SPECIAL ISSUE

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REPUBLIC OF KENYA

MIGORI COUNTY GAZETTE
SUPPLEMENT

BILLS, 2014

NAIROBI, 19th December, 2014

CONTENT

Bill for Introduction into the Migori County Assembly—

The Migori County Tobacco Growing and Marketing Bill, 2014.........1

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PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI
THE MIGORI COUNTY TOBACCO GROWING
AND MARKETING BILL, 2014

A Bill for

AN ACT of the County Assembly of Migori to establish
Tobacco Growing and Marketing rules that will
provide for matters relating to growing and
marketing of tobacco

ENACTED by the County Assembly of Migori as
follows—

PART 1—DEFINATIONS AND INTERPRETATIONS

These rules may be cited as the Tobacco Growing and Marketing
Rules.

In these Rules, except where the context otherwise interpretation
requires.

‘Crop’ means tobacco for the growing of which a farmer has entered
into sponsorship agreement with a sponsor;

‘Farmer’ means a person who grows or causes to be grown on his
behalf, tobacco, pursuant to a subsisting sponsorship agreement with a
sponsor; and includes any person who grows tobacco on the same land
parcel;

“Farmers body or association” means a registered farmers group or
association that champion for the rights or issues of the farmers and act as
the farmers’ voice;

“Gazetted growing periods” means those periods for the cultivation
of tobacco as specified in the Agriculture (Tobacco Growing) Rules,
county legal notice;

“Region” means a tobacco-growing region as set out in the First
Schedule to these Rules;

“Sponsor” means any person who, pursuant to a sponsorship
agreement, causes or finances the growing of tobacco by a farmer for
purchase by him or has the crop mortgaged to himself to secure sums
which are or become payable to him; and includes his servants or agents;

“Sponsorship agreement” means an agreement in writing entered
into between a sponsor and a farmer whereby the sponsor causes or
finances the growing of tobacco by the farmer either for purchase by the
sponsor, or whereby the tobacco is mortgaged to secure sums that are or become payable to the sponsor;

**“Tobacco”** means the plant known as *Nicotiana tabacum* (L.) and includes its shoots, seeds, leaves and any other part of the plant whether raw or processed, and includes flue-cured, fire-cured and air cured tobacco;

**“Tobacco council”** means a council established under section 34 for purposes of regulating the tobacco industry.

**PART II—SPONSORS**

**3. 1. Person to act as Sponsor**

No person shall act as a sponsor unless—

(a) Such person has either a cigarette-manufacturing plant operating in Kenya, or processing facilities in Kenya to convert dried tobacco into a dried packed form for storage or export; or

(b) Such person carries on business as a financier, and, pursuant to a sponsorship agreement, takes a security interest in tobacco growing.

3. 2. A sponsor will be required to have a trade licence from the respective county in which to operate and follow the requirements of the Crops Act 2013.

3. 3. Different sponsors are allowed to operate in the county and no zoning within the county which may lock out the operations of a sponsor in some areas.

3. 4. Each sponsor will sign an M.O.U with the farmers’ body on engagements.

**4. Sponsorship Contract**

(1) A sponsor may enter into a sponsorship contract with a farmer and that the contract will include the following:

- Date of start of contract and end.
- Quantum contracted.
- Agreed seasonal price.
- Payment period.
- Farmers obligations and sponsors obligations.
- Dispute resolution mechanism.
- Signature of the farmer, sponsor and their witnesses.
(2) Every sponsor shall maintain records of all the farmers with whom he has a subsisting sponsorship agreement, and these records shall include—

(a) the full names of the farmers;
(b) copies of the national identity card or other adequate identification of the farmer; and
(c) the location and land parcel number of the farm on which the crop is or is to be grown;
(d) the targeted production as specified in the contract form or agreement form.

3. Every sponsor will be required to provide the following information to the farmers’ body:

- The information as per rule 4.2.
- Volume sold at the end of the season.
- Grade turn out for the season.

5. Inspection of Records

(1) The sponsor shall make available upon request all his records under Rule 4.2 for inspection by farmers body or other interested parties.

(2) The sponsor shall make available all records maintained under Rule 4 (2) to the county Minister upon request.

6. Farmers to Have no Outstanding Debts Secured on Crop Grown, etc.

Prior to entering into any sponsorship agreement, a sponsor shall ensure that the proposed farmer has no outstanding debts secured on a crop grown or to be grown under a different sponsorship agreement unless such debts are due to natural calamities.

7. Sponsor not to Deal With Farmer With Whom he has no Sponsorship Agreement

(1) No person shall purchase any crop from a farmer with whom he has no subsisting sponsorship agreement. Side selling or hawking of tobacco is prohibited under these rules.

(2) No person shall transport or cause to be transported any crop other than that grown under their sponsorship or that of his employer.

(3) Any person who contravenes the provisions of this Rule shall be guilty of an offence and liable upon conviction to a fine not exceeding KSh. 500,000 or imprisonment for a term not exceeding six months.
(4) Where any sponsor is found in possession of tobacco purchased from a farmer sponsored by a different sponsor, the first-mentioned sponsor shall forthwith surrender such tobacco for delivery to the rightful sponsor.

(5) A sponsor’s identification mark on the hessian bag containing the tobacco shall be prima facie evidence of that sponsor’s entitlement to such tobacco.

8. Obligations of Sponsors

(1) Every sponsor shall—

(a) supply adequate quantities of good quality seeds to the farmers;

(b) provide on a full-time basis, a minimum of one fully trained extension officer for every one hundred farmers and facilitate the visits of such officer to the farmers on a regular basis;

(c) provide for the purchase by the farmers of the minimum level of inputs and chemicals as set out in Part One of the Second Schedule. The inputs provided will meet the required standards but not expired;

(d) Release prices before contracting or before the season and after agreeing with the farmers’ body;

(e) Provide farmer loan statements before the marketing time;

(f) Have designated buying points where the farmer delivers the produce.

(2) No sponsor shall provide a farmer with any of the prohibited chemicals specified in the Part II of the Second Schedule.

(3) Recognize the farmers’ body and collaborate accordingly by discussing the cost of production and prices before the season, attending stakeholders meetings and deducting and remitting monies to the association.

9. Payment to Farmers

(1) Every sponsor shall pay the farmer for tobacco purchased at such bank advised by the farmer and within such periods as shall be specified in the sponsorship agreement but within 14 days from date of sale of tobacco.

(2) In default of payment under sub-rule (1), the sponsor shall pay interest on the purchase price in respect of the period from the date payment became due to the actual date of payment, and such interest shall
be calculated at a rate equivalent to the Kenya Banks Base Lending Rate as from time to time published by the banks.

(3) Interest payable under sub-rule (2) shall be calculated on daily balances compounded monthly with an additional margin of 10 per cent.

10. Sponsor to Give Information to Governor

Every sponsor shall from time to time give information to the governor responsible for the area in which the Region falls of the quantities of tobacco to be transported to the sponsor’s depot or depots.

11. Estimates of Inputs

Every sponsor shall before the 30th of September in each year provide the county Minister with an estimate of the quantum of inputs in stock and an indication of the anticipated tobacco crop volumes to be supplied to and produced by the farmers sponsored by such sponsor in each Region.

12. Sponsors to Provide Information to County Minister

(1) Every sponsor shall provide the following information to the county Minister on seasonal basis in respect of each Region and type of tobacco—

(a) Total area of tobacco under sponsored cultivation;
(b) Quantum of inputs issued to farmers;
(c) Quantum by grade of tobacco purchased from the farmers;
(d) Average price per kilogramme paid per grade of tobacco;
(e) Estimates of quantum of tobacco purchases for the season from the farmers; and
(f) Number field technicians.

(2) The information under sub-rule (1) shall be supplied to the county Minister at the start and end of the season.

(3) The county Minister may make available to Members of the public and other interested parties upon request any information furnished under this rule.

13. Sponsor to Supply Hessian Bags

(1) Sponsors shall supply to the farmers hessian bags for cured-tobacco baling, which shall be permanently marked in an appropriate way so as to identify the sponsor.
(2) A sponsor’s identification mark on a hessian bag used by a farmer shall be prima facie evidence that any tobacco contained therein is subject to a sponsorship agreement with that sponsor.

(3) No person shall imprint, label, mark or in any way forge any sponsor’s identification mark on any hessian bag with intent to deceive.

14. Growing Periods

(1) All sponsors and farmers shall adhere to the Gazetted growing periods as specified in county legal notice.

(2) Any person who contravenes with sub-rule 14.1 will be guilty of an offence and shall be liable for a fine not exceeding KSh. 500000. Such tobacco shall also be destroyed.

15. Fuel-wood Tree Nurseries

Sponsors shall procure the establishment of fuel wood tree nurseries that shall yield to the farmers for planting in each year—

(a) five hundred seedling per hectare or part thereof of tobacco grown by a farmer growing flue-cured tobacco;

(b) one hundred seedlings per hectare or part thereof of tobacco grown by a farmer growing fire-cured tobacco;

(c) one hundred seedlings per hectare or part thereof of tobacco grown by a farmer growing air-cured (burley) tobacco.

16. Planting of Wood Fuel Trees

Sponsors shall ensure that the following minimum numbers of wood-fuel trees are planted and maintained in each year by each farmer—

(a) five hundred tree seedling per hectare or part thereof of tobacco grown by a farmer growing flue-cured tobacco;

(b) one hundred tree seedlings per hectare or part thereof of tobacco grown by farmer growing fire-cured tobacco;

(c) one hundred tree seedlings per hectare or part thereof of tobacco grown by a farmer growing air-cured or burley tobacco.

16. Planting of Wood Fuel Tree Seedling on Public Land

Sponsors shall ensure that each farmer plants ten wood-fuel tree seedlings on such public land as the Governor responsible for the county may specify.
PART III – FARMERS

17. Registration

(1) Every farmer is required to be registered with a farmers body/association and be issued with a membership card.

(2) The farmers body will maintain a data base for all farmers in the county.

(3) The association will not register separately a man and his wife on the same barn.

(4) Farmer will pay membership fee and annual subscriptions to the association such amounts that will be agreed and determined from time to time which will be deducted from his/her proceeds by the sponsor and remitted to the association.

(5) Independent farmers will also be required to register with the association.

(6) Farmers will willingly cover their crop by a reputable insurance company that will compensate any losses from the crop.

18. Farmers Association

(1) The farmers body will at all times be representing the interests of the farmers and carry out other necessary services within the tobacco value chain.

(2) The farmers body will discuss the cost of production and farmer margins with the sponsor and together release prices before the season.

(3) The farmers’ body will provide trained buyers to team up with the sponsors buyers in the markets.

19. Farmer to Have Only One Sponsor

(1) No farmer shall enter into sponsorship agreement with more than one sponsor for the same growing period or season.

(2) Any farmer who enters into a sponsorship agreement with a sponsor shall prior to such agreement clear all outstanding debts secured with any other sponsor.

20. Restriction on Sale of Tobacco

No farmer shall sell any tobacco grown by him pursuant to a sponsorship agreement, to any person other than his sponsor, or at prices
and buying points different from those specified in the sponsorship agreement or as may be directed in writing by the sponsor.

21. Acreage for Tobacco Growing

No farmer shall grow tobacco on an acreage either larger or lesser than that specified in the sponsorship agreement.

22. Prohibited Chemicals

(1) No farmer shall use in the course of farming tobacco any of the prohibited chemicals specified in Part II of the Second Schedule.

(2) Every farmer shall in the course of farming use the minimum quantities of inputs as specified in Part I of the Second Schedule.

23. Obligations of Farmer

Every farmer shall —

(a) construct a curing barn and storage space sufficient for the quantity of tobacco grown by him;

(b) ensure that he grows tobacco during the gazette growing periods only;

(c) ensure that no foreign matter is contained in any tobacco bales offered by him for sale;

(d) present his tobacco graded in accordance with the Gazetted grading specifications in the manner specified in the Third Schedule or as specified from time to time as markets dictate;

(e) ensure that there is no mixing of grades of tobacco in each bale;

(f) deliver his tobacco for sale in such hessian bags as are supplied by and marked with his sponsor’s identification mark;

(g) ensure that no tobacco bale exceeds forty kilogram’s in weight;

(h) ensure that no child labor in all tobacco activities.

24. Tobacco Stalks and Residue

Every farmer shall ensure that all tobacco stalks and residue are uprooted from the field and burnt before such date as is specified by the county Minister in legal notice.

25. Infestation

(1) In the event of any disease or infestation of growing tobacco the Minister may direct the affected farmer to uproot and destroy by burning all the growing crop.
(2) Where a farmer fails to comply with the Minister's directive under sub-rule (1), the Minister may cause the required destruction to be effected at the farmer's expense and issue any further directives that he deems necessary.

PART IV—MARKETING

26. Movement of Tobacco at Night Prohibited

No person shall move or transport tobacco within a Region at night, between the hours of 7 p.m. and 6 a.m.

27. Trading in Tobacco on Sundays and Public Holidays

(1) No person shall buy tobacco on Sundays and public holidays.

(2) No person shall buy tobacco on any day between the hours of 6 p.m. and 6 a.m.

28. Export of Unprocessed or Redried Tobacco

No person shall export any unprocessed, unredried tobacco.

Exporter to Give Information to Minister

(1) Every exporter of tobacco shall notify the county Minister of the volumes of exports by type of processed redried tobacco on a quarterly basis as of the 31st December, 31st March, 30th June and 30th September in each year, and shall deliver such information within fourteen days of the end of each quarter.

(2) The county Minister shall make available to members of the public and other interested parties on request any information furnished under sub-rule (1).

PART V—INSPECTION

29. Inspection of Buildings, Vehicles etc.

(1) The county Minister, or any person authorized in writing by the county Minister responsible for the area, may enter upon any land or into any building or vehicle where tobacco is grown, purchased, stored or transported for the purpose of ascertaining that the provisions of these Rules are complied with.

(2) Any person who obstructs or refuses entry to a person authorized under sub-rule (1) from carrying out the required inspection, or fails, neglects or refuses to produce records required by these Rules to be maintained commits an offence.
30. Seizure of Tobacco

A person authorized by the governor or the county minister responsible for the area may—

(a) stop, search and detain any vehicle which he has reason to believe is being or has been used for conveying any tobacco in respect of which an offence is being or has been committed;

(b) convey such vehicle with its contents to the nearest police station;

(c) seize and remove, on issue of a receipt signed by him, any tobacco from any land, building or vehicle where tobacco is grown, purchased, stored or transported where he has reason to believe that an offence is being or has been committed;

(d) require the occupant, user or driver of any such land, building or vehicle to render such explanations and give such information relating to the tobacco found therein as may reasonably be required by such person in the performance of his duties.

31. Disposal of Seized Tobacco

(1) Where an offence is found to have been committed, and without prejudice to the discretionary powers of a court, the tobacco seized may be dealt with as follows—

(a) where it belongs to the offender, such tobacco shall be subject to forfeiture, and the court may in addition to any penalty imposed make such order as it deems fit in respect of the tobacco or the proceeds of any sale thereof; or

(b) where such tobacco does not belong to the offender, and where the rightful owner can be identified, the tobacco shall forthwith be delivered to such owner.

(2) A sponsor’s identification mark on any hessian bag containing such tobacco shall be prima facie evidence of such sponsor’s ownership of the tobacco in such bag.

32. Offences

Any person who contravenes any of the provisions contained in these rules or orders made thereunder commits an offence.

33. Penalties

Any person convicted of an offence under these rules shall, where no penalty has been provided, be liable to a fine not exceeding KSh. 500,000 or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.
PART V1

34. Tobacco Council/Board

The County Government(s) will establish a tobacco council that will regulate the industry and issue legal notices from time to time.

Roles of the Council/Board

1. Advice the Government on tobacco related issues.
2. Promote production, curing and marketing of tobacco.
3. Creating a conducive environment for doing tobacco business.
4. Enact rules of chemicals used in pest and disease control in Tobacco.
5. Enforce rules for environment protection including land conservation and afforestation.
6. Assistance in research development of tobacco.
7. Manage the quality of tobacco.
8. Information collection and dissemination and ensuring of rules related to the growing, marketing, transport and storage of tobacco.
9. Receive and manage any funds for tobacco.
10. Represent the government in tobacco meetings both local and international.
11. Assist in formation of farmers’ bodies and controlling their operations.

Powers of the Council/Board

1. Registration of tobacco farmers.
2. Registration and licensing of factories.
3. Registration and licensing of tobacco business operators or investors.
4. Nomination of inspectors who ensure that the laws are followed.
5. Determine the tobacco grades during buying and selling season. The board will give grades and train farmers on grades.
6. Receive and address complains and disputes and take appropriate action.

The council will receive 100 per cent Government sponsorship from the Tobacco Fund.
Membership of the Council

- Ten members of the county growing areas (one each).
- Three members from the farming community.
- KETOFA CEO to be the secretary of the council.
- One representative from Kenya National Federation of Agricultural producers.
- One member representing the Kenya Association of Manufacturers (KAM).
- One member representing the Minister for Agriculture.
- One member representing the Minister for Environment.
- One member representing the Minister for trade and industry.

The members will meet for the first time and elect the council Chairman.

37. Tobacco Fund

A Tobacco Fund shall be established by the County Governments from levies taxed to the sponsors operating in the sector and also allocation of resources from the counties for purposes of strengthening the tobacco council to perform its roles and duties.

The Fund will be managed by the tobacco council.

FIRST SCHEDULE

TOBACCO GROWING REGIONS

REGION 1—NYANZA AND RIFT VALLEY

MIGORI COUNTY TOBACCO ZONE LM3 TOBACCO ZONE LM4

<table>
<thead>
<tr>
<th>Alt. (Masl)</th>
<th>Temp. (C)</th>
<th>R/Fall (mm)</th>
<th>Alt. (Masl)</th>
<th>Temp. (C)</th>
<th>R/Fall (mm)</th>
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<tbody>
<tr>
<td>Migori 1140-1450</td>
<td>22.7-20.8</td>
<td>900-1500</td>
<td>1140-1350</td>
<td>22.7-21.4</td>
<td>800-1300</td>
</tr>
</tbody>
</table>

LM3: Migori, Kuria.
LM4: Rongo, Migori, Kehancha, Nyatike.

HOMABAY COUNTY TOBACCO ZONES

LM3: Homa Bay, Rangwe, Nguku and Pala areas.

BOMET COUNTY TOBACCO ZONE LM3

LM3: Bomet upper and Bomet lower near Transmara.
### SIAYA COUNTY TOBACCO ZONE LM3 TOBACCO ZONE LM4

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<th>Alt. (Masl)</th>
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<th>Alt. (Masl)</th>
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<th>R/Fall (mm)</th>
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<tr>
<td>Siaya</td>
<td>1140-1450</td>
<td>22.7-20.8</td>
<td>900-1500</td>
<td>1140-1350</td>
<td>22.7-21.4</td>
</tr>
</tbody>
</table>

LM3: Boundary with Busia District at Nzoia River to Asembo.
LM4: Lake Area.

### REGION 2—EASTERN AND CENTRAL

### KITUI COUNTY TOBACCO ZONE LM3 TOBACCO ZONE LM4

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<th>Alt. (Masl)</th>
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<th>R/Fall (mm)</th>
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</thead>
<tbody>
<tr>
<td>Kitui</td>
<td>—</td>
<td>—</td>
<td>760-1280</td>
<td>24.0-20.9</td>
<td>720-1000</td>
</tr>
</tbody>
</table>

LM3: Small area in steep slopes and forest reserve.
LM4: From Mwingi Town, through Kitui Town southwards to Mutomo and a small belt north of Endau.

### EMBU COUNTY TOBACCO ZONE AM3 TOBACCO ZONE LM4

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<th>Alt. (Masl)</th>
<th>Temp. (°C)</th>
<th>R/Fall (mm)</th>
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<tr>
<td>Embu</td>
<td>1070-1280</td>
<td>22.0-20.7</td>
<td>900-1100</td>
<td>980-1220</td>
<td>22.5-21.0</td>
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</tbody>
</table>

LM3: Gachoka, Siakago.
LM4: Parts bordering Mwea and in Gachoka.

### MERU COUNTY TOBACCO DISTRICT ZONE LM3 TOBACCO ZONE LM4

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<tr>
<th>Alt. (Masl)</th>
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<th>Alt. (Masl)</th>
<th>Temp. (°C)</th>
<th>R/Fall (mm)</th>
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</thead>
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<tr>
<td>Meru</td>
<td>910-1280</td>
<td>22.9-20.6</td>
<td>1000-1600</td>
<td>760-1220</td>
<td>23.7-21.0</td>
</tr>
</tbody>
</table>

LM3: Meru, Mitunguu, Giaki.
LM4: Kunati.

### THARAKA-NITHI COUNTY TOBACCO ZONE

LM3: Mwaroga, Kanoro, Itungulu.
LM4: Kaare.
KIRINYAGA COUNTY TOBACCO ZONE LM3 TOBACCO ZONE LM4

<table>
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<tr>
<th>Alt. (Masl)</th>
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<th>Alt. (Masl)</th>
<th>Temp. (C)</th>
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<td>Kirinyaga1220-1280</td>
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<td>1090-1220</td>
<td>22.0-21.2</td>
<td>800-950</td>
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</table>

Ndia, Mwea, Sagana.

MURANG'A COUNTY TOBACCO ZONE LM3 TOBACCO ZONE LM4

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<th>Alt. (Masl)</th>
<th>Temp. (C)</th>
<th>R/Fall (mm)</th>
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<tbody>
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<td>Murang'a 1060-1160</td>
<td>21.7-20.8</td>
<td>980-1100</td>
<td>1060-1160</td>
<td>22.3-21.7</td>
<td>900-1000</td>
</tr>
</tbody>
</table>

LM3: Maragwa Ridge.

LM4: Tana and Thika Rivers Belts, Ithanga, Masinga bordering Machakos

REGION 3—WESTERN

BUSIA COUNTY TOBACCO ZONE LM3 TOBACCO ZONE LM4

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<thead>
<tr>
<th>Alt. (Masl)</th>
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<th>R/Fall (mm)</th>
<th>Alt. (Masl)</th>
<th>Temp. (C)</th>
<th>R/Fall (mm)</th>
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<tbody>
<tr>
<td>Busia 1140-1250</td>
<td>22.7-22.0</td>
<td>1100-1450</td>
<td>1135-1200</td>
<td>22.7-22.3</td>
<td>900-1100</td>
</tr>
</tbody>
</table>

LM3: Amagoro, Nangian, Amukura Si Port to Nzoia River.


BUNGOMA COUNTY TOBACCO ZONE LM3 TOBACCO ZONE LM4

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<thead>
<tr>
<th>Alt. (Masl)</th>
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<th>R/Fall (mm)</th>
<th>Alt. (Masl)</th>
<th>Temp. (C)</th>
<th>R/Fall (mm)</th>
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</thead>
<tbody>
<tr>
<td>Bungoma 1200-1400</td>
<td>22.4-21.2</td>
<td>1200-1500</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

LM3: Mt. Elgon, Malakisi, Kimaet, West of Bungoma Town and parts of Sirisia.

SECOND SCHEDULE

PART ONE

Minimum availability level of inputs of Part I, U.S.D.A. Approved Chemicals.
(U.S.D.A. = United States Department of Agriculture).

Minimum Level Inputs and U.S.D.A. Approved Chemicals:
(Note all quantities refer to one hectare of tobacco).

(i) Tobacco seed bed inputs—
- Soil fumigrant — sufficient.
- Fungicide — sufficient.
- Insecticide — sufficient.
- Fertilizers — sufficient.

(ii) Field Inputs (Per hectare minimum of N.P.K.).

<table>
<thead>
<tr>
<th></th>
<th>Flue Cured</th>
<th>Fire Cured</th>
<th>Burley (AirCured)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base fertilizer</td>
<td>N 30 kg.</td>
<td>50 kg.</td>
<td>30 kg.</td>
</tr>
<tr>
<td></td>
<td>P 72 kg.</td>
<td>50 kg.</td>
<td>100 kg.</td>
</tr>
<tr>
<td></td>
<td>K 80 kg.</td>
<td>24 kg.</td>
<td>80 kg.</td>
</tr>
<tr>
<td>Top dressing</td>
<td>N 26 kg.</td>
<td>26 kg.</td>
<td>52 kg.</td>
</tr>
</tbody>
</table>

(ii) Chemicals—
- Insecticides.
- Fungicides—when necessary.

(iv) Materials and supplies—
- Flue pipes—two full sets, sufficient for two barns.
- One hand sprayer per farmer.
- Two Barn thermometers.
- Hessian bags sufficient for the total production (natural fibres only).
- Twine (natural fibres only).
- Chicken wire (two sets one per ban).

Proof of purchase and delivery to farmers of the above inputs shall be supplied to the County Ministry of Agriculture by sponsors at planting time (corresponding to the number of farmers).
PART TWO—PROHIBITED CHEMICALS

1. Aldrin.
2. Dieldrin.
3. Campheclor (Toxaphene).
4. Chlordane (Octachlor).
5. Cypermethrin (Cymbush, Ripcord).
7. 2, 4-D.
8. DBCP (Dibromochloropropane).
9. DDT + TDE (DDD) + DDE.
10. Dicamba.
11. Endrin.
12. Ethylene dibromide.
13. Formothion (Anthio).
14. Heptachlor (Drinox) +.
15. Heptachlor epoxide.
17. Methoxychlor (Marlate).
18. 2, 4, 5- T.
19. Methyl bromide.

THIRD SCHEDULE
GRADE SPECIFICATIONS

Below are details of tobacco specifications. These grades will supersede all previous specification of this kind.

Please note that the following tobaccos will be unacceptable for all grades—

(a) leaf with off-type aroma or taste;
(b) mouldy/funked leaf and stems;
(c) sucker leaf;
(d) non-improving green exceeding 10 per cent;
(e) saline (chlorine) leaf;
(f) any variety not approved for local conditions;
(g) leaf under 9” length (except for scrap);
(h) leaf with less than 14 per cent or more than 16 per cent moisture content at time of sale, indicated by its physical condition;
(i) stems must be so dry that they break when bent;
(j) any tobacco containing tobacco weevil.

GRADE 1—KENYA FLUE-CURED TOBACCO
DESCRIPTION

LEM  Ripe leaf. **Best quality.** Long leaf with grainy texture. Orange in colour up to 10 per cent spotting and maturity permitted.


LED  Ripe leaf and tips. **Medium quality** and length. Orange in colour. Up to 25 per cent spotting and maturity injury permitted.

LEB  Mature leaf and tips. **Good quality. Lemon to light orange in colour.** No running green or slick tobacco permitted. Up to 5 per cent spotting and injury permitted.

LTR  **Mature or ripe leaf** and tips which has been slightly scorched or is dark brown in colour. Medium quality. Up to 10 per cent spotting and injury permitted.

LEG  Unripe leaf and tips. **Medium quality.** Lemon in colour with light improving green cast.

Some slick tobacco permitted in this grade. Up to 5 per cent spotting and injury permitted.

LEK  Unripe leaf and tips. Low to medium quality. Pale yellow and/or slick tobacco with or without greyish spotting.

LEN  Unripe leaf and tips. Low quality. Scorched and/or dark in colour.

LGE  Immature tobacco leaf and tips. Very low quality. Lemon to green in colour but not with more than 10 per cent hard set green. Sponged and heavily scorched tobacco to be bought in this grade.

LUR  Ripe lugs and cutters. Best quality. Good length with grainy texture. Orange to light orange in colour. Up to 15 per cent spotting and maturity injury permitted.
LUM  Ripe lugs and cutters. Very good quality. Good to medium length with grainy texture.

Orange to light orange in colour. Up to 20 per cent spotting and maturity injury permitted.

LUD  Very ripe primings, lugs and cutters. Medium quality with grainy texture. Orange to light orange colour. Up to 30 per cent spotting and maturity injury permitted.

LUN  Overripe primings, and lugs. Low to medium quality. Orange to light orange in colour. High degree of maturity injury spotting up to 40 per cent permitted.

LUB  Mature primings, lugs and cutters. Good quality. Lemon to light orange in colour. No running green or slick tobacco permitted. Up to 10 per cent spotting and injury permitted.

LUG  Unripe primings, lugs and cutters. Medium quality. Lemon in colour with slight improving green cast. Some slick tobacco permitted in this grade. Up to 10 per cent spotting and injury permitted.

LUK  Unripe tobacco leaf from lower part of the plant. Low to medium quality. Pale yellow/lemon in colour with or without greyish spotting. Pale yellow slick tobacco will also be bought in this grade.

LGU  Immature tobacco lugs and primings. Lemon to green in colour but with not more than 10 per cent hardset green. Sponged and heavily spotted tobacco to be bought in this grade.

LRS  Clean scrap from ripe tobacco from any part of the plant. Orange to light orange in colour.

To pass over 1” sieve (i.e. size of a ten cent piece or larger).

LUS  Clean scrap from immature or unripe tobacco from any part of the plant. Lemon in colour.

Any scrap from scorched or slick tobacco to be bought in this grade. To pass over 1” sieve (i.e. size of a ten cent piece or larger).

LST  Clean flue cured stem unaffected by mould and not contaminated with foreign matter.

GRADE 2—KENYA FIRE-CURED TOBACCO DESCRIPTION

FPD  Tobacco over 22” in length with very good stretch and oily. Heavily fired but not sooted.

Mainly dark brown to very dark mahogany in colour. No damaged, blemished, perished, green or yellow tobacco will be bought in this grade.
Slightly torn, but not hail damaged tobaccos up to 5 per cent are allowed into this grade.

**FPB** Tobacco over 22” in length with very good body stretch and oily. Heavily fired but with copper brown to mahogany colour. No damaged, blemished, perished yellow or green tobaccos will be bought in this grade. Slightly torn tobacco up to about 5 per cent damage is allowed but not hail damaged.

**F1D** Tobacco 19”-22” long with good body, oily and heavily fired such that the tobacco is dark in colour but not sooted. No blemished, perished, green or yellow tobaccos, will be bought in this grade. Torn tobacco up to 10 per cent but of similar quality or very slightly hail damaged tobacco with be bought in this grade.

**F1B** Tobacco between 19”-22” long with good body stretch and oily. Well fired tobacco such that it has copper brown colour. No blemished, perished, yellow or green tobaccos, will be bought in this grade. Torn tobaccos upto 10 per cent damage but of similar quality or very slightly hail damaged tobacco will be bought in this grade.

**F2D** Tobacco between 16”-19” in length with medium body and oily. Heavily fired such that it is dark in colour but not sooted. Minor hail damage and slightly torn tobacco upto 15 per cent will be acceptable into this grade. No yellow, green or perished tobacco will be bought in this grade.

**F2B** Tobacco between 16”-19” in length medium body with oil, and fairly well fired tobacco so that it has a copper brown colour to light mahogany. Minor hail damaged and slightly torn leaf up to 15 per cent will be acceptable in this grade. No yellow, green or perished tobacco will be bought in this grade.

**F3D** Tobacco between 9”-15” in length, medium body, oily and heavily fired such that it has dark brown tobacco colour or slightly sooted. Torn or hail damaged dark brown tobacco up to 33 per cent of any length above 9” will also be acceptable into this grade. No yellow, heavily sooted, green or perished tobacco will be bought in this grade.

**F3B** Tobacco between 9”-15” in length, medium body, oily and well fired such that it has a copper brown colour to light mahogany. Torn or hail damaged tobacco up to 33 per cent or any length but above 9” will also be bought in this grade. No yellow, sooted, green or perished tobacco will be bought in this grade.

**F3Y** Tobacco over 19” in length, lightly fired or partly air cured or yellow tobacco with oil and thin body will be bought in this grade. No perished or heavily spotted tobacco will be acceptable into this grade.
**F4Y** Tobacco between 9” and 18” in length, lightly fired or partly air cured or yellow tobacco with oil and body will be bought into this grade. No perished or heavily spotted tobacco will be acceptable into this grade.

**F4K** Tobacco of any length but over 9” long, dark or dark green and variegated tobacco with some oil and body will be bought in this grade. No perished, yellow or crude green will be acceptable into this grade.

**F5N** Mainly tobacco of non-descript nature will be bought in this grade. Tobacco which is partly air cured or has a running green cast will be acceptable in this grade. Heavily spotted, heavily sooted, heavily torn, hail damaged or slightly perished but usable tobacco will be bought into this grade.

**FSC** Pieces of sound lamina Scraps not smaller than ten cent piece must be clean and fairly well fired.

**FST** Clean fire cured stems.

**INTERNATIONAL GRADE SPECIFICATIONS**

Grading will be determined by:

1. Plant position.
2. Quality.
3. Color.
5. Level of injury and spotting.
6. Other factors like immaturity, slickness, greenness, water stained guinea fowl or not well dried.

<table>
<thead>
<tr>
<th>GRADE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEAF</td>
<td></td>
</tr>
<tr>
<td>L1OB</td>
<td>Clean heavy bodied leaf, 1st quality, less than 5% injury, Orange in color, buttable style.</td>
</tr>
<tr>
<td>L1LB</td>
<td>Clean heavy bodied leaf, 1st quality, less than 5% injury, Lemon in color, buttable style.</td>
</tr>
<tr>
<td>L20</td>
<td>Heavy bodied leaf, 2nd quality, 5-10% injury, Orange in color.</td>
</tr>
<tr>
<td>L2L</td>
<td>Heavy bodied leaf, 2nd quality, 5-10% injury, Lemon in color.</td>
</tr>
<tr>
<td>L30</td>
<td>Heavy bodied leaf, 3rd quality, 11-15% injury, Orange in color.</td>
</tr>
<tr>
<td>L3L</td>
<td>Heavy bodied leaf, 3rd quality, 11-15% injury, Lemon in color.</td>
</tr>
<tr>
<td>L4O</td>
<td>Heavy bodied leaf, 4th quality, 16-20% injury, Orange in color.</td>
</tr>
<tr>
<td>L4L</td>
<td>Heavy bodied leaf, 4th quality, 16-20% injury, Lemon in color.</td>
</tr>
<tr>
<td>L5O</td>
<td>Heavy bodied leaf, 5th quality, 21-30% injury, Orange in color.</td>
</tr>
<tr>
<td>L5L</td>
<td>Heavy bodied leaf, 5th quality, 21-30% injury, Lemon in color.</td>
</tr>
</tbody>
</table>

**THIN LEAF**

| M1OB | Clean thin bodied leaf, 1st quality, less than 5% injury, Orange in color, buttable style. |
| M1LB | Clean thin bodied leaf, 1st quality, less than 5% injury, Lemon in color, buttable style. |
| M2OB | Clean thin bodied leaf, 1st quality, less than 5% injury, Orange in color, buttable style. |
| M2LB | Clean thin bodied leaf, 1st quality, less than 5% injury, Lemon in color, buttable style. |
| M2O  | Thin bodied leaf, 2nd quality, 5-10% injury, Orange in color. |
| M2L  | Thin bodied leaf, 2nd quality, 5-10% injury, Lemon in color. |
| M3O  | Thin bodied leaf, 3rd quality, 11-15% injury, Orange in color. |
| M3L  | Thin bodied leaf, 3rd quality, 11-15% injury, Lemon in color. |
| M4O  | Thin bodied leaf, 4th quality, 16-20% injury, Orange in color. |
| M4L  | Thin bodied leaf, 4th quality, 16-20% injury, Lemon in color. |

**CUTTERS**

<p>| C1OB | Clean cutters, 1st quality, Orange in color, for butting. |
| C1LB | Clean cutters, 1st quality, Lemon in color, for butting. |
| C2O  | Cutters, 2nd quality, 5-10% injury Orange in color. |
| C2L  | Cutters, 2nd quality, 5-10% injury Lemon in color. |</p>
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C3O</td>
<td>Cutters, 3rd quality, 11-15% injury, Orange in color.</td>
</tr>
<tr>
<td>C3L</td>
<td>Cutters, 3rd quality, 11-15% injury, Lemon in color.</td>
</tr>
<tr>
<td>C4O</td>
<td>Cutters, 4th quality, 16-20% injury, Orange in color, live brown blemish.</td>
</tr>
<tr>
<td>C4L</td>
<td>Cutters, 4th quality, 16-20% injury, Lemon in color, live brown blemish.</td>
</tr>
<tr>
<td>LUGS</td>
<td>X1OB Clean lugs, 1st quality, Orange in color, for butting.</td>
</tr>
<tr>
<td></td>
<td>XL1B Clean lugs, 1st quality, Lemon in color, for butting.</td>
</tr>
<tr>
<td></td>
<td>X2O Lugs, 2nd quality, 5-10% injury, Orange in color.</td>
</tr>
<tr>
<td></td>
<td>X2L Lugs, 2nd quality, 5-10% injury, Lemon in color.</td>
</tr>
<tr>
<td></td>
<td>X3O Lugs, 3rd quality, 11-15% injury, Orange in color.</td>
</tr>
<tr>
<td></td>
<td>X3L Lugs, 3rd quality, 11-15% injury, Lemon in color.</td>
</tr>
<tr>
<td></td>
<td>X4O Lugs, 4th quality, 16-20% injury, Orange in color.</td>
</tr>
<tr>
<td></td>
<td>X4L Lugs, 4th quality, 16-20% injury, Lemon in color.</td>
</tr>
<tr>
<td></td>
<td>X5O Lugs, 5th quality, 21-20% injury, Orange in color.</td>
</tr>
<tr>
<td></td>
<td>X5L Lugs, 5th quality, 21-30% injury, Lemon in color.</td>
</tr>
<tr>
<td></td>
<td>X6O Lugs, 6th quality, over 30% injury, Orange in color with dark brown perish, shattery styles and some guinea fowl.</td>
</tr>
<tr>
<td>OTHERS</td>
<td>L2M Heavy bodied leaf, 2nd quality, 5-10% injury, mahogany in color.</td>
</tr>
<tr>
<td></td>
<td>L3M Heavy bodied leaf, 3rd quality, 11-15% injury, mahogany in color.</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
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<tr>
<td>------</td>
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</tr>
<tr>
<td>L4M</td>
<td>Heavy bodied leaf, 4th quality, 16-20 % injury, mahogany in color.</td>
</tr>
<tr>
<td>L4R</td>
<td>Heavy bodied leaf, 4th quality, 21-30 % injury, mahogany in color.</td>
</tr>
<tr>
<td>L5R</td>
<td>Heavy bodied leaf, 5th quality, over 30 % injury, mahogany in color.</td>
</tr>
<tr>
<td>L3OV</td>
<td>Heavy bodied leaf, 3rd in quality, orange in color with running green.</td>
</tr>
<tr>
<td>L3LV</td>
<td>Heavy bodied leaf, 3rd in quality, Lemon in color with running green.</td>
</tr>
<tr>
<td>L3OJ</td>
<td>Heavy bodied leaf, 3rd in quality, orange in color, slightly slick or smooth.</td>
</tr>
<tr>
<td>L3LJ</td>
<td>Heavy bodied leaf, 3rd in quality, Lemon in color, slightly slick or smooth.</td>
</tr>
<tr>
<td>L5OK</td>
<td>Heavy bodied leaf, 5th in quality, orange in color and carries immature k tobaccos.</td>
</tr>
<tr>
<td>L5LK</td>
<td>Heavy bodied leaf, 5th in quality, lemon in color and carries immature k tobaccos.</td>
</tr>
<tr>
<td>L5OG</td>
<td>Heavy bodied leaf, 5th in quality, orange in color with running green.</td>
</tr>
<tr>
<td>L5LG</td>
<td>Heavy bodied leaf, 5th in quality, Lemon in color with running green.</td>
</tr>
<tr>
<td>C3OV</td>
<td>Cutters, 3rd quality, Orange in color with running green.</td>
</tr>
<tr>
<td>C3LV</td>
<td>Cutters, 3rd quality, Lemon in color with running green.</td>
</tr>
<tr>
<td>C5OK</td>
<td>Cutters, 5th quality, orange in color, carries immature k tobaccos.</td>
</tr>
<tr>
<td>C5LK</td>
<td>Cutters, 5th quality, Lemon in color, carries immature k tobaccos.</td>
</tr>
<tr>
<td>X3OV</td>
<td>Lugs, 3rd quality, Orange in color with running green.</td>
</tr>
<tr>
<td>X3LV</td>
<td>Lugs, 3rd quality, Lemon in color with running green.</td>
</tr>
<tr>
<td>X3OW</td>
<td>Lugs, 3rd quality, Orange in color, water stained.</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>X3LW</td>
<td>Lugs, 3rd quality, Lemon in color, water stained.</td>
</tr>
<tr>
<td>X30J</td>
<td>Lugs, 3rd quality, Orange in color, slightly slick or smooth.</td>
</tr>
<tr>
<td>X3LJ</td>
<td>Lugs, 3rd quality, Lemon in color, slightly slick or smooth.</td>
</tr>
</tbody>
</table>
MEMORANDUM OF REASONS AND OBJECTS

1. Part I gives definitions and interpretations as used in this Bill.
2. Part II gives the sponsors and those to act as sponsors and how they relate with the growers.
3. Part III provides for the farmers, their associations, restrictions on sale of tobacco and the farmers’ obligations.
4. Part IV deals with the marketing of the product including movement, trading and export.
5. Part V gives the mode of inspection, seizure, disposals, offences and penalties.
6. Part VI establishes the tobacco council/board, its roles, powers, membership and sources of funds.

JOE JACKS GUCHA,
Chairman,
Justice and Legal Affairs Committee.