 4 OF 2025

No.	Title	Section in the draft	Proposed Amendment	KEPHIS Comment	Justification
1	Standards Based Seed Registration system	Section 10A(1)	Establishment of standard-based seed registration system to be administered by the Kenya Bureau of standards (KEBS)	Retain the functions on seeds and plant varieties under KEPHIS in the ministry of Agriculture and Livestock Development.	<p>Jurisdictional conflict.</p> <p>The draft Bill introduces a new entity (KEBS) to administer seed related matters contrary to section 3A of the Seeds and Plant Varieties Act, which designates KEPHIS as the National Designated Authority on seeds and the KEPHIS Act section 5 which gives the variety registration and seed certification functions to KEPHIS. Implementation of the current Act falls under the Cabinet Secretary, Ministry of Agriculture and Livestock Development. The draft Bill introduces a new regulator under a different ministry thus creating confusion. It will be extremely difficult for two (2) regulators to oversee seed sector.</p> <p>The international best practice, is to have seeds regulated by the ministry responsible for Agriculture. Kenya has harmonized its seed systems with regional and international institutions dealing with variety registration and seed certification. KEPHIS is the focal point for these organizations and the recognized National Seed Authority by other Nations.</p> <p>The Seeds and Plant Varieties Act, Section 3B supports seed industry self-regulation via Authorization of Seed Experts to enhance service delivery and reduce costs.</p>
2	Application for Registration	Section 10B(1-3)	Application for Registration of seed varieties under	Delete the proposed provision.	<p>Duplication and overlap with existing functions</p> <p>The proposed amendment is redundant since the current regulations provide for fast tracking the release of varieties on the basis of food security and</p>

No.	Title	Section in the draft	Proposed Amendment	KEPHIS Comment	Justification
			standards Based registration system	Consider the expanding exemption provisions in the Seeds and Plant varieties Act and regulations	national interest. The Seeds and Plant Varieties Act section 7-9 provides for the release of plant varieties. The Seeds and Plant Varieties (Variety Evaluation and Release) Regulations 9-14 provide for exemption based on Food security, National interest and varieties which have already been released in regional blocks with harmonized regulations, allowing for quick release of varieties of national interest such as Climate resilient varieties. KEPHIS has allowed for client-managed evaluation trials to facilitate cheaper and faster release of varieties. There is a mix up between variety evaluation and seed quality, which are different parameters (germination, purity, noxious weeds are seed quality parameters not used during variety evaluation).
3	Application for Registration	Section 10B(4-5)	Prescription of variety registration renewal fees	Delete the provision	Increased cost of seed. The proposed amendment provides for renewal fees for registered varieties. This is likely to translate to increased cost of seeds to farmers.
4	Application for Registration	Section 10B(6)	Provision for revocation of registration certificate for varieties found not meeting standards during variety post market monitoring	Delete the provision	Duplication This provision is adequately covered in The Seeds and Plant Varieties (Plant Variety Evaluation and Release) Regulation 20 which provides for withdrawal of varieties from the national variety list. Counterfeiting of seeds by unscrupulous dealers should not be a basis for withdrawal of a variety.

No.	Title	Section in the draft	Proposed Amendment	KEPHIS Comment	Justification
5	Insertion of new Schedule seven	Section 10C (1)	Introduction of the seventh schedule for 19 crops to be certified according to the standards-based seed registration system	Delete the provision	<p>Duplication and overlap with existing functions.</p> <p>The Seeds and Plant Varieties (Seeds) Regulations provides 2 schedules. The first schedule under regulation 6 (1) has a list of 152 crops, which are eligible for certification. The second schedule under regulation 6 (2) has a list of 38 crops put under compulsory certification due to their economic importance and food security. These 38 crops are a subset of the 152 crops in Schedule 1. The remaining 114 crops do not require NPT tests for registration but DUS tests are conducted for variety listing. These crops are certified under less stringent (flexible) regime, where only one inspection is required. Many of the crops proposed under Seventh Schedule of the Bill can be registered and certified in a similar manner.</p> <p>KEPHIS has accredited 52 private inspectors to enable a more efficient and cheaper certification of seeds.</p>
6	Seed Testing Stations	New Section 11	Establishment of Seed Testing laboratories by the Service in consultation with County Governments	Review the seeds and Plant Varieties Act to explicitly include County government consultation	<p>Section 11 provides for establishment of laboratories in consultation with relevant authorities (Explicit mention of county Governments should be made).</p> <p>KEPHIS (The Service) has already established 5 Seed Testing Laboratories in Kiambu, Nakuru and Kitale Counties. Additionally, KEPHIS has accredited 4 private Seed testing Laboratories in Nairobi, Nakuru and Kitale.</p> <p>KEPHIS consults widely with County Governments in implementation of its Mandate including on seed quality monitoring.</p>

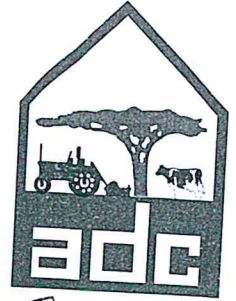
No.	Title	Section in the draft	Proposed Amendment	KEPHIS Comment	Justification
7	Memorandum of Objects and Reasons	Page 93. Statement of the Objects and Reasons of the Bill	This amendment seeks to address the inefficiencies in the current seed approval process which has led to significant delays, averaging 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.	The Seeds and Plant Varieties Act should be reviewed to document some of the new technologies currently employed	<p>Rapid variety release implemented under the Seeds and Plant Varieties Act</p> <p>Recent evaluation of the variety release process found that the average time for release of varieties is now 2 years with 5 varieties of National interest released within 1 year in 2024. This is consistent with the minimum duration required for testing of varieties for performance and adaptability at different agro-ecological zones, usually 2 seasons. The average time of 2 years can be drastically reduced by adopting irrigation facilities and modern agricultural production technologies (precision farming techniques, automation and robotics, advanced sensors, drones, and satellite imagery to provide real-time data on crop health and environmental conditions) to enhance efficiency, sustainability and yield.</p> <p>KEPHIS also leverages on obtaining variety release data from other countries with similar agro-ecology and harmonized regulations to fast-track the release process.</p> <p>An average of 35 new varieties are released every year. Eighteen (18) climate resilient varieties have been released in the last two years.</p> <p>Care should be taken to ensure that variety release process does not fall out of sync with regional and international practices, thus limiting market access. Additionally, KEPHIS has authorized aspects of seed certification to private inspectors and private seed testing laboratories for more efficient services.</p>

No.	Title	Section in the draft	Proposed Amendment	KEPHIS Comment	Justification
8	General Comment			Retain Seed services under one roof in KEPHIS	The Government offers Plant Health services, Variety release and Seed Certification services under one roof in KEPHIS, as part of "Ease of Business" approach. This has provided a one stop shop for plant breeders, seed companies, seed importers and exporters and the seed industry at large.

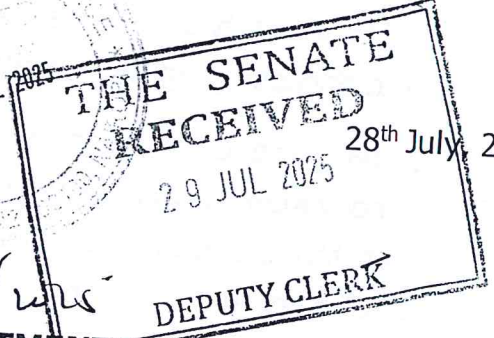
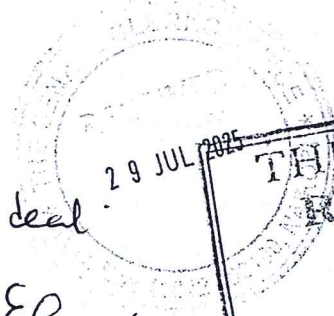
Address all correspondence
to the Managing Director

AGRICULTURAL DEVELOPMENT CORPORATION

P.O. BOX 47101-00100, DEVELOPMENT HOUSE, TEL: 2250695/185, 020-3315746
NAIROBI



① DSEC
DLG



DIRECTOR COMMITTEE SERVICES
(DSEC)
Honorable Chair,

Kindly deal

29/07/2025

RESPONSE TO THE SENATE DEPARTMENTAL COMMITTEE ON AGRICULTURE LIVESTOCK AND FISHERIES

② DSEC (BL)
Kindly deal
29/07/2025

RE: SEED AND PLANT VARIETIES (AMENDMENT) BILL, 2025 RESPONSE BY AGRICULTURAL DEVELOPMENT CORPORATION (ADC)

Reference is made to the invitation for submission of memorandum via the press on 17th July, 2025 regarding the Seed and Plant Varieties (Amendment) Bill, 2025.

Honorable Chair, I beg to highlight that Agricultural Development Corporation (ADC), is a Government agency established through an Act of Parliament of 1986 (Chapter 444 of the Laws of Kenya). The Corporation supports the agriculture sector by ensuring the local Kenyan farmer has access to certified seeds, a role that has been diligently enjoyed since establishment in 1965. Through execution of its mandate, the Corporation promotes the production of Kenya's essential agricultural inputs including seeds and pedigree livestock breeds. Seed crops include seed maize, seed potato, seed wheat, barley, seed grass, canola among others. Seed companies are key in enhancing food security by providing high-quality, certified seeds that lead to increased agricultural productivity and resilience.

③ Mr. Mwangi
Kindly deal
30/07/2025

SEED AND PLANT VARIETIES (AMENDMENT) BILL, 2025

Honourable Chair, I beg to proceed to respond as follows:

The importance of seed in agriculture cannot be overstated, it is the foundational input that determines the potential of any crop and seed is directly linked to crop productivity, a crucial basis of food security. As a seed producer, the Corporation plays a crucial role

in the agricultural value chain by ensuring the development, multiplication, certification, and distribution of quality seeds to farmers, which meet national standards through seed testing and certification programs stipulated in the Seed and Plant Varieties Act Cap 326.

Honorable chair, the Corporation does this in collaboration with government seed certification body KEPHIS, who ensure quality control, prevention and spread of diseases, protection of farmers from fraudulent or substandard seeds as well as preserve intellectual property rights for the hybrid seed varieties we produce. KEPHIS has effectively carried out seed certification, inspection, laboratory testing and regulatory enforcement to the Corporation and other stakeholders.

Honorable chair, an autonomous seed certification system is fundamental in building a robust, trustworthy, and transparent seed sector. This **system** is required to operate independently with a clear mandate to uphold seed quality standards. It safeguards seed quality by seed producers, promotes fair trade to consumers, protects farmers, and contributes directly to food security. Over the years, there has been a smooth operation in seed certification, where KEPHIS has ensured certification that required seed by seed producers to meet standards of varietal identity, purity, germination rate, and health. This has been verified through field inspections, lab testing, processing, labelling, and post-control surveys. As seed companies, we have adhered to set regulations ensuring seed quality is maintained, and the end consumer getting quality seeds, a relationship that has been built a sustain trust in certified seed systems.

Honourable chair, introducing a parallel registration system under KEBS as proposed amendment, risks creating regulatory overlap and duplication, confusing farmers and reducing clarity on where to obtain certified seeds. In addition, the proposed KEBS led path could undermine seed quality controls and expose farmers to fraud.

The critical basis of the Seeds and Plant Varieties Act in Kenya, is to regulate transactions in seeds and plant varieties to ensure quality, prevent fraud, and protect breeders' rights. This involves establishing procedures for testing, certification, and registration of plant varieties, as well as mechanisms for controlling the introduction and importation of new varieties. KEPHIS has agricultural scientists, plant pathologists, entomologists, and inspectors trained in seed testing and pest/disease diagnostics who strategically support the Corporation and other seed companies produce high quality seeds.

Honourable chair, allowing producers to self-certify or be regulated outside this system risks flooding the market with counterfeit or substandard seeds, which KEPHIS has worked alongside seed companies to identify culprits selling fake seed to the farmers and

repeatedly condemned their efforts that undermining food security in the country. KEPHIS actively investigates counterfeit seed networks reported by seed companies, partners with police to seize fake seeds, and provides farmers with a scratch-and-verify sticker mechanism, which has enhanced seed traceability.

Honourable chair, as a core Government seed producer entrusted by several stakeholders and farmers, it is logical to maintain a sole seed certification authority, responsible for inspections, testing, labelling, and enforcement in seed production of all crops for food stability in the country

Honorable chair, it is finally emphasized that:

1. **An autonomous seed certification system** as provided in the Seed and Plant Variety Act Cap 326, safeguards seed quality, promotes fair trade, protects farmers, and contributes directly to food security, a role KEPHIS has been dedicated to over the years. To be most effective, such a system should be supported by legal frameworks, adequate funding, skilled personnel, and strong linkages with research institutions and regulatory bodies. KEBS on the other hand has a divergent broad mandate (manufacturing, construction, food safety), that is not scientific and not in agricultural food production which may lead to regulatory overlaps, confusion and further delays in inspection
2. **Seed certification requires specialised and technical expertise** in breeding, agronomy, seed testing, field inspections and processing. A standard based seed system focuses on general product standards across multiple enterprises and may lack the technical and scientific basis of certification process. Amending the Seed and Plants variety act would mean replacing KEPHIS and losing specialized capacity in agriculture, especially in quarantine and pest control, GMO trials and biosafety and seed certification and plant variety protection and transferring these risks compromising seed quality, varietal purity and farmer trust.
3. **The Seed and Plants Variety Act Cap 326 is aligned in compliance with other International Standards** such as the International Safe Transit Association (ISTA), which has built strategic partnerships that have made certified seeds acceptable in regional and international markets. Diluting this role, disrupt confidence and build mistrust of the agricultural produce and certified seeds abroad, hindering trade

opportunities and developmental partnerships for seed companies and the country as a whole.

This Committee is respectfully urged to re-examine the proposed amendment and consider supporting the ongoing automation of seed certification processes. This includes expediting inspection services by KEPHIS and facilitating the accreditation of private sector inspectors. These measures will enhance the efficiency and credibility of seed certification, help prevent the infiltration of counterfeit seeds, strengthen food security, and build farmers' trust in locally produced certified seeds.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'WTJ', is written over a horizontal line. The signature is stylized and somewhat cursive.

**DR. WILSON TONU
MANAGING DIRECTOR**

WT/JO



STAK MEMORANDUM ON THE SEEDS AND PLANT VARIETIES AMENDMENT BILL, 2025

ABOUT STAK (SEED TRADE ASSOCIATION OF KENYA)

STAK is Kenya's national umbrella association of companies producing, distributing, and marketing certified seeds, as well as other agricultural players. With over 70 member companies controlling over 90% of the formal seed sector, STAK champions access to high-quality seed to enhance food security and address climate challenges. Governed by a Board elected by members, and guided by an Executive Committee, STAK works with all actors along the seed value chain to bring technologies to farmers.

STAK holds board positions in international bodies like the International Seed Federation (ISF), The African Seed Trade Association (AFSTA), and the International Breeders Committee, positioning Kenya at the center of global seed trade discussions. It is the lead national seed association in East Africa and COMESA, that established and hosts AFSTA; and serves as a benchmark for other African associations.

STAK partners with government bodies (Ministry of Agriculture, KEPHIS and The National Biosafety Authority) and key industry players to shape seed policies, laws, and certification systems. We promote regional seed trade and contribute the development and introduction of seed sticker labels to combat counterfeit seeds. We continuously advocate for the removal of VAT on vegetable seeds and address land and regulatory issues affecting seed production and trade. STAK Supports ethical standards, technology adoption, and compliance among sector players. Lastly, STAK continues to improve Kenya's seed sector through public-private partnerships, regional trade facilitation, and sustained advocacy for farmers' access to genuine, high-quality seeds.



Following the call for submissions, STAK makes the following submissions:

PART A: COMMENTS ON THE BILL

No.	CURRENT PROVISION	PROPOSED AMENDMENT	JUSTIFICATION/COMMENTS
1.	KEPHIS is the sole regulator of seed in Kenya established under the Kenya Plant Health Inspectorate Services Act No. 54 of 2012.	Under section 2 of the Bill- Bureau" means the Kenya Bureau of Standards established under section 3 of the Standards Act;	Assigning seed registration and quality assurance to KEBS conflicts with the legal and technical mandate of KEPHIS (as per Cap. 326), risking duplication and inefficiency. Section 10A and 10B establish KEBS as the administrator of the system, but does not explain how its role integrates (if at all) with KEPHIS. Section 10B(2)(c) still refers to "registered seed merchant with the Service" (KEPHIS), suggesting overlap and confusion. The Bill assigns seed regulatory responsibilities to KEBS, yet they are currently under the mandate of KEPHIS. Introducing two



		<p>regulators for the same function risks inefficiency, conflicting decisions, confusion and delays.</p> <p>Unclear Roles: The Bill does not clarify whether KEPHIS retains any oversight or if dual registration (with both KEBS and KEPHIS) would be required for varieties and seed merchants.</p>
<p>2. KEPHIS administers certification through field trials and approvals.</p>	<p>Establishment of the standard based registration system.</p> <p>10A. (1) There is established a standard 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.</p>	<p>The Bill addresses lengthy approval timelines which promotes access to affordable and climate-resilient seeds.</p> <p>The Bill appears to replace the existing Standard Certified Seed Class (intended to support low-investment crops) without evaluating its effectiveness.</p> <p>The KEPHIS variety testing and release process should be streamlined to make it more efficient and affordable.</p>



		<p>The KEPHIS online certification systems should be upgraded to better serve seed companies and accelerate the certification process, ensuring timely access to improved varieties.</p>
<p>3. Applications for seed variety registration are submitted to KEPHIS for seed trials. This process included National Performance Trials (NPT) and Distinctness, Uniformity and Stability tests (DUS).</p>	<p>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. An application is made to KEBS with evidence of germination rates, genetic distinctness, absence of noxious weeds, and a reference seed sample. The registration Certificate valid for 5 years, renewable.</p>	<p>The proposed registration process is faster pathway for the release of climate smart seeds. However, KEBS' capacity to evaluate and monitor effectively remains a concern for our members. KEBS currently lacks the technical expertise and resources to handle variety registration and certification effectively.</p>
<p>4. All seeds where subjected to the same registration system irrespective of the intended use.</p>	<p>Eligibility criteria for crops under standards-based system (Section 10C, Seventh Schedule)</p>	<p>The Bill Supports diversification and resilience by enabling quicker access to suitable crops. The list excludes hybrids,</p>





	<p>The standards-based registration applies to specified low-risk, domestic, climate-resilient crops listed in Seventh Schedule (e.g., pigeon peas, beans, millet, sunflowers, sorghum).</p>	<p>export-bound seeds, or those needing full trials.</p> <p>The listed crops such as sorghum, sunflower, and canola are largely hybrids.</p> <p>The Seventh Schedule lists Grain Sorghum but omits Forage Sorghum, groundnut and runner bean which align with the stated objectives of the Bill.</p>
<p>5. KEPHIS performs pre-market and post-market control activities. Seed lot samples are officially sampled in pre- and post-control plots and are open to examination by interested parties.</p>	<p>Strengthened post-market monitoring (Section 10B (6)) -The Bureau may revoke a certificate of registration where post-market monitoring detects a counterfeit variety that does not match the reference seed sample submitted at registration. Empowers KEBS to revoke registration if standards are violated post-market.</p>	<p>The proposed provision on revocation of registration appears punitive to seed companies, as counterfeit seed is often introduced by unregistered actors rather than registered seed companies. The “doctrine of proportionality—the punishment should fit the crime” should be considered as the distribution of seed is supported by numerous actors.</p> <p>There is currently no avenue for appeal provided for an aggrieved party in the Bill where counterfeit seed is found in the market.</p>





		<p>Include clear appeal mechanisms and safeguards to ensure that registered companies are not unduly penalized for actions beyond their control.</p>
<p>6. Seed Testing is done by KEPHIS and approved labs ran by authorised seed companies. Under section 10 of the Seeds and Palnts Varieties (Seeds)Regulations 2016-The Service may authorize some aspects of seed certification to authorized persons except basic seed, higher seed classes and varieties in their first and second season of certification.</p>	<p>County-level seed testing stations (Amendment of Section 11)- Countries are mandated to establish seed testing stations with support from KEPHIS.</p>	<p>Allow independent seed testing laboratories in line with ISO/IEC 17025 to enhance capacity and credibility within the regulatory framework, supporting Kenya's competitiveness in regional and international seed markets.</p>
<p>7. There is no flexibility to adjust scope of crops eligible for specific systems.</p>	<p>The power of the Cabinet Secretary to amend the list of eligible crops (Section 10C (2))-The Cabinet Secretary may amend eligible crops by Gazette notice.</p>	<p>This flexibility allows the standard-based system to adapt to emerging needs. However, proper stakeholder inclusion and consultation is crucial to avoid arbitrary changes of the eligible crops.</p>



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<p>8. The Regulations were catered for under Cap</p>	<p>The Cabinet Secretary shall, in consultation with the Bureau, make regulations to provide for; Section 10C 4 (a) the procedures, forms, and fees for applications under the standards-based seed registration system.</p>	<p>We recommend that STAK be included in the joint committee to oversee the drafting of regulations and thereafter the implementation of the Act.</p>
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Recommendations

Rather than adopting a purely standards-based variety release system, a more effective and globally-aligned approach would involve seed companies preparing comprehensive technical descriptions and performance data for each variety and submitting this information to the KEPHIS technical team for review and approval. At the same time, the current rigorous National Performance Trials (NPT) and Distinctness, Uniformity, and Stability (DUS) testing for hybrids and high-value crops under Cap. 326 should be retained but with fast tracking of the process; including robustness and flexibility to open up seed market opportunities.

Effective stakeholder engagement, particularly through coordination with the Seed Trade Association of Kenya (STAK), is essential to ensuring that regulatory formulation and implementation reflect the realities of the seed sector, as envisaged under Article 10(2)(a) of the Constitution of Kenya, which enshrines public participation as a national value. The reforms under the Seeds and Plant Varieties (Amendment) Bill, 2025 should safeguard Kenya’s access to both domestic and export seed markets, in line with the objectives of the Seeds and Plant Varieties Act (Cap. 326) and international trade obligations under agreements such as the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).



We urge you to critically evaluate the **Standard Seed Class** provided for under existing regulations to determine whether it has failed in practice or can be improved before it is discarded, to avoid undermining the integrity of Kenya's seed system. While the intent of the Bill is commendable and arguably overdue, a more inclusive, technically sound, and sector-aligned approach is recommended to mitigate regulatory conflict, inefficiency, and erosion of stakeholder confidence.

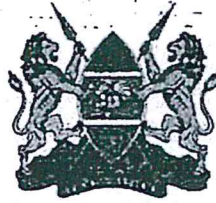
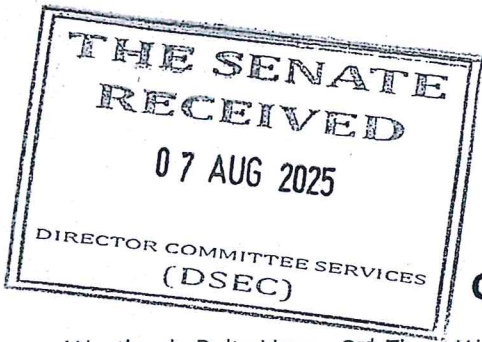
Finally, rather than adopting a purely standards-based variety release system, a globally aligned approach would require seed companies to prepare comprehensive technical descriptions and performance data for each variety, submitting these to KEPHIS for review and approval, consistent with internationally recognized practices such as those of the OECD Seed Schemes and UPOV 1991 Convention.

We respectfully submit these recommendations for consideration by the Senate on the Seeds and Plant Varieties (Amendment) Bill, 2025.

Kind Regards,

Wellingtone Maaka Wasike

Chairman-Board of Directors: Seed Trade association of Kenya



COUNCIL OF GOVERNORS

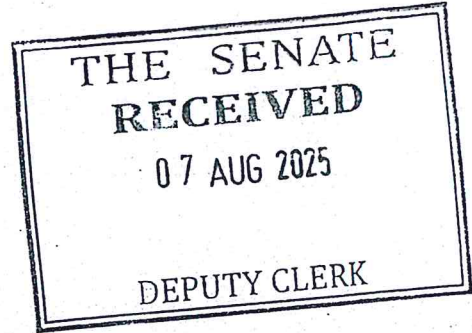
Westlands Delta House 2nd Floor, Waiyaki Way.
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Nairobi.

Tel: (020) 2403314, 2403313
E-mail: info@cog.go.ke

Our Ref: COG/6/48 Vol. 69 (85)

6th August 2025

The Clerk of the Senate
Parliament Buildings
P.O. Box 41842-00100
Nairobi, Kenya



REQUEST FOR RESCHEDULING OF STAKEHOLDER ENGAGEMENT ON THE SEED AND PLANT VARIETY (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2025)

The Council of Governors (CoG) acknowledges receipt of your letter Ref: SE/DSEC/CORR/07/2025/291 inviting the Council to participate in stakeholder engagement on the **Seed and Varieties (amendment) Bill (Senate Bill No. 4 of 2025)**.

We appreciate the opportunity accorded to the Council to contribute to this important legislative process. However, due to unavoidable previously scheduled activities, the Council regrets its inability to attend the stakeholder engagement activity scheduled for **7th August 2025**.

We hereby request to appear before the committee on the Thursday **21st August 2025**, to allow the Council to effectively prepare and meaningfully contribute to the discussions on the Bill.

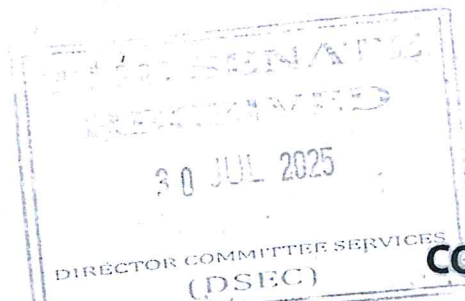
We remain committed to engaging constructively with the Senate to ensure that the proposed amendments to the Act align to the constitution and solve farmers challenges.

We thank you for your continued cooperation and look forward to your favourable consideration.

Mary Mwititi, EBS
Chief Executive Officer

Copy: Hon. Rt Kenneth Lusaka, EGH, Chairperson, Agriculture and Livestock Committee

① DSEC, DdG
kindly deal
Eg 07/08/2025
② DSEC (BL)
kindly deal
07/08/2025
③ Mr. Mwititi
kindly deal
11/08/25



COUNCIL OF GOVERNORS

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Our Ref: 6/48 Vol. 69

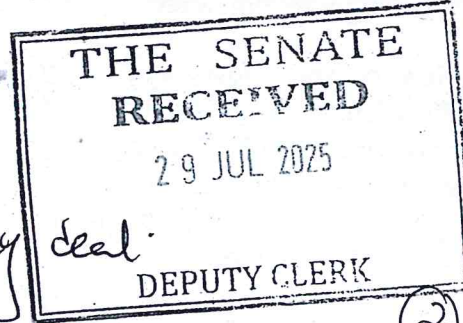
24th July 2025

J.M Nyegenye, CBS
Clerk of the Senate
The Senate
Clerk's Chambers
NAIROBI

① DSEC

DNY

Kindly deal



② DSEC (BL)

Dear Clerk,

Ef 29/07/2025

Kindly deal

SUBMISSION ON THE SEEDS AND PLANT VARIETIES (AMENDMENT) SENATE BILL NO. 4 OF 2025

30/07/2025

The above subject matter refers.


The Council of Governors acknowledges receipt of your letter referenced **SEN/DSE/SCA/CORR/07/2025/278** dated 10th July 2025, forwarding the **Seeds and Plant Varieties (Amendment) Senate Bill No. 4 of 2025** for our review and comments. We appreciate the Senate's continued commitment to strengthening Kenya's agricultural sector through sound legislation.

③ M. Nwasi
Kindly deal
30/07/25

Upon reviewing the Bill, the Council proposes the following recommendations to ensure its alignment with the Constitution of Kenya, 2010 particularly the Fourth Schedule on the division of functions between the National and County Governments and to safeguard the integrity of Kenya's seed sector.

- a) **Introduction of Parallel Seed Certification System:** The Bill proposes to introduce the Kenya Bureau of Standards (KEBS) as an implementing agency for a standards-based seed certification system, alongside the Kenya Plant Health Inspectorate Service (KEPHIS), which currently holds the legal mandate for seed certification, variety release, and phytosanitary regulation.

Seed certification is a complex, technical, and scientific process that must adhere to international best practices to ensure the quality, traceability, and safety of seeds used by Kenyan farmers. We therefore opine that introducing an alternative parallel certification regime undermines this integrity and presents significant regulatory risks. This duplication and overlap of mandate may expose farmers to low quality seeds as well impact on the country food security.

- 
- b) **Limited Reflection of Devolution:** The proposed Bill does not consider the essential roles that County Governments play in seed dissemination, extension services, and local seed system development.
- c) **Being cognizant of the implementation of Cabinet decision to merge Kenya Plant Health Inspectorate Service and the National Bio-safety Authority.** It is therefore, paramount that the amendments being made are halted until the merger is completed.

In view of the above, the Council recommends that the function of seed certification, including standards-based certification, should remain the exclusive responsibility of KEPHIS, as provided for under Section 5 of the KEPHIS Act. KEBS may continue to provide input on applicable standards in collaboration with KEPHIS but should not be assigned implementation or certification functions under the Seeds and Plant Varieties Act.

We also recommended a comprehensive review of the **Seeds and Plant Varieties Act, Cap 326** to align it with the Constitution by recognizing the roles of County Governments in seed dissemination, extension services, and local seed systems, accreditation of county seed inspectors, support for community seed banks, and mandatory annual reporting by KEPHIS to National and County Governments.

We remain committed to supporting sound legislative reforms that promote a robust and coordinated seed sector.

Please accept assurance of our highest esteem and consideration.

Yours sincerely,



Mary Mwiti, EBS
Chief Executive Officer

Copy: All Excellency Governors

All CECMs in charge of Agriculture

All County Attorneys

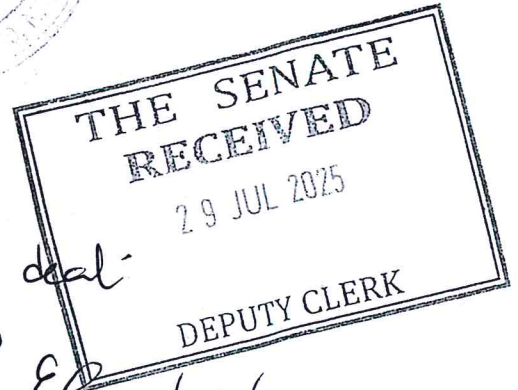


July 28, 2025

The Clerk of the Senate
Parliament of Kenya
P.O. Box 41842-00100, Nairobi
Email: clerk.senate@parliament.go.ke
Cc: agriculturelfcommittee.senate@parliament.go.ke

① DSFC
DJG

Kindy deal



29/07/2025

RE: THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL, 2025

As a business that has a strong interest in the grains sector of Kenya due to our use in our poultry units I would like to wholeheartedly add my support to the adoption of this bill.

I would like to endorse the bill currently before the senate, "The Seeds and Plant Varieties (Amendment) bill, 2025.

② DSFC (BL)
Kindy deal
30/07/2025

The high cost of grains essentially comes from the high cost of production coupled with regionally (East Africa) low yields. This has put the Kenyan intensive feed industries such as poultry and pigs at a competitive disadvantage.

I would note that a number of countries that have very strong agricultural economies also have seed systems such as is being proposed within this bill.

There are many countries that operate both certified as well as standards-based systems side by side such as India, Australia, and USA plus others.

③ Mr. Muriuki
Kindy deal
30/07/2025

One deficiency I see in this bill is the absence of Maize and Soya which is so import for the poultry and pig sector.

I fully endorse KEBS as the oversight agency to ensure quality seed is available to all Kenyan farmers who are supplying feed grains to Kenya's intensive feed industries.

Kenyan agri-businesses need our regulatory systems to be more modern and this bill moves us in the right direction.

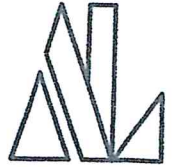
Regards,

Jim Tozer
Managing Director



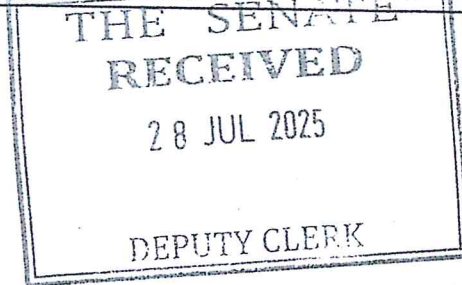
KENCHIC PLC
P. O. Box 20052 - 00200
Tel: +254 703 056 000 / 722 202 163
NAIROBI

ALPHARAMA LIMITED



P.O. Box 167 - 00204, Athi River - Kenya. Tel: +254 723 595 400 / 0736 201 140 E-mail: info@alpharama.co.ke

To
The Clerk of the Senate,
P.O Box 41842-00100,
Nairobi.
21st July 2025.



Dear Sir,

RE: SUBMISSION ON THE PUBLIC PARTICIPATION SEEDS & PLANT VARIETIES(Amendment)BILL, 2025.

Alpharama limited is a Tanning industry based in Athi River Kenya. As a Tanning industry we collect hides and skins from most parts of the country and process to finished leather.

The Seeds and Plant Varieties (Amendment) Bill, 2025, aims to streamline seed variety registration process in Kenya, potentially boosting access to climate-resilient seeds for farmers. This will enhance food security, increase farmer incomes, and promote sustainable farming practices.

Alpharama Limited Supports the Bill.

- There will be faster access to improved seeds which are climate resilient and high yield seeds varieties. These seeds exhibit better tolerance to drought, heat, flooding, and soil salinity, enabling farmers to cultivate crops in areas where conventional varieties struggle. Some climate-resilient varieties are bred to have higher nutritional content, addressing malnutrition concerns and improving food quality. Improved nutrient use efficiency allows for higher yields with less fertilizer, reducing input costs for farmers.
- By facilitating access to improved seeds, the bill could contribute to increased agricultural productivity and food security in the country. Cover crops/grasses increase organic matter through root biomass and decomposition, which improves soil structure and water retention. Their roots also help reduce soil erosion by holding the soil in place and improving water infiltration. Additionally, cover crops can help manage nutrients, with some species being able to scavenge excess nutrients or fix nitrogen from the atmosphere, making them available for future crops.
- The proposed parallel registration system aims to streamline the approval process and reduce the burden on farmers and seed developers.

Kindly deal
Ep
29/07/2025
Mr. Mulusi
Kindly deal
29/07/2025

Conclusion.

By adapting the proposed bill, this will help remove unnecessary delays, improves efficiency and help Kenya agriculture become more adaptable on the climate change being experienced.

Yours Sincerely

P.V. S Rao

Dr. P.V Sambasiva Rao – EGH
Managing Director



THE SENATE
RECEIVED
30 JUL 2025
DIRECTOR COMMITTEE SERVICES

MEMORANDUM BY LAKE REGION FOOD SYSTEMS NETWORK (LRFSN)
ON THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL, 2025 (C)

Date: 29th July, 2025

To
The Clerk of Senate
P.O. Box 41842-00100
NAIROBI, KENYA

DEPUTY CLERK
30 JUL 2025
RECEIVED
THE SENATE

THE SENATE CLERKS OFFICE
RECEIVED
29 JUL 2025
P.O. BOX 41842 - 00100, NAIROBI

Attention: Honourable Chairperson and Members,
Senate Standing Committee on Agriculture, Livestock, and Fisheries

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1. Introduction

Lake Region Food Systems Network (LRFSN), a regional CSO coalition focused on the right to food, sustainable agriculture, farmer rights, and inclusive governance, welcomes the opportunity to submit its position on the Seeds and Plant Varieties (Amendment) Bill, 2025. We recognize the government's intentions to improve access to certified seeds—especially climate-resilient varieties—and reduce bureaucratic bottlenecks in seed approvals. However, several proposals in the Bill raise grave concerns with far-reaching implications for farmer rights, biodiversity, seed sovereignty, and institutional integrity.

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2. Background and Context

The Amendment Bill proposes the introduction of a standards-based seed registration system under the Kenya Bureau of Standards (KEBS), shifting key responsibilities from the Kenya Plant Health Inspectorate Service (KEPHIS). It also promotes self-regulation by seed companies and defines new eligibility criteria for crops registered under this new regime.

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While the intentions include reducing delays (currently averaging up to four years) in seed variety approval, the Bill as drafted threatens to deregulate essential public oversight, weaken scientific and regulatory rigor, and marginalize indigenous and community-managed seed systems.

3 Mr. Muiosi
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3. Gaps Identified in the Bill

a) Threat to Farmer and Indigenous Rights

3.1 The Bill **does not recognize community seed systems**, indigenous varieties, or traditional knowledge.

3.2 It fails to reflect Kenya's **constitutional obligations** under Article 11(3)(b) and Article 69(1), which require the protection of indigenous knowledge and biodiversity.

3.3 Without explicit recognition, farmer-managed seeds remain vulnerable to exploitation and exclusion from formal markets.

b) Fragmentation of Regulatory Oversight

3.4 The transfer of seed certification functions from **KEPHIS to KEBS** creates an institutional gap.

3.5 KEPHIS is a specialized agency with decades of experience in seed testing, phytosanitary regulation, and varietal registration.

3.6 KEBS, while responsible for national product standards, lacks the technical, field-based infrastructure and specialized staff for seed oversight.

c) Encouragement of Private Sector Self-Regulation

3.7 Allowing seed companies to **self-regulate labelling and quality claims** poses a serious risk to farmer protection.

3.8 It creates a **power imbalance** where private actors may act without independent oversight, and smallholder farmers have limited access to redress or accountability mechanisms.

3.9 In a sector critical to food security, public regulation must remain central.

d) Limited Definition of Eligible Crops for Standard-Based System

3.10 The list of crops eligible under the new system, as provided in the **Seventh Schedule**, lacks representation of **traditional crops, local varieties, and neglected indigenous food crops**.

3.11 There is **no indication** of stakeholder consultations in determining this list, excluding crops crucial for community resilience and food sovereignty.

e) Lack of Redress Mechanism for Farmers

3.12 The Bill omits a **clear legal framework for farmer compensation or complaint resolution** in cases of seed failure, mislabelling, or quality defects.

3.13 This undermines the **consumer protection rights** of farmers and especially affects those with limited access to legal services.

4. Justifications for Proposed Changes

4.1 Institutional Expertise: KEPHIS has developed advanced regulatory frameworks, lab facilities, and professional capacity to handle seed governance, which KEBS currently lacks.

4.2 Protection of Biodiversity: Indigenous and farmer-managed seed systems preserve agro-biodiversity, critical for climate resilience and food sovereignty.

4.3 Risk of Market Capture: Deregulating the system could lead to market domination by a few large seed companies, limiting farmers' choices and promoting monocultures.

4.4 Farmer Rights and Food Security: The Constitution guarantees the right to food (Article 43), which is inseparable from access to affordable, diverse, and high-quality seeds. Robust public oversight is essential to uphold this right.

5. Recommendations

a) Retain KEPHIS as the Lead Seed Regulatory Authority

5.1 KEPHIS should continue managing **all technical and regulatory functions**, including variety registration, quality assurance, and post-market monitoring.

5.2 Its removal from this role would destabilize a sector that demands scientific accuracy and trusted institutions.

b) Reject KEBS as Administrator of Seed Certification

5.3 KEBS should **not oversee seed registration**, but may play a limited supportive role in standardization of packaging or labeling.

5.4 Its mandate and infrastructure are not designed for biological systems or field-based certification processes.

c) Legally Recognize and Protect Community Seed Systems

5.5 The Bill should include **new provisions safeguarding indigenous seed varieties**, farmer-led breeding, and local seed sharing systems.

5.6 This aligns with Article 11 of the Constitution and promotes resilience, diversity, and sustainability in farming systems.

d) Strengthen Accountability Mechanisms

5.7 Mandatory **third-party verification** of all seed varieties and labels should remain.

5.8 Create **accessible, independent grievance and redress mechanisms** that farmers can turn to when harmed by substandard or misrepresented seeds.

e) Review the Seventh Schedule Through Stakeholder Consultations

5.9 The list of crops eligible for the standards-based system must be **reviewed through participatory consultation** with smallholder farmers, indigenous communities, CSOs, researchers, and agroecology practitioners.

5.10 The current list is narrow and does not reflect the diversity of Kenya's food systems.

f) Introduce a Farmer Compensation Clause

5.11 Add a provision requiring **mandatory compensation or restitution** in cases where registered seed fails to meet germination, purity, or yield expectations.

5.12 This promotes trust in the seed system and aligns with broader consumer protection principles.

6. Conclusion

The Seeds and Plant Varieties (Amendment) Bill, 2025, while seeking to address delays in seed variety approval, introduces significant constitutional, ecological and socioeconomic risks that could erode **seed sovereignty, ecological diversity, and farmer protection**. The Bill must be re-drafted to realign with Kenya's constitutional values, promote inclusive governance of seed systems, and preserve the institutional integrity of key regulatory agencies.

The **Lake Region Food Systems Network (LRFSN)** strongly urges the Senate to:

- **Reject the transfer of seed registration responsibilities to KEBS,**
- **Reaffirm KEPHIS's role** as the principal seed regulatory body,
- **Legally recognize indigenous and community seed systems, and**
- **Establish stronger oversight, redress, and farmer protection frameworks in the law.**

The proposals presented by LRFSN are intended to support a more inclusive, accountable, and sustainable seed policy framework that upholds the rights of all Kenyans.

These reforms will help Kenya move toward a seed system that is **inclusive, just, accountable, climate-resilient, and farmer-centred**.

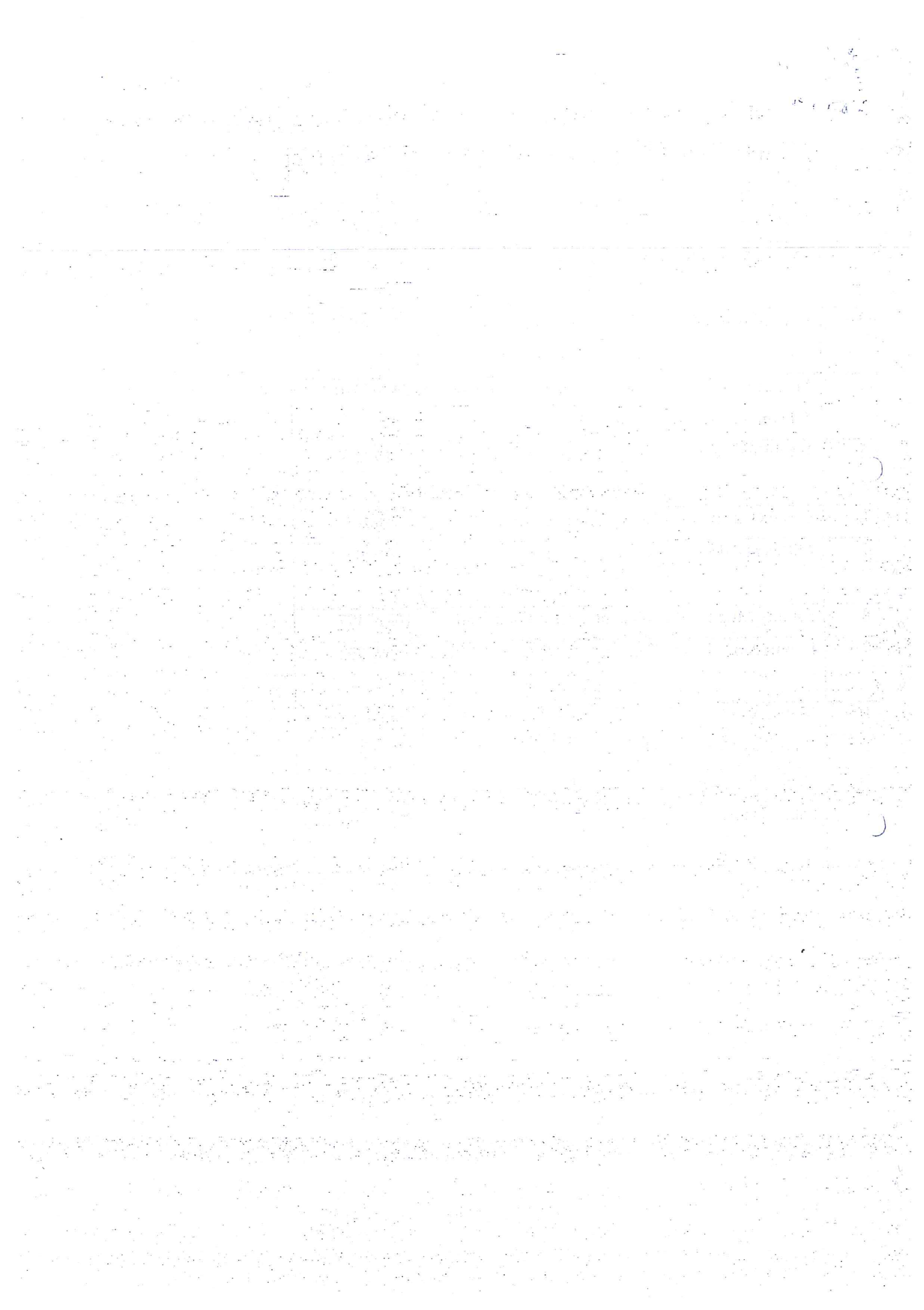
Signed:

Lake Region Food Systems Network (LRFSN)

Date: 29th July, 2025

MEMORANDUM DATED AT29TH DAY OF JULY, 2025

S/N	NAME OF PETITIONERS	ORGANIZATION	ID NUMBER
1	Ezekiel Odeoh	Mwalie Health Cbo/Bcsf	11658967
2	Evans Muswahili	Association Of Social Entrepreneurs In Vihiga	200180130
3	Edward Anyanda	Kakamega County Stakeholders Association	0154468
4	Maureen Adhiambo	Kisumu Disability Support Organization	24105370
5	Wycliffe Odanga	Glory Health And Nature Organization	13199234
6	Grace Onacha	Rural Focus Initiative	9358623
7	Millicent Adede	Action For Children Development Centre	7290002
8	Sammy Mugita	Jifahamu Kenya Foundation	10725397
9	Naomi Amwai	Bugamangi Disable Welfare Group	30694892
10	Hellen Agesa	Migori Echoes Of Mercy Cbo	28889767
15	Consolata Norbert	The Mango Tree Trust Kenya	12458399
16	Denis Mudhune	Yala Imarisha Jamii	3816802
17	Fatma Ondicho	Freedon Dev. And Progress Cbo	29714269



Subject MEMORANDUM OF SEEDS ACT CAP326 AMMENDMENT BILL 2025

From Perisha Enterprises <perishaenterprises@gmail.com>

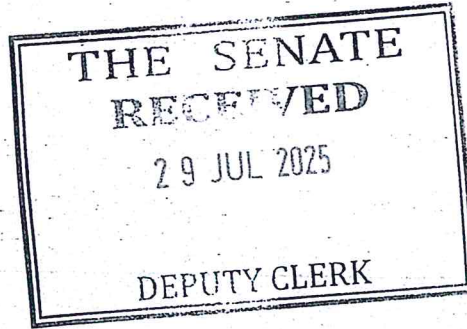
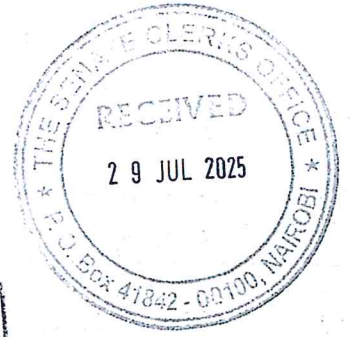
To clerk senate <clerk.senate@parliament.go.ke>

Date Monday July 28, 2025 7:21:05 PM

Find attached.

Regards,
Silas Chebon.
Farmer.

Attachments
MEMORANDUM.pdf (111 kB)



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② DSEEC (BL)

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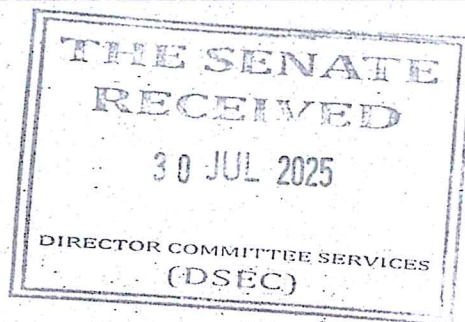
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Mr. Muesi

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MEMORANDUM

SUBJECT: OPPOSITION TO THE SENATE BILL ON ALTERNATIVE SEED CERTIFICATION SYSTEM IN KENYA

To: CLERK, SENATE OF KENYA

From: SILAS CHEBON

Date: 28TH JULY, 2025

The proposed Senate Bill on Alternative Seed Certification in Kenya poses significant risks to the country's seed industry, food security, and farmers' livelihoods. I strongly advise against its progression.

Key Concerns:

- 1. Compromised Seed Quality:** Alternative certification systems may prioritize profit over quality, potentially leading to the distribution of low-quality seeds that could compromise crop yields and food security.
- 2. Undermining Existing Regulations:** The bill could undermine the existing regulatory framework, which has been established to ensure seed quality and safety. This could lead to regulatory confusion and inconsistency.
- 3. Risk to Farmers:** Farmers may be exposed to counterfeit or adulterated seeds, which could result in significant economic losses and decreased trust in the seed industry.
- 4. Negative Impact on Kenya's Reputation:** Allowing alternative certification systems could damage Kenya's reputation as a reliable producer of high-quality seeds, potentially impacting exports and the country's agricultural sector as a whole.
- 5.** The proposed Bill is itself a complain about time which is an internal issue and it can be addressed by improving the new seed automation system employed by the organization. However, it seems also there is a confusion between the time taken for a new variety to be released and certification of already released varieties.

Recommendations:

- 1. Reject the Bill:** I urge you to reject the Senate Bill on Alternative Seed Certification in Kenya due to the potential risks it poses.
- 2. Strengthen Existing Regulations:** Instead, I recommend strengthening the existing regulatory framework to ensure seed quality, safety and efficiency while promoting innovation and competition in the seed industry.
- 3.** There's need for capacity building community, senate and stakeholders on the existing seeds and plant varieties.

Conclusion:

The proposed bill poses significant risks to Kenya's seed industry, food security, and farmers' livelihoods. We believe that rejecting the bill and strengthening existing regulations is the best course of action to protect the interests of farmers, consumers, and the country as a whole.



Clerk of the Senate,
P.O. Box 41842 – 00100 Nairobi

24th July 2025

Dear Sir,

Memorandum on Seeds and Plant Varieties (Amendment) Bill, 2025 (Senate Bills No. 4 of 2025)

Nature Kenya – the East Africa Natural History Society – appreciates the Standing Committee on Agriculture, Livestock and Fisheries for its efforts to engage the public to provide their views on the proposed amendment.

Proposed amendments:

Amending the proposed Section 10B (2) by inserting 10B (2) (c), (d) and (e) then renumber;

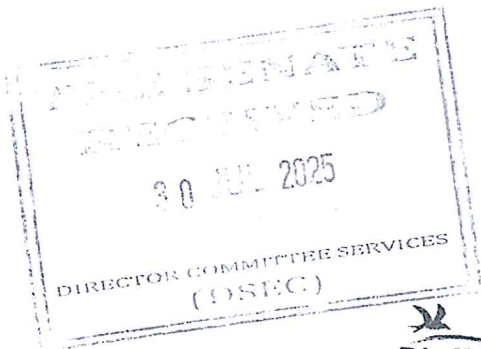
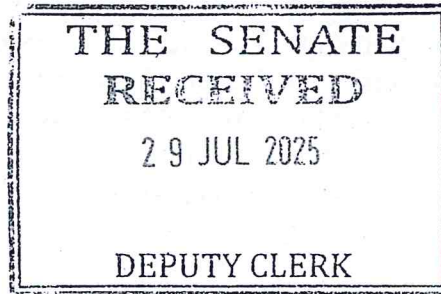
- 10B (2) (c) proof of seeds not being invasive;
- 10B (2) (d) proof of seeds being compatible with the environment with minimal negative impact on it;
- 10B (2) (e) seeds add value to the traditional variety and food system;

Recommendations:

- Exemption of indigenous/native/traditional seed varieties from registration.
- KEPHIS to manage and operate the Standard-based seed registration system.

Yours sincerely,

Dr. Paul Matiku,
Executive Director, Nature Kenya.



Partner in Kenya

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Background information about Nature Kenya

Nature Kenya—the East Africa Natural History Society (EANHS)—is Africa's oldest environmental Society, established in 1909 to promote the study and conservation of nature in eastern Africa. We remain a non-political and not for profit membership Society. Our mission is connecting nature and people. Our work is firmly based on partnership, science and action. We use the best available science to inspire positive action for biodiversity by and for partners—Government, local communities and the private sector.

Nature Kenya takes practical action. We work with and for people – to improve their quality of life alongside, and as a result of, nature conservation. We collaborate with others wherever possible, at local, national, regional or global levels, linking with community groups, governments, businesses, universities and civil society groups to increase the impacts of our efforts.

Some of our achievements include:

- Founded the National Museums of Kenya, now a world-renowned institution for research and education.
- Published, since 1910, the *Journal of East African Natural History*, a respected scientific journal now jointly produced with the National Museums.
- Established and maintained, with the National Museums of Kenya, a comprehensive natural history library.
- Engaged our members in the study, enjoyment and conservation of nature in Eastern Africa, through field trips, lectures, publications, and opportunities to take part in research activities since 1909.
- Identified and designated Important Bird Areas (IBAs) for Kenya, in collaboration with the National Museums. More recently, documented the plants, animals and other biodiversity of Eastern Africa as a contribution to expanding the taxonomic scope of priority setting from IBAs to Key Biodiversity Areas (KBAs). Since IBAs are KBAs based on birds, they are also referred to as Important Bird and Biodiversity Areas.
- Encouraged and supported community-based organizations to become Site Support Groups (SSGs) promoting conservation and alternative livelihoods at Important Bird Areas, especially those without official protection status.
- Developed partnerships among Government and non-government organizations for sustainable conservation action at IBAs, now KBAs, through the Important Bird Areas National Liaison Committee (IBA-NLC) – now the Key Biodiversity Areas National Liaison Committee (KBA-NLC). We work with others in the development of policies, legislation and institutional frameworks that safeguard the ecological sustainability of KBAs in Kenya
- Mobilized resources to connect nature and people to take action for biodiversity conservation through development and implementation of donor funded projects at priority KBAs in Kenya.
- Work globally through the BirdLife International Partnership and its network of like-minded organizations in Eastern Africa and beyond in 117 countries and territories.

For more information visit our website at www.naturekenya.org.