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**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT****NO. R. 4003****27 October 2023**

PLANT IMPROVEMENT ACT, 1976  
(ACT No. 53 OF 1976)

**SOUTH AFRICAN HEMP CERTIFICATION SCHEME: ESTABLISHMENT**

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under section 23 of the Plant Improvement Act, 1976 (Act No. 53 of 1976), read with section 24, after consultation with the Minister of Finance, hereby publish the South African Hemp Certification Scheme for public comments.

Interested parties are invited to submit written comments within 30 days from the date of publication of this Notice to the following address:

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MRS ANGELA THOKOZILE DIDIZA

MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

DATE: 03/10/2023

## SCHEDULE

### ***Definition***

1. In this Schedule, “the Scheme” means the South African Hemp Certification Scheme published by Government Notice No. R. of

### ***Definition***

1. In this scheme any word or expression to which a meaning has been assigned in the Act or the Appendices shall have that meaning and, unless the context indicates otherwise –

#### **“Analysis Report”**

means the test report issued by a seed testing laboratory which has been registered in terms of the Act;

#### **“approved”**

means approved by the authority;

#### **“authority”**

means the authority designated in terms of Section 24(1) of the Plant Improvement Act and section 4 of this scheme;

#### **“authorised person”**

means a person authorised in terms of section (3) of this Scheme to carry out specific tasks in terms of recognised Schemes;

#### **“basic plants”**

also known as daughter plants, means hemp plants, including seedlings, cuttings, plugs and transplants derived from certified pre-basic plants or seeds, and which have been certified in terms of a recognised Scheme;

#### **“basic seed”**

means seed which has been certified in terms of an applicable recognised Scheme as basic seed, or in the case of Association of Official Seed Certifying Agencies (AOSCA) as “Registered Seed”;

#### **“breeder”**

means a person or entity that has bred a variety, hybrid and/or inbred lines suitable for certification;

**"breeder seed"**

means seed of a particular generation of an inbred line or a variety which has been produced under the supervision of the breeder thereof, the person to whom the rights therein have been transferred, or another person who maintains the generation concerned;

**"breeder plant stock"**

means propagation material identified by the breeder, or the breeder's representative. The breeder must also declare and document the way parent lines are selected and how the plant stock is maintained.

**"bulking"**

means combining unprocessed seed of the same variety from different origins before conditioning and packaging takes place, and "bulk" has a corresponding meaning;

**"certificate of registration"**

in relation to a unit, means the certificate of registration which was issued in terms of section 6 of the Scheme in respect of the unit concerned;

**"Certification Standing Committee"**

means a body consisting of technical experts in seed certification of the various crop groups;

**"certified seed"**

means seed which has been certified in terms of a recognised Scheme as certified seed;

**"certified plants"**

means plants or any part of hemp plants, including seedlings, cuttings, plugs and transplants derived from certified basic plants or seeds, and which have been certified in terms a recognised Scheme;

**"closed system"**

as far as isolation is concerned, means that the plants intended for seed production are protected in such a way that contamination by pollen from unwanted sources and/or pathogens is prevented and includes structures such as greenhouses;

**"clones"**

means a form of asexual reproduction occurring in plants in which a new plant is grown from a cutting made from a mother or daughter parent plant and thereby retaining the genetic composition of the parent plant;

**"coated seeds"**

means seeds covered with material that may contain pesticides, fungicides, dyes or other additives. The following types of coated seeds are defined:

- (a) Encrusted seed – units more or less retaining the shape of the seed with the size and weight changed to a measurable extent.

- (b) Film-coated seed – units retaining the shape and the general size of the raw seed with a minimal weight gain. The coating shall result in a continuous covering.
- (c) Seed granules – units, more or less cylindrical, including types with more than one seed per granule.
- (d) Seed mats – broad sheets of material, such as paper or other degradable material, with seeds placed in rows, groups or at random throughout the sheets.
- (e) Seed pellets – more or less spherical units, usually incorporating a single seed with the size and shape of the seed no longer readily evident.
- (f) Seed tapes – narrow bands of material, such as paper or other degradable material, with seeds spaced randomly, in groups or in a single row.
- (g) Treated seed – seeds with treatments, which have not resulted in a significant change in size, shape or addition to the weight of the original seed.

“cutting”

means a fragment taken from a parent plant which will be used to establish a rooted clone of the parent plant;

“deviating plant”

with regard to a particular variety, means a plant of such variety which does not correspond to the official recognised description of a typical plant of that variety;

“dioecious type”

means plants with male and female flowers on separate plants;

“feminized hemp”

means the progeny of a dioecious female plant that has been pollinated with pollen derived from the same or another dioecious female plant that has been induced to produce pollen. It is a true female plant with XX chromosomes;

“field”

means a specified portion or portions of a farm or premises which is intended for registration as a unit, i.e. a seed production area enclosed by natural borders such as ditches, contours, roads, buildings, fences, tree lines, or a minimum of 3 meter tilled, cut or clean break, or otherwise enclosed by walls, glass or netting such as for greenhouses;

“grower”

means a person to whom the certificate of registration in respect of a unit has been issued, and includes producers of vegetative propagating material according to the provisions of this Scheme;

“hemp”

means low THC plants or parts of plants of *Cannabis sativa* L. cultivated for agricultural or industrial purposes, of which the leaves and flowering heads do not contain more than 0.2% THC;

“Hemp Permit”

means the permit issued by the Registrar in accordance with clause 4(2) to a person who intends to perform an activity with low THC *Cannabis* (hemp);

“hybrid”

means seed which is the first generation of a cross between Basic seed of a female parent and a male parent or pollen donor, which is intended for the production of crops for purposes other than seed production;

“inbred line”

means a breeding line which has become homozygotic through inbreeding and selection;

“monoecious type”

means plants with male and female flowers on the same plant;

“owner of a variety”

refers to the applicant/holder/local distributor of a variety, as indicated against the denomination of the specific variety in the applicable varietal list;

“pollen parent”

also known as ‘reversed females’ means in the case of hemp, female plants that are induced to produce pollen utilized to create a hybrid, in replacement of true male plants;

“plug”

means young hemp plants raised in small, individual cells, ready to be transplanted to another production site;

“post control sample”

means a quantity of seed or cuttings obtained from a registered unit in order to verify the varietal purity and identity;

“premises”

means a premises which has been registered in terms of the Act;

“pre-basic seed”

means seed that has been certified as pre-basic seed in terms of an applicable recognised Scheme, or in the case of AOSCA as “Foundation Seed”, and is the seed –

- (a) of generations preceding ‘basic seed’; and
- (b) of the generations between ‘breeder seed’ and ‘basic seed’ if such seed have been produced in accordance with the stipulations of the Scheme and comply with the minimum requirements of ‘basic seed’ for the specific crop;

“pre-basic plants”

also known as mother plants, means hemp plants produced from breeder plant stock and certified as pre-basic plants;

“pure seed”

means seed free from inert matter and free from other seed distinguishable by appearance or by test;

“recognised Scheme”

means the following seed certification schemes and standards:

- (a) The South African Hemp Certification Scheme;
- (b) the Organization of Economic Cooperation and Development (OECD) Seed Schemes; and
- (c) the Association of Official Seed Certifying Agencies (AOSCA) Seed Certification Standards.

“seedling”

means young hemp plants grown from seeds;

“seed”

means seed intended for cultivation;

“seed lot”

means a specified quantity of seed that is physically and uniquely identifiable;

“seed parent”

means a dioecious female plant;

“THC”

means (-)-transdelta-9-tetrahydrocannabinol that occurs in plants and parts of plants of *Cannabis sativa* L.;

“the Act”

means the Plant Improvement Act, 1976 (Act No 53 of 1976), and the regulations made thereunder;

“the Authority”

means the authority designated in section 3 of this Scheme;

“the Minister”

means the Minister responsible for the Act;

“the Registrar”

means the officer designated under section 3 of the Act as Registrar of Plant Improvement, 1976 (Act No 53 of 1976);

“transplants”

means hemp plants that originate from either seed or clones that are kept in a vegetative state (before flowering) that will be moved to another production site.

**"unit"**

means a field which is registered in terms of this Scheme, and on which seed or vegetative propagating material is multiplied in terms of a recognised Scheme;

**"varietal identity"**

means that all plants cultivated from the seed or vegetative propagating material concerned correspond to the description of a plant of the variety concerned, and are clearly distinguishable from plants of any other variety of the same kind of plant; resulting from a given genotype or combination of genotypes;

**"varietal list"**

means the current version of the varietal list kept in terms of the Act; as well as the OECD Seed Schemes List of Varieties Eligible for Seed Certification;

**"varietal purity"**

in relation to seed of a particular variety, means the percentage of plants or seed within the population that conforms to the official recognised description of the variety concerned. Plants or seeds are considered as deviating (off-types) when they are obviously different from the variety;

**"vegetative propagating material"**

means plants or any part of plants, including seedlings, cuttings, plugs, clones and transplants derived from a source acceptable to the authority, and which may be further multiplied to produce certified seed of a specific generation in terms of this Scheme.

## **NAME OF SCHEME**

2. This Scheme shall be known as the South African Hemp Certification Scheme.

## **DESIGNATION OF AUTHORITY**

- 3.(1) The South African National Seed Organization (SANSOR), a voluntary organisation which is a juristic person by virtue of a provision to this effect in its statute, is hereby designated, at own expenses, as authority to exercise the powers, perform the functions and carry out the duties conferred upon, assigned to or imposed upon the authority under this Scheme and have no recourse against the State for any expenses thus incurred. The authority will be supported and advised in decision making by the Certification Standing Committee.

- 3.(2) The authority referred to in subsection (1), shall exercise its powers, perform its functions and carry out its duties subject to the directions of the Registrar of Plant Improvement designated by the Minister under section 3(1) of the Act.
- 3.(3) The authority designated in terms of subsection 1), may in terms of subsection 24(2)(a) of the Act, authorise a person to exercise the powers, perform the functions and carry out the duties conferred upon that authority.
- 3.(4) The authority determines the requirements and conditions according to which a person contemplated in subsection (3) is authorised.

#### **APPLICATION OF SCHEME**

- 4.(1) This Scheme shall apply to seed and vegetative propagating material of -
- (a) those varieties of hemp the denominations of which are entered in the varietal list;
  - (b) multiplication of generations of pre-basic and basic seed and vegetative propagating material of hemp varieties in process of evaluation for the purpose of variety listing;
  - (c) those inbred lines and crosses of hemp which are used in the production of seed and vegetative propagating material of the varieties referred to in paragraph (a); and
  - (d) varieties of hemp which is eligible for certification in terms of a recognised Scheme.
- 4.(2) The provisions of the applicable recognised Scheme shall be binding on the grower as from the date of registration of the unit concerned.

#### **CONDITIONS FOR CERTIFICATION**

5. Seed or vegetative propagating material of hemp may be certified in terms of a recognised Scheme if -
- (a) the field on which it was produced, is registered by the authority in terms of section 6 of this Scheme as a unit;
  - (b) it has, subject to the provisions of sections 8 and 16 of this Scheme, been produced by the grower to whom the certificate of registration in respect of the unit concerned has been issued;
  - (c) the seed or vegetative propagating material which was used to establish the plants from which it has been produced, complies with the requirements referred to in section 11 of this Scheme, and was planted in accordance with the establishment requirements referred to in that section;
  - (d) the unit on which it was produced has been isolated in accordance with the isolation requirements referred to in section 12 of this Scheme, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of the applicable Scheme;
  - (e) The plants from which it was produced, comply with the requirements referred to in section 12 of this Scheme, and have been inspected in accordance with the provisions of section 13 of this Scheme, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of the applicable Scheme;



- (f) it complies with the physical requirements referred to in section 14 of this Scheme, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of that Scheme;
- (g) the containers thereof comply with the requirements set out in section 18 of this Scheme, and are labelled as required in that section, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of that Scheme;
- (h) it is presented for certification in accordance with the provisions of section 19 of this Scheme, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of the applicable Scheme; and
- (i) all the other provisions of this Scheme, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of the applicable Scheme with regard to the seed or vegetative propagating material concerned and the processes in connection with the production thereof have been complied with.
- (j) all provisions of the Act relating to hemp, have been complied with.

## REGISTRATION OF UNITS

- 6.(1) An application for the registration of a field as a unit shall be made on a form which is obtainable from the authority, or has been approved by the authority for this purpose.
- 6.(2) Such a form shall –
- (a) be completed by the person who intends to produce seed for certification in terms of a recognised Scheme on the field concerned, who may be either the grower or the company for which the seeds or plants are being produced for under contract;
  - (b) be lodged with the authority; be it in hard copy or electronic. In the last-mentioned case, a signed hard copy must be produced to the authority on request;
  - (c) be thus lodged within 28 days of the date on which the establishment of seed or planting material on the field concerned has commenced;
  - (d) be accompanied by the applicable amount determined by the authority, or proof of payment of the amount concerned;
  - (e) produce on request a locality map or locality information which clearly indicates where the field concerned is situated, and
  - (f) be accompanied by a copy of a valid Hemp Permit applicable to the activities being conducted, issued in terms of the Act by the Registrar of Plant Improvement to the grower concerned.
- 6.(3) The authority may, in the case of an application for the registration of a field which is intended for the production of seed or vegetative propagating material of an inbred line or cross referred to in section 4(1)(c) of this Scheme or a variety referred to in sections 4(1)(b) and 4(1)(d) of this Scheme, regardless in terms of which recognised Scheme the seed will be certified, require that the recognised description of a typical plant of that inbred line, cross or variety be furnished, and such application shall be

considered only if the authority is satisfied that the description concerned is sufficient to determine whether the plants of that inbred line, cross or variety –

- (a) are by reason of a conspicuous characteristic clearly distinguishable from the plants of any other inbred line, cross or variety of the same kind of plant;
- (b) are sufficiently homogeneous having regard to the particular features of the reproduction thereof;
- (c) are stable with regard to the essential characteristics thereof, and remain true to the description thereof after repeated propagation; and
- (d) are identified by a denomination which can be linked by the authority to a specific line, cross or variety.

6.(4) In the case where application is made for the registration for the production of a specific variety, where the owner of the variety concerned is not the applicant, the authority will only approve the application for the certification of that variety if the owner of the variety concerned provides written approval for such application,

6.(5) Separate applications shall be submitted in terms of this section in respect of different fields on the same farm on which seed or vegetative propagating material of different varieties is to be produced, or in the case of closed systems, where different varieties are produced in the same closed system.

6.(6) In the case where seed productions of the same variety and on the same farm exceeds 50 hectares, the fields must be divided into units not exceeding 50 hectares, and separate applications for the registration of a field as a unit shall be lodged for each separate field.

6.(7) If the authority approves an application, the field or closed system concerned shall be registered as a unit, and the authority shall confirm it as such.

6.(8) A field shall not be registered as a unit if the authority or authorised person is satisfied that –

- (a) the seed or vegetative propagating material used to establish the unit concerned does not comply with the requirements as determined in section 11(1) of this Scheme or another recognised Scheme.
- (b) the field concerned -
  - (i) does not comply with the field requirements referred to in section 10 and isolation requirements in section 12 of this Scheme;
  - (ii) is situated in an area which does not lend itself to the production of seed or vegetative propagating material of the variety concerned which will be suitable for certification in terms of a recognised Scheme; or
  - (iii) cannot at all times readily be reached for the purpose of inspection;
- (c) in the case of an application referred to in subsection (3), the description submitted does not comply with the provisions of that subsection; or
- (d) the application concerned contains a material misrepresentation.

## TERM OF REGISTRATION

7. The registration of a unit shall, subject to earlier termination in terms of this Scheme, be valid only from the date of issue of the certificate of registration concerned to the removal from the unit concerned of

the seed crop or vegetative propagating material of the growing season to which such registration relates.

## TRANSFER OF REGISTRATION

- 8.(1) The certificate of registration which has been issued to a grower in respect of a unit shall not be transferable to any other person.
- 8.(2) If a grower transfers his right of disposal in the plants which have been established on a unit, to another person, he shall forthwith notify the authority thereof in writing.
- 8.(3) If a person to whom a right of disposal referred to in subsection (2) has been transferred, desires to continue with participation in this Scheme in respect of the unit concerned, he shall, notwithstanding the provisions of section 6(2)(c) or 6(2)(d) of this Scheme, forthwith lodge an application in accordance with section 6 of this Scheme for the registration of that unit in his name.

## TERMINATION OF REGISTRATION

- 9.(1) The registration of a unit shall lapse if the grower concerned transfers his right of disposal referred to in section 8(2) of this Scheme, to another person.
- 9.(2) The registration of a unit may at any time be withdrawn if the authority is satisfied that –
  - (a) the applicable provisions of this Scheme with regard to the unit concerned, the plants established thereon or the seed produced thereon, have not been complied with; or
  - (b) circumstances prevail or information has come to light which, if it had prevailed or come to light earlier, would have resulted in a refusal to register the unit concerned.
- 9.(3) The authority shall withdraw the registration of a unit which is intended for the production of certified seed or vegetative propagating material if the seed or vegetative propagating material which was used to establish plants thereon –
  - (a) was seed or vegetative propagating material in respect of which an approval referred to in section 11(2) of this Scheme was issued, and such approval has since then been withdrawn; or
  - (b) was basic seed, and the certification thereof has since then been withdrawn in terms of section 21 of the Scheme.
- 9.(4) If the withdrawal of the registration of a unit in terms of subsection (2) arises from a deficiency which could in the opinion of the authority possibly be rectified through the application of a particular treatment, the authority and/or authorised person shall advise the grower concerned of such deficiency and treatment.
- 9.(5) A grower who applied a treatment referred to in subsection (4) may request that the authority and/or authorised person re-inspect the unit concerned with a view to revoke the withdrawal of the registration thereof.
- 9.(6) If an application referred to in subsection (5) is approved, the authority may require that the amount determined by it, be paid by the grower concerned.

**FIELD AND CLOSED SYSTEM REQUIREMENTS**

- 10.(1) A field on which hemp plants are established, may be registered as a unit if it complies with the requirement of fields or closed systems, as applicable, as set out in Annexure 1, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of the applicable Scheme.
- 10.(2) A unit shall, while the registration thereof remains in force, comply with the requirements referred to in subsection (1) or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of the applicable Scheme.
- 10.(3) A field for the production of hemp seed or plants may not exceed 50 hectares.

**PARENTAL SOURCE AND PLANTING REQUIREMENTS**

- 11.(1) The seed which is used to establish plants on a unit for certification purposes shall –
- (a) in the case of the intended production of pre-basic seed, be breeder seed or breeder clones;
  - (b) in the case of the intended production of basic seed, be breeder or pre-basic seed or plants;
  - (c) in the case of the intended production of 1st generation certified seed or hybrids, subject to the provisions of subsection (3), be certified basic seed or plants; and
  - (d) in the case of a recognised Scheme where the generations are identified differently, then according to the provisions of the Scheme concerned.
- 11.(2) All certified vegetative propagating material must be grown from a generation of certified seed or certified plants to assure genetic purity. The cuttings which is used to establish clones of plants on a unit for certification purposes shall –
- (a) in the case of the intended production of pre-basic plants, be taken from breeder plant stock;
  - (b) in the case of the intended production of basic plants, be taken from breeder or pre-basic plants;
  - (c) in the case of the intended production of certified plants, be taken from basic plants;
  - (d) Pre-basic plants and basic plants may be cut repeatedly to produce clones of basic plants and certified plants respectively.
- 11.(3) The authority may on application of a grower approve in writing that seed other than basic seed or basic vegetative propagating material may be used to establish plants for the production of certified seed.
- 11.(4) An application referred to in subsection (3) shall be submitted in writing to the authority by the grower concerned, and shall state the reasons for such application, and supply any other information requested by the authority in this regard.
- 11.(5) An approval referred to in subsection (3) –
- (a) shall be granted only if the authority is satisfied that the seed or basic vegetative propagating material concerned was produced in accordance with a method which renders it suitable for use in terms of this Scheme in the place of basic seed and if all requirements of the authority were complied with; and
  - (b) may at any time be withdrawn if the authority is satisfied that the plants which have been established from the seed concerned, are not true to variety.
- 11.(6) All labels and seals on containers of seed or vegetative propagating material which are planted with a view to the production of seed or vegetative propagating material in terms of a recognised Scheme shall

be retained until those labels and seals have on request been produced to the authority or authorised person, or the seed or vegetative propagating material which was produced from that seed or vegetative propagating material has been certified, whichever may be the earlier.

- 11.(7) Plants established on a unit intended for certification shall be established in accordance with the planting requirements as specified in Annexure 1.

## ISOLATION AND PLANT REQUIREMENTS

- 12.(1) A unit on which hemp plants are established for certification in accordance with a recognised Scheme, shall be isolated in accordance with the isolation requirements specified in Annexure 1, or as set out for hemp in the recognised Scheme concerned.
- 12.(2) The plants which are established on a unit shall –
- (a) be cared for in a manner which is conducive to the production of seed or vegetative propagating material of a high quality;
  - (b) not be overgrown by weeds; and
  - (c) comply with the requirements for plants of the kind concerned as specified in Annexure 1.
- 12.(3) A grower shall remove all plants which are or appear to be deviating, or the pollen-shedding or seed-bearing parts of such plants, from the unit on a continuous basis: Provided that the authority or authorised person may, at the time of inspection in terms of this Scheme, direct a grower or a person acting on instructions from a grower, to suspend such removal for the duration of inspection concerned.
- 12.(4) A grower shall notify the authorised person and/or authority forthwith of –
- (a) the occurrence of any harmful insect pest or pathogen on the plants which are established on a unit; or
  - (b) any damage to such plants through climatological or other factors.
- 12.(5) Subject to the provisions of subsection (7), no person shall –
- (a) establish on a unit any plants other than plants of a variety which is intended for the production of seed or vegetative propagating material in terms of a recognised Scheme; or
  - (b) use any plant or part or yield of a plant which is established on a unit, for any purpose other than the production of seed or vegetative propagating material in terms of this Scheme.
- 12.(6) On recommendation from the authorised person, the authority may exempt a grower in writing from compliance with the provisions of subsection (5).
- 12.(7) An application for an exemption referred to in subsection (6) shall be submitted in writing to the authorised person by the grower concerned, and shall state the reasons for such application.
- 12.(8) An exemption referred to in subsection (6) –
- (a) shall only be granted if the authority is satisfied that the quality of the seed or vegetative propagating material to be harvested from the plants on the unit concerned will not be detrimentally affected by such exemption; and
  - (b) shall be subject to such conditions as the authority may in each case determine.

**INSPECTION REQUIREMENTS**

- 13.(1) (a) The plants which are established on a unit shall be inspected by a person authorised as such by the authority, on the times and methods in accordance with the inspection requirements as specified in Annexure 1;
- (b) The authority may require that the amount determined by it, be paid by the grower concerned in respect of each inspection referred to in subsection (1)(a).
- 13.(2) The authorised person must carry out as many additional inspections as may be deemed necessary for the purposes of subsection (1)(a).
- 13.(3) If the authorised person fails to carry out the required inspections referred to in subsection (1)(a) in respect of a unit due to circumstances beyond his/her control, the certification of the seed produced thereon shall not be refused solely on account thereof. The authority may in such cases set additional conditions.
- 13.(4) Reporting in respect of each inspection referred to in subsection (1)(a) must be done in a way that has been approved by the authority.

**PHYSICAL REQUIREMENTS FOR SEED AND VEGETATIVE PROPAGATING MATERIAL**

- 14.(1) Seed or vegetative propagating material harvested from plants which were established for certification in terms of a recognised Scheme, shall comply with the physical requirements as specified in the Annexure.
- 14.(2) Notwithstanding the provisions of subsection (1), basic seed which does not comply with the physical requirements referred to in that subsection may also be certified as basic seed if –
- (a) all the other applicable provisions of this Scheme with regard to the seed concerned have been complied with; and
- (b) the authority is of the opinion that the genetic value thereof justifies such deviation.
- 14.(3) Seed of the same variety and generation which was produced on different units may, prior to the presentation thereof for certification, only be bulked with the written approval of the authorised person, after which the particulars must be supplied to the authority. The requirements for such bulking are determined by the authority.

**HARVESTING, THRESHING AND STORAGE**

- 15.(1) Equipment which is used in connection with the harvesting or threshing of seed which has been produced in terms of a recognised Scheme shall be cleaned beforehand in order to prevent the admixing of any other seed with the seed concerned.
- 15.(2) Seed which has been produced in terms of a recognised Scheme shall be kept in containers which are sound and clean.



- 15.(3) The containers in which seed which has been produced in terms of a recognised Scheme is kept prior to the cleaning thereof shall be marked in clearly legible symbols, letters and figures with, or be fastened with labels on which are likewise indicated –
- (a) the words "uncleaned seed";
  - (b) the name of the kind of plant to which that seed belongs;
  - (c) the denomination which identify the variety of that seed;
  - (d) the code number which is used by the grower concerned for the identification of the unit on which that seed was produced; and
  - (e) the name of the grower by whom that seed was produced.
- 15.(4) Seed which has been produced in terms of a recognised Scheme shall at all times be stored in such a manner that –
- (a) it is protected against damage by insects and rodents;
  - (b) excessive humidity and high temperatures which may affect it adversely are avoided;
  - (c) it is kept separately from anything else, including other seed intended for certification, by storing it in a separate store, or by separating it from anything else by means of solid partitions or by means of open spaces of at least one meter wide;
  - (d) has efficient lighting so that any marks, printing or writing on containers of propagating material or on labels attached to such containers may readily be read;
  - (e) access thereto can readily be obtained; and
  - (f) the admixing thereof with other seed is prevented.
- 15.(5) The provisions of subsection (4) shall *mutatis mutandis* apply to the storage of vegetative material which are intended for use in connection with the production of seed or further generations of vegetative propagating material in terms of a recognised Scheme.

#### MOVEMENT OF SEED AND VEGETATIVE PROPAGATING MATERIAL

- 16.(1) A grower may prior to the certification of the seed which has been produced by him in terms of a recognised Scheme –
- (a) remove such seed to another premises in order to clean it there or to present it there for certification.
  - (b) remove such seed to a premises where seed is cleaned in order to have it cleaned there; or
  - (c) subject to the provisions of subsection (2), sell such seed to the owner or occupier of establishment premises where seed is cleaned or repacked for sale, or where seed is sold.
- 16.(2) Seed may be sold in terms of subsection (1) (c) only if the buyer concerned has furnished an undertaking on a form which is obtainable from the authority, or approved by the authority, for this purpose, to comply, as from the date on which such seed is delivered or sold to him, with the provisions of the recognised Scheme concerned.
- 16.(3) the provision of subsection (2) is *mutatis mutandis* applicable on seed being moved from one premises to another.
- 16.(4) An undertaking referred to in subsection (2) –
- (a) shall be lodged with the authority within 14 days of the sale concerned; and

- (b) shall have the effect that the buyer of the seed concerned shall in the application of a recognised Scheme be deemed to be the grower in respect of that seed.
- 16.(5) Movement of seed and vegetative propagating material of Hemp is subject to a transport declaration issued by the grower, as well as a valid Hemp Permit applicable to the activities being conducted, issued in terms of the Act by the Registrar of Plant Improvement to the consignee concerned.

## **CLEANING OF SEED**

- 17.(1) Seed which has been produced in terms of a recognised Scheme shall be cleaned before being presented for certification.
- 17.(2) The premises where the seed referred to in subsection (1) is cleaned, and/or graded and/or treated with the purpose to present it for certification, must be registered in terms of the Act as a cleaner of seed.
- 17.(3) The owner of the premises must be in possession of a valid Hemp Permit issued in terms of the Act by the Registrar of Plant Improvement, and applicable to the activities being conducted.
- 17.(4) Equipment which is used in connection with the cleaning of seed shall be cleaned beforehand to prevent the admixing of any other seed with the seed which is to be presented for certification.

## **CONTAINERS AND LABELLING OF SEED AND VEGETATIVE PROPAGATING MATERIAL**

- 18. (1) The containers in which seed which has been produced in terms of this Scheme, is presented for certification shall –
  - (a) be new and not previously have been used for another purpose; and
  - (b) be closed up in such a manner that entry to the seed therein can only be obtained by forcible opening, or leaving evidence that the container was opened, or by the removal of the seals that were affixed to such containers in terms of section 19 of this Scheme.
- 18. (2) The containers in which vegetative propagating material which has been produced in terms of this Scheme, is presented for certification shall –
  - (a) be fit for the purpose and in good condition; and
  - (b) in the case of cuttings packed in containers, be sealable.
- 18.(3) (a) Each container shall be provided with a label that is obtainable on request from the authority – only labels that have been obtained from the authority may be used for this purpose. Such labels are identified with a unique number. Different labels will be supplied for seed that is being certified under the various recognized Schemes.
- (b) The amount determined by the authority for this purpose shall be payable in respect of labels thus issued.
- (c) The labels for the various generations shall be identified with –
  - (i) in the case of pre-basic seed or vegetative propagating material, a white label with a diagonal purple band;
  - (ii) in the case of basic seed or vegetative propagating material, a white label;



- (iii) in the case of certified seed, 1st generation, hybrids or certified vegetative propagating material, a blue label.
  - (e) In the case of a recognised Scheme where the labels are identified differently, then according to the provisions of the Scheme concerned.
  - (f) Complete records must be kept on the use of every certification label received from the authority and annual returns thereof must be submitted to the authority.
- 18.(4) After the applicable particulars have been entered on the labels referred to in subsection 18.(3), it must be affixed to the containers of the seed concerned in such manner as the authority may determine.
- 18.(5) The letters and figures which are used to indicate the particulars concerned on such labels shall –
- (a) be of a letter type which can easily be read;
  - (b) be of a colour which is clearly contrasting to the colour of the labels on which they appear; and
  - (c) be entered indelibly in black type by using a printer with colour-fast ink.
- 18.(6) (a) In the case of seed, all labels referred to in subsection (3), shall indicate –
- (i) the words “Spesie:” and/or “Specie:” followed by followed by “*Cannabis sativa* L.”;
  - (ii) the words “Soort:” and/or “Kind:” followed by “Hemp”;
  - (iii) the words “Variëteit:” and/or “Variety:” followed the recognised name of the variety of the plant to which such seed belongs;
  - (iv) the words “Saadgrootte:” and/or “Seed Size:” followed by the class or size of the seed, where applicable; and in addition, or instead thereof, the words “DKM:” and/or “TSW:” followed by the thousand seed weight, may be indicated;
  - (v) the words “Verwysings Nr.:” and/or “Reference No.:” followed by the reference or lot number assigned to the seed lot concerned;
  - (vi) the words “Sertifikaat Nr.:” and/or “Certificate No.:” followed by the certificate number assigned to the seed lot concerned;
  - (vii) the words “Netto Massa met verpakking:” and/or “Nett Mass when packed:” followed by the nett mass, in kilograms, of the seed in the container concerned; and/or the words “Aantal sade per houer:” and/or “Number of seeds per container:” followed by the number which represent the calculated number of seeds in the container concerned;
  - (viii) the words “S.A. Gesertifiseerde (Generasie) Saad” and/or “S.A. Certified (Generation) Seed” with the applicable generation to which the seed belongs inserted respectively where (Generasie) and/or (Generation) is indicated; and in the case of seed referred to section 16(1), the words “Nie-Finaal Gesertifiseerde Saad” and/or “Not-Finally Certified Seed” followed by the Generation to which the seed belongs; and
  - (ix) the name of the Designated Authority.
- (b) In the case of vegetative propagating material, all labels referred to in subsection (3), shall indicate –
- (i) the words “Spesie:” and/or “Specie:” followed by followed by “*Cannabis sativa* L.”;
  - (ii) the words “Soort:” and/or “Kind:” followed by “Hemp”;
  - (iii) the words “Variëteit:” and/or “Variety:” followed the recognised name of the variety of the plant to which such seed belongs;

- (iv) the words "Verwysings Nr.:" and/or "Reference No.:" followed by the reference or lot number assigned to the seed lot concerned;
  - (v) the words "Sertifikaat Nr.:" and/or "Certificate No.:" followed by the certificate number assigned to the seed lot concerned;
  - (vii) the words "S.A. Gesertifiseerde (Generasie) Materiaal" and/or "S.A. Certified (Generation) Material" with the applicable generation to which the vegetative propagating material belongs, inserted respectively where (Generation) and (Generasie) are indicated; and
  - (viii) the name of the Designated Authority.
- (c) In the case where seed or vegetative propagating material is certified according to the provisions of another recognised Scheme, information required by the Scheme concerned must be indicated.
- 18.(6) Any space not occupied by the information required in subsection (5)(a) or (5)(b) as the case may be, may be used for additional information, provided the information –
- (a) is in letters not larger than those used for the prescribed information;
  - (b) contain no advertising matter;
  - (c) do not create or could create a false or misleading impression relating to the possible certification of the seed concerned;
  - (d) do not qualify the possible certification of the seed concerned or are not in conflict therewith; or
  - (e) are not false, derogatory, inaccurate or vague in relation to any seed or grower.

## PRESENTATION FOR CERTIFICATION

- 19.(1) (a) The total mass of seed which has been produced in terms of a recognised Scheme on a unit during a particular growing season shall be presented for certification within 18 months of being harvested unless the authority, after consideration of a written request by the grower concerned, determines otherwise.
- (b) In cases where the total mass of seed mentioned in subsection (1)(a) which is presented for certification exceeds the maximum mass of a seed lot allowed for the species concerned by the current Rules of the International Seed Testing Association (ISTA); the seed shall be sub-divided into separate, identifiable seed lots which do not exceed the maximum seed lot size, each of which shall be identified by a separate unique reference number and Certificate number.
- (c) Every container of a seed lot presented for certification must readily be reachable for sampling and sealing purposes.
- (d) Every container of a lot of vegetative propagating material presented for certification must readily be reachable for inspection purposes.
- 19.(2) (a) The authorised person must ensure that as soon as possible after the date of which he has been notified that the seed is ready for certification –
- (i) examine the containers of the seed concerned in order to determine whether the provisions on section 18 of this Scheme, or in the case where the seed was produced in terms of another recognised Scheme, the provisions of the Scheme concerned, have been complied in connection therewith;

- (ii) a person that has been authorised as such, must take a sample of the seed in accordance of the methods as determined by the International Seed Testing Association (ISTA); and
    - (iii) affix a seal to each such container, where the sealing method provides for it.
    - (iv) Only seals supplied by the authority may be used for this purpose. Such seals are identified by a unique identification number.
    - (v) Complete records must be kept and annual returns must be submitted on the use of all certification seals received from the authority.
  - (b) Such seal shall -
    - (i) be of a type which cannot be removed or reused without becoming damaged; and
    - (ii) be affixed in such a manner that a label affixed to a container in terms of section 18(2) of this Scheme can be removed only by removing or damaging the seal concerned in the process.
- 19.(3) \_ (a) In the case of seed, the authorised person shall obtain a certificate of analysis in respect of a sample which was taken in terms of subsection (2)(a)(ii).
- (b) A certificate of analysis referred to in subsection (3)(a) shall be issued by the responsible analyst of a test laboratory for seed which is registered in terms of the Act.
  - (c) Such a Certificate of Analysis shall contain at least the following particulars:
    - (i) The respective dates on which the seed lot was sampled and when the sample of the seed concerned was received at the laboratory.
    - (ii) The name and authorisation number of the authorised sampler who took the sample concerned;
    - (iii) The kind of seed of the sample concerned as indicated on the containers or on labels attached to the containers from which the sample was taken;
    - (iv) The name of the variety of the seed concerned, as indicated on the containers or on labels attached to the containers from which the sample was taken;
    - (v) The number of containers and the total weight of the seed lot concerned from which the sample was taken;
    - (vi) The serial numbers of the labels attached to the containers, as contemplated in sub-section 18(2)(a),
    - (vii) The serial numbers of the seals attached to the containers, as contemplated in sub-section 19(2)(a),
    - (viii) The weight of the submitted sample;
    - (ix) The name and address of the owner of the seed lot concerned;
    - (x) The reference number allocated to the seed lot concerned, of which the first part must contain the code number of the unit on which the seed was produced, as it was registered with the authority;
    - (xi) The certificate number, as provided by the authority and allocated by the owner to the seed lot concerned;
    - (xii) The laboratory reference number which was allocated by the person referred to in subparagraph 19.(3)(b) to the sample concerned;
    - (xiii) The date on which the testing, examination or analysis of the sample concerned was concluded; and

- (xiv) The results of the test, examination or analysis of the sample concerned in which the applicable particulars are indicated.
  - (d) In the case of vegetative material where specific tests are required for the species concerned, the report of analysis must be issued by a competent laboratory which is recognised by the authority as such.
  - (e) The authority and/or authorised person may require that the grower concerned reimburse him/her for any expenses incurred to obtain such certificate of analysis.
- 19.(4) (a) Subject to the provisions of subparagraph (4)(c), an authorised person must obtain a sample from seed or vegetative propagating material produced on a registered unit for the purpose of determining the varietal purity and identity according to procedures determined by the authority. Such sample must be submitted to the authority before the deadline for the submission of post control samples for the crop concerned expires.
- (b) The authority may plant such sample as a post control, or have it planted or otherwise tested in order to determine the varietal purity and/or identity.
  - (c) In cases where specific conditions are applicable, the authority may instruct the grower to conduct the post control grow-outs under authority's supervision, and/or have plant material tested for specific traits.
- 19.(5) (a) The authority or authorised person may require that the amount determined by the authority, be paid by the applicant concerned in respect of the performance of the acts referred to in subsection (3)(a) and (d).
- (b) The amount determined by the authority shall be payable to it by the applicant concerned in respect of seals attached to the containers of seed as contemplated in subsection (2)(a).
  - (c) The authority may, in the case of the determination of the varietal purity and/or identity, require that the amount determined by it, be paid to it by the applicant concerned.

## **CERTIFICATION OF SEED AND VEGETATIVE PROPAGATING MATERIAL**

- 20.(1) A seed lot may be certified if the authority is satisfied that –
- (a) the applicable certificate of analysis referred to in section 19(3)(a) of this Scheme, confirms that the seed lot concerned complies with the applicable seed requirements referred to in section 14 of this Scheme, or in the case where the seed was produced in terms of another recognised Scheme, the requirements of the Scheme concerned. The date between the sampling of the seed lot and submission of the certificate of analysis to the authority may not exceed six months; and
  - (b) all the other applicable provisions of the Scheme concerned have been complied with in relation to that seed.
- 20.(2) A quantity of vegetative propagating material may be certified if the authority is satisfied that all the applicable provisions of the Scheme concerned have been complied with in relation to that vegetative propagating material.
- 20.(3) The certification of seed or vegetative propagating material in terms of a recognised Scheme shall be confirmed by a certificate in which such particulars as the authority may deem necessary are indicated,

or prescribed by a recognised Scheme, as well as the generation the seed or propagating vegetative material is certified as.

- 20.(4) Such a certificate is identified by a unique number allocated by the owner and which must be obtained from a list of numbers provided by the authority annually. Such certificate number must be indicated on each container or on a label attached to the containers of the seed lot or quantity of vegetative propagating material concerned to which the certificate relates to.
- 20.(5) Such certificate shall only be issued after the applicant concerned has paid to the authority all amounts due by him in terms of this Scheme.
- 20.(6) If the authority refuses to certify seed which has been presented for certification in terms of a recognised Scheme, that seed may be sold in terms of section 22(1) of the Act for purposes of cultivation, or for any other purpose only after the grower concerned has removed the labels referred to in section 18(2) of this Scheme and the seals referred to in section 19(3) of this Scheme from the containers of that seed.
- 20.(7) If a refusal to certify seed or vegetative propagating material arises from a deficiency, which could in the opinion of the authority possibly be rectified through the application of a particular treatment, the authority shall advise the applicant concerned of such deficiency and treatment.
- 20.(8) An applicant who applied a treatment referred to in subsection (6) may request that the authority re-examine the seed or vegetative propagating material concerned with a view to revoke the refusal to certify that seed.
- 20.(9) If the authority approves an application referred to in subsection (7), the provisions of sections 18 and 19 of this Scheme shall *mutatis mutandis* apply to the representation of the seed or vegetative propagating material concerned for certification.

## WITHDRAWAL OF CERTIFICATION

- 21.(1) The certification of seed in terms of a recognised Scheme may at any time be withdrawn if the authority is satisfied that –
  - (a) the seed or vegetative propagating material concerned is not true to variety;
  - (b) the seed or vegetative propagating material concerned no longer complies with the applicable physical requirements referred to in section 14 of this Scheme; or in the case where the seed or vegetative propagating material was produced in terms of another recognised Scheme, the provisions of that Scheme; or
  - (c) any other provision of a recognised Scheme with regard to the seed or vegetative propagating material concerned has not been complied with.
- 21.(2) The authority shall notify applicant in writing of the withdrawal of the certification of seed or vegetative propagating material, and such applicant shall thereupon forthwith –
  - (a) remove the labels referred to in section 18(2) of this Scheme and the seals referred to in section 19(3)(a) of this Scheme from the containers of the seed or vegetative propagating material concerned which is still in his custody;
  - (b) notify each person to whom one or more containers of the seed or vegetative propagating material concerned have been delivered, in writing of the withdrawal of the certification thereof and request

such persons to remove the labels and seals specified in paragraph 19(3)(a) from the containers of that seed or vegetative propagating material; and

(c) furnish the authority with a copy of each such notice issued by him.

21.(3) The authority may publish a notice in the Government Gazette or an applicable publication in which the relevant particulars of the withdrawal of the certification of seed and the name of the applicant affected thereby, are indicated.

21.(4) Prior to issuing a notice as contemplated in subsection (2), the Authority shall notify the applicant in writing of the Authority's intention to withdraw the certification and the reasons for such intended withdrawal and afford the applicant 30 days within which to furnish reasons why the certification should not be withdrawn.

### **POWERS OF INSPECTION**

22.(1) The powers of inspection specified in section 25 of the Act are hereby for the purpose of the application of this Scheme granted to the authority, as well as to any person authorized in writing by the authority to enforce any provision of this Scheme and any other recognised Scheme, or to conduct specific tasks in terms of the Scheme concerned.

22.(2) An inspection in terms of the recognised Scheme concerned shall be carried out in accordance with the methods determined by the authority.

22.(3) The number of plants which are inspected on a unit and the quantity of seed which is taken as a sample shall for the purpose of the application of the recognised Scheme concerned be deemed to be representative respectively of all the plants which have been established on the unit concerned, and of all the seed or plants from which the sample concerned has been taken.

22.(4) The authority and a person authorized as contemplated in subsection (1) may require that an applicant or his employee, agent or manager shall render to him all reasonable assistance which he may require to enable him to carry out an inspection in terms of the recognised Scheme concerned.

22.(5) No compensation shall be payable in respect of assistance rendered in terms of subsection (4).

### **DISCRETIONARY POWER OF THE AUTHORITY**

23.(1) The authority may consider any application or request made in terms of the recognised Scheme concerned, and may make any investigation or enquiry in connection therewith which the authorised person may deem necessary, and may for the purposes of such investigation or enquiry require that the applicant concerned submit to him such other documents or evidence as he may require.

23.(2) A permission or an approval by the authority in terms of a recognised Scheme may –

(a) be made subject to such conditions as the authority may in each case determine in writing; and

(b) in a particular case be amended or withdrawn by the authority in writing if he deems it necessary.

23.(3) If the authority by virtue of a discretionary power vested in him by this or other recognised Scheme –

(a) refuses to approve an application or a request which has been submitted to him in writing;

(b) amends or withdraws a permission or an approval or authority;



- (c) withdraws the registration of a unit; or
- (d) refuses to certify seed which has been presented for certification in terms of section 19 of this Scheme or in terms of a stipulation of another recognised Scheme, the authority shall notify the applicant or person concerned in writing of his decision and of the grounds on which it is based.

## APPEALS

24. The provisions of section 32 of the Act shall *mutatis mutandis* apply with regard to any person who feels aggrieved by any decision or action taken by the authority in terms of this or other recognised Schemes.

## PAYMENT OF FEES

- 25.(1) Postage on and delivery costs of any application, notice, appeal or other document which is submitted in terms of this and other recognised Schemes, as well as on or of anything else pertaining thereto, shall be prepaid by the sender thereof.
- 25.(2) Any amount which is payable in terms of this Scheme to the authority shall be paid by bank deposit or by electronic funds transfer in favour of SANSOR.
- 25.(3) An amount paid in terms of this and other recognised Schemes shall not be repayable.

## ADDRESSES FOR THE SUBMISSION OF DOCUMENTS AND PAYMENT OF FEES

- 26.(1) Any application, notice or other documents, as well as anything else pertaining thereto, which in terms of this and other recognised Schemes is required to be submitted to the authority, and any fees which are payable to the authority in terms of and other recognised Schemes shall –
- (a) when forwarded by post, be addressed to the Technical Manager, South African National Seed Organization, P.O. Box 72981, Lynnwood Ridge, 0040; and
  - (b) when submitted by hand, be delivered at the office of the Technical Manager, South African National Seed Organization, 352 Kiepersol Rd, Lynnwood, Pretoria, 0081.
- 26.(2) The document by means whereof an appeal referred to in section 24 is lodged, shall –
- (a) when forwarded by post, be addressed to the Director-General: Department of Agriculture, Land Reform and Rural Development, Private Bag X250, Pretoria, 0001; and
  - (b) when submitted by hand, be delivered at the office of the Director-General: Department of Agriculture, Land Reform and Rural Development, Agriculture Place, 20 Steve Biko Street, Arcadia, Pretoria, 0001.

**ANNEXURE 1****REQUIREMENTS RELATING TO HEMP (*Cannabis sativa* L.)****1 Field and closed system requirements**

- 1.1 A closed system be registered as a unit only if –
  - 1.1.1 no plants of any species have been established therein for seed production or otherwise for six weeks prior to receiving plants at the beginning of the crop year or production season unless the previous crop was the same variety.
  - 1.1.2 no plants other than plants for certified hemp production may be present in a closed system.
  - 1.1.3 In the case of hybrid seed production where the different seed parents of more than one hybrid are utilising the same pollen donor, more than one hybrid may be produced in a singular closed system.
  - 1.1.4 The seed parents of each variety, as well as the pollen parent must be clearly labelled and easily identifiable from one another.
  - 1.1.5 None withstanding the provisions of 1.1, a closed system may be registered as a unit within the six-week period if sanitation to remove residual soil, pathogens, plant material and pollen have been carried out. If sanitation is used to reduce the hemp free period, a sanitation plan must be submitted to and approved by the authority.
- 1.2 A field may be registered as a unit only if no plants of any species of *Cannabis* have been established thereon for seed production or otherwise during –
  - 1.2.1 in the case of production of pre-basic and basic seed, three growing seasons preceding the registration thereof.
  - 1.2.2 in the case of the production of certified seed, subject to the provisions of 2.3, two growing seasons preceding the registration thereof.
  - 1.2.3 A field which is intended for the production of certified seed of a particular hemp variety may also be registered as a unit, if certified pre-basic seed or basic seed of the same variety has been produced thereon two growing seasons preceding registration thereof.
- 1.3 A field for the production of hemp seed or plants may not exceed 50 hectares.

**2 Planting requirements**

- 2.1 In the case of hemp being propagated in closed systems according to the provisions of this Scheme –
  - 2.1.1 plants may be established in containers or seedbeds.
  - 2.1.2 each container or seed bed must be marked with the name and unit code of the variety; and
  - 2.1.3 the pollen parents must be kept separately from the seed parent and be clearly marked.
- 2.2 In the case of hemp being propagated in fields, according to the provisions of this Scheme –
  - 2.2.1 plants shall be established in rows on a unit.
  - 2.2.2 In fields established with seeds, gap filling shall not be permissible.
  - 2.2.3 In the case of the intended production of seed of a hybrid variety –
    - 2.2.3.1 the plants of the seed parent and those of the pollen parent shall be established in separate rows; and
    - 2.2.3.2 rows containing plants of the pollen parent shall be clearly marked.

**3 Isolation requirements**



- 3.1.1 A closed system unit must be surrounded by an area of 3 meters that is free of any vegetation except grass for stabilising purposes, which must be kept short at all times.
- 3.1.2 Within the system and in cases of hybrid seed productions where the different seed parents of more than one hybrid are utilising the same pollen donor, the different parents must be grouped together and each be surrounded by an isolation area which is at least 1 meter wide.
- 3.2 A field unit shall, subject to the provisions of 3.3, be surrounded by an isolation area which –
  - 3.2.1 in the case of the intended production of certified pre-basic and basic seed of –
    - 3.2.1.1 a dioecious type, a monoecious type or a hybrid Hemp variety, is respectively at least 5 000 meters wide;
    - 3.2.1.2 between a monoecious type hemp variety and a lower generation seed production unit of any monoecious type hemp variety, of at least 3 000 meters wide;
    - 3.2.1.3 between a dioecious type hemp variety and a lower generation seed production unit of the same variety, is at least 2 000 meters wide;
    - 3.2.1.4 between productions of the same generation and variety, of at least 3 meters wide.
  - 3.2.2 in the case of the intended production of certified seed of –
    - 3.2.2.1 a feminized type hemp variety, of at least 5 000 meters wide;
    - 3.2.2.2 a hybrid, of at least 1 000 meters wide;
    - 3.2.2.3 a monoecious type hemp variety and hybrids, of at least 1 000 meters wide;
    - 3.2.2.4 a dioecious type hemp variety, of at least 800 meters wide; and
    - 3.2.2.5 between certified productions of the same variety, of at least 3 meters wide.
- 3.3 The first 200 meters of such isolation distance from the perimeter of the seed production crop must be free from any *Cannabis* plant, and not more than 10 plants per hectare may occur beyond 200 meters.

#### **4 Requirements for plants**

- 4.1 The number of deviating plants on a unit, based on 10 000 plants shall, in the case of the intended production of –
  - 4.1.1 certified pre-basic seed, not exceed 0,03 percent;
  - 4.1.2 certified basic seed, not exceed 0,1 percent; and
  - 4.1.3 certified seed, not exceed 0,2 percent; and
- 4.2 The number of dioecious male plants shedding pollen on a unit for the production of a monoecious type hemp variety or hybrid, based on 10 000 plants, shall –
  - 4.2.1 in the case of the intended production of certified pre-basic seed, not exceed 0,01 percent at the stage at which 5,0 percent or more of the plants of the seed parent have pollen-susceptible flowers;
  - 4.2.2 in the case of the intended production of certified basic seed, not exceed 0,02 percent at the stage at which 10,0 percent or more of the plants of the seed parent have pollen-susceptible flowers; and
  - 4.2.3 in the case of the intended production of certified seed, not exceed 1,0 percent at the stage at which 20,0 percent or more of the plants of the seed parent have pollen-susceptible flowers.

#### **5 Inspection requirements**

- 5.1 Plants which are established on a unit shall be inspected –
  - 5.1.1 before the flowering stage thereof;
  - 5.1.2 during the flowering stage thereof;

- 5.1.3 during the full seed stage thereof; and
- 5.1.4 in the case of a hybrid variety, after the plants of the pollen parent have been removed.
- 5.2 If plants of a hybrid variety have been established on a unit –
  - 5.2.1 the grower concerned shall notify the authorised person at least 10 days prior to the date on which –
  - 5.2.2 the plants of the seed parent are expected to start flowering; and
  - 5.2.3 the plants pollen parents are to be removed.
- 5.3 The seed of the plants of the seed parent may not be harvested before the inspection referred to in paragraph 4.2.3 has been carried out.
- 5.4 A representative sample of the plants on a unit shall be taken during the flowering stage.
- 5.5 A minimum of six counts of 1 000 plants each, shall be conducted when determining the number of deviating and pollen-shedding plants on a unit.
- 5.6 Inspections and sampling shall be conducted according to the methods as determined by the authority.

## **6 Physical and analytic requirements**

- 6.1 Plants shall, or in the case of seed or vegetative propagating material, the plants from which the propagating material or seed was derived, not contain more than 0.2% THC.
- 6.2 Seed shall –
  - 6.3 have a germination percentage of at least 80;
  - 6.4 have at least 98,0 percent pure seed;
  - 6.5 not contain more than –
    - 6.5.1 0,1 percent other seed; and
    - 6.5.2 2,0 percent other material.
  - 6.5.3 Notwithstanding the provisions of paragraph 6.5.1, not more than one seed of any of the restricted weed seed species may occur in a 600-gram working sample for the determination of other seed by number.