

**NO. 16 OF 2013**

**THE CROPS ACT**

SUBSIDIARY LEGISLATION

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**THE SUGAR (IMPOSITION OF LEVY) ORDER, 2002**

[Legal Notice 385 of 2002]

***Revoked by Legal Notice 103 of 2016 on 24th June, 2016***



**THE TEA (AD VALOREM LEVY) REGULATIONS, 2012**

[Legal Notice 8 of 2012]

***Revoked by Legal Notice 104 of 2016 on 24th June, 2016***



**THE SUGAR (IMPOSITION OF LEVY) (REVOCATION) ORDER**

ARRANGEMENT OF ORDERS

*Order*

1. Citation
  2. L.N. 385/2002
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**THE SUGAR (IMPOSITION OF LEVY) (REVOCATION) ORDER**

[Legal Notice 103 of 2016]

**1. Citation**

These Regulations may be cited as the Sugar (Imposition of Levy) (Revocation) Order.

**2. L.N. 385/2002**

The Sugar (Imposition of Levy) Order, 2002 (L.N. 385/2002) is revoked.

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**THE TEA (AD VALOREM LEVY) (REVOCATION) REGULATIONS**

ARRANGEMENT OF REGULATIONS

*Regulation*

1. Citation
  2. L.N. 8 of 2012
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**THE TEA (AD VALOREM LEVY) (REVOCATION) REGULATIONS**

[Legal Notice 104 of 2016]

**1. Citation**

These Regulations may be cited as the Tea (Ad Valorem Levy)(Revocation) Regulations, 2016.

**2. L.N. 8 of 2012**

The Tea (Ad Valorem Levy) Regulations, 2012, are revoked.

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**THE COFFEE (GENERAL) REGULATIONS**

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**THE COFFEE (GENERAL) REGULATIONS**

[Legal Notice 120 of 2016]

**1. Citation and commencement**

These regulations may be cited as the Coffee (General) Regulations and shall come into operation on such date as the Cabinet Secretary may, by notice in the *Gazette*, appoint.

**2. Interpretation**

In these Regulations, unless the context otherwise requires—

"Act" means the Crops Act (Cap. 318);

"agent" means a person appointed by a grower to carry out any functions licensed under these regulations on behalf of the grower;

"auction" means the system under which coffee is offered for sale at the Nairobi Coffee Exchange;

"Authority" means the Agriculture and Food Authority established under Section 3 of the Agriculture and Food Authority Act (Cap. 317);

"Board" means the Board of the Authority established under section 5 of the Agriculture and Food Authority Act (Cap. 317);

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for agriculture;

"certified coffees" means coffees produced under tenets of a recognized certification scheme bearing a certification mark;

"coffee" means the plant botanically known as *Coffea* species (L.) and includes the fruit, whether on the plant or detached therefrom, the seed in form of either *buni*, parchment coffee, clean coffee, roasted beans or ground coffee;

"coffee association" means a registered group comprised of coffee growers, either in co-operative societies or estates, coffee unions, coffee millers, traders, roasters, or companies, which has been registered by the Authority and given a registration certificate for purposes of these Regulations;

"coffee branding" means the identification of coffee by defined characteristics, a specific name or origin;

"coffee business" includes operating a coffee nursery, pulping, milling, warehousing, marketing, trading, roasting and packaging coffee;

"coffee certification" means a system that distinguishes a coffee product as being sustainably grown on the basis of economic viability, environmental conservation, social responsibility and ensures traceability;

"Coffee Directorate" means the directorate established in respect of coffee pursuant to section 11(4) of the Agriculture and Food Authority Act (Cap. 317);

"coffee estate" means any area of land or group of parcels of land not being less than two acres in size in aggregate under the same ownership on which coffee is grown, or land which has an average production of not less than twenty thousand kilogrammes of cherry per year over a period of three years;

"coffee miller" means a person licensed by the Authority in consultation with the respective county government to conduct the business of coffee milling;

"coffee milling" means mechanical hulling or de-husking of parchment or *buni* coffee and includes the polishing and grading of the clean coffee;

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[Subsidiary]

“coffee sales proceeds” means monetary consideration received in exchange for coffee purchased at the auction or through direct sales;

“coffee roaster” means the holder of a roaster’s license;

“coffee standards” means the Kenya Coffee Standards issued by the Kenya Bureau of Standards;

“coffee trader” means a person licensed to buy coffee at the Exchange or to import coffee;

“coffee warrant” means an instrument prepared by the Exchange of which the person named therein, or the last endorsee thereof, shall for all purposes be deemed to be the owner of the coffee to which it relates;

“coffee year” means a period of twelve months beginning on the 1st October of one year and ending on the 30th September of the following year;

“collateral manager” means an institution appointed by the Authority to take custody of coffee at a licensed warehouse;

“co-operative society” means a co-operative society registered under the Co-operative Societies Act;

“county government” shall have the meaning assigned to it under Article 176 of the Constitution of Kenya;

“dealing in coffee” means dealing with the crop within the meaning of the Act;

“direct sale” means a contractual arrangement between a grower and a buyer for the sale of clean coffee based on mutually accepted terms and conditions enforceable in law based on the indicative price as recommended by the Pricing Committee;

“Exchange” means the Nairobi Coffee Exchange or any other Exchange licensed by the Capital Markets Authority;

“grower” means any person who cultivates coffee in Kenya and is registered with the County Government and the Authority;

“grower miller” means a grower who mills parchment or *buni* from own holding and includes a co-operative society or union which mills its members’ coffee;

“inspector” means an inspector appointed by the Authority and includes a county agricultural officer designated by the Authority by notice in the *Gazette*;

“licensee” means a person licensed by the Authority;

“licensing authority” shall have the meaning assigned to it under the Act;

“manufacturing” means processing coffee by pulping, milling and roasting;

“out-turn number” means an identifying number issued by a miller in respect of coffee delivered to a mill;

“out-turn milling statement” means a statement prepared by a miller after the completion of the milling process;

“private miller” means a person who mills parchment or *buni* coffee from his or its own coffee estate;

“primary processing” means the process of removal of coffee pulp from cherry, fermentation, washing and drying to the standard moisture content to obtain parchment;

“prompt date” means a date specified in the sales catalogue, not being more than seven calendar days from the date of the sale, for the receipt of coffee sales proceeds by a broker from the trader;

“pulping station” means a coffee factory or place where coffee cherry is processed into parchment coffee;

“respective county government” means the government of the county within which the land where activities to which these regulations apply is situated;

“sales catalogue” means a standard document prescribed by the Authority and prepared by a miller for sale of clean coffee at the Exchange;

“settlement account” means an account by a grower in the central depository system operated by the Exchange into which all coffee sales proceeds are paid;

“sweepings” means the balance of coffee samples in the sample room not distributed as samples to the traders and spillages collected from millers' milling activities which are handed over to the brokers for sale, provided that the proceeds accruing shall be paid to growers on pro-rata basis;

“trading floor” means the physical space and all the facilities including; equipment, records and assets provided by or belonging to or in the use of the Exchange;

“warehouse” means a storage facility licensed by the Authority for the storage of coffee, and which is specifically designed to guarantee the quality and safety of the coffee;

“warehouseman” means any person who owns, leases or is in charge of a warehouse where coffee is handled and stored for reward or profit;

“warehousing receipt” means a certificate issued by a licensed coffee warehouseman in respect of coffee stored in a licensed warehouse for purposes of collateral.

### 3. Purpose of the Regulations

The purpose of these regulations is to provide for the regulation, promotion and development of the coffee industry in Kenya.

## PART II – FUNCTIONS OF THE AUTHORITY

### 4. Functions of the Authority

(1) The Authority shall in the performance of its functions under these Regulations act through the Coffee Directorate, which shall carry out such activities and do such other things as are necessary to promote, develop and regulate the coffee industry for the benefit of coffee growers and the coffee industry.

(2) In consultation with the respective county governments the Authority shall—

- (a) facilitate the issuance of coffee trade and manufacturing licenses;
- (b) co-ordinate training programmes for players in the coffee value chain;
- (c) enforce national regulations and quality standards in the coffee industry;
- (d) collect, collate and maintain information and data base on the coffee industry including current and future production, processing, marketing and consumption;
- (e) conduct market intelligence and promotion activities on Coffee both locally and internationally;
- (f) establish linkages with various government agencies including county government and private research institutions for the conduct of studies and researches designed to promote the production, marketing, processing and consumption of coffee;
- (g) develop and promote strategies and initiatives for value addition;
- (h) promote the application of the National Coffee Kenya Mark of Origin by local and international industry players;
- (i) recommend general industry guidelines for interaction between coffee farmers and manufacturers; and
- (j) promote the development of regional appellations for Kenyan coffee.

(3) The Authority shall develop a Coffee Industry Code of Practice for all holders of licences under these Regulations.

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[Subsidiary]

## PART III – REGISTRATION AND LICENSING

**5. Registration**

(1) Every coffee grower shall register with the County Governments and the Authority for purpose of data collection.

(2) A grower who joins a co-operative society or any other association or legal entity, shall notify the Authority through that co-operative Society or other entity;

(3) The Authority shall maintain up-to-date registers of all coffee co-operative societies, coffee associations, coffee estates and nursery operators.

**6. Application for a licence**

(1) Every person intending to engage in coffee business shall apply to the Authority or the County Government, as the case may be, using the respective application forms set out in the First Schedule, and shall be issued with the registration certificate or licence, as the case may be, in the corresponding forms set out in the same Schedule.

(2) Every coffee dealer shall produce the certificate or licence respectively issued under subregulation (1) upon request by an inspector at all reasonable times.

(3) The Authority shall maintain up-to-date records of all persons registered or licensed under this Regulation.

**7. Prohibition against operating without a licence**

(1) No person shall, for commercial purposes—

(a) buy, sell, pulp, mill, warehouse, export or otherwise deal in or transact any business in coffee unless he holds a current licence issued by the Authority or the respective County Government for that purpose;

(b) transport or be in possession of any coffee unless he is licensed to carry out any of the activities specified in paragraph (a) and holds a valid movement permit issued—

(i) in the case of parchment, by the licensing authority of the respective county; or

(ii) in the case of clean coffee, by the Authority;

Provided that—

(a) where a grower applies for a licence under paragraph (a) in respect of own coffee, such licence shall be issued by the Authority without undue delay; and

(b) paragraph (b) shall not apply to a grower moving own coffee between the farm and the pulping station.

(2) An application for a movement permit in respect of parchment shall contain evidence of the competitive sourcing of the miller or other service provider to whom the coffee is intended to be delivered.

**8. Issuance of Licences**

(1) The following certificates and licences shall be issued by the respective county government in consultation with the Authority—

(a) a coffee nursery certificate authorizing the holder to operate a coffee nursery; and

(b) a pulping station licence authorizing the holder to operate a pulping station who is a co-operative society, an association, a company or an estate grower.

(2) The following certificates and licences shall be issued by the Authority in consultation with the respective county governments—

(a) a coffee grower's milling licence authorizing the holder, being a co-operative society or other legal entity comprising growers, to pulp, mill, market or roast coffee;

- (b) a commercial miller's licence authorizing the holder to conduct the business of milling coffee at a fee.
- (3) The following licences shall be issued by the Authority—
- (a) a coffee roasters' licence authorizing the holder to conduct the business of roasting coffee for local sale or for export;
- (b) a warehouseman's licence authorizing the holder to conduct the business of warehousing coffee;
- (c) a coffee trader's licence authorizing the holder to buy clean coffee from the Exchange or import clean coffee from outside Kenya for processing in Kenya for sale locally or for export;
- (4) The licences issued under this Regulation shall be subject to such conditions as the issuing authority may prescribe.
- (5) A grower may enter into an agreement with other growers within the same county or region for purposes of accessing economies of scale in pulping, milling, warehousing, marketing or roasting coffee, and shall for that purpose—
- (a) apply for the necessary licences from the Authority; or
- (b) where the parties to the agreement already hold such licences, inform the Authority accordingly in writing.

### 9. Limitation of a coffee trader's licence

- (1) A holder of a coffee trader's licence or any other entity associated with such holder shall not be licensed as a commercial miller or warehouseman.
- (2) The Authority may revoke any licence which is found to be held in contravention of subregulation (1).

### 10. Conditions of licence

- (1) The issuance of the licences specified under these Regulations shall be subject to the applicants meeting the respective requirements for such issuance set out in Part A of the Second Schedule and payment of the applicable fees as specified in Part B of the same Schedule.
- (2) The Authority shall not issue a licence under these Regulations unless the person meets the conditions for licensing.
- (3) All licensees shall specify the premises upon which the business specified in the license shall be conducted.
- (4) Every licensed person shall comply with the Coffee Industry Code of Practice.
- (5) Every licensee shall submit a letter of undertaking to remit returns to the Authority.
- (6) A license holder who contravenes the terms and conditions of the licence shall be liable to have his licence suspended or revoked.

### 11. Licensing procedure

- (1) The Authority may, after inspection and evaluation of an application received under these Regulations, grant the licence applied for or reject the application.
- (2) Where an application is rejected, the Authority shall notify the applicant accordingly, giving reasons for the rejection and pointing out the reasons leading thereto within fourteen days after the date of the decision of the Authority.
- (3) The applicant may resubmit an application following such rejection after addressing the issues raised in the notification from the Authority.
- (4) Where an application is rejected after resubmission under subregulation (3), the applicant may appeal to the Cabinet Secretary within thirty days after notification of the rejection by the Authority.
- (5) The Authority shall process the licences for successful applicants in accordance with the provisions of the Act.

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[Subsidiary]

## 12. Duration of licences

Licences issued by the Authority shall expire on the 30th June of every year and license holders wishing for renewal thereof may apply by 1st June preceding the expiry of the license.

## 13. Movement permits

(1) The movement of coffee shall be managed through the issuance of movement permits by the licensing authority of the respective county, provided that no movement permit shall be issued under these Regulations to any person other than a licensee, and the licensee shall not alter the particulars entered thereon.

(2) No person shall move coffee or cause any coffee to be moved without an original movement permit issued by the Authority in accordance with subregulation (1).

(3) Duplicate copies or photocopies of the original movement permit shall not be used for coffee movement.

(4) Any vessel used for coffee transportation shall conform to Kenya Coffee Standards.

(5) The movement permit for parchment from a pulping station operated by a Co-operative Society shall authorize such transportation to millers within the county or the next nearest miller in the interest of saving on costs.

(6) The licensing authority shall monitor the movement of parchment coffee between stores and the movement of clean coffee and hulled *buni* to the market in order to ensure that the coffee is safe and to avoid any illegal coffee dealings.

(7) Any person who moves coffee contrary to this Regulation commits an offence.

## 14. Obligations of licensees

(1) Licensees under these Regulations shall observe the obligations set out in the Third Schedule.

(2) The obligations set out in the Third Schedule shall be implied in every contract between a grower and a grower's agent.

### PART IV – COFFEE PRODUCTION AND PROCESSING

## 15. Notification after planting or uprooting coffee

(1) Every grower who plants or uproots coffee shall, within six months after doing so, notify the Authority or county government in writing of the area of coffee planted or uprooted for purposes of record.

(2) Every grower who is a member of a co-operative society and who plants or uproots coffee shall, within three months of doing so, notify the co-operative society in writing of the area and number of trees planted or uprooted for purposes of record.

(3) The co-operative society to which a report is made under subregulation (2) shall notify the Authority accordingly in every year after registering such details from the grower.

## 16. Notification after change of details of farm or estate

Any grower who changes the details of his farm or estate as registered with the Authority, whether on a subdivision of the estate or otherwise, shall report such changes to the Authority for purposes of record.

## 17. Coffee Production and processing standards

The Cabinet Secretary shall develop a coffee industry policy which shall articulate coffee production, processing and marketing practices towards adoption of modern coffee production and processing technology.

## 18. Certification of Coffee

(1) The Authority shall promote coffee certification schemes for Kenyan coffee.

(2) The certification schemes operating within the coffee industry shall be registered with the Authority.

(3) Certified coffee shall be identified and labelled according to the respective certification schemes for traceability.

(4) Coffee growers and millers may seek certification to ensure quality of service and market confidence.

(5) Certified coffees shall be declared by the miller in the sales catalogues and sold in accordance with Guidelines for the Sale of Certified Coffees as provided by the Exchange.

(6) The standard coffee grades shall be as provided in the Fourth Schedule.

### **19. Prohibition in issuance of coffee seeds or seedlings**

(1) No person, other than the Kenya Agricultural Livestock and Research Organization or its authorized agents operating laboratories or tissue culture units under their supervision, shall issue certified coffee seeds or seedlings for multiplication in any coffee nursery for distribution to any other grower or for export.

(2) No person shall establish or operate a coffee nursery unless the person is registered with the respective county in consultation with the Authority.

(3) A person shall not be issued with a certificate of registration for a nursery, unless an inspector—

- (a) visits and inspects the site and is satisfied that the site is suitable for establishment of a nursery; and
- (b) is satisfied that the nursery operator or their agents have adequate knowledge of nursery management and production techniques.

### **20. Requirements relating to coffee milling**

(1) The milling of coffee may be carried out by—

- (a) a coffee grower or grower's co-operative society, under a coffee grower's milling licence, or
- (b) a commercial miller under a commercial miller's licence.

(2) Coffee milling shall only be conducted at premises that are specified as such in the register maintained by the Authority.

(3) A miller shall ensure that the grower or grower's representative is notified and is present during the milling process.

(4) A commercial coffee miller shall take out insurance cover against fire, theft and other risks for all coffee delivered for milling and for milled coffee which has not yet been handed over for marketing.

(5) Every miller shall account for mill spillage or sweepings and all other coffee by-products to the Authority and the growers at such intervals and in such format as may be prescribed by the Authority.

(6) The Authority shall from time to time prescribe the maximum proportion of milling losses allowable per parchment type and publicize the information in such a manner as to be easily accessible to the grower.

(7) A grower who mills his own coffee shall ensure production and delivery records are submitted to the Authority in form C3 set out in the First Schedule.

(8) For purposes of direct sales, a miller shall categorize and bulk coffee to meet specific market requirements as instructed by the grower and in the best interest of the grower.

## **PART V – COFFEE TRADE AND MARKETING**

### **21. Coffee marketing**

(1) Kenya Coffee shall be traded through—

- (a) auction at the Exchange; and

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[Subsidiary]

- (b) direct sales:

Provided that—

- (a) the prices offered at the direct sales shall bear a favourable comparison to those offered by the Exchange; and
- (b) the Exchange shall set aside one day in every fortnight for the trading of coffee by local traders.

(2) The Authority shall set up a Pricing Committee comprising of seven members drawn from the National and county governments and the Exchange to propose indicative coffee prices based on the prices prevailing at the Exchange and in the international market and on the quality of coffee from the various coffee growing regions in the country.

## **22. Coffee sales**

(1) A coffee estate, co-operative society or other association may undertake direct sales of clean coffee from a licensed coffee warehouse and shall notify the Authority accordingly.

(2) The notification under subregulation (1) shall contain the details of the contract of sale.

(3) Direct sales shall be conducted in accordance with guidelines issued by the Authority.

(4) The proceeds of the sale of coffee by auction or by direct sales shall be deposited in a central depository unit established by the Exchange in consultation with the Authority and which shall operate in accordance with the trading rules of the Exchange.

## **23. Sales Catalogue**

(1) Millers shall prepare a sales catalogue in consultation with the Exchange and growers for all the coffee transferred to a warehouse in accordance with the trading rules referred to in Regulation 22(4).

(2) A sales catalogue shall contain the particulars set out in the Fifth Schedule.

## **24. Coffee promotions**

(1) The Authority shall co-ordinate coffee stakeholders, including growers and marketers, for the holding of international events for the promotion of Kenyan coffee in the international arena.

(2) Respective county governments may mobilize growers for centralized coffee marketing in the overseas markets and conduct promotional activities both locally and internationally within the established legal framework.

## **25. Coffee warehousing in designated warehouses**

(1) All coffee shall be stored in warehouses duly licensed by the Authority in consultation with the county governments.

(2) No premises shall be designated as a coffee warehouse by the Authority unless the premises are inspected, approved, and registered as such.

(3) A licensed warehouse shall conform to the standards issued by the Kenya Bureau of Standards and shall be duly certified by a public health officer.

(4) The Authority shall cause warehouses and warehousing activities to be inspected on a regular basis.

(5) No warehouseman shall have a lien of any nature over coffee whether in his possession or not.

(6) Every warehouseman shall insure all coffee in his warehouse or under his custody against fire, theft and other insurable risk.

(7) No coffee shall be removed from a warehouse without a coffee warrant issued by the Exchange and registered with the warehouseman.

(8) A person who operates a warehouse in contravention of this Regulation commits an offence.



**26. Export and import of coffee**

(1) No person shall export coffee or cause any coffee to be exported unless a phytosanitary certificate of inspection is presented to the Commissioner of Customs and Excise along with a certificate of origin or a certificate of re-export, as the case may be, relating to such coffee.

(2) No coffee grown outside Kenya shall be entered into Kenya in transit for export unless accompanied by a certificate of origin.

(3) No coffee imported into Kenya shall be re-exported in any condition or quantity other than that in which it was imported into Kenya except with a certificate of re-export.

(4) A certificate of origin for coffee produced outside Kenya shall be valid only if issued by the certifying agency of the relevant country and endorsed and completed by the relevant government agency of that country.

(5) A certificate of origin for coffee grown in Kenya, and any certificate of re-export for coffee grown outside Kenya but re-exported from Kenya, shall be issued only by the Authority.

(6) The Authority shall authorize and monitor the importation of coffee into Kenya.

**27. Prohibition against misrepresentation of blended coffee**

(1) A person who blends any or various grades of coffee produced in Kenya with any other coffees produced outside Kenya shall not represent such coffee as coffee having its origin in Kenya.

(2) Any person who contravenes the provisions of this regulation commits an offence.

**28. Coffee Warrant**

(1) A warehouseman shall, after every sale of coffee and upon confirmation of payment, issue to the purchaser a coffee warrant in such form, and containing such details of the coffee purchased, as the Authority may prescribe.

(2) No person shall alter any certificate of origin, certificate of inspection or certificate of re-export, coffee warrant, warehouse receipt or other document prepared for purposes of these regulations.

**29. Exemption**

Nothing in these regulations shall apply to the export or dispatch of any coffee when the coffee concerned—

- (a) consists only of a sample or a parcel not exceeding twenty kilogrammes in weight; or
- (b) is for consumption on ships, aeroplanes or other international carriers.

**30. Activities of the Authority**

The Authority shall carry out activities for purposes of—

- (a) advertising the merits of Kenyan coffee and increasing its sale to expand existing markets and entering new markets and matters incidental thereto;
- (b) promotions, exhibitions and trade fairs for the display of the Kenya coffee in the domestic and international markets;
- (c) collection and dissemination of statistics and other information relating to Kenya coffee and its production, distribution and consumption;
- (d) regulation and compliance activities;
- (e) promotion of product diversification and value addition; and
- (f) any other lawful purpose for the development of the coffee sub-sector.

## PART VI – QUALITY ASSURANCE

**31. Quality Assurance for Coffee Industry**

(1) The Authority shall establish and enforce standards in grading, sampling and inspections, tests and analysis, specifications, units of measurement, code of practice and packaging, preservation, conservation and environmental sustainability and transportation of coffee.

(2) The Authority shall develop a training curriculum and conduct examinations for coffee liquorers in consultation with industry stakeholders.

(3) Liquoring certificates shall be issued by the Authority to persons who pass the liquoring examinations in accordance with these regulations.

(4) Any qualified person intending to offer liquoring services shall apply to the Authority for certification.

(5) The Authority shall develop guidelines for the establishment of independent cupping centers at the counties for the purpose of coffee quality analysis and maintenance.

(6) Coffee quality analysis at the cupping centers shall be carried out only by certified liquorers.

(7) Quality Assurance officers from the Authority may whenever the need arises, carry out assessments on coffee quality maintenance at any premises that handles coffee, along all stages of the value chain.

(8) The Authority shall demand evidence of engagement of a registered coffee liquorer by a miller or trader licensed under these regulations.

**32. Appointment of inspectors**

(1) The Authority may appoint inspectors to conduct independent inspection of a grower's farm, a mill warehouse or the premises of a coffee trader to ascertain whether the requirements of the Act and these regulations are being complied with.

(2) In carrying out an inspection under subregulation (1) the inspectors shall—

- (a) monitor activities along the value chain of coffee to ensure compliance with set regulations and standards;
- (b) undertake inspections to ensure compliance with these regulations;
- (c) ensure that all people dealing with coffee adhere to the conditions of registration and licensing set out in the Second Schedule.

(3) An inspector shall work in collaboration with the County executive committee member for agriculture of the respective county in the discharge of functions under this regulation.

(4) A grower, miller, warehouseman or trader shall afford the inspector full and free access and all necessary assistance to any such inspector during the inspection.

(5) No coffee grower, miller, agent, trader, or warehouseman or their agents shall deny entry to an inspector acting in the course of that inspector's duty or obstruct an inspector from making an entry or conducting an inspection of a mill or other premises.

**33. Prohibition against removal of labels, seals, etc.**

No agent or person employed by an agent shall, otherwise than with express written authority of a grower, remove labels or seals or open technically sewn or closed packets of coffee unless for the purpose of inspection to determine their validity and genuineness or with other reasonable cause.

**34. Surveillance**

The Authority shall conduct periodic surveillance within coffee-growing counties and among millers, processing plants, warehousing facilities, retail outlets, export points, and exporters' premises to assess the degree of compliance with the coffee industry policy, standards, code of practice and the general well being of the coffee industry.

## PART VII – GENERAL PROVISIONS

**35. Arbitration**

Where any dispute arises between any two or more persons licensed or registered under these Regulations, the dispute may be resolved through arbitration or relevant rules made by the Cabinet Secretary.

**36. General penalty**

(1) A person who contravenes any provisions of these Regulations commits an offence.

(2) A person who commits an offence under these Rules for which no other penalty is provided shall be liable to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding one year or both.

**37. Revocation**

The Coffee (General) Rules 2002 are revoked.

**38. Transitional**

(1) Notwithstanding Regulation 37—

- (a) all licenses for coffee business existing before the coming into operation of these regulations shall remain valid until their expiry, and shall thereafter be renewed under these Regulations;
- (b) all marketing agent and dealers' licences in force immediately before the operationalization of these Regulations shall remain valid until the 30th September, 2016.
- (c) any person who immediately before the coming into operation of these regulations was an agent for a grower may upon such operationalization apply to the Authority for licensing under these Regulations ;

(2) The Authority shall within a period of ninety days after the operationalization of these Regulations put in place a mechanism for the discharge of all liabilities attaching to or in respect of any of the institutions concerned with the growing, milling or marketing of coffee immediately before the operationalization.

## FIRST SCHEDULE

[r. 6]

## FORMS

**FORM A1****APPLICATION FOR REGISTRATION OF A COFFEE NURSERY****(1) Personal Information**

Name of Applicant (new /renewal): .....

(Attach National ID)

Sub county: ..... Location .....

Location: ..... Division .....

Land Registration No/Plot No. ....

(Attach copy of Title deed, lease agreement or other supporting document.)

Contact Details:

Postal Address .....

Email .....

[Subsidiary]

Telephone:

**(2) Nursery Information**

Where the applicant is a company or co-operative society, supply the County with:

- (a) A certified copy of certificate of incorporation/registration;
- (b) A certified copy of memorandum and articles of association/ constitution/by laws;
- (c) Names and address of Directors;
  - (i) .....
  - (ii) .....
  - (iii) .....
  - (iv) .....

**(3) Nursery Category (tick as appropriate)**

- (a) Commercial #
- (b) Private #

**CONDITIONS:**

The registration requirements shall be as provided in these Regulations.

Date: ..... Signed: .....

- (a) County Inspector Comments
 

.....

.....
- (b) AFFA County Officer Comments:
 

.....

.....

**(5) Nursery Certificate Approval**

**FOR OFFICIAL USE**

Approved/Not

Approved .....

**The County Executive Member in Charge of Agriculture**

Signature ..... Date .....

Stamp:

*(To be filled in duplicate and copy sent to AFFA)*

**FORM A2**

**NURSERY REGISTRATION CERTIFICATE**

- Valid from ..... to .....
- Name of Certificate holder: .....
- Postal Address: .....
- Email: .....
- Telephone: .....
- Location: ..... Sub-location. ....
- Village/Road: ..... Division .....
- County .....
- L.R. No. or Plot No: .....

Crops

[Subsidiary]

Nursery Code: .....

Nursery Category (tick as appropriate)

(a) Commercial # (b) Private #

Is hereby registered to operate coffee nursery on the above L.R. No/Plot no. in the above (county)

Terms and conditions

1. Nursery operators shall maintain records of source of seed, amount of allocated seed, seedlings raised and seedlings bought.
2. Nursery operators shall remit returns to the County on a quarterly basis
3. The source of seed shall be only the Coffee Research Institute or its authorized agents.

**FOR OFFICIAL USE**

Approved/Not

Approved .....

**The County Executive Member in Charge of Agriculture**

Signature ..... Date .....

Stamp:

(To be filled in duplicate and copy sent to AFFA)

**FORM A3**

**COFFEE NURSERIES RETURNS**

1. Name of Nursery/Owner: .....
2. Address: Postal ..... Postal Code ..... Email .....
3. Telephone: .....
4. Location: ..... Sub-location ..... Village/Road .....
5. Division: ..... County .....
6. L.R. No. or Plot No: .....
7. Nursery Code .....
8. Period of returns from ..... to .....
9. Source of planting materials (seed /seedlings/ cuttings) .....

**Seedling Stock**

Variety	Balance B/f from previous quarter.	Amount of planting material allocated	No. of seedlings raised	Total seedlings available
---------	------------------------------------	---------------------------------------	-------------------------	---------------------------

Ruiru 11  
 Batian  
 Traditional  
 (Specify)  
 Others  
 Total

**Seedlings Sales**

No.	Date	Name of Buyer	ID No	Receipt No. Issued	No of Seedlings Sold	Total
					Ruiru Batian Tradition@thers	

[Subsidiary]

II

- 1
- 2
- 3
- 4
- 5

Total

Prepared by:

Name: ..... Designation: .....

Signature: ..... Date: .....

Stamp: .....

(To be filled in duplicate and copy sent to AFFA)

**FORM B1**

**APPLICATION FOR PULPING STATION LICENCE**

- 1. Name of Applicant: ..... (Individual/organization)
- 2. Postal Address: ..... Postal Code.....  
E-mail ..... Telephone:.....
- 3. Location ..... Sub-Location:.....  
Village/Road .....  
County: .....  
Proposed Name of farm (where applicable): .....
- 4. L.R. No. ....  
(Attach copy Title Deed/Lease Agreement/Other supporting document).
- 5. Registration Certificate of a co-operative: society/Company.....
- 6. (Attach certified Copy) Application is made for permission to erect/operate a factory for the pulping of coffee in accordance with the particulars given above, which are hereby certified to be correct by the applicant(s):-  
Name ..... Signed ..... Date .....  
Name ..... Signed ..... Date .....  
Name ..... Signed ..... Date .....
- 7. Land under mature coffee ..... No of Trees ..... variety .....
- 8. Production for immediate past three years  
**Year** ..... **Production (kg)** .....
- 9. Source of water .....  
[Attach Clearance by water department, where applicable]
- 10. County Inspector Comments:  
.....  
.....  
(b) AFFA County Officer Comments:  
.....  
.....

**FOR OFFICIAL USE**

Approved/Not

Approved .....

**The County Executive Member in Charge of Agriculture**

Signature ..... Date .....

Stamp:

*(To be filled in duplicate and copy sent to AFFA)*

**FORM B2**

**PULPING STATION LICENCE**

Valid from ..... To .....

1. Name..... Grower's Code .....

2. Contacts:

Postal Address .....

E-mail .....

Telephone: .....

3. Location:

Sub County: Division: .....

Location: ..... Sub location .....

Village/Road: .....

Proposed Name of farm (where applicable): .....

Is/are hereby authorized to operate a factory for the pulping of cherry

*Subject to the terms and conditions:*

- 1. This licence shall be only for pulping own coffee.
- 2. The County may cancel, vary or suspend the license issued to any person if such person fails to comply with terms and conditions of the licence.
- 3. The pulping stations shall submit their pulping returns to the County on biannual basis
- 4. A pulping licence may be suspended where the licensee, without any good reason acceptable to the County, continues to default in submitting return

**FOR OFFICIAL USE**

Approved/Not

Approved .....

**The County Executive Member in Charge of Agriculture**

Signature ..... Date .....

Stamp:

*(To be issued in duplicate and copy sent to AFFA)*

**FORM C1**

**AGRICULTURE AND FOOD AUTHORITY  
APPLICATION FOR COFFEE MILLING LICENCE**

Tick as appropriate:

**Grower-miller;**

**Commercial-miller**

[Subsidiary]

1. Name of applicant (new/renewal-delete as appropriate) .....
2. Postal Address: ..... Postal Code.....
3. E-mail ..... Telephone Number: .....
4. Location ..... Sub location ..... village/road .....
5. Division ..... County .....
6. L.R. No. /Plot No. ....
7. Milling capacity:—
  - a) Parchment ..... tonnes per hour
  - b) Buni ..... tonnes per hour
8. License category (tick as appropriate)—
 

Estate #	Co-operative Society #	
Other #		

Application is here made for authority to erect/operate a coffee milling plant; particulars given are hereby certified to be correct:

9. Catchment Area:.....
- Applicant Signature .....
- Date .....

**FORM C2**

**AGRICULTURE AND FOOD AUTHORITY  
MILLING LICENCE**

**Tick as appropriate:**

**Grower-miller;**

**Commercial-miller**

License No. .... Authority's Code .....

Valid from ..... to .....

Name .....

Address: postal ..... Postal Code .....

Email ..... Telephone number .....

Location ..... Sub location ..... village/road.....

Division ..... County.....

L.R.No./Plot ..... Location .....

Is/are hereby authorized to

- (a) erect/operate a coffee milling plant ..... L.R. No. /Plot No. ....
- (b) to pulp and mill coffee;
- (c) to market and roast coffee.

Signature ..... Date .....

**Agriculture, and Food Authority**

**Subject to Terms and Conditions overleaf:**



Crops

[Subsidiary]

1. The Authority may vary, suspend or cancel the milling license issued if the holder fails to abide with the terms and conditions of the license.
2. The millers shall submit their milling returns to the Authority on a monthly basis.
3. A milling license may be suspended where a licensee, without any good reason acceptable to the Authority, continues to default in submitting returns.

(To be filled in duplicate and copy sent to respective County Governments)

**FORM C4**  
**AGRICULTURE AND FOOD AUTHORITY**  
**MILLER'S MONTHLY RETURNS**

Category (Commercial/Grower Mill) .....

Miller's Name .....

Authority's Code ..... License No. ....

P.O Box ..... Physical Address .....

Telephone ..... Email .....

Crop year ..... Month .....

Grower Name	CBK Code	Out/ Turn	Parchment (Kg)				CLEAN COFFEE										Buni									
			P 1	P 2	P 3	T/ P	A A	A B	P B	E	C	T	T	S B	U G	Total cc	Milling loss	M H	M L	Total Clean Buni	Milling loss					
Totals																										

Monthly Sweepings in Kg .....

Milling Charges per Tonne .....

Transport charges .....

Colour Sorting per Tonne .....

Handling charges per bag .....

Other charges (Specify .....

Name: ..... Designation: .....

Signature: ..... Date: .....

Stamp

**FORM D1**

[Subsidiary]

**APPLICATION FOR A COFFEE TRADER'S LICENCE**

1. Name of Applicant (Grower/Commercial) (new/renewal-delete as appropriate)

.....

2. Address ..... Postal Code.....

3. Registered address..... Building.....

Street .....

Town/City ..... L.R. No. ....

4. Date of Incorporation .....

5. Registration No.....

6. Name of Company.....

7. Physical Address.....

8. Location of the principal office .....

Address.....

Telephone.....

Fax..... E-mail.....

9. Details of the capital structure

(a) Nominal capital KSh. ....

(b) Paid up capital KSh. ....

10. Full names, addresses and occupations of the directors:

	<b>Name:</b>	<b>Address:</b>	<b>Occupation:</b>
--	--------------	-----------------	--------------------

- |    |       |       |       |
|----|-------|-------|-------|
| 1. | ..... | ..... | ..... |
| 2. | ..... | ..... | ..... |
| 3. | ..... | ..... | ..... |
| 4. | ..... | ..... | ..... |

11. Branch Office(s) if any

Address: .....

Building ..... Street .....

Town/City ..... L.R. No. ....

Telephone .....

Fax .....

E-mail .....

12. Name, Address and Telephone of the Chief Executive:

Name: .....

Physical Address .....

Telephone: .....

Postal Address: .....

Professional Qualifications: .....

Experience: .....

13. I/We certify that we have read and understood the coffee, Regulations currently in force and I/We also understand that the licence and registration certificate granted on this

application may be cancelled and penalties and punishment may be imposed on each of us if any document or statement submitted by us in the course of this application is false or materially misleading.

Date .....  
Name of Director ..... Signature .....  
Name of Director ..... Signature .....  
Name of Secretary ..... Signature .....

14. Additional registration requirements shall be as per the fourth schedule of these forms.  
(To be filled in duplicate and copy sent to respective County Governments)

**FORM D2**

**AGRICULTURE AND FOOD AUTHORITY  
COFFEE TRADER'S LICENCE**

License No. .... Authority's Code .....  
Valid from ..... to .....  
Name .....  
Address: postal..... Postal Code .....  
Email..... Telephone number .....  
Location..... Sub location ..... village/road.....  
Division..... County.....  
L.R.No./Plot..... Location.....

**FORM E1**

**APPLICATION FOR A COFFEE ROASTER'S LICENCE**

- 1. Name of Applicant  
a. ....
- 2. Address ..... Postal Code.....
- 3. Registered address..... Building.....  
a. Street.....  
b. Town/City..... L.R. No. ....
- 4. Date of Incorporation (fill 4-10 if applicable, if not write N/A)
- 5. Registration No.....
- 6. Name of Company.....
- 7. Physical Address.....
- 8. Location of the principal office .....  
a. Address.....  
b. Telephone.....  
c. Fax..... E-mail.....
- 9. Details of the capital structure

[Subsidiary]

- (a) Nominal capital KSh.....
- (b) Paid up capital KSh.....

10. Full names, addresses and occupations of the directors:

	<b>Name:</b>	<b>Address:</b>	<b>Occupation:</b>
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....
4.	.....	.....	.....

11. Branch Office(s) if any

- a. Address:.....
- b. Building..... Street.....
- c. Town/City..... L.R. No.....
- d. Telephone.....
- e. Fax.....
- f. E-mail.....

12. Name, Address and Telephone of the owner/Chief Executive:

- a. Name:.....
- b. Physical Address.....
- c. Telephone:.....
- d. Postal Address:.....
- e. Professional Qualifications:.....
- f. Experience:.....

13. I/We certify that we have read and understood the Coffee, (General) 2013 Regulations currently in force and I/We also understand that the license and registration certificate granted on this application may be cancelled and penalties and punishment may be imposed on each of us if any document or statement submitted by us in the course of this application is false or materially misleading.

- a. Date.....
- b. Name of Director..... Signature.....
- c. Name of Director..... Signature.....
- d. Name of Secretary..... Signature.....

14. Additional registration requirements shall be as per the fourth schedule of these forms.

*(To be filled in duplicate and copy sent to respective County Governments)*

**FORM E2**

**AGRICULTURE AND FOOD AUTHORITY  
COFFEE ROASTER'S LICENCE**

License No..... Authority's Code .....

Valid from..... to.....

Name.....

Address: postal..... Postal Code.....

Email..... Telephone number.....  
 Location..... Sub location ..... village/road.....  
 Division..... County.....  
 L.R.No./Plot..... Location.....

**FORM F1**

**AGRICULTURE AND FOOD AUTHORITY  
 APPLICATION FOR A WAREHOUSEMAN'S LICENCE**

1. Name of Applicant (new/renewal-delete as appropriate).....
2. Postal Address ..... Postal Code.....
3. Registered Office..... Building..... Street.....  
 Town/City..... L.R. No.....
4. Date of Incorporation.....
5. Registration No.....
6. Name of Company.....
7. Physical Address.....
8. Location of the principal office .....  
 Address.....  
 Telephone.....  
 Fax..... E-mail.....
9. Details of the capital structure
  - (i) Nominal capital KSh.....
  - (ii) Paid up capital KSh.....
10. Full names, addresses and occupations of the directors:
 

	<i>Name</i>	<i>Address</i>	<i>Occupation</i>
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....
11. Branch Office(s) if any  
 Address:.....  
 Building..... Street.....  
 Town/City..... L.R. No.....  
 Tel:..... Fax:.....  
 E-mail.....
12. I/We hereby apply for a license as a Coffee Warehouseman and to carry on a business of Coffee Warehouseman  
 Date:.....  
 Name of Director..... Signature.....  
 Name of Director..... Signature.....  
 Name of Secretary..... Signature.....

[Subsidiary]

13. I/We certify that we have read and understood the Coffee regulations currently in force and understand that the license granted on this application may be cancelled and penalties and punishment may be imposed on each of us if any document or statement submitted by us in the course of this application is false or materially misleading. I/We also certify that the information given above is correct.

Date.....  
Name of Director..... Signature.....  
Name of Director..... Signature.....  
Name of Secretary..... Signature.....

14. Additional registration requirements shall be as per the fourth schedule of this form.

**FORM F2  
AGRICULTURE AND FOOD AUTHORITY  
WAREHOUSEMAN'S LICENCE**

Authority's Code:.....

THIS LICENCE is granted to..... of P.O. Box..... and authorizes the said..... to conduct the business of a Coffee warehouseman in the Republic of Kenya for a period of one (1) year from the..... day of..... to..... day of ..... (both days inclusive).

THIS LICENCE is issued subject to the maintenance of the requirements for approval and the provisions of the Coffee (General) Regulations currently in force and the Rules made thereunder and to such conditions as are stipulated herein.

Warehouses, whether owned or rented, used for storage of clean coffee or hulled *buni* shall comply with international standards for clean coffee warehousing.

THIS LICENCE is not transferable.

ISSUED at Nairobi this..... day of..... 20.....

Signed.....

*Agriculture and Food  
Authority*

Subject to terms and conditions set out hereunder:

- 1. A warehouseman shall not engage in any business that is contrary to the provisions of the Coffee Regulations.
- 2. A warehouseman shall maintain a record of all transactions undertaken and avail them to an authorized officer of the Authority or any other appointed authority upon request.

SECOND SCHEDULE

[r. 10(1).]

REQUIREMENTS AND FEES

**A- LICENSING REQUIREMENTS**

**(a) Nursery Certificate**

- 1. Individual National ID/Passport No and PIN
- 2. Suitable land site for establishment of a nursery
- 3. Reliable source of clean water

4. Accessibility of nursery site for inspection and materials transportation
5. Any other requirements that may be prescribed by the Authority from time to time

**In addition, where the applicant is a company/society**

- (i) A certified copy of certificate of incorporation/registration (in the case of companies or societies)
- (ii) A certified copy of memorandum and articles of association
- (iii) Names of directors/officials

**(b) A Pulping station Licence**

1. Applicants personal details and contacts.
2. Individual National ID/Passport No. and PIN.
3. Copy of title deed or certificate of leasehold of a duration of lease of not less than six years as proof of ownership or proprietorship and a current certificate of search or other supporting documents.
4. A minimum of 2 acres of coffee or 20,000kgs of cherry on a average of three years.
5. Any other requirements that may be prescribed by the Authority from time to time.

**(c) Grower Miller's Licence**

1. Applicants personal details and contacts.
2. Individual National ID No.
3. Where the applicant is a corporation, a certified copy of certificate of incorporation.
4. A certified copy of memorandum and articles of association (if No. 3 applies).
5. A paid-up share capital of not less than Ksh. 100,000.
6. Names of company directors, individual National ID/ Passport No and Pin Numbers.
7. Milling facilities.
8. Compliance with statutory requirements, including but not limited to, NEMA certificate Safety and Occupational Health Certificate and County Business Permit.
9. A certified copy of a comprehensive insurance cover from a reputable firm proportionate to volume of coffee handled as per insurance valuation.
10. Proof of engaging services of a coffee liquorer registered by the Authority.
11. Lease or establishment of a Coffee Mill upon approval by the Authority.
12. Any other requirements that may be prescribed by the Authority from time to time.

**(d) A commercial coffee miller's licence**

Same requirements as grower/miller' s licence.

**In addition, the holder shall present a Tax compliance certificate from the Kenya Revenue Authority.**

**(e) Roaster's License**

1. Applicants personal details and contacts.
2. Individual National ID/Passport No.
3. If applicant is a company–
  - (a) A certified copy of certificate of incorporation
  - (b) A certified copy of memorandum and articles of association
  - (c) A paid up share capital of not less than KSh.100,000/=

[Subsidiary]

- (d) Names of company directors, individual National ID/Passport No, Pin Numbers

4. Tax compliance certificate from Kenya Revenue Authority (KRA) for the Company.

**5. If applicant is a registered business–**

- (a) Certificate of Registration
- (b) Particulars of the proprietors - individual National ID/Passport No, Pin Numbers
- (c) Compliance with statutory requirements, including but not limited to, NEMA certificate (where applicable) Safety and Occupational Health Certificate (where applicable) and Business Permit
- (d) Any other requirements that may be prescribed by the Authority from time to time

**(f) Coffee Trader's Licence**

1. A certified copy of certificate of incorporation
2. A certified copy of memorandum and articles of association
3. A paid up share capital of not less than Kshs 300,000/=
4. Names of company directors, individual National ID/Passport No, Pin Numbers
5. Names and addresses of two business referees
7. Tax compliance certificate from Kenya Revenue Authority (KRA) for the Company
8. Clearance letter from the Nairobi Coffee Exchange (NCE) in the case of renewals
9. Compliance with Statutory requirements, including but not limited to, NEMA certificate (where applicable) Safety & Occupational Health Certificate (where applicable) and local Authority Business Permit
10. A valid performance bond of Kshs.500,000/= in favour of the Directorate
11. Proof of engaging the services of a coffee liquorer registered by the Directorate
13. Undertaking to furnish the Directorate with monthly returns
14. Any other requirements that may be prescribed by the Authority from time to time
15. If applicant is a registered business, the certificate of registration and particulars of the proprietors.

**(h) Warehouseman's Licence**

1. A certified copy of certificate of incorporation
2. A certified copy of memorandum and articles of association
3. A paid up share capital of not less than Kshs 300,000/=
4. Names of company directors, individual National ID/Passport No, Pin Numbers
5. Names and addresses of two business referees
7. Names of company directors, individual National ID, Passport No. Pin Numbers
8. Tax compliance certificate from Kenya Revenue Authority (KRA) for the Company
9. Clearance Certificate by respective county governments
10. Compliance with Statutory requirements, including but not limited to, NEMA certificate Safety and Occupational Health Certificate and Local Authority Business Permit.
11. A certified copy of a comprehensive insurance cover from a reputable firm proportionate to volume of coffee handled as per insurance valuation



12. Compliance with minimum specifications as required by Kenya Bureau of Standards
13. Undertaking to furnish the Authority with monthly stock returns
14. Any other requirements that may be prescribed by the Authority from time to time

#### **B – Certificate and Licence Fees**

The following license fees shall apply for the respective certificates and licenses:-

<b>Category</b>	<b>AFA Amount (KSh.) US\$</b>
Application Forms	KSh. 1.000
Registration Certificate	KSh. -----
Nursery Certificate	KSh. 1.000
Pulpine Station license	KSh. 1.000
Grower's milline Marketing license	KSh. 20,000
Commercial Coffee Millers license	US\$ 1,000
Roaster's License	KSh. 7,500
Coffee Commercial Warehouse License	US\$ 1,000
Trader	USD 500
Clean coffee movement permit	USD 1
Mobile Huller	KSh. 10,000

*NB The fees specified herein shall be paid to the Authority and shared with the County governments in accordance with agreements negotiated by the two levels.*

---

### THIRD SCHEDULE

[r. 14]

#### OBLIGATION OF LICENSEES

The following are the operating standards and obligations which shall be binding upon the holders of the licence respectively specified (hereinafter referred to as "Licensee").

The contracts referred to in this Schedule shall contain all relevant information and shall expressly state all tariffs and charges payable thereunder.

The cost of the service shall not exceed 15% of the net earnings from the coffee sales and the same shall be stated in the agreement at the beginning of each year and the amount shall be paid by the growers upon receipt of payment for the coffee.

#### **A. Pulping Station Licence**

1. Where a licensee pulps coffee other than that from own estate, there shall be a service contract between the parties, and the licensee shall be deemed to be the agent of the grower and shall act in the best interests of the grower.
2. The licensee shall perform sorting and density grading of cherry immediately upon receipt.
3. The licensee shall weigh the grower's cherry using a credible weighing system, maintain an accurate record of the same and give an original receipt thereof to the grower immediately.
4. The licensee shall diligently and carefully carry out the process of removal of coffee pulp from the cherry, fermentation, washing and drying to the desired moisture content without delay and maintain the highest possible value of the coffee.
5. The licensee shall, if it has not done so, buy computers, digitize its coffee weighing scales and post the information of quantity and quality to a central database made accessible to the grower.

---

[Subsidiary]

6. In parchment handling, the licensee shall do quality analysis of the dry parchment prior to storage and will mix only parchment that is of similar quality
7. The licensee shall digitize stock cards.
8. The licensee shall insure the coffee against loss and damage while at the station and in transit.
9. The licensee shall reinforce the security of the station to guard against theft of coffee by its servants or other persons and where security of the parchment cannot reasonably be guaranteed, it shall transport the same to a safer location.
10. Before moving the coffee, the licensee shall apply for a movement permit for the coffee from the relevant authority and install a tracking device for the vehicle ferrying the coffee.
11. The licensee shall have the permits for the movement of coffee duly endorsed by the miller to acknowledge receipt of the parchment clearly indicating quantity and quality and shall file proper returns for the same which shall periodically be availed to auditors for verification.
12. In cases where the licensee is a co-operative society, its executive officials shall not borrow funds on behalf of the grower, but if expressly approved and passed at the Annual General Meeting of the members of which the grower is one, borrowing may be done but only to cover the operational budget.
13. The licensee shall have no authority to receive the grower's money after sale of the coffee and payment shall be done directly to the grower from the Central Depository Unit or other agent appointed by the grower for that purpose, and the licensee shall receipt its agreed fees from the same unit or agent.

#### **B. Milling Licence**

A co-operative society or other entity delivers parchment coffee or *buni* to a mill for further processing at a fee and grants the licensee the authority to mill and deliver the coffee to a warehouse accredited by the Exchange and expressly stated in the contract to be the warehouse for the grower's coffee:

1. There shall be a service contract between the parties, a copy of which shall be forwarded to the Authority.
2. The cost of the service shall be agreed in terms of Kenya Shillings for every kilogram of processed parchment or *buni* at the beginning of each year and the same shall be paid by the grower upon sale of the coffee.
3. The licensee shall publish the tariffs that are approved by the Authority and shall not charge the grower more than the approved amounts.
4. The licensee shall be accountable to the grower for the coffee received and shall acknowledge receipt of the same from the grower or his authorized agent by endorsing the movement permit, confirming whether the volume, the grading and the owner of the coffee is as indicated in the permit and by issuing an identifying outturn number for the coffee so delivered.
5. The miller shall issue a goods received note (GRN) to the grower or his authorized agent and transmit data of the same to a central database operated and maintained by the licensee.
6. The licensee shall take the agreed sample of the parchment and distribute it between the grower and the regulator and retain a portion thereof.
7. The licensee shall, if it has not done so, digitize its weighing scales and its grading equipment to ensure precision and protect against loss of coffee volume.
8. In the event of bulking, the licensee shall indicate the minimum millable lot in the contract, inform the grower and receive the grower's consent to bulk his coffee with the coffee of

others, file a log and share with the owners of the coffees being bulked, stating their names, volume, and quantities of the batches being bulked and provide each person in the bulk a copy of the sales receipt indicating the distribution of the value of the same upon sale.

9. The licensee shall provide a statement on milling losses and sweepings, stating the range of expected milling loss for every parchment type and *buni* as approved by the Authority, provide a target milling loss per delivery on analysis of the sample and grant the grower the right of advance adequate notification of the time and date of the milling of the grower's coffee to enable the grower to be present at the milling.

10. The licensee shall submit monthly milling returns to the Authority.

11. The licensee shall insure the coffee against loss and damage during milling and storage including insurance against theft by servant and shall install CCTV and retain the CCTV files for the entire season and adhere to the security guidelines that may be set by the Authority.

12. The licensee shall not in any event lend money or make any advances or any other support to the grower.

13. The licensee's liquorers shall take out and maintain professional indemnity insurance covers.

14. The licensee shall file copies of the movement permit returns duly endorsed by the accredited warehouseman, upon delivery of the milled coffee to the warehouse.

15. The licensee shall provide copies of warehouse receipts to the grower and ensure that auditors have verified that movement permits were endorsed by the licensed warehouseman.

16. The licensee shall in consultation with the Exchange prepare a catalogue for the coffee to be offered for sale at the Exchange.

### C. A Warehouseman's Licence

A grower or his authorized representative deposits the coffee in a licensed or accredited warehouse and the warehouseman takes custody of the coffee:

1. There shall be a service contract between the licensee and the owner of the coffee deposited in the warehouse in the custody of the licensee.

2. The cost of the service shall be agreed in terms Kenya Shillings per kilogram of the coffee stored at the warehouse at the beginning of each year and the same shall be paid by the grower upon sale of the coffee.

3. The licensee shall upon delivery of the coffee be accountable to the grower for the coffee received and shall acknowledge receipt of the same from the grower or his authorized representative by endorsing the movement permit, confirming whether the volume, the grading and the owner of the coffee are as indicated in the permit and by confirming the outturn number for the coffee so delivered.

4. The licensee shall issue warehouse receipt for the coffee so received in the name of the grower or his authorized representative.

5. The licensee shall issue a goods received note (GRN) and transmit data of the same to a central database operated and maintained by the Authority.

6. The licensee shall publish tariffs that will be approved by the Exchange operator and filed with the Authority.

The licensee shall take a sample of the grower's coffee for grading and distribution between the warehouseman, the Authority, the exchange and the grower.

7. The licensee shall not allow the grower's coffee to be sold without the knowledge and consent of the grower and will not allow the grower's representatives to borrow funds against the growers' coffee.

[Subsidiary]

- 8. The licensee shall, if it has not done so, digitize its weighing scales and its grading equipment, and it shall weigh and count all the bags of coffee delivered to ensure precision and protect against loss of coffee volume.
- 9. The licensee shall not allow sweepings beyond the maximum stipulated by the Authority, and the warehouseman shall ensure that the value of any sweepings from the warehouse is divided on *pro rata* basis between the growers whose coffee is at the warehouse at the material time.
- 10. The licensee shall not bulk coffee without informing the respective owners accordingly.
- 11. The licensee shall insure the coffee against loss and damage while in the warehouse storage including insurance against theft by servant, install CCTV, keep the CCTV files for the entire season and adhere to the security guidelines that may be set by the Authority.

FOURTH SCHEDULE

[r. 18(6)]

KENYA STANDARDS

PART A – STANDARD COFFEE GRADES

<i>Grade</i>	<i>General Description</i>	<i>Screen number on which beans are retained. (Size as per KSOS-174 or 150415-1980)</i>
E	Elephant - two beans joined together a genetic defect and includes very large (bold) AA	Retained on 21 (size diameter 8.3 mm)
PB	Pea berries - one ovule develops in Coffee of the usual two	Through 17 retained on 12 (4.76 mm)
AA	Flat beans	Through 21 retained on 18 (7.2 mm)
AB	Flat beans	Through 18 retained on 16 (6.35 mm)
C	Small flat beans	Through 16 retained on 10 (3.96mm)
TT	Light density beans, from AA, AI and E grades by air extraction	
T	Smallest, consists of broken and small C	Through screen No. (2.9 mm)

**Where a coffee grade is specified a minimum 95% of beans shall fall in that grade category.**

PART B – Specialty Coffee Grading Standards

As issued by the Specialty Coffee Association of America (SCAA) or other such organization as per the protocol deposited with the authority.

PART C – Certifications

As issued by the certifying organization as per the protocol deposited with the authority.

## FIFTH SCHEDULE

[r. 23(2)]

## SALES CATALOGUE

1. The sales catalogue shall be prepared by the Miller in consultation with the growers and forwarded to the auctioneer at the Exchange.
2. The details to be included in the sales catalogue shall include—
  - (a) The name of the grower;
  - (b) The name of the Miller;
  - (c) Sale Number;
  - (d) Day, date and time of the auction;
  - (e) The place of the auction shall be Nairobi Coffee Exchange, Nairobi;
  - (f) Total number of bags of coffee to be offered for sale;
  - (g) Name of the warehouse where the coffee is stored;
  - (h) The prompt date being the date on or before which proceeds are payable to the central depository unit of the Exchange;
  - (i) Terms and conditions of sale;
  - (j) The date on which rent charges in respect of purchased coffee shall be due from the buyers to warehousemen at which the coffee is stored;
  - (k) The net weights as per warehouse weights (and unless otherwise stated coffee shall be packed in bags of 60 kg net, tare weight 1.1 Kgs but bids shall be on the basis of 50 Kgs), the bags used shall conform to the international coffee packaging standards.
  - (l) Lot numbers arranged serially per miller for all coffee offered for sale;
  - (m) The out-turn Number shown against each lot number and the registered distinguishing mark of the grower miller (whether Bulk, E/Bulk, P/Bulk, T/Bulk; Spillage, or sweepings) and out-turn Number arising from operations of grower/miller;
  - (n) Grade of the coffee (AA, AB, PB, E, C, T, TT, UG, HE, SB, ML or MH);
  - (o) Number of bags in the lot (a saleable lot shall not have be less than ten bags)
  - (p) Net weight of coffee in kilograms respectively;
  - (q) Adequate space for inserting big prices by Traders.
3. The sales catalogue shall be prepared weekly or as frequently as the Authority may determine in consultation with marketing agents.
4. The saleable lots in the special auction dedicated to local roasters may comprise less than ten bags.



**THE CROPS (IRISH POTATO) REGULATIONS**

## ARRANGEMENT OF REGULATIONS

## PART I – PRELIMINARY

*Regulation*

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2. Interpretation
3. Application
4. Purpose of these regulations

## PART II – REGISTRATION

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6. Registration of small holder grower
7. Registration of dealers, processors, importers, exporters, collection centres and warehouses
8. Registration of importers and exporters
9. Buying and selling of Irish potatoes
10. Collection centres
11. Smallholder may register independently
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18. Safe use of pest control products
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## SCHEDULES

FIRST SCHEDULE —

FORMS

SECOND SCHEDULE —

REGISTRATION CERTIFICATES, LICENSES  
AND PERMITS





## THE CROPS (IRISH POTATO) REGULATIONS

[Legal Notice 17 of 2019]

### PART I – PRELIMINARY

#### 1. Citation

These Regulations may be cited as the Crops (Irish Potato) Regulations.

#### 2. Interpretation

In these Regulations, unless the context otherwise requires —

"Act" means the Crops Act (Cap. 318);

"Area" means the area of jurisdiction of a county government;

"Authority" means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act (Cap. 317);

"bulk" means unpackaged quantities;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for Agriculture;

"collection centres" means centres designated and registered by a county government to serve as buying stations for irish potato produce, packaging houses, pick up points and meeting places for farmers 'and growers' cooperatives and associations;

"commercial activity" means collecting, transporting and storing irish potatoes for trade;

"consignment" means—

- (a) for purposes of transportation of irish potato produce within the country, a vessel load for which a Certificate of Produce has been issued in accordance with regulation 17; and
- (b) for purposes of import and export, the declared lot of irish potatoes;

"customs port of entry or exit" means an airport, seaport or land border point officially designated for the importation or exportation of consignments of crop irish potato produce and products

"County government" shall have the meaning assigned to it under Article 176 - of the Constitution;

"dealer" means any person, company or firm engaged in collecting, transporting, storing, buying or selling of irish potatoes on a commercial basis, and includes a marketer, transporter, warehouse operator, collection centre operator, importer and exporter;

"exporter" means any person, firm or corporate body licensed by the Authority to engage in the business of exporting Irish potatoes out of Kenya;

"grower association" means any association, cooperative society, corporate body, union or federation of irish potato growers or any other legal entity comprising of irish potato farmers;

"importer" means any person, firm or corporate body licensed by the Authority to engage in the business of importing irish potatoes into Kenya;

"Inspector" means an officer appointed by the Authority in accordance with section 27 of the Act, or an officer appointed by the county government as an inspector under these Regulations;

"irish potato" means the tuber of the plant botanically known as *solanum tuberosum* and for purposes of these Regulations refers to potatoes traded purely for consumption and processing;

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[Subsidiary]

"large-scale grower" means a person who cultivates irish potatoes in an area of more than four hectares and uses best practices to optimize production;

"market" means a medium, a designated place or structure by a county government where buyers and sellers interact for trade in irish potatoes;

"marketing agent" means any person registered by the county government who collects and sells irish potatoes in wholesale at a designated market;

"medium" means a place where buyers and sellers trade in irish potatoes and includes but is not limited to car boot sales, mobile and internet commerce applications and other exchange;

"non-commercial activity" means collecting, transporting and sorting of irish potatoes for domestic consumption;

"production area" means a region or area where growers cultivate irish potatoes;

"respective county government" means the county government for the area where the irish potato crop is grown;

"smallholder grower" means a person who cultivates irish potatoes in an area of four hectares or less;

"transporter" means any person who engages in movement of irish potatoes from one point to another but excludes non-commercial activity;

"vehicle" means any modern and traditional mode of transportation used for the movement of irish potatoes; and

"warehouse" or "store" means a building, premise, establishment, facility or a place, in whole or in part registered under these Regulations where irish potatoes are stored, kept or held for wholesale distribution to other wholesalers or retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer.

### 3. Application

These Regulations shall apply with respect to irish potatoes produced and marketed in Kenya and imported or exported into and out of Kenya.

### 4. Purpose of these regulations

(1) The purpose of these Regulations is to guide the promotion, development and regulation of production and trade in irish potatoes.

(2) Without prejudice to the generality of paragraph (1) the purpose of these Regulations is to provide for—

- (a) registration of growers, grower associations, dealers and irish potato collection centres;
- (b) registration of processors, warehouses, importers and exporters of irish potatoes;
- (c) quality assurance and marketing of irish potatoes;
- (d) establishment and enforcement of standards in grading, sampling and inspection, tests and analysis, specifications, units of measurement, code of practice and packaging, preservation, conservation and transportation of crops to ensure health and proper trading;
- (e) packaging and sale of irish potatoes; and
- (f) promotion of best practices in the irish potato sub-sector.

## PART II – REGISTRATION

**5. Registration of Irish potato growers and growers' association**

(1) Every grower shall, for the purposes of data collection, apply for registration respectively with the respective county government where their irish potato is grown in Form A as set out in the First Schedule.

(2) Every growers' association shall apply for registration with the respective county government where their irish potato is grown in Form B as set out in the First Schedule.

**6. Registration of small holder grower**

(1) A smallholder grower may register with a growers' association.

(2) A growers' association shall issue a certificate of registration to every smallholder grower registered with a growers' association.

(3) A smallholder grower shall not register with more than one grower association in respect of the same parcel of land.

**7. Registration of dealers, processors, importers, exporters, collection centres and warehouses**

(1) The following persons and entities shall register with the County Government in which they operate—

- (a) processors;
- (b) marketing agents;
- (c) dealers;
- (d) collection centres; and
- (e) warehouses or stores.

(2) The persons and entities specified in sub-regulation (1) shall apply for registration in Forms C and D accordingly as set out in the First Schedule.

(3) Upon registration the county government shall issue the applicant with a Certificate of Registration in Form E set out in the First Schedule.

(4) The certificate of registration shall be issued once.

**8. Registration of importers and exporters**

(1) An importer or exporter of irish potato produce shall register with the Authority.

(2) The application for registration under paragraph (1) shall be in Form F set out in the First Schedule.

(3) Upon registration, the Authority shall issue a certificate of registration to the applicant in Form G set out in the First Schedule.

**9. Buying and selling of irish potatoes**

(1) The selling and buying of irish potatoes for commercial purposes shall be done in collection centres and designated markets.

(2) A dealer, processor and exporter shall collect Irish potatoes from producers at a registered and designated collection centre.

(3) A dealer, processor and exporter may collect Irish potatoes from a medium or a registered and designated market.

(4) The selling and buying of irish potatoes for home consumption may be done through a collection centre, medium or designated market.

**10. Collection centres**

(1) No person shall operate any premises as a collection centre unless —

- (a) the premises are registered and designated as a collection centre by the respective county government, and

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[Subsidiary]

(b) there is in place a management committee in respect thereof

(2) A grower association or a large scale grower may register a collection centre with the respective county government for the purposes of grading, sorting, weighing, storage and packaging of irish potatoes.

(3) The application for registration under paragraph (2) shall be made in writing by the operator.

(4) Upon registration the respective county government shall issue a Certificate of Registration to the grower association in form H set out in the First Schedule.

(5) An operator of a collection centre shall issue a certificate of produce to a buyer for every consignment bought for commercial purposes.

(6) A certificate of produce under paragraph (5) shall in Form I set out in the First Schedule.

(7) The Authority shall prescribe requirements on collection centres in compliance with national, regional and international standards from time to time.

(8) An Inspector may inspect premises registered as collection centres to ensure conformity with the standards, recommendations and requirements issued by the Authority.

#### **11. Smallholder may register independently**

(1) A small holder grower who does not join a growers association may register with a registered irish potato collection centre.

(2) The application for registration under paragraph (2) shall be in Form J as set out in the First Schedule.

#### **12. Non-transferability of certificate of registration**

A certificate of registration issued under these Regulations shall not be transferable.

#### **13. Import and export of Irish potato produce**

The Authority shall annually collect data on the domestic production and consumption of irish potatoes within the country to establish levels of surplus or deficit and advise the Cabinet Secretary on the exportation and importation of irish potatoes.

#### **14. Licensing of importers and exporters**

(1) A person shall not import or export irish potatoes without a valid licence issued by the Authority.

(2) An application for a licence under paragraph (1) shall be made in Form K set out in the First Schedule.

(3) Where the Authority approves the application under paragraph (2), the Authority shall issue the applicant with a licence set out in Form L set out in the First Schedule.

#### **15. Conditions for issuing import and export licences**

(1) The import or export of irish potato produce shall be carried out through a customs port of entry or exit, as the case may be.

(2) An importer or exporter of irish potato produce shall apply for an export or import permit for each consignment imported or exported.

(3) The application for a permit under paragraph (2) shall be in Form M set out in the First Schedule.

(4) The Authority shall, where the applicant qualifies for the permit, issue an import or export permit to a registered importer or exporter in Form N set out in the First Schedule.

(5) Each consignment of irish potato produce for import, export or in transit shall be declared at the port of entry or exit and physically verified by the Authority or its authorized agent.

(6) During the verification of a consignment under sub-regulation (5)—

- (a) the Inspector shall ensure that the produce conforms to the requirements of these regulations and to the existing standards with respect to —
  - (i) the required grades, packaging and labelling;
  - (ii) the applicable maximum weight for a single unit of package subject to paragraph (c) herein; and
  - (iii) declaration of quantity in metric tons of imported or exported produce and their origin and destination.
- (b) the owner shall, where the produce has been declared as being in transit, declare the quantity thereof in metric tons of the produce their origin, port of exit and destination in Form O set out in the First Schedule;
- (c) the owner shall, where produce is imported in bulk, submit a declaration in writing indicating the warehouse where repacking is expected to be undertaken to conform to the requirement provided for under paragraph (a) (i) and (ii);
- (d) a registered importer or exporter shall provide, on request by the Authority or its authorized agent —
  - (i) an original copy of importation or exportation and customs entry or exit documentation;
  - (ii) an import or export permit for shipment of the specific consignment;
  - (iii) evidence of payment of duties and levies; and
  - (iv) a certificate of origin and contact details of the exporters.
- (e) the registered importer or exporter shall provide, on request by the Authority or its authorized agent —
  - (i) original copies of importation or exportation and customs entry or exit documentation;
  - (ii) an import or export permit for shipment of the specific consignment;
  - (iii) evidence of payment of duties and levies;
  - (iv) a certificate of origin and contact details of the exporters and importers from whom they procured; and
  - (v) other permits and licences, and certificates as to the quality and standards of the produce.

(7) Upon satisfying the conditions for import or export of irish potatoes under these Regulations, the Authority shall release the consignment to the consignee.

(8) The Authority shall detain, at the cost of the consignee, any consignment that is not accompanied by the documents specified under paragraph (6) until the requisite documentation is availed for verification.

(9) A consignment whether repacked or in the original package shall bear, in bold print, the name and contact details of the consignor, consignee and the country of origin.

(10) The Authority may at the cost of an offender, seize, detain, dispose of or destroy in an appropriate manner, any consignment of irish potatoes that does not conform to the quality standards set by the Authority.

## **16. Maintenance of registers**

(1) Every grower association shall keep and maintain a register of its members and forward a copy of the up to date register to the respective county government on or before the 31st December of every year.

(2) Every collection centre shall keep and maintain a register of its members and forward a copy of the up to date register to the respective county government on or before the 31st December of every year.

(3) A county government shall keep and maintain a register of all growers, and grower associations, collection centres, processors, dealers and marketing agents operating in the

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[Subsidiary]

counties who are registered in accordance with these Regulations and shall submit copies of the up to date register to the Authority by the 31st January of every year.

### 17. Offences

(1) A person who contravenes regulations 5(2), 9(1), 7, 11, 14(1) and 15(1)(2) commits an offence.

(2) A person who contravenes regulations 7(1), 8(1), 9(1), 10(1)(b) and 13(1) commits an offence and shall, on conviction, be liable to imprisonment for a period not exceeding three years or to a fine not exceeding five million shillings or to both.

### PART III – QUALITY ASSURANCE, PACKAGING AND MARKETING

### 18. Safe use of pest control products

(1) A grower of irish potatoes shall—

- (a) ensure the safe use, storage and disposal of pest control products in accordance with the Good Agricultural Practices as prescribed by the Authority from time to time; and
- (b) use pest control products registered for use in the irish potato production and handling by the Government agency for the time being responsible for pest control products.

(2) A person who contravenes this regulation commits an offence.

### 19. Packaging of irish potato produce

(1) The unit of measurement of all irish potatoes shall be the kilogram.

(2) The maximum weight for each single unit of package of 'Irish potatoes shall be 50 kilograms.

(3) Subject to subregulation (2), the Cabinet Secretary may from time to time and in consultation with the Authority by notice in the *Gazette* prescribe the maximum weight for each single unit of package of irish potatoes.

(4) The maximum weight prescribed under paragraph (3) shall take into consideration existing laws and regulations, and national, regional and international standards.

(5) A grower and dealer of irish potato produce shall use a weighing scale that has been properly calibrated, serviced, inspected and approved by the Ministry for the time being responsible for trade.

(6) Any person who contravenes this regulation commits an offence.

### 20. Marketing requirements

(1) The management committee of the collection centres and dealer shall ensure that irish potatoes are—

- (a) sorted, graded, packaged, labelled, transported, and stored following good practices prescribed by the Authority from time to time and in accordance with existing national, regional and international standards;
- (b) removed from any area after packaging in clean and intact food grade material that allows for aeration and maintenance of produce quality;
- (c) packaged and clearly labelled indicating the irish potato variety, date harvested, collection centre and county of origin;
- (d) offered for sale only in collection centres or markets designated by the county government; and
- (e) stored in an inspected and registered facility.

(2) A person who contravenes this regulation commits an offence.

### 21. Transportation of Irish Potatoes

(1) Irish potatoes for commercial purposes shall be transported in natural and synthetic fibre sacks, moulded plastic boxes, sawn wooden boxes and paper or plastic film sacks or

in such other manner as may be prescribed by the Cabinet Secretary in consultation with the Authority from time to time.

(2) A person transporting irish potatoes shall ensure that the vessel used for transportation does not lead to deterioration caused through moisture loss, rain, greening, or physical damage or contamination and complies with instructions provided by the Authority from time in accordance with the existing national, regional and international standards.

(3) A person who contravenes this regulation commits an offence.

## 22. Crop inspectors

(1) The Authority shall appoint Inspectors in accordance with section 27 of the Act to carry out inspections on compliance with standards, guidelines and legislation on irish potato produce.

(2) Inspectors appointed by the Authority shall regularly undertake surveillance and inspections to ensure that producers, dealers, importers, exporters and processors of irish potato produce adhere to these Regulations, the terms and conditions of registration and guidelines issued by the Authority from time to time and any other relevant laws.

(3) The county governments may appoint inspectors to monitor activities associated with irish potato production, dealing, handling and processing, to ensure compliance with these Regulations within the respective county.

(4) A person appointed as an inspector under these subregulation (3) shall be required to—

- (a) to be the holder of—
  - (i) a Bachelor's Degree in Agriculture or related field from a university recognised in Kenya, or
  - (ii) a Diploma in Agriculture with two years' experience in extension service work, and
- (b) comply with the provisions of Chapter 6 of the Constitution of Kenya and with the Public Officer Ethics Act (Cap. 185B).

(5) The Authority shall develop training manuals and undertake training of the inspectors to ensure effective carrying out of their duties.

(6) The Authority and the county governments shall conduct inspections of growers, grower associations, dealers and processors, jointly or separately, from time to time to ensure compliance with these Regulations.

## 23. Powers of entry

(1) An inspector may at any reasonable time, in the course of his duties enter upon any land, or premises, or stop and enter into a vehicle, vessel or conveyance used for storage or transportation of irish potatoes for purposes of ascertaining that the net weight and packaging conforms to the requirements of these Regulations or for the performance of the functions or powers conferred under the Act or any other written law.

(2) The Inspector shall seize and detain Irish potatoes packaged or transported in a manner that does not conform to the requirement of these regulations at the cost of the offender.

(3) A person who obstructs an inspector from carrying out the required inspection commits an offence and shall be liable on conviction, to the penalty provided under section 30(2) of the Act.

## 24. General Penalty

A person who commits an offence under these regulations for which no penalty is provided for, shall be liable, upon conviction, to the penalty provided under section 37 of the Act.

[Subsidiary]

**25. Use of Forms**

The Authority or the County Government, as the case may be, may make such modifications, alterations or additions as may be required from time to time, to enable effective use of the prescribed forms, including facilitating the use of such forms electronically.

**26. Fees**

The fees specified in the Second Schedule shall be payable in respect of the matters set out therein.

FIRST SCHEDULE

FORMS

**FORM A**

(r. 5(1))

THE CROPS (IRISH POTATO) REGULATIONS 2018  
COUNTY GOVERNMENT OF .....  
APPLICATION FOR REGISTRATION OF GROWERS

**Part 1 - Particulars of the Applicant**

- 1. Full name of Applicant: .....
- 2. Postal Address: ..... Postal Code ..... Town .....
- Tel/Mobile No: ..... Email: ..... Website: .....
- Physical address: Building ..... Street: ..... Town: .....
- County ..... Sub County ..... Ward .....
- Village: ..... Hectares: .....

I confirm that I shall abide by the requirements of the Food (Food Crops General) Regulations, 2016.

Applicant's signature ..... Date .....

**Part 2 - Approval by County Government**

**FOR OFFICIAL USE**

Crops Inspector remarks

.....

*Recommended /Not recommended*

Crops Inspector name ..... Signature .....

Date .....

**Approved/Not approved:**

CEC Member in charge of Agriculture:

Name..... Signature.....

Date.....

Comments if not

approved .....

Official

Stamp.....

*Terms and Conditions*

- 1. This application should be completed in full. An incomplete form shall not be processed.
- 2. A grower association shall be required to furnish the County Government with evidence of registration and copies of their Constitution or Articles and Memorandum of Association;





**FORM B** (rr. 5(2), 7(2))  
 THE CROPS (IRISH POTATO) REGULATIONS, 2018  
 APPLICATION/RENEWAL FOR REGISTRATION OF IRISH POTATO  
 GROWERS ASSOCIATION/COLLECTION CENTRES/WAREHOUSES OR  
 STORES

(To be filled in triplicate with a copy to County Government)

Part 1 - Category of application (Tick one)

Applications for New registration       Application for Renewal of registration

**Part 2 - Applicant's Details (To be filled by all Applicants)**

1. Full name of Applicant:.....
2. Registered office ..... L. R. No. ....  
 Postal Address: .....  
 Postal Code ..... Town .....  
 Tel/Mobile No: ..... Email: .....  
 Website: .....  
 Physical address: Building ..... Street:..... Town:.....  
 County ..... Sub County ..... Ward .....  
 Village: .....  
 Company details (where applicable):  
 Certificate of Company Incorporation/Registration  
 No:.....  
 List Names and Particulars of Directors/Officials (Attach copies of ID) .....

**3. Branch offices (if any)**

	Town	Location	Address
4.			
5.			
6.			

**Part 3 - Category of Dealer**

**1. Check as appropriate**

Collector centre     grower association     warehouse/store     others (specify)

**2. Check one**

Individual Ownership     Partnership     Corporation     others (specify)

**Part IV - Requirements**

- 1) Full list of the Associations Member's for Grower association and collection centres

[Subsidiary]

2) By laws governing the operations' of the Grower association and collection centres with clear measures for safeguarding growers' interests

I/We..... certify that I/we have read and understood the Crops Act (Cap. 318) and the regulations made thereunder.

Date .....

Name ..... Signature: .....

Part 4 - Approval by the County Government

FOR OFFICIAL USE

Approved/Not approved:

Terms and Conditions

CECM AGRICULTURE:4. This application should be completed in full.

An incomplete form shall not be processed

5. Produce shall be sourced only from registered growers and grower associations

Name..... Signature.....

Date.....

Comments if not

approved.....

.....



FORM C

(r. 7(2))

THE CROPS (IRISH POTATO) REGULATIONS, 2018
APPLICATION/RENEWAL FOR REGISTRATION OF IRISH POTATO
PRODUCE TRANSPORTERS, COLLECTORS, BUYERS, SELLERS,
MARKETING AGENTS AND PROCESSORS

(To be filled in triplicate with a copy to County Government)

Part 1 - Category of application (Tick one)

Applications for New registration Application for Renewal of registration

Part 2 - Applicant's Details (To be filled by all Applicants)

1. Full name of Applicant: .....

2. Registered office ..... L. R. No. ....

Postal Address: ..... Postal Code.....

Town ..... Tel/Mobile No: .....

Email: ..... Website: .....

Physical address: Building ..... Street..... Town.....

County ..... Sub County ..... Ward .....

Village.....

Company details (where applicable):

Certificate of Company Incorporation /Registration No:..... List

Crops

[Subsidiary]

Names and Particulars of Directors/Officials (Attach copies of ID) .....

3. Branch offices (if any)

	Town	Location	Address
1.			
2.			
3.			

Part 3 - Category of Dealer

1. Check as appropriate

"Collector "Seller "Transporter"Buyer "warehouse/store "Processor "Collection centre

2. Check one

"Individual Ownership "Partnership "Corporation "others (specify)

I/We..... certify that I/we have read and understood the Crops Act (Cap. 318) and the regulations made there under.

Date .....

Name ..... Signature: .....

Part 4 - Approval by the County Government

FOR OFFICIAL USE

Approved/Not approved:

Terms and Conditions

CECM AGRICULTURE:1. This application should be completed in full.

An incomplete form shall not be processed

2. Produce shall be sourced only from registered growers and grower associations

Name..... Signature.....

Date.....

Comments if not approved.....



FORM D

(r. 7(2))

THE CROPS (IRISH POTATO) REGULATIONS, 2018 APPLICATION/RENEWAL FOR REGISTRATION OF IRISH POTATO GROWERS ASSOCIATION/COLLECTION CENTRES/WAREHOUSES OR STORES

(To be filled in triplicate with a copy to County Government)

Part 1 - Category of application (Tick one)

[Subsidiary]

**Applications for New registration      Application for Renewal of registration**

**Part 2 - Applicant's Details (To be filled by all Applicants)**

1. Full name of Applicant:  
.....
2. Registered office ..... L. R. No. ....  
 Postal Address: .....  
 Postal Code ..... Town .....  
 Tel/Mobile No: ..... Email: .....  
 Website: .....  
 Physical address: Building ..... Street:..... Town:.....  
 County ..... Sub County ..... Ward .....  
 Village:.....  
 Company details (*where applicable*):  
 Certificate of Company Incorporation /Registration No.,  
 List Names and Particulars of Directors/Officials (Attach copies of ID).....  
 .....  
 .....

**3. Branch offices (if any)**

	<b>Town</b>	<b>Location</b>	<b>Address</b>
4.			
5.			
6.			

**Part 3 - Category of Dealer**

**1. Check as appropriate**

"Collector centre      "grower association      "warehouse/store      "others (specify)

**2. Check one**

"Individual      "Partnership      "Corporation      "others  
 Ownership      (specify)

**Part IV - Requirements**

- 1) Full list of the Associations Member's for Grower association and collection centres
- 2) By laws governing the operations' of the Grower association and collection centres with clear measures for safeguarding growers' interests

I/We..... certify that I/we have read and understood the Crops Act (Cap. 318) and the regulations made thereunder.

Date .....

Name ..... Signature:.....

**Part 4 - Approval by the County Government**

**FOR OFFICIAL USE**

**Approved/Not approved:**

**Terms and Conditions**

CECM AGRICULTURE:

4. This application should be completed in full

An incomplete form shall not be processed

5. Produce shall be sourced only from registered growers and grower associations

Name..... Signature.....

Date.....

Comments if not approved.....

.....



**FORM E**

(r. 7(3))

THE CROPS (IRISH POTATO) REGULATIONS, 2018

COUNTY GOVERNMENT OF .....

CERTIFICATE OF REGISTRATION FOR GROWERS' ASSOCIATION/  
WAREHOUSES/ MARKETING AGENTS/ PROCESSORS/ COLLECTION  
CENTRE/DEALERS

THIS IS TO CERTIFY that ..... of Postal address .....  
of ..... County, LR No..... has been duly registered by the County Government as  
a ..... in accordance with Regulation 16 of the Crops (Irish Potato) Regulations,  
2018

Dated this ..... day of ..... 20 .....

CEC member in charge of Agriculture .....

Official stamp

**Terms and Conditions**

1. This registration certificate is not transferable;
2. A registered Grower Association shall maintain a register of their members.
3. A Registered Grower Association material shall ensure that the quality of farm inputs and food crop produce and products comply with the Food Crops General Regulations and any other relevant laws.
4. The holder of this certificate shall submit monthly returns to the County Government.



**FORM F**

(r. 8(2))

AGRICULTURE AND FOOD AUTHORITY  
THE CROPS (IRISH POTATO) REGULATIONS, 2018

[Subsidiary]

APPLICATION/RENEWAL FOR REGISTRATION OF IRISH POTATO IMPORTER AND EXPORTER

Part 1 - Category of application (Tick one)

Importer

Applications for New registration

Exporter

Application for Renewal of registration

Part 2 - Applicant's Details (To be filled by all Applicants)

1. Full name of Applicant: .....

2. Registered office ..... L. R. No.....

Postal Address: ..... Postal Code .....

Town ..... Tel/Mobile No:.....

Email: ..... Website:.....

Physical address: Building ..... Street ..... Town:.....

County ..... Sub County ..... Ward .....

Company details (where applicable):

Certificate of Company Incorporation/Registration No:..... List Names and Particulars of Directors/Officials (Attach copies of

ID) .....

.....

3. Branch offices (if any)

Town	Location	Address
------	----------	---------

I/We ..... have read and understood the Crops Act (Cap. 318) and the rules made thereunder.

Date .....

Name ..... Signature:.....

Part 4 - Approval by the Authority

**FOR OFFICIAL USE**

Approved/Not approved:

Head: Food Directorate

**Terms and Conditions**

6. This application should be completed in full. An incomplete form shall not be processed

Name..... Signature.....

Date.....

7. Produce shall be sourced only from registered growers and grower associations

Comments if not

approved.....

.....

Official

Stamp.....



**FORM G** (r. 8(3))  
THE CROPS (IRISH POTATOES) REGULATIONS, 2018  
**CERTIFICATE OF REGISTRATION FOR IMPORTERS/EXPORTERS**

AGRICULTURE AND Certificate Original  
FOOD No. .... Date of issue.....  
AUTHORITY # Export Valid  
# Import until .....

Mr/Mrs/Ms ..... of P .0. Box..... Tel .....is hereby issued with a Certificate for import/ export for Irish Potato produce

.....  
Head: Food Directorate  
Date .....

**Terms and Conditions**

- 1. The Authority may vary, suspend or cancel the Certificate of Registration for Irish potato import/export issued if the holder fails to abide with the terms and conditions of the Irish potato regulations 2018 and any other relevant law.

SECOND SCHEDULE

REGISTRATION CERTIFICATES, LICENSES AND PERMITS

**Collection Centre Logo**

**FORM H** (r. 11)  
THE CROPS (IRISH POTATO) REGULATIONS, 2018  
..... COLLECTION CENTRE  
**CERTIFICATE OF REGISTRATION FOR GROWERS WITH COLLECTION CENTRES**

THIS IS TO CERTIFY that ..... of postal address .....of ..... County, I/D No. .... has been duly registered by ..... collection centre in accordance with Regulation 11 of the Crops (Irish Potato) Regulations, 2018

Dated this ..... day of ..... 20.....

FOR: ..... Collection centre

Official stamp

Terms and Conditions

- 1. This registration certificate is not transferable.

[Subsidiary]



THE COUNTY GOVERNMENT OF .....  
THE CROPS (FOOD CROPS) REGULATIONS, 2018

**FORM I** (r. 10(4))  
**CERTIFICATE OF PRODUCE**

M/s ..... of ID No ..... Mobile No..... is hereby authorized to move Irish potatoes from..... to..... (*Specify destination*)

Thick. Reg No ..... Trailer Reg. No .....

This certificate is valid for the transportation of the consignment of ..... tonnes of ..... Irish potatoes.

Validity period: from \_\_\_\_\_ to \_\_\_\_\_ Date of issue  
\_\_\_\_\_ time issued \_\_\_\_\_ a.m/p.m.

Expiry date \_\_\_\_\_ Time: \_\_\_\_\_

County of origin .....

Issued by .....

Signature .....

Designation.....

Authorized Offer

For: CECM- in charge of Agriculture

Collected by ..... ID No .....

**Terms and Conditions**

1. This movement permit is not transferable and is only valid for the specified consignment;
2. A Transporter shall
  - i. conform to the national food safety and quality standards.
  - ii. ensure that irish potatoes and transportation unit are appropriate to ensure that the produce remains safe and suitable for human consumption;

for those exceeding five Tonnes, shall be required to produce for inspection by the Authority, the County Government authorized officers and other law enforcement agencies valid original movement certificate for the consignment on request.



**FORM J** (r. 11(2))  
COUNTY GOVERNMENT OF .....



THE CROPS (IRISH POTATOS) REGULATIONS 2018

Registration No .....

DEALER'S CERTIFICATE OF REGISTRATION

THIS IS TO CERTIFY that ..... of Postal address ..... of ..... County, LR No. .... has been duly registered by the Authority in accordance with section 16(1) of the Crops Act (Cap. 318), as a Food Crops dealer.

The scope of certification is

# Collector # Seller # Transporter # Buyer # Stockist # others

(specify) .....

Of Irish potatoes

CEC member in charge of Agriculture

Date of issue:.....

Official stamp ..... Date of expiry.....

Terms and Conditions

1. This registration certificate is not transferable;
2. A dealer of Irish potatoes shall conform to the national food safety and quality standards and sanitary phyto-sanitary (SPS) regulations during handling, storage and transportation.
3. The holder of this certificate shall submit monthly returns to the County Government in the prescribed format.



**FORM K**

(r. 14(2))

AGRICULTURE AND FOOD AUTHORITY THE CROPS (IRISH POTATO) REGULATIONS 2018

APPLICATION /RENEWAL FOR IMPORT/EXPORT LICENCE

☐ Applications for New registration      ☐ Application for Renewal of registration

**Part A - Applicant's Details (To be filled by all Applicants)**

1. Full name of Applicant:.....
2. Registered office ..... L. R. No.....  
 Postal Address: ..... Postal Code..... Town .....
- Tel/Mobile No:..... Email:..... Website:.....
- Physical address: Building ..... Street ..... Town .....
- County ..... Sub County ..... Ward .....
- Village .....
- Company details (where applicable):  
 Certificate of Company Incorporation /registration No:.....  
 List Names and Particulars of Directors/Officials (Attach copies of ID)  
 .....

[Subsidiary]

3. Branch offices (if any)

No.	Town	Location	Address
1.			
2.			

Type of food crops produce/products to be imported/exported and estimated annual quantities.

No	Type of variety	Estimated annual import quantity	Estimated annual export quantity
1.			
2.			
4.			
5.			

4. Details of the warehouse (tick as appropriate)

Warehouse No.	Capacity (tonnes)	LR/Plot No		Physical Location	Street Name/No	County
		Yes"	No"			
1.						
2.						

5. Applicant's Signature..... Date .....

Official rubber stamp/seal

Approval by the Authority

FOR OFFICIAL USE

Approved/Not

approved: Head Food Directorate

Name..... Signature..... Date.....

Comments if not approved..... Official Stamp.....

**Terms and Conditions**

1. This application should be completed in full. An incomplete form shall not be processed
2. An application for renewal of this license shall be made to the Authority not later than the first day of the month of June in which the current license is due to expire
3. The warehouse that the importer/exporter intends to use must meet the set standards and guidelines issued by the Authority from time to time
4. The holder of the importer/exporter license shall submit monthly returns to the Authority in the prescribed format.



**FORM L** (r. 14(3))  
 AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS (IRISH POTATOES) REGULATIONS, 2018  
 IMPORT/EXPORT LICENCE

Authority's Code ..... Serial No .....

Crops

[Subsidiary]

M/s ..... of Post office Box .....been granted an import/  
export License No ..... and is/are hereby

This license is Valid from ..... to 31st of June 20.....

Fee paid: Kshs .....

.....  
Head: Food Directorate

Date of  
issue .....

Official stamp.

.....  
*This license is issued subject to compliance with the provisions of the Agriculture and Food Authority Act, the Crops Act (Cap 318), the Crops (Irish Potato) Regulations, 2018 and such terms and conditions as specified hereunder.*

Terms and conditions

1. Issuance of the license is subject to inspection of the warehouse to ensure conformity with the Food Safety requirements
2. This license is not transferable
3. An application for renewal of this license shall be made to the Authority not later than the first day of the month of June in which the current license is due to expire.
4. This license is valid only for the crops produce/products specified herein.
5. Any changes in the particulars supplied by the importer/exporter for purposes of the license shall be notified to the Authority in writing
6. This license may be suspended where a licensee continues to default in submitting returns.



**FORM M**

(r. 15(3), 6(c))

AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS (IRISH POTATO) REGULATIONS, 2018  
 APPLICATION FOR IMPORT/ EXPORT IRISH POTATO PERMIT  
**Applications for New registration    Application for Renewal of registration**

**Tick as appropriate)**

1. Name of applicant .....
2. Registered  
 office .....
- L. R. No. .... Street .....
- Tel. No. .... Fax No .....
- E-mail ..... Website .....
3. Place where the premise is located:

[Subsidiary]

Village/area ..... Ward .....

Sub-County ..... County .....

4. VAT Registration No/ID. .... No. PIN .....

5. Type of for variety of potatoes to be imported or exported and the quantities.

Commodity	Quantity	Customs Value	Source/ country of origin	Point of entry/exit
-----------	----------	---------------	---------------------------	---------------------

6. In case of bulk consignment indicate the following;

a) Quantity .....

b) Destination warehouse .....

I further state that the above declared imports or exports have been approved and certified as being fit for human consumption and contain no poisonous substance or chemical or irradiation as per the relevant legislations and regulations.

Applicant's Signature ..... Date .....

Approval by the Authority\*

**FOR OFFICIAL USE**

**Approved/Not approved:**

Head/Food Directorate

Name ..... Signature ..... Date .....

Comments if not approved .....

Official

Stamp .....

Terms and Conditions

1. This application should be completed in full. An incomplete form shall not be processed
2. This application shall be accompanied by a phytosanitary certificate from the country of origin, compliance certificate from the Kenya National Standardization body and the Kenya National Plant Protection Organization and complied with any other relevant law.
3. The application shall be accompanied by proof that the applicant has sourced produce from local production exhaustively as guided by the Authority from time to time.



**FORM N**

(r. 15(4))

THE CROPS (IRISH POTATOES) REGULATIONS, 2018

IMPORT/EXPORT PERMIT

AGRICULTURE AND	Permit	Original
FOOD	No.....	Date of issue.....
AUTHORITY	# Export	Valid
	# Re-Export	until .....
	# Import	

Mr/Mrs/Ms ..... of P.O.

Box ..... Tel ..... is

here by issued with an import/export permit for Irish Potato Produce of the following categories;

Type    Quantity (Metric tonnes)      Value (KSh.)

Point of entry/exit .....

.....  
Head: Food Directorate

Date .....

Terms and Conditions

1. The Authority may vary, suspend or cancel the Irish potato import/export permit issued if the holder fails to abide with the terms and conditions of the Irish potato regulations 2018 and any other relevant law.
2. The importer/exporter shall make monthly returns to the Authority in the prescribed format.
3. This permit shall be issued subject to proof that the applicant has sourced produce from local production within the last six months.



**FORM O** (r. 15 (6)(b))  
**THE CROPS (IRISH POTATOES) REGULATIONS, 2018**

Declaration of ware potatoes on Transit

Mr/Mrs/Ms..... of P .O. Box..... Tel..... hereby declares that this consignment(s) of irish potatoes is on transit

Type    Quantity(Metric tonnes)      Value (KSh.)

Source of produce/ Country of origin;.....

Destination .....

Point of exit .....

Sign:..... Date .....

Importer

Date.....

Verified by;

..... Signature ..... Date .....

Inspector

(B) FEES

TYPE OF APPLICATION	KSH.
1. Application for export/import permit	Export - 0.5% of the total value Import - 3% of the total value
2. Application for import/export licence	Exporter 20,000 Importer 50,000
3. Registration of growers,	500

[Subsidiary]

4. Registration of grower associations, 1000  
collection centres and warehouse or  
stores, marketing agents, dealers and  
processors.

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**THE CROPS (COFFEE) (GENERAL) REGULATIONS**

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*Regulation*

1. Citation
2. Interpretation
3. Object and purpose

PART II – FUNCTIONS OF THE AUTHORITY  
AND COUNTY GOVERNMENTS

4. Functions of the Authority
5. County Governments functions
6. Collaboration between County Government and the Authority

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8. Application for a licence, certificate or permit
9. Prohibition against operating without a certificate, permit or licence
10. Licensing
11. Limitation of a coffee licence
12. Conditions of licence
13. Licensing procedure
14. Duration of licences
15. Movement permits
16. Obligations of licence holders

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17. Notification after planting, uprooting coffee exchange of details of farm or estate
18. Coffee Industry Standards and Code of Practice
19. Certification of Kenya Coffee
20. Research and Prohibition of issuance of coffee seeds or seedlings
21. Requirements relating to coffee pulping
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26. Sales catalogue
27. Coffee promotions
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34. Conformity certificates and compliance reports
35. Prohibition against removal of labels, seals, etc.

[Subsidiary]

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- 38. Digitization
- 38A. Society Loans
- 38B. Coffee buyers Performance bond
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- 41. Alteration of documents
- 42. Inspections for specialty coffee
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FORMS

REQUIREMENTS AND FEES

OBLIGATIONS OF LICENCE HOLDERS AND SERVICE PROVIDERS

COMMERCIAL MILLING AGREEMENT

STANDARD COFFEE GRADES

GUIDELINES

HEAD COFFEE DIRECTORATE

COFFEE WARRANT

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**THE CROPS (COFFEE) (GENERAL) REGULATIONS**

[Legal Notice 102 of 2019, Legal Notice 126 of 2020, Legal Notice 104 of 2021, Legal Notice 185 of 2021, Legal Notice 102 of 2022]

## PART I – PRELIMINARY

**1. Citation**

These Regulations may be cited as the Crops (Coffee) (General) Regulations.

**2. Interpretation**

In these, Regulations, unless the context otherwise requires—

"Act" means the Crops Act (Cap. 318);

"agent" *deleted by L.N. 102/2022, r. 2.*;

"association" means a registered group comprised of smallholder growers, co-operative societies, societies, estates, unions, millers, traders or roasters, which has been licensed by a licensing authority;

"auction" means a physical place or electronic system where potential buyers competitively bid for coffee;

"auction organizer" means a person, company or firm established for the purpose of organizing coffee auctions in Kenya and is licensed by the Authority;

"Authority" means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act (Cap. 317);

"broker" *deleted by L.N. 102/2022, r. 2.*;

"buni" means dried coffee in the fruit but does not include hulled dried fruit;

"buyer" means an incorporated company licensed by the Authority to buy clean coffee at the auction for export, local sale or value addition or to import clean coffee for secondary processing in Kenya;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters related to agriculture;

"certified coffees" means coffees produced under tenets of a recognized certification scheme bearing a certification mark;

"cherry" means the ripe fruit of the coffee tree;

"clean coffee" means coffee bean or dried seed of the coffee plant separated from non-food tissues of the coffee fruit where the silver skin is reduced to the maximum possible extent;

"coffee" means the plant botanically known as *coffea* species (L.) and includes the fruit, whether on the plant or detached therefrom, the seed in form of either *buni*, parchment coffee, clean coffee, roasted beans or ground coffee;

"coffee business" includes operating a nursery, growing, pulping, milling, warehousing, marketing, trading, roasting, operating coffee house and packaging of coffee;

"coffee certification" means a system that distinguishes a coffee product as being sustainably grown on the basis of economic viability, environmental conservation, social responsibility and ensures traceability;

"coffee directorate" means the directorate for the time being responsible for coffee established pursuant to section 11(4) of the Agriculture and Food Authority Act (Cap. 317);

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[Subsidiary]

"coffee sales proceeds" means monetary consideration received in exchange for coffee purchased at the auction or through direct sales;

"coffee sample" means a small quantity of coffee, drawn out of coffee lot to be a representative of that lot of coffee for purposes of display, testing, quality analysis, archiving, marketing or other legal purpose;

"coffee standards" means the Kenya Coffee Standards issued by the Kenya Bureau of Standards;

"coffee year" means a period of twelve months beginning on the 1st October of one year and ending on the 30th September of the following year;

"collateral manager" means a person qualified under these Regulations and appointed by the warehouseman or any other person who has an interest in coffee stored in a warehouse with the intention of monitoring or taking custody of the coffee;

"compliance certificate" means a certificate issued by the Authority to ascertain compliance with quality standards;

"co-operative society" means a co-operative society registered under the Co-operative Societies Act (Cap. 490) and licensed for purposes of these Regulations;

"county government" shall have the meaning assigned to it under Article 176 of the Constitution of Kenya;

"cupping centre" means a coffee quality analysis laboratory;

"digitization" means the conversion of current manual processes into automated and computerized processes; or paper documents into digital formats;

"dealer" means a person registered by the county governments or the Authority to deal with coffee as provided under these Regulations;

"direct sale" means a contractual arrangement between a grower, a co-operative society, society, union, grower-miller, estate or an association of coffee growers and an overseas buyer or local roaster for the sale of own clean coffee based on mutually accepted terms and conditions enforceable in law;

"direct settlement system" means a receipts and disbursements facility provided by a commercial bank regulated as such under the Central Bank Act (Cap. 491) for the receipt from buyers of all proceeds from the purchase of coffee and from which all claims on the coffee so purchased, including payments to growers, grower millers, grower marketers, miller-marketers, warehousemen, warehouses, Nairobi Coffee Auction and financial obligations will be directly settled;

"estate" means an area of land or group of parcels of land under coffee not being less than five acres in size in aggregate or land under coffee which has an average annual production of not less than twenty thousand kilograms of cherry over a period of three years;

"exchange" *deleted by L.N. 102/2022, r. 2;*

"grower" means any person who cultivates coffee in Kenya and may for purposes of licensing, include; co-operative societies, unions, associations and estates;

"grower marketer" means a grower licensed by the Authority to market his or its own clean coffee;

"grower miller" means a grower who mills own parchment or buni or its members' coffee and includes cooperative societies, association, estate or any other grower legal entity issued by the respective county government;

"hulling" means removal of the outer skin of dry parchment or *buni* coffee;

"importer" means a person licensed by the Authority to import value added coffee;

"inspector" means an inspector appointed under the Act and where applicable includes a county inspector;

"Kenya Agricultural and Livestock Research Organization" means the organization established under section 3 of the Kenya Agricultural and Livestock Research Act (Cap 319), or the national institution mandated by an Act of Parliament to carry out research;

"licensing authority" means the Authority, or the County Government as the case may be;

"liquorer" means a person certified and licensed by the Authority to offer the services of coffee quality analysis;

"liquoring" means analysis of clean coffee to determine the attributes and quality of coffee for purposes of trade;

"management agent" means any person licensed by the Authority, and appointed through a specific agreement by a grower or a smallholder for the management of such coffee farm or pulping station;

"miller" means a person licensed by the respective county government to conduct the business of coffee milling;

"miller-marketer" means a person whose mill is approved by respective county governments and is licensed by the Authority and appointed by the grower to undertake the milling and marketing of the grower's coffee"; and

"milling" means mechanical hulling or de-husking of parchment or buni coffee and includes the polishing and grading of the clean coffee;

"milling statement" means a statement prepared by a miller after the completion of the milling process;

"out-turn number" means an identifying number issued by a miller in respect of coffee delivered to a mill for purposes of traceability;

"primary processing" means the process of removal of coffee pulp from cherry, fermentation, washing and drying to the coffee standard moisture content to obtain parchment;

"prompt date" means a date specified in the sales catalogue, not being more than five working days from the date of the sale, for the payment of coffee sales proceeds by a buyer or a roaster;

"pulping station" means a specified place where primary coffee processing is undertaken;

"roaster" means a person licensed by the respective county government to buy clean coffee under these Regulations for value addition for local sale;

"sales catalogue" means a standard document prepared by a miller-marketer or a grower marketer in consultation with the auction organizer for sale of clean coffee at the auction;

"secondary processing" means parchment de-husking, polishing, grading and may include roasting, grinding and packaging of clean coffee beans;

"small holder" means a grower cultivating coffee in a small parcel of land or in small parcels of land who does not possess his own pulping station;

"sweepings" means the balance of coffee samples in the auction sample room and spillages collected from millers' milling activities for sale at the auction and the proceeds paid to growers on pro-rata basis;

"trading floor" means the physical space or electronic platform managed by the auction where the persons licensed to trade in coffee converge for purposes of coffee trading;

"value added coffee" means coffee that is roasted and packaged and includes instant coffee;

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[Subsidiary]

"warrant" means an instrument prepared by the warehouseman of which the person named therein, or the last endorsee thereof, shall for all purposes be deemed to be the owner of the coffee to which it relates;

"warehouse" means a facility registered by the Authority and licensed by the county government for the storage of coffee, and which is specifically designed to guarantee the quality and safety of the coffee;

"warehouseman" means a person who possesses skills for the management of a licensed warehouse and is licensed by the Authority; and

"warehousing receipt" means a certificate issued by a licensed coffee warehouseman in respect of coffee stored in a licensed warehouse for purposes of collateral.

[L.N. 102/2022, r. 2.]

### 3. Object and purpose

The object and purpose of these Regulations is to—

- (a) to give effect to section 40 of the Crops Act (Cap. 318);
- (b) to provide for licences to be issued by the licensing authorities;
- (c) to provide for the obligations of licence holders and service providers, and the protection and regulation of their interests along the value chain;
- (d) recognize the grower of coffee as the owner of coffee until the coffee is sold and paid for;
- (e) provide for protection of growers' rights along the value chain;
- (f) provide for a transparent and timely clearing and settlement of coffee sales proceeds to the growers and service providers;
- (g) provide for the collection and maintenance of data related to coffee;
- (h) ensure improvement of coffee standards, increased production and support; and
- (i) regulate the coffee industry in Kenya.

## PART II – FUNCTIONS OF THE AUTHORITY AND COUNTY GOVERNMENTS

### 4. Functions of the Authority

(1) The Authority shall, in the performance of its functions, act through the directorate responsible for coffee, to carry out such activities as are necessary to promote, develop and regulate the coffee industry as specified under the Crops Act.

(2) The Authority shall—

- (a) issue certificates or licences for independent coffee cupping laboratories, liquoreurs, auction organiser and miller marketer and buyers, movement permits for purchased clean coffee, and regulate imports and exports of coffee;
- (b) register coffee dealers;
- (c) co-ordinate capacity building activities for players in the coffee value chain;
- (d) develop, oversee and enforce as the case may be, the national regulations, coffee industry standards, industry code of practice and other quality standards in the coffee industry in collaboration with the national body for the time being responsible for standards;
- (e) collect, collate and maintain a data base and disseminate information on the coffee industry;
- (f) conduct local and international coffee market intelligence and promotional activities including the application of the Kenya Coffee Mark of Origin;
- (g) establish linkages with various government agencies and research institutions;

- (h) develop and promote policies and strategies for the coffee industry;
- (i) recommend general guidelines for interaction between various players in the coffee industry;
- (j) promote the development of regional appellations for Kenyan coffee; and
- (ja) undertake inspection and surveillance of industry players;
- (k) *deleted by L.N. 102/2022, r. 3.*

[L.N. 102/2022, r. 3.]

## 5. County Governments functions

(1) The county governments functions shall be as specified under the Crops Act (Cap. 318).

(2) The functions of county governments shall include—

- (a) registration of nursery operators, coffee growers and pulping station licence holders;
- (b) issuance of coffee nursery certificates and permits for movement of coffee;
- (c) issuance of pulping station, grower miller, warehousing and coffee roasting licences;
- (d) offering and coordination of extension services on coffee production and primary processing;
- (e) inspection of nurseries, pulping stations, millers roasters and warehouses located within their respective counties;
- (f) enforcement of county and national legislation on coffee, industry code of practice and other industry standards;
- (g) in collaboration with law enforcement agencies, enforcement of regulations and enhancement of security of coffee in the county;
- (h) enforcement of policies and guidelines on corporate governance in coffee growers' institutions; and
- (i) monitoring and report of incidences of pests and disease outbreaks and taking appropriate action in collaboration with the Authority and other relevant government agencies.

[L.N. 102/2022, r. 4.]

## 6. Collaboration between County Government and the Authority

In accordance with Article 6(2) of the Constitution, the county governments and the Authority shall consult and cooperate in the development, promotion and regulation of the coffee industry.

### PART III – REGISTRATION AND LICENSING

## 7. Registration

(1) Every grower shall be registered by the county government where his coffee is grown.

(2) Every coffee nursery operator, co-operative society, coffee association and coffee estate shall register with the county government where they operate.

(3) A small holder may register with a co-operative society or any other legal entity of which he is a member.

(4) The county governments shall maintain up-to-date registers of all nursery operators, coffee co-operative societies, coffee associations, coffee estates and share the information with the Authority.

(5) The Authority shall register all coffee warehousemen, warehouses, coffee miller-marketer, grower marketer, grower miller, auction organizer, coffee buyers, coffee bags suppliers, roasters, importers, and certification companies, maintain an up-to-date register and share the register with respective county governments.

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(6) Neither the Authority nor the county governments shall charge any registration fee.

(7) Registration shall take the format prescribed by Form H for growers and Form H1 for dealers in the First Schedule in these Regulations.

(8) The management committees of a coffee co-operative and grower associations shall serve for a period of five-year term renewal once.

(9) In electing management committee members under this section, a cooperative society or an association shall ensure that not more than two thirds of the members are of one gender.

(10) In electing management committee members under this section, nominees for the board shall meet the requirements of Chapter Six of the Constitution.

(11) Notwithstanding the provisions of any other law, every coffee factory may, by resolution of its members in an Annual General Meeting, apply for registration as a cooperative society under the Co-operative Societies Act (Cap. 490)

Provided single factories seeking registration as cooperative societies shall demonstrate an average coffee production of 500,000 kgs for the immediate preceding three years.

(12) The County Government, in consultation with the Authority, shall issue a distinguishing mark and a grower code.

(13) No estate, association, company or a co-operative society offering coffee for sale or export shall use any distinguishing mark and grower code to market and identify such coffee unless the mark is registered by the county government in consultation with the Authority.

[L.N. 102/2022, r. 5.]

#### **8. Application for a licence, certificate or permit**

(1) A person who intends to engage in coffee business shall apply to the Authority or the county government, as the case may be, using the respective application forms and execute a self-declaration form as set out in the First Schedule, and shall be issued with a licence, certificate or permit in the corresponding form set out in the same Schedule, upon fulfillment of all requirements and payment of the prescribed fee set out in the Second Schedule.

(2) The provisions of subregulation (1) shall not apply to a person engaged in coffee farming.

(3) A person who deals in coffee shall produce the certificate, permit or license respectively issued under subregulation (1) upon request by an inspector or such other authorized persons at all times.

(4) A person who deals in coffee shall submit returns to the licensing authority in the format set out in the First Schedule.

(5) A person who contravenes this regulation commits an offence.

#### **9. Prohibition against operating without a certificate, permit or licence**

(1) A person shall not pulp, mill, warehouse, export, import, trade, transport, possess or otherwise deal in or transact any business in coffee unless the person holds a valid certificate, permit or licence issued by the Authority or the county government for that purpose.

(2) A person who contravenes this regulation commits an offence.

#### **10. Licensing**

(1) The following certificates and licences shall be issued by the respective county government —

- (a) a coffee nursery certificate in Form A2 set out in the First Schedule authorizing the holder to operate a coffee nursery;
- (b) pulping station licence in Form B2 set out in the First Schedule authorizing the holder to operate a pulping station and may undertake hulling;

- (c) a coffee grower's milling licence in Form C3 set out in the First Schedule authorizing the holder to pulp, mill, market or roast own coffee; and
  - (d) *deleted L.N. 102/2022, r. 6;*
  - (e) a coffee roaster licence in Form F2 set out in the First Schedule authorizing the holder to buy, roast or grind and package clean coffee for local sale;
  - (f) a warehouse licence in Form G2 set out in the First Schedule authorizing the holder to warehouse coffee.
- (2) The following licences shall be issued by the Authority —
- (a) *deleted L.N. 102/2022, r. 6;*
  - (b) an independent cupping laboratory licence authorizing the holder to offer coffee liquoring services and training on coffee quality at a fee;
  - (c) a coffee buyer's licence in Form D2 set out in the First Schedule authorizing the holder to buy clean coffee from the auction for export, local sale or value addition;
  - (d) a coffee import permit issued to the holder to authorize importation of processed coffee and shall take the format specified under Form 0 under First schedule;
  - (e) warehouseman's licence in Form G1(A) authorizing qualified persons to offer warehouse management services;
  - (f) grower marketer licence in Form C3.2 set out in the First Schedule authorizing the grower to market own coffee;
  - (g) auction organizer licence in Form G8 set out in the First Schedule authorizing the conduct of coffee auctions; and
  - (h) miller-marketer licence in Form C4 set out in the First Schedule authorizing the holder to conduct the business of milling and marketing coffee at a fee;

(2A) The Authority shall seek the approval of county governments before issuing miller-marketer licences.

Provided such approval is accorded to miller applicants within thirty calendar days upon application.

(3) The county governments shall share the information on licence holders with the Authority for the purposes of monitoring the compliance with coffee standards and national regulatory framework.

(4) The Authority shall share the information on licences and permits issued with the county governments.

[L.N. 102/2022, r. 6.]

## 11. Limitation of a coffee licence

(1) A holder of a coffee buyer's licence or any other entity associated with such holder shall not be licensed as a commercial miller, broker, roaster, agent or warehouseman.

(2) A buyer's licence shall not authorize the buyer to engage in direct sales.

(3) The respective licensing authority may revoke any licence, which is found to be held in contravention of subregulations (1) and (2).

(4) Licences issued by the licensing authority shall run from 1st October to 30th September of every year and application for renewal of a licence shall be made to the Authority not later than the 1st day of the month of September in which the current licence is to expire.

[L.N. 102/2022, r. 7.]

## 12. Conditions of licence

(1) The issuance of the licences specified under these Regulations shall be subject to the applicants meeting the respective requirements for such issuance set out in Part A of

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the Second Schedule and payment of the applicable fees as specified in Part B of the same Schedule.

(2) A licence holder shall specify the premises upon which the business specified in the licence shall be conducted.

(3) Every licensed person shall comply with the Kenya Coffee Industry Standards, Industry Code of Practice and the Industry regulatory framework.

(4) Every licence holder shall submit monthly returns as required, to the licensing authority.

### 13. Licensing procedure

(1) A licensing authority may, after inspection and evaluation of an application received under these Regulations, grant the licence applied for or reject the application.

(2) Where a licensing authority rejects an application, the licensing authority shall notify the applicant accordingly, giving reasons for the rejection within fourteen days from the date of the decision of the licensing authority.

(3) The applicant may resubmit an application following such rejection after addressing the issues raised in the notification from the licensing authority.

(4) Where the licensing authority rejects an application after resubmission under subregulation (3), the applicant may appeal to the Cabinet Secretary or in the case of a county government, appeal to the County Executive Committee through the County Secretary within thirty days of notification of the rejection by the licensing authority.

(5) Where an applicant is dissatisfied with the decision of the Cabinet Secretary or the County Executive Committee in sub regulation (4), the applicant may seek judicial recourse within thirty days of the decision.

(6) The licensing authority shall, at least thirty days before granting a new licence under these Regulations, give notice of the proposed grant in the *Gazette* and in such other manner as the authority may determine.

(7) The notice referred to in subregulation (6) shall —

- (a) specify the name or other particulars of the person or class of persons to whom the licence is to be granted;
- (b) state the purpose for the proposed licence and indicate the date such licence is proposed to be issued to the successful applicant; and
- (c) invite objections to the proposed grant of licence and direct that such objections be lodged with the licensing authority within fourteen days from the date of the notice.

(8) The licensing authority may after considering the objections, if any, made under this regulation, grant the licence applied for, subject to such terms and conditions as may be specified therein.

(9) The issuance of a licence to an applicant under these Regulations shall not be withheld without reasonable cause.

(10) A licence issued under these Regulations shall not be transferable.

(11) The gazettement of licences under this regulation excludes licences and certificates issued to coffee growers.

### 14. Duration of licences

(1) Licences issued by the licensing authority shall expire on the 30th June of every year and license holders wishing to renew the licences may apply by 1st June preceding the expiry of the licence.

(2) Notwithstanding the provisions of subregulation (1), a late application may be made upon payment of a late application fee as set out in the Second Schedule.



**15. Movement permits**

(1) The movement of coffee shall be managed through the issuance of movement permits by the licensing authority provided that no movement permit shall be issued under these Regulations to any person other than a licence holder, and the licence holder shall not alter the particulars entered therein.

(2) A person shall not move coffee or cause any coffee to be moved without an original movement permit issued by the licensing authority in accordance with sub regulation (1).

(3) Duplicate copies or photocopies of the original movement permit shall not be used for coffee movement.

(4) Any vessel used for coffee transportation shall conform to the Kenya Coffee Standards.

(5) The respective county governments shall monitor the movement of parchment coffee between stores and the movement of clean coffee and hulled *buni* to the market in order to ensure that the coffee is safe and to avoid any illegal coffee dealings.

(6) A person shall not transport or be in possession of any coffee unless he is licensed to carry out any of the activities specified in these Regulations and holds a valid original movement permit issued —

- (a) in the case of buni and parchment, by the respective county of origin; or
- (b) in the case of clean coffee from the coffee mills to the warehouses, by the respective county governments;
- (c) in the case of movement of clean coffee by buyers upon purchase, or movement of purchased clean coffee to warehouses by millers, or movement of clean coffee for export or import, permits shall be issued by the Authority.

(7) Sub regulation (2)(a) shall not apply to a smallholder moving own coffee between the farm and the pulping station where he is registered.

(8) A coffee movement permit shall take the format prescribed under the First Schedule to these Regulations.

(9) A person who moves coffee contrary to this regulation commits an offence.

**16. Obligations of licence holders**

(1) Licence holders and other service providers under these Regulations shall observe the obligations set out in the Third Schedule.

(2) The obligations set out in the Third Schedule shall form part of every contract between a grower and a grower's respective service provider or agent whether expressly provided for in the contract or not.

(3) All service agreements entered under these Regulations shall be registered with the Authority and the respective county governments.

## PART IV – PRODUCTION AND PROCESSING

**17. Notification after planting, uprooting coffee exchange of details of farm or estate**

(1) Data on area of coffee planted or uprooted within a county shall be maintained by the respective county government.

(2) A co-operative society or other legal entity shall maintain growers' records of number of trees planted or uprooted.

(3) The co-operative society or other legal entity shall notify the county government of the details maintained under subregulation (2) and as specified in Form H set out in the First Schedule.

(4) The county government shall file the growers' registers with the Authority annually.

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## 18. Coffee Industry Standards and Code of Practice

The Authority and the county governments shall enforce the coffee industry code of practice and standards on the coffee production, processing, marketing and quality control.

## 19. Certification of Kenya Coffee

(1) The Authority shall promote coffee certification schemes for Kenyan coffee and geographical indications.

(2) The certification schemes operating within the coffee industry shall register with the Authority prior to the commencement of their operations in Form I set out in the First Schedule.

(3) Certified coffee shall be identified and labelled according to the respective certification schemes for traceability and marketing.

(4) A coffee grower miller or any other player in the coffee value chain may seek certification to ensure the quality of coffee, the quality of service and secure market confidence.

(5) A miller shall declare certified coffees in the sales catalogue.

(6) Certified coffee shall be traded in accordance with these Regulations and any other laws that may govern the auction.

(7) A coffee miller shall provide documentary proof of certification to the auction before such coffees are offered for sale.

[L.N. 102/2022, r. 8.]

## 20. Research and Prohibition of issuance of coffee seeds or seedlings

(1) The Kenya Agricultural and Livestock Organization may validate coffee research findings from other accredited research institutions.

(2) The Kenya Agricultural and Livestock Research Organization or its authorized agents operating coffee seed production units under their supervision, shall issue certified coffee seeds or seedlings for multiplication in any coffee nursery for distribution to any other grower or for export.

(3) Notwithstanding the provisions of subregulation (2) any person who issues coffee planting materials for multiplication or distribution other than the Kenya Agricultural and Livestock Research Organization shall obtain certification from institutions legally mandated by statute to issue certification.

(4) A person shall not establish or operate a coffee nursery unless the person is licensed by the respective county government.

(5) The Authority may upon application, licence a person to import coffee planting material for nursery establishment subject to conditions set out under the Second Schedule.

(6) A person shall not be issued with a coffee nursery licence, unless an inspector—

(a) visits and inspects the site and is satisfied that the site is suitable for establishment of a nursery; and

(b) is satisfied that the nursery licence holder or their agents have adequate knowledge of nursery management and production techniques.

[L.N. 102/2022, r. 9.]

## 21. Requirements relating to coffee pulping

(1) The primary processing of coffee shall be carried out by an estate or a grower's co-operative society or other association comprising growers under a pulping station licence.

(2) The pulping station licence shall include authority to undertake hulling of own parchment or *buni*, provided the hulling activity is registered with the County Government and shared with the Authority.

(3) Where the licence holder is a co-operative society or other association comprising growers, it shall—

- (a) appropriately weigh each grower's cherry using digitalized coffee weighing scales and post the information on quantity and quality to the grower and to a central database made accessible to the grower, for traceability:

Provided that the cooperative society or such other association which does not have digitized weighing and information systems shall put the same in place within a period not exceeding twelve months upon the commencement of these Regulations;

- (b) coffee weighing scales shall be annually calibrated by the government agency responsible for weights and measures and such calibration evidence shall be appended to the weighing scales in form of seals;
- (c) in handling parchment, do quality analysis of the dry parchment prior to storage and shall only mix parchment that is of similar quality; and
- (d) insure the coffee against loss and damage while at the station and in transit and reinforce the security of the station to guard against theft of coffee.

(4) The licence holder shall allow free access to the premises by the inspectors authorized by the respective licensing authorities for inspection to ensure compliance of the licence holder with these Regulations.

(5) The licence holder shall submit returns on the coffee received and processed to the respective county governments in the format set out in the First Schedule.

(6) The licence holder shall comply with the requirements set out in the Schedules to these Regulations.

## **22. Requirements relating to coffee milling**

(1) Every coffee society shall, by resolution of its management meeting, competitively procure services of a licensed miller-marketer for the milling parchment and buni coffee and the marketing of clean coffee, or as the case may be.

(1A) The management of every society shall, within two months of the end of the crop year, convene a meeting of its members to ratify the miller-marketer procured under subregulation (1).

(1B) The County Executive Committee Member responsible for cooperatives shall attend or designate a representative to attend the meeting referred to in subregulation (1A).

(1C) Every registered miller participating in the meeting under subregulation (1A) shall disclose all charges and fees that may be incurred in the milling process to enable growers make an informed decision.

(1D) Every resolution made under this regulation with regards to the procurement of a miller-marketer, shall within fourteen days of the meeting, be filed with the Authority and copied to the respective County Government.

(2) A miller-marketers licensed under these Regulations shall charge up to one per centum (1%) of the value of the coffee sold as marketing commission.

(2A) The milling losses allowable under this clause may be capped at nineteen percent of parchment coffee milled.

(2B) The cost of coffee milling and related activities (handling, sorting, grading, packaging, warehousing charges) shall not exceed Ksh 4,000.00 per ton of coffee delivered.

(3) A coffee miller shall allocate an out-turn number for every coffee delivered and received for purposes of traceability.

(4) A commercial miller shall ensure that the grower or grower's representative is given reasonable notice to be present during the milling process.

(5) A coffee miller shall take out comprehensive insurance cover against fire, theft, and other risks for all coffee in its possession and custody.

(6) Every miller shall account for mill spillage or sweepings and all other coffee by-products to the growers and the Authority.

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(7) Every miller shall digitize its operations to ensure weight precision, timely dissemination of information and protection of growers' data:

Provided that a miller who does not have digitized weighing and information systems shall put the same in place within a period not exceeding twelve months upon the commencement of these Regulations.

(8) The county governments and the Authority shall, separately or jointly undertake regular inspections to ensure compliance with these Regulations by the coffee mills.

(9) A coffee grower may deliver coffee samples not exceeding 500 grams of parchment or *buni* for independent quality analysis prior to the actual delivery to a commercial coffee miller and such laboratories shall issue the grower with a quality report.

(10) A coffee miller shall remit 200 gram samples for each grade of an out-turn to the Authority for quality analysis and assessment of conformity with coffee standards.

(11) A miller shall submit returns on coffee received and milled to the Authority and the respective county government in Form C5 set out in the First Schedule.

(12) A coffee miller shall comply with the Kenya Standard coffee grades set out in the Fifth Schedule and the regional and international coffee standards.

(13) A coffee miller may bulk parchment or *buni* coffee to attain millable quantities and shall ensure only coffees of similar qualities are bulked for purposes of preservation of the quality and general characteristics:

Provided that the coffee miller shall avail such information to the auction organiser and the direct settlement system provider on proportions of the bulked coffees for purposes of processing payments.

(14) For purposes of marketing under direct sales, a miller may categorize and bulk coffee as per the instructions of the grower to meet specific market requirements as instructed by the overseas buyer.

(15) A co-operative society or other legal entities representing smallholder growers shall competitively procure services of the miller or other service providers to whom the coffee is intended to be delivered before entering into such contracts in the Form J as set out in the First Schedule.

(16) The terms of agreement between a licensed grower and a commercial miller for the milling of coffee shall be reduced into writing and shall be in the form set out in the Fourth Schedule.

[L.N. 102/2022, r. 10.]

## PART V – COFFEE TRADING AND MARKETING

### 23. Coffee trading

(1) Kenya Coffee shall be traded through —

- (a) the auction; and
- (b) direct sales.

(1A) A coffee miller-marketer shall be prohibited from offering a grower financial support.

(1B) The Coffee Auction shall be managed by an auction organiser who shall be licensed by the Authority.

(2) The prices offered at the direct sales shall be competitive and bear a favorable comparison to those discovered at the auction.

(3) A buyer, roaster, a miller-marketer, grower marketer licensed by the relevant licensing authority, may trade at the auction in accordance with these Regulations and any other laws that may govern the auction.

(4) A buyer shall remit to the Authority a sample of 200 grams of clean coffee representing the consignment destined for shipment to the overseas buyer for purposes of arbitration in case of disputes and for quality control.

(5) It shall be an offence for a holder of a miller-marketing licence to participate by himself or by his agent in the buying of coffee.

(6) Parallel directorships and cross ownership of shares in miller-marketers and coffee buying companies is prohibited.

(7) The auction organizer shall establish an auction system for the conduct of auctions for Kenya Coffee and such system may facilitate trading in coffees from the region.

(8) An auction organizer shall fulfil requirements under the Second Schedule under these Regulations.

[L.N. 102/2022, r. 11.]

#### 24. Direct sales

(1) A licensed grower, other legal entity representing growers may undertake direct sales.

(2) A licensed grower or other legal entity representing growers may sell own clean coffee to licensed roasters for local value addition and sale, provided that the roasters shall comply with requirements set by the licensing authority and meet the obligations under the Third Schedule.

(2A) Direct coffee sales shall be subject to price competition at an auction whereby the Direct sales price shall serve as a reserve price.

(2B) Where the coffee referred to in subsection (2) fetches a higher price at the Coffee auction than the direct sale price offered, the prospective direct sale buyer shall have the right of first refusal to buy the coffee at the auction price.

Provided that if the prospective direct sales buyer refuses to buy the coffee at the Coffee auction price, the coffee shall be sold to highest bidder above the reserve price at the auction.

(3) A licensed grower, or other legal entity representing growers shall notify the Authority and the respective county government of the direct sales and the notification shall include the following-

- (a) a copy of the contract;
- (b) the coffee grade;
- (c) the coffee quantity;
- (d) the coffee price;
- (e) details of a certification scheme, where applicable;
- (f) quality report;
- (g) mode of payment; and
- (h) a dispute resolution clause.

(4) Direct sales shall be conducted according to the guidelines issued by the Authority in consultation with the county governments under the Sixth Schedule.

(5) The notification shall be deposited at the Authority for registration and facilitation with exportation documentation.

(6) A certificate of inspection shall be issued by the Authority on coffee to be sold under direct sales in the format prescribed under the Sixth Schedule.

[L.N. 102/2022, r. 12.]

#### 25. Management of the auction

(1) The auction organizer shall manage the auction floor, central sample room, information registry and the direct settlement system, maintain records relating to coffee sales, coffee samples and sweepings, and avail sales catalogues to interested parties.

(2) The proceeds of the sale of coffee by the auction shall, be deposited in a direct settlement system established in accordance with the laws that govern the auction.

(3) The grower or the grower's authorized representatives, shall after the commencement of these Regulations, supply through the auction all the necessary

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particulars of the grower to the commercial banks providing the direct settlement system to the grower, for purposes of initiating the settlement system

(4) The grower or the grower's authorized representatives shall through the auction organiser, lodge with the commercial banks providing the direct settlement system, any relevant contracts of service for which payment will be due from the grower, and any other document showing outstanding liabilities payable by the grower, for purposes of settlement through the system.

(5) The particulars supplied shall take the format prescribed by Form P set out in the First Schedule.

(6) The grower or the grower's authorized representatives and the auction organizer shall ensure that the information provided under subregulations (3) and (4) herein above is correct and relevant and they shall be liable for any loss or other consequences resulting from any incorrect information given to appointed commercial banks providing the settlement system.

(7) The Direct Settlement System provider shall remit coffee sales proceeds to the coffee growers and settle service provider's fees and other liabilities within five working days from the receipt of the proceeds of sale of coffee.

(8) All payments to growers for coffee sold and for services rendered for such coffee whether by miller-marketers, warehousemen, auction organizers, coffee societies and factories shall be paid into their individual accounts from the direct settlement system.

(9) The trading of coffee at the auction shall be in accordance with these Regulations and any other laws that may govern the exchange and shall comprise the following—

- (a) a miller shall deposit clean and graded coffee at a designated licensed warehouse, and where the clean coffee is a bulk, the miller shall provide details of the bulk and the proportions of the respective growers' coffee;
- (b) coffee shall meet the Kenya coffee quality standards for commodity trading at the exchange;
- (c) the warehouseman shall issue a coffee warrant in the form set out in the Eighth Schedule or transferable warehouse receipts as the case may be, stating the quantity and quality of the coffee deposited and ensure traceability of the coffee;
- (d) for purposes of sale, the grower miller or appointed broker shall input the details of the coffee warrant or warehouse receipt as the case may be, into the central registry of the exchange;
- (e) the warehouseman shall guarantee delivery of the coffee described in the coffee warrant or warehouse receipt as the case may be, and in the event of loss or failure of delivery, the warehouseman shall be liable;
- (f) the warehouseman or an appointed collateral manager shall confirm that the warehouse receipt or coffee warrant as the case may be, is valid by inspecting and auditing coffee in the warehouse;
- (g) upon verification, details in the information registry shall be confirmed into the central order book ready for trading;
- (h) the auction organizer in consultation with grower marketers or appointed miller marketers shall set the volumes, lot sizes, dates and times for holding of coffee auctions and determine the order of the sales catalogues for every sale and ensure that reasonable access to the auction is given to all persons licensed to trade;
- (i) the grower shall, either directly or in consultation with the miller marketer, set the reserve price for the coffee for every sale taking into account the quality of the coffee, the prevailing auction prices and the international production and market trends;
- (j) where a bid for coffee at the auction has not been confirmed, the grower miller or miller marketer shall disclose the reserve price at the trading floor

and where the disclosure of the reserve price does not attract any competitive offers, the coffee shall be withdrawn and re-offered for sale at a subsequent auction;

- (k) all trading in coffee at the auction shall be concluded at the trading floor of the auction;
- (l) once auction is complete, successful bidders shall be invoiced by the grower miller or miller marketer and payments of the proceeds shall be effected to the grower through direct settlement system net of contract and statutory charges;
- (m) upon confirmation of payment by the direct settlement system and endorsement by the auction organizer, title to coffee shall be transferred to the buyer or roaster by changing ownership details in the coffee warrant or warehouse receipt, as the case may be, at the central registry;
- (n) the new owners will thereafter be at liberty to take delivery of the coffee; and
- (o) a coffee warrant or warehouse receipt as the case may be, issued by the warehouseman to a depositor of coffee shall be transferable to a new holder who has purchased the coffee and is entitled to take its delivery upon presentation of the coffee warrant or warehouse receipt endorsed by the auction organizer to the warehouseman.

(10) Payments to factories or societies from the direct settlement system for operations and maintenance shall be five per centum of the value of coffee sold net of the milling, warehousing and marketing costs.

(11) The auction organizer shall disseminate market information for every auction and an analysis of performance on, weekly and monthly basis.

(12) The obligations of the auction and the direct settlement system provider shall be as set out in the coffee trading rules and these Regulations.

(13) A commercial bank which express an interest towards establishment of a direct settlement system shall fulfil requirements stipulated under the Second under these Regulations.

(14) The auction organizer shall enter into service agreements with commercial banks which qualify and are appointed to offer the services of direct settlement system services for the coffee subsector.

(15) A commercial bank appointed to offer direct settlement services shall submit returns to the auction organizer.

(16) A person who contravenes this regulation commits an offence.

[L.N. 102/2022, r. 13.]

## 26. Sales catalogue

(1) A grower marketer or a miller-marketer in consultation with the auction organizer shall prepare a sales catalogue for all the coffee in a licensed warehouse in accordance to the coffee trading rules and these Regulations.

(2) A sales catalogue shall contain the particulars set out in the Seventh Schedule.

[L.N. 102/2022, r. 14.]

## 27. Coffee promotions

The Authority may co-ordinate coffee stakeholders, including County Governments, growers and buyers at national and international events for the purpose of promoting Kenya coffee.

## 28. Coffee warehousing in designated warehouses

(1) All coffee shall be stored in warehouses duly licensed by the respective county governments.

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(2) Premises shall not be designated as a coffee warehouse by the county government unless the premises are inspected, approved, and licensed by the county government.

(3) A licensed warehouse shall conform to the standards issued by the Kenya Bureau of Standards and shall be duly certified by a public health officer.

(4) The Authority and county governments shall inspect warehouses and warehousing activities on a regular basis.

(5) A warehouseman shall not have a lien of any nature over coffee whether the coffee is in his possession or not.

(6) A warehouseman shall insure all coffee in his warehouse or under his custody against fire, theft and other insurable risk.

(7) Coffee shall not be removed from a warehouse without an endorsed coffee warrant or warehouse receipt as the case may be.

(8) A warehouseman shall account for any weight or quality loss to the growers, agents, buyers or roasters.

(9) A person who operates a warehouse contrary to this regulation commits an offence.

### **29. Export and import of coffee**

(1) A person shall not export coffee or cause any coffee to be exported unless a phytosanitary certificate issued by the competent authorities is presented to the Commissioner of Customs and Excise.

(2) The Authority shall authorize all coffee exports through issuance of the coffee buyer's licence, notification and registration of direct sales contracts, Certificate of Origin, certificate of quality and movement permits.

(3) The Authority shall authorize coffee imports through issuance of import permits or a buyer's licence:

Provided clean coffee imports shall be accompanied by the Certificate of origin and a Phytosanitary certificate issued by country of origin.

### **30. Prohibition against blending**

(1) A person who blends any or various grades of coffee produced in Kenya with any other coffees produced outside Kenya shall declare the percentage of Kenyan coffee in the blend.

(2) A person who contravenes this regulation commits an offence.

### **31. Exemption**

Clean coffee which consists only of a sample or a parcel not exceeding twenty kilograms in weight shall not require a buyer's license from the Authority provided that it fulfils other relevant licensing and certification requirements.

## **PART VI – QUALITY ASSURANCE**

### **32. Quality Assurance for Coffee Industry**

(1) The Authority and county governments shall collaborate in the enforcement of coffee industry standards along the value chain, for purposes of quality assurance.

(2) The Authority, in consultation with an accredited university of higher learning, and industry stakeholders, shall develop a training curriculum, conduct examinations and jointly issue certificates for coffee liquorers.

(3) The Authority may enter into a memorandum of understanding with an accredited university in the training and administration of liquorers' examinations.

(4) A person certified as a liquorer shall apply for a practicing licence to the Authority to offer independent liquoring services.

(5) The Authority shall, in collaboration with county governments, establish cupping centers in the counties for the purpose of coffee quality analysis and capacity building.



(6) Coffee quality analysis at the cupping centers shall be carried out by certified liquorers.

(7) Quality Assurance officers from the Authority shall carry out assessments on coffee quality maintenance at any premises that handles coffee along the value chain.

(8) The Authority shall upon application, licence a cupping independent centre subject to conditions set out under the Second Schedule.

(9) The Authority shall be at liberty to sample coffee at any stage of the value chain from the primary factories to mills, warehouses, roasting facilities, export consignments and coffee auctions for analysis to ascertain the pesticides residue levels and ensure compliance with the maximum permissible residue levels at Kenya's coffee market destinations locally and internationally.

(10) The Authority in consultation with county governments shall monitor maintenance of pesticide spraying records by coffee growers to enforce compliance with the permissible pesticides residue levels in coffee beans.

(11) The Authority shall inspect coffee storage bags, wholesalers, suppliers, manufacturers and importers to check against potential contamination and samples of such coffee bags shall be subjected to relevant tests for possible contaminants.

[L.N. 102/2022, r. 15.]

### 33. Inspection

(1) The Authority and the county governments, shall separately or jointly conduct inspection of miller-marketer, grower-miller and grower-marketer, coffee farms, coffee nurseries, pulping stations, coffee mills, warehouses, cupping centres, roasters or coffee buyers' vessels transporting coffee to ascertain compliance with the requirements of the Act and these Regulations.

(2) A smallholder, a grower, a pulping station operator, a transporter, a miller, a warehouseman or a buyer shall accord an inspector full and free access and all necessary assistance during the inspection.

(3) An inspector shall have the following minimum qualifications—

- (a) a degree from an accredited university in agriculture, agricultural engineering, food science and technology, or a related course;
- (b) three years' minimum experience in agriculture or related field;
- (c) satisfies chapter six of the Constitution;
- (d) has English and Kiswahili languages proficiency;
- (e) computer literacy; and
- (f) any other additional requirement by the licensing authority.

(4) The Authority shall *gazette* inspectors upon their appointment.

[L.N. 102/2022, r. 16.]

### 34. Conformity certificates and compliance reports

(1) The Authority shall issue annual standards conformity certificates to coffee miller-marketer, grower-miller and grower-marketer, warehousemen, buyers and roasters in a format prescribed by the Authority and such certificates may inform county governments in the renewal of licences.

(2) The Authority shall issue to county governments reports on the compliance with standards and the regulatory framework by nursery operators and pulping station licence holders and such reports may inform renewal of licences.

[L.N. 102/2022, r. 17.]

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[Subsidiary]

### 35. Prohibition against removal of labels, seals, etc.

A person shall not, except with express written authority of a grower, remove labels or seals or open technically sewn or closed packets of coffee unless for the purpose of inspection to determine their validity and genuineness or for other lawful cause.

### 36. Coffee Imports to conform to standards

(1) All coffee imported to Kenya shall conform to the Kenya coffee standards.

(2) Clean coffee imported shall be accompanied by a certificate of origin from the country of origin.

(3) Coffee, which does not conform to the Kenya coffee standards shall be destroyed upon an order of a court of competent jurisdiction obtained in proceedings instituted by the Authority with due notice to the importer, and the import and permit of the owner may be suspended and subsequently cancelled.

### 37. Surveillance

(1) The Authority and county governments shall jointly or separately conduct periodic surveillance among growers, pulping stations, miller-marketer, grower-miller, grower marketer, roasters, processing plants, warehousing facilities, transporters, retail outlets, border points, and buyers' premises to assess the degree of compliance with the coffee industry policy, standards, code of practice, laws and the general well-being of the coffee industry.

(2) Surveillance reports will be shared with county governments for purposes of standards and the regulatory framework enforcement.

[L.N. 102/2022, r. 18.]

## PART VII – GENERAL PROVISIONS

### 38. Digitization

(1) The Authority, county governments, every licence holder, certificate holder and service provider shall digitize and automate their operations for efficient service delivery and information dissemination.

(2) The digitization process shall ensure—

- (a) multiple parties can access a common system;
- (b) flow of data takes place seamlessly across the value-chain without corruption;
- (c) the system is safe and secured and protected against unauthorized entry or access;
- (d) access to the system is properly regulated and monitored with adequate mechanisms for continued integrity; and
- (e) the records are not lost, destroyed or tampered with, and in the event of any loss or destruction, sufficient back-up is available in a secure place.

(3) The digitization referred to in subregulation (1) shall require the conversion of the entire value chain into a digital platform based on automation, computerization, integration across the value-chain and digital instrument usage including weigh scales, digital scanners, storage and inventory management.

(4) The digitization and automation referred to in this regulation shall be put in place within a period of twelve months from the date of commencement of these Regulations.

### 38A. Society Loans

The interest rate on borrowing against growers' assets held in trust by the growers' coffee co-operative societies such as assets, land, machinery, equipment, shall be capped at five per cent per annum.

No society shall contract any loans or advances under subsection (a) except with the support of a resolution passed by a majority of the members to that effect.

Any society that violates the provisions subsection (a) commits an offence and any loans borrowed in breach of this provision shall be statutorily converted.

Nothing in this section shall be interpreted as prohibiting coffee farmers from directly borrowing money from regulated financial institutions or any government established funds against their deliveries of cherry, parchment and clean coffee.

The trusteeship responsibility by the management committee of a coffee cooperative society is a Fiduciary duty of position of trust and directors shall have held liable for any directors. Waste and loss arising from negligence and breach of trust.

[L.N. 102/2022, r. 19.]

### **38B. Coffee buyers Performance bond**

The Authority shall demand a performance bond from a coffee buyer who demonstrates a level of risk in buyer's operations including; sample purchases, payments against coffee purchases and settlement of trade obligations.

Provided the value of such performance bond shall be commensurate to the level of risk demonstrated by a coffee buyer.

[L.N. 102/2022, r. 19.]

### **39. Sharing of information**

(1) The county governments shall share the information on registered and licensed growers and dealers with the Authority on a monthly basis or other agreed timelines.

(2) The Authority shall share the information with the respective county governments on registered and licensed dealers and other service providers within their county on a monthly basis or other agreed timelines.

### **40. Dispute Resolution**

Where any dispute arises between any two or more persons contracted, licensed or registered under these Regulations, the dispute may be resolved through alternative dispute resolution mechanism in the first instance with judicial proceedings as the last resort.

### **41. Alteration of documents**

(1) A person shall not alter any document issued by a licensing authority or any other competent authority.

(2) A person who contravenes this provision commits an offence.

### **42. Inspections for specialty coffee**

Any person contracted to produce and market specialty coffee shall give access to persons authorized by the Authority to inspect the farms, processing facilities, warehouses and vessels transporting coffee and shall, when required to do so, produce for the purpose of inspection, any document or information related to production, processing and export of the coffee.

### **43. Inaccurate, misleading or false information**

A person who fails to give information or gives inaccurate or misleading information or falsifies information or misrepresents information required under these Regulations commits an offence.

### **44. General penalty**

(1) A person who commits an offence under these Regulations, for where no penalty is provided, shall be liable upon conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding one year or to both in accordance with section 37 of the Act.

[Subsidiary]

(2) Notwithstanding the provision of sub regulation (1), the licensing authority may suspend or revoke a license issued under these Regulations.

**45. Revocation L.N. No. 123 of 2002**

The Coffee (General) Rules 2002 are revoked.

**46. Transitional provision**

Without prejudice to the generality of regulation 45—

- (a) all licenses existing before the coming into operation of these Regulations shall remain valid until their expiry, and subsequent licenses shall be issued under these Regulations;
- (b) any contract entered into and any requirement as to the particulars to be entered in any contract used for the purposes of the Coffee (General) Rules, 2002 and insurance policy, performance bond or any bank guarantee issued which was in force immediately before the date of commencement of these Regulations shall remain in force and have effect as though prescribed under these Regulations, until their next date of expiry.
- (c) notwithstanding the provisions of regulation 46 (a) and (b) all marketing agent licenses existing as at 30th June 2021 shall remain valid until a direct settlement system is established for the processing of coffee sales proceeds and other ancillary services;
- (d) companies that may require internal reorganization to comply with the provisions of these regulations shall be given a transitional period not exceeding twelve months from the effective date of these regulations;
- (e) existing licenses shall, upon the commencement of these Regulations, remain in force until the term of expiry.

[ L.N. 102/2020 r. 2, L.N. 126/2020, r. 2, L.N. 104/2021, r. 2, L.N. 185/2021, r. 2, L.N. 102/2022, r. 20.]

FIRST SCHEDULE

[r. 8(1)]

FORMS

[L.N. 102/2022]

**Form A1**

COUNTY GOVERNMENT OF .....  
APPLICATION FOR A COFFEE NURSERY CERTIFICATE

**(1) Personal Information**

Name of Applicant: .....

(Attach National ID/Passport)

Nature of application:

New [ ] Renewal [ ]

County: ..... sub-county .....

Ward ..... Village/Road .....

Nearest public institution .....

Land Registration No/Plot No .....

*(Attach copy of Title deed, lease agreement, official search, or other supporting document.)*

Contact Details:

Postal Address .....

Email .....

Telephone: .....

Where the applicant is a company, co-operative society, association or society, supply the respective County Government with:

- (a) A certified copy of certificate of incorporation/registration;
- (b) A certified copy of the official list of directors/ constitution/by laws;

(2) Nursery Category (tick as appropriate)

(a) Commercial

(b) Private

Application is hereby made for a certificate to operate a coffee nursery. The particulars given are hereby certified to be correct.

REQUIREMENTS:

The coffee nursery certificate requirements shall be as provided in these Regulations.

Date: ..... Signed: .....

(3) County officer recommendations

.....  
.....

5. Nursery certificate Approval  
FOR OFFICIAL USE

Approved/Not Approved .....

County Officer's name ..... Designation .....

Signature ..... Date .....

Stamp:

**Form A2** (r. 10(1)(a))

COUNTY GOVERNMENT OF .....

COFFEE NURSERY CERTIFICATE

Valid from ..... to .....

Name of certificate holder: .....

Postal Address .....

Email .....

Telephone: .....

County ..... Sub-county .....

Ward .....

Village/Road .....

L.R. No. or Plot No: .....

Nursery Code:

Nursery Category (tick as appropriate)

[Subsidiary]

(a) Commercial

(b) Private

Is hereby certified to operate a coffee nursery on the specified L.R. No/Plot no

Issued by

The CEC responsible for Agriculture .....

(Or authorized Officer)

Designation.....

Signature ..... Date .....

Stamp:

Terms and conditions:

1. The Nursery certificate holder shall maintain records of source of seed, amount of allocated seed, seedlings raised and seedlings sold, as the case may be.
2. The Nursery certificate holder shall remit returns to the respective County government on an annual basis.
3. The source of seed/seedlings shall be an accredited research organization or its authorized agents provided that any imported seed shall undergo phytosanitary certification by Kenya Plant Health Inspectorate Service.
4. A coffee nursery certificate may be suspended where the certificate holder, without any good reason acceptable to the County government, fails to submit returns.
5. The Nursery certificate shall not be transferable.
6. The County government may vary, suspend or revoke, the certificate issued to any person if such person fails to comply with terms and conditions of the certificate.

**Form A3**

(r. 8(4))

COUNTY GOVERNMENT OF .....

**COFFEE NURSERIES RETURNS**

1. Name of Nursery/ certificate holder: .....
2. Postal Address: ..... Postal Code .....
- Email .....
3. Telephone: .....
4. County: ..... Sub-county .....
5. Ward ..... Village/Road .....
6. L.R. No. or Plot No: .....
7. Nursery Code .....
8. Period of returns from ..... to .....
9. Source of planting materials (seed /seedlings/ cuttings) .....

**SEEDLING STOCK**

<i>Variety</i>	<i>Balance B/f from previous year received/ (number):</i>	<i>Quantity of seed of seed</i>	<i>No. of seedlings raised</i>	<i>Total seedlings available</i>	<i>Remarks</i>
----------------	---	---------------------------------	--------------------------------	----------------------------------	----------------

Crops

[Subsidiary]

*purchased  
(kg)*

Ruiru 11  
Batian  
SL 28  
Blue  
Mountain  
K7  
SL 34,  
Robusta  
Others  
(Specify)  
Total  
Seedlings  
Sales

No.	Date	Name of ID/ Buyer	Mobile PassportNo. Registration Number	Receipt No. Issued	Variety (specify)	Total	Remarks
1							
2							
3							
4							
Total							

Prepared by:

Name:..... Designation:.....

Signature:..... Date:.....

Stamp:.....

**Form B1** (r. 8(1))

COUNTY GOVERNMENT OF .....  
APPLICATION FOR PULPING STATION LICENCE

1. Name of Applicant: ..... (Individual/organization)
  2. Postal Address ..... Postal Code .....  
E-mail ..... Telephone .....
  3. County ..... Sub-County .....  
Ward ..... Village/Road ..... Nearest Public Institution .....
  4. Proposed Name of farm (where applicable):.....
  5. L.R. No .....
- (Attach copy Title Deed, lease agreement, official search or other supporting document).
6. Where the applicant is a company, co-operative society, association or society, supply the respective County government with:
    - (a) A certified copy of certificate of incorporation/registration;
    - (b) A certified copy of the list of directors/officials.
  7. Application is made for a pulping station licence in accordance with the particulars given above, which are hereby certified to be correct by the applicant(s): -

[Subsidiary]

Name ..... Signed ..... Date .....

Name ..... Signed ..... Date .....

Name ..... Signed ..... Date .....

8. Land under mature coffee (acreage) ..... No of Trees variety .....

9. Production for immediate past three years, where applicable.

Year ..... Production (kg) .....

10. Authorized County Agriculture officer's recommendations:

.....

OFFICIAL USE

Issued by

The CEC or authorized County Agriculture Officer's

Name ..... Designation .....

Signature ..... Date .....

Stamp

Form B2 (r. 10(1)(b))

COUNTY GOVERNMENT OF .....

PULPING STATION LICENCE

Valid from ..... To .....

1. Name ..... Grower's Code .....

2. Contacts:

Postal Address .....

E-mail .....

Telephone: .....

3. Location:

County ..... Sub County .....

Ward ..... Village/Road .....

Name of farm (where applicable): .....

Is/are hereby authorized to operate a factory for the pulping of cherry and may undertake hulling of own parchment or *buni*.

Issued by:

The CEC or authorized County Officer's name ..... Designation .....

Signature ..... Date .....

Stamp:

*Subject to the terms and conditions:*

- 1. This licence shall be only for pulping own coffee.
2. The pulping licence holder shall comply with the Coffee Industry Code of Practice and Standards.
3. The pulping licence holder shall allow free access to the premises by the inspectors authorized by the respective licensing authority.
4. The pulping stations shall submit their pulping returns to the respective county government on an annual basis.



Crops

[Subsidiary]

- 5. The county government may vary, suspend or revoke the license issued to any person if such person fails to comply with terms and conditions of the licence.
- 6. The pulping station licence shall not be transferable.

**FORM B3** (r. 8(4))

COUNTY GOVERNMENT OF .....  
 PULPING STATION LICENCE  
 ANNUAL RETURNS ON MEMBERS

Society Name..... ..... Factory Name..... ..... Memeber No.	Name of farmer	I/D. No	Sex (M/F)	Area (acres) under coffee				mature trees (over 3 years)				New planting (under 3 years)				Production (kg.)		Status (Active/Dormat)
				Ruiru	Traditional	Batia	Others	Ruiru	Traditional	Batia	Others	Ruiru	Traditional	Batia	Others	Cherry	Mbuni	
Total																		

**FORM B4** (r. 21(5))

COUNTY GOVERNMENT OF .....  
 PULPING STATION LICENCE  
 ANNUAL RETURNS ON PRODUCTION AND SALES

Cooperative Society ..... Grower's Code .....

Crop Year ..... FACTORY NAME .....

COFFEE SALES

Factory Name	Coffee Type	Production (Kgs)	Clean Coffee (Kgs)	Gross Sales (Kshs)	Net From miller or broker (Kshs.)	Factory Expenses	Rate Per Kilo Cherry (Kshs)	% Pay On Net
--------------	-------------	------------------	--------------------	--------------------	-----------------------------------	------------------	-----------------------------	--------------

- CHERRY
- MBUNI
- CHERRY
- MBUNI
- CHERRY
- MBUNI
- CHERRY
- MBUNI
- CHERRY

[Subsidiary]

MBUNI

**FORM C1** (r. 8(1))

COUNTY GOVERNMENT OF .....  
 APPLICATION FOR GROWER MILLER LICENCE

1. Name of applicant .....
2. Nature of application:  
 New  Renewal
3. Postal Address: ..... Postal Code .....
4. Email ..... Mobile number .....
5. County ..... Sub-County .....
6. Ward ..... Village/road .....
7. L.R. No./Plot No .....
8. Where the applicant is a company, co-operative society, association or society, supply the respective County government with:
  - (a) A certified copy of certificate of incorporation/registration;
  - (b) A certified copy of the list of directors/officials.
9. Application is made for a coffee grower miller licence in accordance with the particulars given above, which are hereby certified to be correct by the applicant(s): -
 

Name ..... Signed ..... Date .....

Name ..... Signed ..... Date .....

Name ..... Signed ..... Date .....
10. Milling capacity:-
  - a) Parchment ..... tonnes per hour
  - b) Buni ..... tonnes per hour
11. Mill certification (if any):.....
12. Application is made for:-  
*(tick as appropriate)*
  - a) Milling own coffee
  - b) Marketing own coffee
  - c) Roasting, grinding/packaging own coffee
12. Application is hereby made for a coffee grower miller licence.  
 The particulars given are hereby certified to be correct.  
 Applicant Signature .....

**FORM C2** (r. 8(4))

THE AGRICULTURE AND FOOD AUTHORITY.....  
 APPLICATION FOR MILLER MARKETER LICENCE

1. Name of applicant .....
2. Nature of application:  
New [ ] Renewal [ ]
3. Postal Address: ..... Postal Code .....
4. Email ..... Mobile number.....
5. County ..... Sub-County .....
6. Ward ..... Village/road.....
7. L.R. No./Plot No .....
8. Where the applicant is a company, co-operative society, association or society, supply the Authority with:
  - (a) A certified copy of certificate of incorporation/registration;
  - (b) A certified copy of the list of directors/officials.
  - (c) A comprehensive insurance policy
9. Application is made for a coffee milling licence in accordance with the particulars given above, which are hereby certified to be correct by the applicant(s): -
 

Name ..... Signed ..... Date .....

Name ..... Signed ..... Date .....

Name ..... Signed ..... Date .....
10. Milling capacity:-
  - c) Parchment ..... tonnes per hour
  - d) Buni ..... tonnes per hour
11. Mill certification (if any): .....
12. Application is hereby made for a commercial coffee milling licence. The particulars given are hereby certified to be correct.
 

Applicant Signature .....

Date .....

Stamp .....

**FORM C3** (r. 10(1)(c))  
**THE AGRICULTURE AND FOOD AUTHORITY**  
**GROWER MILLER LICENCE**

Name .....

License No. .... Authority's Code .....

Valid from ..... to .....

Postal Address ..... Postal Code .....

Email ..... Mobile number .....

County ..... Sub-county .....

Ward ..... Village/Road .....

L.R.No./Plot .....

Is/are hereby authorized to operate a milling plant as a grower miller at ..... to

[Subsidiary]

(tick as appropriate)

- pulp own coffee
- mill own coffee
- market own coffee
- roast/grind and package own coffee.

Issued by:

Issued by:

The CEC or authorized County Officer's name .....

Designation .....

Signature ..... Date .....

Stamp:

Subject to Terms and Conditions:

1. A licence holder shall submit their milling returns to the Authority and the respective county government on a monthly basis.
2. The licence holder shall comply with the Coffee Industry Code of Practice and Standards.
3. The licence holder shall allow free access to the premises by the inspectors authorized by the respective licensing authority.
4. The county government may vary, suspend or revoke the license issued if the holder fails to abide with the terms and conditions of the licence.
5. The licence shall not be transferable.

**FORM C4**

(r. 10(2)(a))

**AGRICULTURE AND FOOD AUTHORITY  
MILLER MARKETER LICENCE**

Name .....

License No..... Authority's Code .....

Valid from ..... to .....

Postal Address ..... Postal Code .....

Email..... Mobile number .....

County ..... Sub-county .....

Ward ..... Village/Road .....

L.R.No./Plot .....

Is/are hereby authorized to operate a milling plant as a commercial miller at ..... to mill coffee and prepare such coffee for sale.

Issued by:

CEC or Authorized Officer

Designation

.....

Signature ..... Date .....

For: County Government

Crops

[Subsidiary]

Subject to Terms and Conditions:

1. A miller marketing licence holder shall submit their milling returns to the Authority and County government on a monthly basis.
2. The miller marketing licence holder shall comply with the Coffee Industry Code of Practice and Standards.
3. The miller marketing licence holder shall allow free access to the premises by the inspectors authorized by the Authority and county government.
4. The county government may vary, suspend or revoke the milling license issued if the holder fails to abide with the terms and conditions of the license.
5. The miller marketing licence holder shall provide to the Authority and county government the milling tariffs for the purpose of publication a month before the commencement of the coffee year.
6. The miller marketing licence shall not be transferable.

**FORM C5** (r. 22(10))  
**GROWER MILLER MONTHLY RETURNS**

Miller's Name .....

Grower Miller's Code ..... License No .....

Postal Address ..... Postal Code .....

Email ..... Mobile number .....

County ..... Sub-county .....

Ward ..... Village/Road .....

L.R.No./Plot .....

Coffee year ..... Month.....

Grower Name	Grower Code	Out-Turn	Parchment (Kg)				CLEAN COFFEE											Buni						
			P1	P2	P3	T/P	AA	AB	PB	E	C	TT	T	SB	UG	Total cc	Milling loss	M H	M L	Total Clean Buni	Milling loss			
Total																								

Monthly Sweepings in Kg .....

Roasted Coffee Returns .....

[Subsidiary]

Coffee sales returns

- (i) Local .....
- (ii) Exports .....

Prepared by:

Name:..... Designation:.....

Signature:..... Date:.....

Stamp

**FORM C6** (r. 22(10))  
**MILLER MARKETER MONTHLY RETURNS**

Miller's Name .....

Miller's Code ..... License No .....

Postal Address ..... Postal Code .....

Email ..... Mobile number .....

County ..... Sub-county .....

Ward ..... Village/Road .....

L.R.No./Plot .....

Coffee year ..... Month .....

Grower Name	Grower Code	Out-Turn	Parchment (Kg)			CLEAN COFFEE											Buni						
			P1	P2	P3	T/P	AA	AB	PB	E	C	TT	T	SB	UG	Total cc	Milling loss	M H	M L	Total Clean Buni	Milling loss		
Total																							

Monthly Sweepings in Kg .....

Milling Charges per Tonne (where applicable) .....

Transport charges (where applicable) .....

Sorting per Tonne (where applicable) .....

Other charges (Specify) .....

Prepared by:

Name ..... Designation .....

Signature ..... Date .....

Stamp

**FORM D1** (r. 8(1))

**AGRICULTURE AND FOOD AUTHORITY  
APPLICATION FOR A COFFEE BUYER'S LICENCE**

- 1. Name of applicant .....
- 2. Nature of application:  
New [ ] Renewal [ ]
- 3. Postal Address ..... Postal Code .....
- 4. Registered address ..... Building .....
- Street .....
- Town/City ..... L.R. No. ....
- 5. Date of Incorporation .....
- 6. Registration No .....
- 7. Physical Address .....
- 8. Location of the principal office .....
- Address .....
- Mobile number .....
- E-mail .....
- 9. Full names, addresses and occupations of the directors:

	<i>Name:</i>	<i>Address:</i>	<i>Occupation:</i>
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....

- 10. Branch Office(s) if any
- Address .....
- Building ..... Street .....
- Town/City ..... L.R.No. ....
- Mobile number .....
- E-mail .....
- 11. I/We are seeking a licence to
  - (i) buy clean coffee at the auction for
    - (a) export;
    - (b) local sale;
    - (c) local value addition, or
  - (ii) import clean coffee for secondary processing in Kenya
- 12. (tick as appropriate) I/We certify that the information hereby given in this application is true and I/We commit to comply with the terms and conditions of the licence.
- Date .....
- Name of Director ..... Signature .....

[Subsidiary]

Name of Director ..... Signature .....

Name of Director ..... Signature .....

13. Licensing requirements shall be as per the Second Schedule of the Regulations.

14. Authorized Officer:

Name: .....

Mobile number: .....

Signature.....

Stamp .....

(Where appropriate)

Endorsed by:

The Head of Coffee Director

Signature ..... Date .....

Stamp:

**FORM D2**

(r. 10(2)(e))

**AGRICULTURE AND FOOD AUTHORITY  
COFFEE BUYER'S LICENCE**

Name of Buyer .....

Licence No..... Buyer's Code .....

Valid from ..... to .....

Postal Address: ..... Postal Code .....

Email ..... Mobile number .....

County ..... Sub County .....

Ward ..... Street/road .....

L.R.No./Plot No .....

Is hereby authorized to buy clean coffee only at the auction for export or local sale or value addition or to import clean coffee for secondary processing in Kenya (tick as appropriate).

Issued by:

Signature..... Date .....

Head Coffee Directorate

Agriculture and Food Authority

Subject to Terms and Conditions:

1. A licensed buyer shall submit their trading returns to the Authority on a monthly basis.
2. The licensed buyer shall comply with the Coffee Industry Code of Practice and Standards.
3. The licensed buyer shall allow free access to the premises by the inspectors authorized by the Authority.
4. The Authority may vary, suspend or revoke the coffee buyer's licence issued if the holder fails to abide with the terms and conditions of the licence.
5. The coffee buyer's licence shall not include authority to engage in direct sale.



6. The coffee buyer's licence shall not be transferable.

**FORM D3** (r. 21(5))

AGRICULTURE AND FOOD AUTHORITY  
COFFEE BUYER'S MONTHLY RETURNS  
BUYER'S MONTHLY RETURNS

Name of Buyer .....  
Physical Address .....  
Postal Address .....  
Licence No. .... Buyer's Code ..... Email .....  
Mobile number .....  
Coffee Year ..... Month .....

Type of coffee	No of bags/ Others (specify)	Pockets (Kgs)	Total Weight (Kg.)	ICO No/ Licence No
----------------	------------------------------	---------------	--------------------	--------------------

Opening (b/f) Clean  
Stock  
Roasted  
Auction Clean  
Purchases  
Post-Auction Clean  
Purchases  
(Specify Buyer)  
Imports Clean  
Roasted  
Exports Clean  
Roasted  
Local Sales Clean  
Roasted  
Closing Stock Clean  
Roasted

Prepared by:  
Name of authorized officer..... Signature .....  
Designation ..... Date .....

**FORM F1** (r. 8(1))

COUNTY GOVERNMENT OF .....  
APPLICATION FOR A COFFEE ROASTER'S LICENCE

1. Name of Applicant .....
2. Postal Address ..... Postal Code .....
3. Registered address ..... Building .....
  - a. Street .....
  - b. Town/City ..... L.R. No.....
  - c. Mobile No.....
  - d. E-mail .....

[Subsidiary]

4. Where the applicant is a company

- a) Name of company .....
- b) Date of Incorporation .....
- c) Registration No .....

5. Full names, addresses and occupations of the directors:

	Name:	Address:	Occupation:
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....

6. Branch Office(s) if any

- a. Postal Address ..... Postal code .....
- b. Building ..... Street .....
- c. Town/City ..... L.R. No. ....
- d. Mobile No .....
- e. E-mail .....

7. I/We certify that that the information hereby given in this application is true and I/We commit to comply with the terms and conditions of the licence.

Date .....

Name of Director ..... Signature .....

Name of Director ..... Signature .....

Name of Director ..... Signature .....

8. Licensing requirements shall be as per the Second Schedule of these Regulations.

9. Name, Address and mobile number of the owner/authorized officer:

- a. Name: .....
- b. Physical Address .....
- c. Mobile number: .....

**FORM F2** (r. 10(1)(d))

COUNTY GOVERNMENT OF .....  
COFFEE ROASTER'S LICENCE

Name .....

Licence No. .... Roaster's Code .....

Valid from ..... to .....

Postal Address ..... Postal Code .....

E-mail ..... Mobile number .....

County ..... Sub County .....

Ward ..... village/road/street .....

L.R.No./Plot No .....

Is/are hereby authorized to buy clean coffee locally, roast/grind and package for sale.

Issued by:

The CEC responsible for agriculture  
(or authorized County Officer's)

Name ..... Designation .....

Signature ..... Date .....

Stamp:

Subject to Terms and Conditions:

1. A licence holder shall submit their trading returns to the respective county government and the Authority on a monthly basis.
2. The licence holder shall comply with the Coffee Industry Code of Practice and Standards.
3. The licence holders shall allow free access to the premises by the inspectors authorized by the respective county governments and the Authority.
4. The county government may vary, suspend or revoke the coffee roaster's licence issued if the holder fails to abide with the terms and conditions of the licence.
5. The coffee roaster's licence shall not be transferable.

**FORM F3** (r. 21(5))

COUNTY GOVERNMENT OF .....  
COFFEE ROASTER'S MONTHLY RETURNS

1. Name of Coffee roaster .....
  2. Address: Postal ..... Email .....
  3. Coffee Year ..... Month .....
  4. Source of coffee:
- |                  |   |               |
|------------------|---|---------------|
| Source of coffee | Grade (AA, AB, E, PB,<br>C, T, TT, MH, ML, UG,<br>SB) | Quantity (kg) |
|------------------|---|---------------|

Auction  
Others (specify trader)  
Total

5. Balance brought forward: Clean ..... Kg .....  
Roasted ..... Kg .....
6. Total Roasted ..... Kg .....  
Sales ..... Kg .....
7. Balance carried forward: Clean ..... Kgs .....  
Roasted ..... Kgs.....

Report prepared by:

Authorized officer's name .....  
Signature .....  
Date .....

**FORM G1** (r. 8(1))

COUNTY GOVERNMENT OF .....  
APPLICATION FOR A WAREHOUSE LICENCE

[Subsidiary]

1. Name of applicant .....
2. Nature of application:  
New [ ] Renewal [ ]
3. Postal Address ..... Postal Code .....
4. Registered Office ..... Building ..... Street .....
- Town/City ..... L.R. No .....
- Mobile number .....
- E-mail .....
5. Date of Incorporation .....
6. Registration No .....
7. Full Names, Address and Occupations of the Directors:

	Name	Address	Occupation
a)	.....	.....	.....
b)	.....	.....	.....
c)	.....	.....	.....

8. I certify that the information hereby given in this application is true and I commit to comply with the terms and conditions of the licence.  
Name of authorized officer .....
- Designation .....
- Signature .....
- Date.....
- Stamp.....
9. Licensing requirements shall be as per the Second Schedule of these Regulations.

**FORM G2** (r. 10(2)(b))

COUNTY GOVERNMENT OF .....  
WAREHOUSE LICENCE

THIS LICENCE is granted to ..... of P.O. Box ..... and authorizes the said ..... to conduct the business of a Coffee warehouse in the Republic of Kenya for a period of one (1) year from the ..... day of ..... to day of ..... (both days inclusive).

THIS LICENCE is issued subject to compliance with the requirements for approval and the provisions of the Coffee (General) Regulations 2019 currently in force and the Rules made thereunder and to such conditions as are stipulated herein.

Warehouses, whether owned or rented, used for storage of clean coffee or hulled *buni* shall comply with international standards for clean coffee warehousing.

THIS LICENCE is not transferable.

ISSUED at Nairobi this day of 20 .....

Signed.....

*County Executive Committee Member*

*Responsible for Agriculture*

Subject to terms and conditions:

1. A warehouse owner shall not engage in any business that is contrary to the provisions of the Coffee Regulations.
2. A warehouse owner shall maintain a record of all transactions undertaken and avail them to an authorized officer of the Authority and county government.
3. The warehouse owner shall submit their warehouse returns to the Authority and county government on a monthly basis.
4. The warehouse owner shall comply with the Coffee Industry Code of Practice and Standards.
5. The warehouse owner shall allow free access to the premises by the inspectors authorized by the Authority or county government.
6. The county government may vary, suspend or revoke the warehouse owner's licence issued if the holder fails to abide with the terms and conditions of the licence.
7. The warehouse's licence shall not be transferable.

**FORM G3** (r. 8(4))  
 COUNTY GOVERNMENT OF .....  
 WAREHOUSE'S MONTHLY RETURNS

1. Name of Warehouseman .....
2. Physical Address .....
3. Postal address ..... Postal code .....
4. Licence No ..... Authority's Code ..... Email .....
5. Mobile number .....
6. Crop Year .....: Month .....

Name of Client /Company	Stock B/F			Stock Received (In)				Stock Released (out)					Stock C/F			Remarks
	No of bags	Poc kets	Net weigh t	No of bags	Poc kets	Net weigh t	Mov eme nt per mit No.	No of bags	Poc kets	Net weigh t	Warr ant No	Mov eme nt per mit No.	No of bags	Poc kets	Net weigh t (kg)	

(Bags are 60kgs net weight)

Prepared by:  
 Authorized Officer's name: .....  
 Designation.....

[Subsidiary]

Signature .....

Stamp

**FORM G1(A)** (r. 10(2)(e))

AGRICULTURE AND FOOD AUTHORITY  
APPLICATION FOR A WAREHOUSEMAN'S LICENCE

Name of applicant .....

1. Nature of application: .....

New [ ] Renewal [ ]

2. Postal Address ..... Postal Code .....

3. Registered Office ..... Building ..... Street .....

Town/City ..... L.R. No .....

Mobile number .....

E-mail .....

4. Date of Incorporation (If applicable) .....

5. Registration No.....

6. Full Names, Address and Occupations of the Directors:

	Name	Address	Occupation
a)	.....	.....	.....
b)	.....	.....	.....
c)	.....	.....	.....

7. I certify that the information hereby given in this application is true and I commit to comply with the terms and conditions of the licence.

Name of authorized officer.....

Designation .....

Signature .....

Date .....

Stamp .....

8. Licensing requirements shall be as per the Second Schedule of these Regulations.

**FORM G1(B)** (r. 10(2)(e))

AGRICULTURE AND FOOD AUTHORITY  
WAREHOUSEMAN'S LICENCE

THIS LICENCE is granted to ..... of P.O. Box ..... and authorizes the said ..... to offer professional services to Coffee warehouse owners /operators in the Republic of Kenya for a period of one (1) year from the ..... day of ..... to ..... day of ..... (both days inclusive).

THIS LICENCE is issued subject to compliance with the requirements for approval and the provisions of the Coffee (General) Regulations 2019 currently in force and the Rules made thereunder and to such conditions as are stipulated herein.

The warehouseman shall maintain professionalism at all times.

THIS LICENCE is not transferable.

ISSUED at Nairobi this day of ..... 20.....

Signed

*The Chief Executive Office*

*Agriculture and Food Authority*

Subject to terms and conditions:

1. A warehouseman shall not engage in any business that is contrary to the provisions of the Coffee Regulations.
2. The warehouseman shall comply with the Coffee Industry Code of Practice and Standards.
3. The warehouseman shall allow free access to the premises by the inspectors authorized by the Authority or county government.
4. The Authority may vary, suspend or revoke the warehouseman's licence issued if the holder fails to abide with the terms and conditions of the licence.
5. The warehouseman's licence shall not be transferable.

(r. 15(8))

COFFEE MOVEMENT PERMIT

Serial No.....

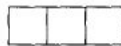
Validity period ..... Original for movement

Date of issue ..... Time issued .....

a.m./pm. Expires (Time) ..... On (Date) .....

Booking slip No ..... Bearer .....

Mark



Is hereby authorized to move the undermentioned goods from .....

..... to (specify)destination) ..... Lorry/Wagon

Reg.No.(s) .....

..... by rail/road a distance of ..... kilometres.

Description of goods (Clean, Parchment/buni) .....

Name(s) of driver(s) .....

This permit is not valid between 6.30 p.m and 6.30 a.m.

\*(Delete as necessary)

Collected by ..... ID No ..... Mobile No .....

Issued by .....

Signature .....

Designation .....

Official stamp

AUTHORITY/COUNTY GOVERNMENT

[Subsidiary]

COFFEE DIRECTORATE  
APPLICATION FOR REGISTRATION/LICENCE RENEWAL OF AUCTION ORGANIZER

- 1. Name of applicant.....
  - 2. Certificate of incorporation..... (Attach copy)
  - 3. Copies of Memorandum and Articles of Association.....(Attach copy)
  - 4. Names and Particulars of Directors and Form CR 12 (attach details).....
  - 5. Tax Compliance Certificate (Attach copy).....
  - 6. Address.....
  - 7. Contact Information
    - a) Telephone number .....
    - b) E-mail address.....
  - 8. Contact Person.....
  - 9. L.R. No. /Nos. ....
  - 10. Nature of business.....
  - 11. Specify services to be provided.....
- Date applied.....

Signature of applicant

Terms and Conditions

- 1. An applicant shall furnish the Authority with the protocols governing the operations of the Auction in a form satisfactory to the Authority.
- 2. The protocols shall restrict the applicant to the business of operating a coffee auction and related services.
- 3. The protocols shall contain the applicable fees and charges for membership and for services rendered by and between members
- 4. The protocols shall contain guidelines for disclosure of the daily trading report of the auction.
- 5. Satisfy the Authority on the applicant financial capacity, functional expertise and infrastructure to undertake coffee auctioning in the Republic of Kenya.
- 6. Have in its employments sufficient number of persons with adequate, professional and other relevant competencies and experience.
- 7. An applicant shall digitize and automate the coffee Auction system for efficient services delivery and information dissemination.

**FORM G8** (r. 10(2)(f))  
 AGRICULTURE AND FOOD AUTHORITY  
 LICENCE OF AUCTION ORGANISER

Name .....

License No. ....

Authority's Code .....



Valid from ..... to .....

Postal Address ..... Postal .....

Code .....

Email .....

Mobile number .....

County .....

City .....

Road .....

Name of Building.....

L.R.No./Plot .....

Is/are hereby authorized to undertake the business of an auction organizer .....

.....

Issued by:

Director, Coffee Directorate

Signature.....

Date .....

Stamp:

Subject to Terms and Conditions:

1. An auction organizer shall submit their auctioning returns to the Authority on weekly and monthly basis.
2. An auction organizer shall comply with the Coffee Industry Code of Practice and Standards.
3. An auction organizer shall allow free access to the premises by the inspectors authorized by the Authority.
4. The Authority may vary, suspend or revoke the license issued if the holder fails to abide with the terms and conditions of the licence.
5. The licence shall not be transferable.

**Form H** \_\_\_\_\_ (r. 17(3))

COUNTY GOVERNMENT OF .....  
COFFEE GROWERS NOTIFICATION TO COUNTY  
GOVERNMENT AND DIRECT SETTLEMENT SYSTEM  
PROVIDER

Planted or uprooted coffee

1. Name of the grower .....

2. Grower Code .....

3. Category of grower (Tick as appropriate)

Cooperative [ ] Association [ ] Estate [ ] Other [ ] specify

4. Location of Grower

County ..... Sub-County ..... Ward .....

[Subsidiary]

Village/Road .....  
 Contact: Postal Address ..... E-mail .....  
 Mobile Number: .....

5. Change of Acreage

NO	Name of Farmer	ID/NO	Member Number	Acreage Number Planted	Acreage Number Uprooted	variety of trees	Remark
----	----------------	-------	---------------	------------------------	-------------------------	------------------	--------

- 1.
- 2.
- 3.
- 4.

6. The following contracts of service provided to the grower are attached for purposes of the Direct Settlement System record:

- (i) .....
- (ii) .....
- (iii) .....

7. The following are the outstanding liabilities payable by the grower to service providers through the Direct Settlement System and the supporting documents:

- (i) .....
- (ii) .....
- (iii) .....

Prepared by:

Name of authorized person .....

Designation .....

Signature ..... Stamp .....

FORM H1  
 AGRICULTURE  
 AND FOOD  
 AUTHORITY  
 APPLICATION  
 FOR  
 REGISTRATION  
 OF  
 DEALERS

1. Name of Dealer (company) .....

2. Principal Office .....

Postal Address ..... Postal Code ..... Building .....

Street ..... Town/City..... L.R. No .....

Email ..... Mobile

Number .....

3. Specify type of dealership/Service

Category

Tick as appropriate

Warehousemen

Miller

Roaster

Import Permit

Buyer  
Independent Cupping services  
Miller marketer  
Grower Miller  
Grower Marketer

4. Directors of dealership

NO	NAME	ID NO/PASSPORT NUMBER
----	------	-----------------------

- 1.
- 2.
- 3.
- 4.

5. Declare professional skills of persons engaged (attach profiles)(warehouseman, liquorer, agronomist, engineer, if other professional specify)

6. Brief Company profile

7. Application for Registration by

Name

Signature

Stamp

8. Head of Coffee Directorate

Name .....

Signature .....

Stamp .....

**FORM H2**

**AGRICULTURE AND FOOD AUTHORITY  
DEALER REGISTRATION CERTIFICATE**

Name of Dealer .....

Type of Dealership .....

Location of Dealership: City/Town ..... L/R No .....

Street .....

The dealer is here registered for conducting the business of ..... at (location) ..... on ..... (Date)

The registration is made under an application by ..... being the Director of the company.

Signed

.....

Director, Coffee Directorate Stamp

THIS IS NOT A LICENCE FOR CONDUCTING BUSINESS

Terms and conditions

1. The registration is not transferable.

[Subsidiary]

2. Annual returns shall be submitted to the Authority and the respective county government.
3. Continuous updates of the directorship and other registration details shall be submitted.
4. The Dealer shall comply with all national and international coffee standards and other regulatory requirements in the crops Act (CAP 318), the coffee regulations, the trading regulations and other statutory requirements such as NEMA.
5. Any other terms introduced by the Authority.

**Form I** (r. 19(2))

AGRICULTURE AND FOOD AUTHORITY  
CERTIFICATION BODY NOTIFICATION

9. Name of Certification Body .....
10. Principal Office .....  
Postal Address ..... Postal Code ..... Building Street ..... Town/City .....  
L.R.No .....
- Email ..... Mobile Number .....
11. Name of Certification(s) scheme .....
12. Components of certification Scheme (include the core components and other services)
  - a) .....
  - b) .....
  - c) .....
13. Cost of Certification scheme(s) services and other related costs, specify below: -  

NO	Type of Service	Cost (Ksh/USD), if any
1		
2		
3		
14. Certification Body Technical and management staff skills  
*(Please specify the technical staff and their technical competencies, attach CVs and copies of certificates)*  

NO	Type of Service	Qualifications attained
1		
2		
3		
15. Certification scheme benefits (Specify)  
Prepared by:  
Authorized officer's name ..... Designation .....  
Signature ..... Date .....

**Form J** (r. 22(14))

AGRICULTURE AND FOOD AUTHORITY  
CRITERIA FOR COMPETITIVE SOURCING OF A COFFEE  
MILLER BY COOPERATIVE SOCIETIES

Crops

[Subsidiary]

(To be forwarded to minimum of three millers. The miller(s) to complete and return the form to the society within the agreed time)

1. Name of miller .....
2. Location of mill (estimated kilometers from grower)  
 County  
 Town/City .....
- Postal address ..... postal code .....
- Mobile number ..... Email .....
3. Valid Licence by Authority (*attach certified copy*) .....
4. NEMA certification (*attach certified copy*) .....
5. Coffee exchange clearance (*attach certified copy*) .....
6. Other certification held (*attach certified copy*).....
7. Relevant association membership (*attach copy of evidence*) .....

8. Core Services offered:

NO	Services	Cost of service	Comments
1	Coffee milling per ton	----USD/Ton	
2.	Coffee handling at mill per 60 kg bag (Where applicable)		
3.	Sorting per ton (Where applicable)	----USD/Ton	
4.	Transport (Where applicable)	----KES/Bag	State if credit is available
5.	Export bags (specify type)	----USD/Bag	
6.	Warehousing charges beyond the day grace period agreed	----KES/Bag per	

9. Estimated milling losses

TYPE	KES PER TONNE	REMARKS
Parchment 1		
Parchment 2		
Parchment 3		

10. Average payments for husks in the last three years (KES)

TYPE	KES PER TONNE	REMARKS
Parchment 1		
Parchment 2		
Parchment 3/Lights		
Buni		

11. Average payments for sweepings in the last three years (KES)

Year	KES PER TONNE	REMARKS
1		
2		
3		

12. Other support services offered (state with cost)

[Subsidiary]

NO	Services	Unit Cost of service (Ksh/Unit of measurement)	Comments
1.			
2.			
3.			
4.			

**FORM K** (r. 8(1))  
 AGRICULTURE AND FOOD AUTHORITY  
 APPLICATION FOR COFFEE LIQUORING LICENCE

1. Name of Applicant .....
2. Postal Address .....
3. Registered address ..... Building .....
- a. Street .....
- b. Town/City L.R. .... No. ....
- c. Mobile No.....
- d. E-mail.....
4. State Year of certification by the Coffee Directorate .....
- (Attach Liquoring licence issued by the Coffee Directorate or an agency authorized by the Authority)
5. State Current Occupation .....
- .....
6. I certify that that the information hereby given in this application is true and I commit to comply with the terms and conditions of the licence.
- Date ..... Signature .....
- Form L deleted by L.N. 102/2022 r. 21(I)*

**Form M**  
 AGRICULTURE AND FOOD AUTHORITY  
 SELF-DECLARATION FORM

1. Name .....
2. Postal Address .....
3. Mobile number.....
4. Location .....
5. Licence application for: .....
6. I/We declare that i/we have pending /no pending (delete as appropriate);
  - a) Outstanding payments to farmers or other coffee traders.
  - b) Litigations, disputes, arbitrations, cases of coffee thefts, denials of licences, revocations, penalties,
  - c) Status with registering bodies
- Declared at

.....

This day of .....

Before a Magistrate/Commission for Oaths

**Form N**

**AGRICULTURE AND FOOD AUTHORITY  
COFFEE IMPORT PERMIT APPLICATION**

- 1. Name of Importer (Company) .....
- 2. Principal Office .....
- Postal Address ..... Postal Code .....
- Building ..... Street ..... Town/City ..... L.R. No .....
- Email ..... Mobile Number .....
- 3. Directors of Importer

NO	NAME	ID NO/PASSPORT NUMBER
5.		
6.		
7.		
8.		

- 4. Declare professional skills of persons engaged (attach profiles)
- 5. Brief Company profile
- 6. Application for Registration by
- 7. Comments by Head of Coffee Directorate

Name .....

Signature .....

Stamp .....

**FORM O**

(r. 25(5))

**AGRICULTURE AND FOOD AUTHORITY  
COFFEE IMPORT PERMIT REGISTRATION CERTIFICATE**

Name of Importer .....

Location of Importer : City/Town ..... L/R No .....

Street .....

The Importer is here registered for conducting the business of processed coffee imports ..... at (location) on ..... (Date) The registration is made under an application by being the Director of the company.

Signed

.....

Interim Head Coffee Directorate Stamp

[Subsidiary]

Terms and conditions

1. The registration is not transferable.
2. Annual returns shall be submitted to the Authority.
3. Continuous updates of the directorship and other registration details shall be submitted to the Authority.
4. The importer shall comply with all national and international coffee standards and other regulatory requirements in the crops Act, the coffee regulations, the trading regulations and other statutory requirements such as NEMA, where applicable.
5. Any other terms introduced by the Authority.

**FORM P**

(r. 25(5))

COUNTY GOVERNMENT OF .....

COFFEE GROWERS NOTIFICATION OF DETAILS TOWARDS FACILITATION  
OF REMISSION OF COFFEE SALES PROCEEDS THROUGH DIRECT  
SETTLEMENT SYSTEM

1. Name of the grower .....
2. Grower Code ..... Address ..... ZIP Code .....
3. Category of grower (Tick as appropriate)  
Cooperative  Association  Estate  Other   
specify .....
4. Location of Grower: County .....
5. Sub-County ..... Ward .....  
Village/Road ..... E-mail .....  
Mobile Number: .....
6. The following are Officials/Signatories to the Grower account and shall transact for the grower

Name of Official/Owner/ Agent	ID NO	Signature
a) .....	.....	.....
b) .....	.....	.....
c) .....	.....	.....
d) .....	.....	.....

(Attach copies of IDs, minutes electing the committee, introduction letter  
by the County Commissioner Cooperatives)

7. Details of Bank Account  
Name of Bank/Financial Institutions .....  
Branch .....  
Account Number .....  
Contact of Bank (if any) .....
8. Details of service contracts and loan obligations to which payments are due  
a) Name of Service contract(s) .....



b) The following are the outstanding liabilities payable by the grower to service providers through the Direct Settlement System and the supporting documents:

.....

(Attach additional documents)

c) Other (specify) .....

Attach list if space is not adequate)

9. Prepared by-

a) Name of Authorized person: .....

b) Signature .....

c) Position at Grower institution/Estate .....

d) Mobile .....

e) National ID/No. ....

(Attach Copy of ID)

f) Date .....

g) Stamp .....

SECOND SCHEDULE

[r. 8(1), 12(1), 14(1), 20(4), 32(7)]

REQUIREMENTS AND FEES

[L.N. 102/2022]

A—Licensing Requirements

a) Nursery Certificate

1. Individual National Identity /Passport.
2. Suitable land site for establishment of a nursery.
3. Reliable source of clean water.
4. Accessibility of nursery site for inspection and materials transportation.
5. Applicant to hire or possess nursery management skills /know how.
6. Any other requirements that may be prescribed by the licensing authority from time to time.

In addition, where the applicant is a company/society

7. A certified copy of certificate of incorporation/registration (in the case of companies or societies.
8. A certified copy of memorandum and articles of association.
9. Names of directors/officials.
  - b) Pulping station licence
1. Applicants personal details and contacts.
2. Individual National ID/Passport.

[Subsidiary]

3. Copy of title deed or certificate of leasehold of a duration of lease of not less than six years as proof of ownership or proprietorship and a current certificate of search or other supporting documents.

4. Letter of No Objection issued by the mother society, if applicable.

5. Reliable source of water.

[Attach Clearance letter or certificate by water department, where applicable]

6. Certificate by National Environmental Management Authority, where applicable.

7. A standard pulping station established upon issuance of Authority to Erect such station by the Authority.

8. Any other requirements that may be prescribed by the licensing authority from time to time.

c) Grower Miller's Licence

1. Applicant's personal details and contacts.

2. A complete and licensed pulping station for primary coffee processing.

3. A certified copy of certificate of registration, if applicable

4. Names of officials, individual National ID/ Passport No.

5. Compliance with statutory requirements, including but not limited to; Tax Compliance, NEMA certificate, Safety and Occupational Health Certificate, and Public Health certificate.

6. A certified copy of a comprehensive insurance cover from a reputable firm proportionate to volume of coffee handled as per insurance valuation.

7. Proof of engaging services of a coffee liquorer registered by the Authority or establishment of a certified cupping lab.

8. Complete coffee milling facilities subject to an initial written approval and issuance of Authority to Erect the coffee mill OR lease of a complete coffee mill.

9. Self-declaration of any indebtedness, conflicts and litigations within the coffee industry.

10. Any other requirements that may be prescribed by the Authority from time to time.

d) A commercial coffee miller's licence

1. Registered company.

2. Certificate of incorporation.

3. Name(s) of officials, ID numbers/ Passport numbers.

4. Compliance with statutory requirements, including but not limited to—

a) NEMA certificate;

b) Occupational Health and Safety Certificate, (OHSA);

c) Public Health certificate;

d) Tax Compliance certificate by KRA;

5. A certified copy of a comprehensive insurance cover from a reputable firm proportionate to volume of coffee handled as per insurance valuation.

6. Proof of engaging services of a coffee liquorer licensed by the Authority.

7. Establishment of coffee milling facilities including cupping laboratory subject to an initial written approval and issuance of Authority to Erect the coffee mill OR lease of a complete coffee mill.

- 
8. Self-declaration of any indebtedness, conflicts and litigations within the coffee industry.
  9. Any other requirements that may be prescribed by the Authority from time to time.
    - e) Roaster's License
  1. Applicant's personal details and contacts (provide copies of National identity/Passport).
  2. If applicant is a company—
    - (a) A certified copy of certificate of incorporation;
    - (b) Names of company directors, individual National ID/Passport No.
  3. If applicant is a registered business or company-
    - (a) Certificate of Registration/incorporation;
    - (b) Particulars of the proprietors - individual National Identity/Passport No, Pin Numbers.
  4. Compliance with statutory requirements, including but not limited to,
    - a) NEMA certificate where applicable;
    - b) Occupational Health and Safety Certificate, (OHSA) where applicable;
    - c) Public Health certificate;
    - d) Tax Compliance certificate by KRA;
  5. Establishment or outsourcing/leasing of coffee roasting and packaging facilities subject to prior approval by the county government..
  6. Self-declaration of any indebtedness, conflicts and litigations within the coffee industry.
  7. Any other requirements that may be prescribed by the county government from time to time.
    - f) Coffee Buyers's Licence
  1. Names of company officials, individual National ID/Passport No.
  2. A certified copy of certificate of incorporation.
  3. Clearance letter from the exchange in the case of renewals.
  4. Compliance with statutory requirements, including but not limited to—
    - (a) NEMA certificate where applicable;
    - (b) Occupational Health and Safety Certificate, (OHSA) where applicable;
    - (c) Public Health certificate, where applicable;
    - (d) Tax Compliance certificate by KRA.
  5. Deleted by L.N. 102/2022, r. 22(a)
  6. Proof of engaging the services of a coffee liquorer licensed by the Authority
  7. Access to an authorized cupping laboratory.
  8. Deleted by L.N. 102/2022, r. 22(a)
  9. Any other requirements that may be prescribed by the Authority from time to time.
    - g) Warehouseman's Licence
  1. Must be registered in Kenya or a Kenyan resident.
  2. Copy of a certificate of incorporation/Registration, where applicable.
  3. Names of company officials, individual National ID/ Passport No, as the case may be.
-

---

[Subsidiary]

4. Have a minimum technical experience of three years in warehouse management and in handling agricultural commodities.

5. Tax Compliance certificate by KRA.

6. Indemnity against professional misconduct leading to loss in coffee quality or any other damage;

7. Any other requirements that may be prescribed by the Authority from time to time.

h) Qualifications of a Collateral Manager

1. Must be registered in Kenya or a Kenyan resident.

2. Have a minimum technical experience of three years in collateral management and in handling agricultural commodities.

3. Have clear and demonstrable capacity and experience in risk management.

4. Meet any other qualification that may be prescribed by a relevant authority.

j) Coffee liquorer's licensing requirements

1. Been awarded a coffee liquoring certificate by the Authority.

2. Obtain a public hygiene certificate from the nearest local authority to the area of operation.

3. Submit application to the Authority.

4. Meet any other qualification that may be prescribed by the Authority;

J) Coffee import permit requirements

1. Names of company officials, individual National ID/Passport No.

2. A certified copy of certificate of incorporation.

3. Compliance with statutory requirements, including but not limited to—

(a) NEMA certificate where applicable;

(b) Occupational Health and Safety Certificate, (OHSA) where applicable;

(c) Public Health certificate;

(d) Tax Compliance certificate by KRA;

4. Proof of engaging the services of a coffee liquorer licensed by the Authority and/or leasing or establishing of cupping facilities, where applicable.

5. Self-declaration of any indebtedness, conflicts and litigations within the coffee industry.

6. Any other requirements that may be prescribed by the Authority from time to time.

K) Coffee liquoring /cupping facility requirements

1. Names of company officials, individual National ID/Passport No.

2. A certified copy of certificate of incorporation/business name.

3. Establishment of standard facilities as specified by the Authority.

4. Proof of engaging the services of a coffee liquorer licensed by the Authority.

5. Compliance with statutory requirements, including but not limited to—

(a) NEMA certificate where applicable;

(b) Occupational Health and Safety Certificate, (OHSA) where applicable

(c) Public Health certificate;

(d) Tax Compliance certificate by KRA.

6. Self-declaration of any indebtedness, conflicts and litigations within the coffee industry.

7. Any other requirements that may be prescribed by the Authority from time to time

L) Coffee import permit requirements

1. Names of company officials, individual National ID/Passport No.

2. A certified copy of certificate of incorporation.

3. Compliance with statutory requirements, including but not limited to

a. NEMA certificate where applicable;

b. Occupational Health and Safety Certificate, (OHSA) where applicable;

c. Public Health certificate;

d. Tax Compliance certificate by KRA.

4. Proof of engaging the services of a coffee liquorer licensed by the Authority and leasing or establishing of cupping facilities, where applicable.

5. Any other requirements that may be prescribed by the Authority from time to time

#### B. CERTIFICATE AND LICENCE FEES

The following license fees shall apply for the respective certificates and licences—

<i>Category</i>	<i>Amount (KES.) USD</i>	<i>Payment</i>
Application Forms	Nil	Licensing Authority
Growers Registration	Nil	County Government
Nursery Certificate	KES 1,000	County Government
Pulping Station licence	KES 1,000	County Government
Grower's miller licence	KES 10,000	County Governments
Commercial Coffee Millers licence	USD, 2,000	County Governments
Over 10,000MT CC		
5000-9,999MT CC	USD 1,000	
3,000-4,999	USD 750	
Less than 3000MT CC/ NEW	USD 500	
Roaster's Licence		County Government
Over 1000 Bags	KES 10,000	
500- 999 bags	KES 7,500	
100 - 499 bags	KES 5,000	
Less than 100 Bags /New	KES 2,500	
Coffee Commercial Warehouse Licence	USD 1,000	County Government
	USD 750	
	USD 500	
Over 200,000 bags		
50,000- 99,000 bags		
Less than 50,000 bags / New		
Buyer	USD 500	Authority
Over 10,000 bags annual purchases		
5,000 — 9,999 bags	USD 350	
annual purchases	USD 250	
1,000 — 4,999 bags	USD 100	
annual purchases		

[Subsidiary]

Less than 1000 bags purchases/New licence		
Parchment/Buniconffee movement permit (per leaf)	Free	County Government
Clean coffee movement permit from County of origin (per leaf)	KES 100	County Government
Clean coffee movement permit from County of origin (per leaf)	USD 1	Authority
Late application fee	10% of the license fees	Licensing authority
Independent Cupping Center	KES 20,000	Authority
Liquorer's practicing licence fees	KES 2,000	Authority
Processed coffee import permit	Ksh10,000	Authority
Warehouse man's licence	Ksh 2,000	Authority

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 THIRD SCHEDULE

[r. 16(1)(2)]

## OBLIGATIONS OF LICENCE HOLDERS AND SERVICE PROVIDERS

[L.N. 102/2022]

The following are the operating standards and obligations which shall be binding the licence holders, certificate holders and service providers:-

The cost charged by cooperative societies to growers for pulping, administrative factory expenses, transportation, milling, warehousing, brokerage, any exchange levy, and any other expenses shall be as per the societies' budget but shall not exceed 20% of the gross earnings, from the coffee sales.

The maximum chargeable cost by cooperative societies shall be retained or reviewed downwards as published periodically by the Commissioner for Cooperatives in consultation with county governments.

## A: Pulping Station

1. The licence holder shall perform sorting and density grading of cherry within a maximum of eight hours upon receipt from smallholder growers or from own estate.
2. The cooperative society licence holder shall weigh the grower's cherry using a calibrated weighing system, maintain an accurate record of the same and give an original receipt thereof to the smallholder grower immediately.
3. The licence holder shall carry out the process of removal of coffee pulp from the cherry, fermentation, washing and drying to the desired moisture content in accordance with the coffee standards.
4. The licence holder shall digitize its coffee weighing scales and post the information of quantity and quality to a central database made accessible to the grower, provided that licence holders without digitalized cherry weighing systems shall establish the same within a period of twelve months from the date of commencement of these Regulations.

5. In parchment handling, the licence holder shall do quality analysis of the dry parchment prior to storage and will mix only parchment that is of similar quality.
6. The licence holder shall digitize stock cards.
7. The licence holder shall insure the coffee against loss and damage while at the station and in transit and in the event of non-payment by the insurer owing to breach of the insurance contract or other cause by the licence holder, the licence holder shall be liable to pay for the loss or damage.
8. The licence holder shall reinforce the security of the station to guard against theft of coffee by its servants or other persons and where security of the parchment cannot reasonably be guaranteed, it shall transport the same to a safer location.
9. Before moving the parchment and *Buni* coffee, the licence holder shall apply for a movement permit for the coffee from the County government.
10. The licence holder shall ensure that the vehicle ferrying coffee is installed with a tracking device.
11. The licence holder shall have the permits for the movement of coffee duly endorsed by the miller to acknowledge receipt of the parchment clearly indicating quantity and quality and shall file proper returns for the same which shall periodically be availed to the relevant authorities for verification. Each vehicle shall bear an original movement permit with specific driver details and vehicle registration number.
12. The licence holder shall deliver a sample to an independent cupping laboratory for quality analysis before the actual delivery of the coffee to the commercial miller where one is contracted.
13. The licence holder shall supply the particulars of its coffee grower members to the Direct Settlement System provider through the exchange, after the commencement of these regulations for purposes of initiating settlement through the system.
14. In any event, there shall be no mixing of the licence holder own monies with the monies that belong to the growers and the licence holder shall maintain two separate accounts.
15. In the event that there is need for borrowing by licensed Growers' societies and associations, they shall only seek credit from regulated financial institutions upon approval by the growers.
16. The licence holder shall register with the respective county government.

**B: Miller**

There shall be an annual service contract between the parties provided longer term contracts shall be subject to the approval of the county government but no service contract shall exceed three years.

1. The cost of service by a commercial miller shall be agreed in terms of US Dollars per tonne of processed parchment or *buni* at the beginning of each year and the same shall be paid through the direct settlement system in accordance with the service agreement with the grower.
2. The licence holder and the Authority shall publish annual milling tariffs and any other charges that are registered with the Authority and county governments and the licence holder shall not charge the grower more than the published charges.
3. The licence holder shall be accountable to the grower for the coffee received and shall acknowledge receipt of the same from the grower by endorsing the movement permit and issuing a weigh bridge receipt, confirming whether the volume, the grading and the owner of the coffee is as indicated in the permit and by issuing an identifying out-turn number for the coffee so delivered.

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[Subsidiary]

4. The licence holder shall issue a delivery note to the grower and transmit data of the same to a central database operated and maintained by the licence holder and shared with the direct settlement system and the exchange.
5. The licence holder shall, if it has not done so, digitize its weighing scales and its grading equipment to ensure precision and protect against loss of coffee volume.
6. In the event of bulking, the licence holder shall indicate the minimum minable lot in the contract, inform the grower and receive the grower's consent to bulk his coffee with the coffee of others, file a log and share with the owners of the coffees being bulked, stating their names, volume, and quantities of the batches being bulked for purposes of enabling each person in the bulk to get an indication of the distribution of the value of the same upon sale.
7. The licence holder shall provide a statement on milling, to include milling losses and sweepings, stating the range of expected milling loss for every parchment type and *buni* as approved by the Authority, provide a target milling loss per delivery on analysis of the sample and grant the grower the right of advance adequate notification of the time and date of the milling of the grower's coffee to enable the grower to be present at the milling.
8. The licence holder shall share all milling statements with the Authority and county government.
9. The licence holder shall insure the coffee against loss and damage while at the station and in transit and in the event of non-payment by the insurer owing to breach of the insurance contract or other cause by the licence holder, the licence holder shall be liable to pay for the loss or damage.
10. A licence holder who wishes to lend or advance any credit to growers' associations on behalf of growers shall establish a regulated subsidiary company to provide such financial services.
11. The licence holder's liquorers shall take out and maintain professional indemnity insurance covers.
12. The licence holder shall file copies of the movement permit returns duly endorsed by the licensed warehouseman, upon delivery of the milled coffee to the warehouse.
13. The licence holder shall provide copies of coffee warrants, or warehouse receipts as the case may be, issued by the warehouseman, to the grower and ensure that the relevant authorities have verified that movement permits were endorsed by the licensed warehouseman.
14. The licence holder in consultation with the exchange and growers, shall prepare a catalogue for the coffee to be offered for sale at the exchange. The terms of agreement between a grower and a miller for milling of coffee shall be reduced into writing provided that the agreement shall expressly incorporate the obligations set out in this Schedule and Termination of milling agreements between growers and millers shall be subject to prior written notice of not less than two months.
15. Every commercial miller shall mill coffee on a First- In - first —Out basis provided the miller shall take into consideration any instructions from the grower on the milling and marketing of such coffee or bulking instructions where they apply to realize malleable quantities.
16. The licence holder shall act in accordance with these Regulations and in the best interest of the grower.
17. The licence holder shall make timely submission of milling out turn statements.
18. Payment of all auction coffee sales proceeds shall be through the Direct Settlement system.
19. The licence holder shall remit 200 grams samples of each grade of an out-turn to the Authority.



**20.** The licence holder shall register with the Authority.

**C: Warehouseman**

1. There shall be a service contract between the licence holder and the grower miller or appointed agent or broker acting on behalf of the grower, for the coffee deposited in the warehouse in the custody of the licence holder.
2. The cost of the service shall be agreed in terms Kenya Shillings per 60kg Bag of the coffee stored at the warehouse at the beginning of each year and the same shall be paid through the direct settlement system by the grower upon sale of the coffee in accordance with the service agreement.
3. The licence holder shall upon delivery of the coffee, be accountable to the grower or his authorized representative, for the coffee received and shall acknowledge receipt of the same from the grower or his authorized representative through an endorsement confirming whether the volume, the grading and the owner of the coffee are as indicated in the permit and by confirming the out-turn number for the coffee so delivered.
4. The licence holder shall issue coffee warrant or warehouse receipt, as the case may be, for the coffee so received in the name of the grower or his authorized representative.
5. The licence holder shall issue a goods received note (GRN) and transmit data of the same to a central database operated and maintained by the licence holder and shared with the direct settlement system and the exchange.
6. The licence holder shall publish tariffs that will be filed with the Authority and the county government.
7. The licence holder shall not allow the grower's coffee to be sold without the knowledge and consent of the grower and will not allow the grower's representatives to borrow funds against the growers' coffee.
8. The licence holder shall, if it has not done so, digitize its weighing scales and its other equipment, and it shall weigh and count all the bags of coffee delivered to ensure precision and protect against loss of coffee volume.
9. The licence holder shall insure the coffee against loss and damage while at the station and in transit and in the event of non-payment by the insurer owing to breach of the insurance contract or other cause by the licence holder, the licence holder shall be liable to pay for the loss or damage.

**10.** The licence holder shall register with the Authority.

**D: Coffee Roaster**

A coffee roaster shall operate under the following obligations: -

1. Register with the exchange for the purchase of clean coffee at the Exchange.
2. Declare the source of clean coffee to the Authority and the County Government.
3. Establish or outsource standard coffee roasting facilities subject to all requirements set by the licensing authorities.
4. Pay deposit fee as security for collection of coffee samples.
5. Pay to the exchange the applicable auction levy, if any.
6. Pay for coffee bought at the auction within the prompt period.
7. Remit the proceeds for coffee bought at the auction through the direct settlement system.
8. Be automatically liable for suspension from trading in case of default of payment of coffee sales proceeds within the prompt date.
9. Be liable to pay penalty and interest for the default in payment within the prompt date.
10. Pay any bank transaction charges they have incurred.

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[Subsidiary]

11. Package roasted coffee in standard packaging materials.
12. Comply with the Kenya coffee standards and other statutory requirements.
13. Comply with the respective County Public Hygiene standards.
14. Maintain records of clean coffee purchases, sources of clean coffee and roasted coffee sales.
15. Submit returns to the county government and the Authority.
16. Allow access for inspection of premises and facilities by the Authority and respective county government for enforcement of national coffee standards.
17. The licence holder shall register with the Authority.

**E: Coffee Buyer**

A Coffee Buyer shall operate under the following obligations:-

1. Register with the exchange for the purchase of clean coffee at the Exchange.
2. Establish or outsource standard coffee roasting facilities subject to all licensing authorities, where applicable.
3. Package roasted coffee in standard packaging materials, where applicable.
4. Comply with the respective County Public Hygiene standards.
5. Maintain records of clean coffee purchases, sources of clean coffee and roasted coffee sales.
6. Remit to the Authority a sample of 200 grams of clean coffee representing the consignment destined for shipment overseas.
7. Comply with the Kenya coffee standards and other statutory requirements.
8. Submit returns to the Authority.
9. Allow access for inspection of premises and facilities by the Authority for enforcement of national coffee standards.
10. Pay deposit fee at the exchange as security for collection of coffee samples.
11. Pay to the exchange the applicable auction levy.
12. Remit coffee sales proceeds to the direct settlement system electronically or by a bankers cheque within five working days from the date of the sale of the coffee.
13. Pay for coffee bought at the auction within the prompt period upon receipt of the invoice.
14. Be automatically liable for suspension from trading in case of default of payment of coffee proceeds through the direct settlement system within the prompt date.
15. Be liable to pay penalty and interest for the default in payment within the prompt date at the average bank interest rates pegged on Central Bank.
16. Pay any bank transaction charges it has incurred.
17. The licence holder shall register with the Authority.

**F: Broker**

A coffee broker appointed by the grower shall operate under the following obligations: -

1. Seek clearance from the exchange and licence from the Capital Markets Authority
2. Offer clean coffee for sale at the exchange on behalf of the grower upon appointment.
3. Maintain records of sales transactions between the buyers and the growers which shall include details of the grade, quantity and price of coffee sold, date of sale, the buyer, the grower and the sale number.

4. Disseminate information on the transactions at the auction floor to the growers in form of sales statements and remit sales outcomes to the exchange and the Direct Settlement System operator.
5. Report to the Exchange any misconduct or anti-trade activities that may obstruct trade at the auction floor.
6. Conduct his affairs in a professional and transparent manner.
7. Act in the best interest of the growers.
8. Comply with any legal requirements or guidelines issued by the Exchange, the Authority or the licensing authority.
9. Register with the Authority.

G: Agent

A coffee agent appointed by the grower shall operate under the following obligations: -

1. Appointment shall be for purposes of facilitating for the grower the overseas direct sale with regard to logistics
2. Offer the service of processing requirements related to coffee exports.
3. Offer clean coffee for direct sale on behalf of the grower.
4. Maintain records of sales transactions between the overseas buyers and the growers.
5. Disseminate information on the direct sale transactions to the growers and the growers' licensing authorities.
6. Report to the growers' licensing authorities and the Authority any misconduct or anti-trade activities that may obstruct coffee trade.
7. Conduct his affairs in a professional and transparent manner.
8. Act in the best interest of the growers.
9. Comply with any legal requirements or guidelines issued by the Authority
10. Register with the Authority.

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FOURTH SCHEDULE

[r. 22(16)]

COMMERCIAL MILLING AGREEMENT

[L.N. 102/2022]

COMMERCIAL MILLING AGREEMENT

AGREEMENT made this ..... day of .....two thousand and

BETWEEN ..... of ..... a licensed miller marketer (License No. ...)

(hereinafter called the "miller marketer", which expression shall where the context so admits include his or its successors and assignees) of the First Part;

AND

..... of ..... a registered grower of coffee [Registration No ..... (hereinafter called the "grower", which expression shall where the context so admits include his or its successors and assignees) of the Second Part

WHEREAS:

(a) the miller marketer is duly licensed under the Crops Act, 2013 and the rules made there under; and

[Subsidiary]

(b) the grower has requested the miller marketer to provide milling services and the miller marketer has agreed to provide such services to the grower upon the terms and conditions appearing, hereinafter.

NOW IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. The grower shall deliver the parchment coffee and *buni* under the conditions herein stipulated in respect of moisture content, properly labeled bags, well sorted out to distinguish different grades and without foreign matter and the miller marketer shall reserve the right to refuse to accept delivery or provide services if the grower fails to comply with the said conditions.
2. Transport services from the factories of the grower to the mills may be provided by the miller marketer at such rate of charge per bag as may be agreed between the parties. The transport of milled coffee and *buni* to the warehouseman shall also be charged at such rate of charge per bag as may be agreed between the parties, all milled coffee and *buni* being securely transported as per the grower's delivery note and confirmation slips, the grower ensuring that all movements of coffee are covered by the respective licensing authorities' movement permits before transportation or as directed by the licensing authorities.
3. The grower shall ensure that all coffee in transit to mills is properly insured while the miller marketer shall take out insurance against fire and burglary and any other risk for the coffee delivered for milling until the coffee is handed over for sale.
4. The grower agrees to pay, where applicable;:
  - (a) milling charges at the rate of ..... US\$/Ton;
  - (b) transport charges at the rate of .....US\$/bag;
  - (c) storage charges at the rate of ..... US\$/60kg Bag;
  - (d) drying charges at the rate of .....US\$/Ton.
  - (e) colour sorting charges at the rate of ..... US\$/Ton; and
  - (f) hand sorting charges at the rate of ..... US\$/60kg bag of cc
  - (g) handling charges at the rate ..... USD/60kg bag cc.
5. Drying of coffee received at the mills will be charged according to the moisture content after consent to dry the coffee has been sought and obtained from the grower before the drying process starts.
6. Milling shall be done on a first-in first-out basis and empty bags shall remain the property of the grower and shall be returned to him without charge.
7. The miller marketer shall ensure that the coffee in his possession is properly stored and secured to protect it from any damage, pilferage or loss of quality.
8. The miller marketer shall submit the milling and out-turn statements to the grower as set out in these Regulations.
9. The milling charges payable by a co-operative society or an estate shall be in accordance to the published charges contained in the milling agreement binding the parties.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and date first hereinbefore mentioned.

SIGNED for or on behalf of the miller marketer:

.....

in the presence of:

.....

.....

SIGNED for or on behalf of the grower:

in the presence of:

.....

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FIFTH SCHEDULE

[r. 22(12)]

STANDARD COFFEE GRADES

A. Kenya Standards

Grade	General Description	Screen number on which beans are retained. (Size as per KSOS-174 or 150415-1980)
E	Elephant — two beans joined together, a genetic defect and includes very large (bold) AA	Retained on 21 (size diameter 8.3 mm)
PB	Pea berries — one ovule develops in	Through 17 retained on 12 (4.76 mm)
AA	Coffee of the usual two Flat beans	Through 21 retained on 18 (7.2 mm)
AB	Flat beans	Through 18 retained on 16 (6.35 mm)
C	Small flat beans	Through 16 retained on 10 (3.96mm)
TT	Light density beans, from AA, AB and E grades by air extraction	Separated through density by blowing
T	Smallest, consists of broken and small C	Through screen No. (2.9 mm)

Where a coffee grade is specified a minimum 95% of beans shall fall in that grade category.

Other Miscellaneous Kenyan Grades

Grade	Description	Remarks
MH	Heavy buni from the natural washing process	Separated by density
ML	Light buni from the natural washing process	
SB	Sorted beans	
HE	Hulled ears	
UG	Clean coffee not graded occasionally referred to as estate cured coffee or sweepings	
RH	Robusta heavy	

[Subsidiary]

RL Robusta light

B. Specialty Coffee Grading Standards

As issued by the Specialty Coffee Association of America (SCAA) or other such organization as per the protocol deposited with the authority.

C. Certifications

As issued by the certifying organization as per the protocol deposited with the authority

SIXTH SCHEDULE

[r. 24(4)]

GUIDELINES

A. Direct Sales Guidelines

A Grower or a grower miller who has secured an overseas Buyer for the coffee, shall:

1. Store coffee for direct sales at designated warehouses.
2. Enter into a direct sales contract in the format prescribed under these guidelines and shall lodge the contract with the Authority for registration and approval.
3. Submit to the Authority a sample of 250gm of the said coffee for quality analysis and for arbitration purposes.
4. Have the coffee inspected by the Authority, in order to ascertain the quality, quantity and the value and for approval of the contract.
5. Be issued with an inspection certificate for every coffee consignment declared to the Authority for direct sales to ascertain the coffee quality. The inspection certificate shall be one of the requirements for clearance of direct sales exports.
6. The Authority liquorer shall conduct quality analysis and assess the price offered, undertake price comparisons with the prices prevailing at the exchange for coffees of the same quality and grade and keep the growers accordingly informed.
7. The direct sales price offered shall not be in any case lower than the exchange prevailing prices.
8. Ensure the overseas buyer remits full payment before shipment is undertaken.
9. Apply to the Authority for;
  - (a) export clearance;
  - (b) ICO certificate;
  - (c) KEPHIS certification;
  - (d) Movement permits
  - (e) Quality certificate; and
  - (f) Any other necessary clearance.
10. Appoint an agent for purposes of logistics and other processing requirements related to coffee exports where applicable.
11. Remit monthly returns to the Authority on Direct sales undertaken.

B. Direct Sales contract

Part I - PARTICULARS OF GROWER

Name of grower .....

Grower Code .....

Crops

[Subsidiary]

Identity Card No ..... (Where applicable)  
 Certificate of Incorporation No .....(Where applicable)  
 Registration No .....  
 PIN No .....  
 VAT NO .....  
 Postal Address .....  
 Telephone.....  
 Email.....  
 Grower(s) ..... (attach list if necessary) e.g. association members.  
 County .....  
 Sub County .....  
 L.R. No.(s) .....  
 Acreage.....  
 Name of designated warehouse .....  
 Physical location .....

Part II - PARTICULAR OF OVERSEAS BUYER .....

Name of Company .....  
 Company Director(s) .....  
 Postal Addresses .....  
 Registered Office .....  
 Street .....  
 Town/City .....Zip  
 Code .....  
 Country .....  
 Port of Entry .....  
 E-Mail ..... Tel .....  
 Website .....  
 Type of Coffee business .....

Part III - CONTRACT DETAILS

Contract ref. no .....  
 Grades of coffee .....

Grade	Number of bags	Total Net weight	Price per bag	Total value
		Kgs		(USD)

Part IV - TERMS AND CONDITIONS

Shipment .....  
 Payment.....  
 Insurance .....  
 Sample .....

[Subsidiary]

Shipper .....

Destination .....

Arbitration/Terms .....

Special Condition (if any) .....

We certify that the information given above is true to the best of our knowledge and information

Grower name ..... Date ..... Signature.....

Overseas Importer/Agent of importer

..... Date ..... Signature

(r. 24(5))

CERTIFICATE OF QUALITY INSPECTION

Name of Grower mill/Buyer/Roaster/Other .....

Registration Number .....

Physical Address: County ..... Street

Email .....

Town/City .....

Mobile Number .....

Total weight (Kgs) .....

Coffee E	AA	AB	PB	C	T	TT	MH	ML	OTHER
Type									(Specify)
(tick)									

Volume  
in  
bags  
Quantity  
in  
Kgs  
Buni

Coffee quality analysis Report .....

.....

.....

Recommendation:

.....

.....

.....

Warehouseman/Contact person during inspection

Name:.....

Mobile Number: .....

Position: .....

Signature: .....

Date .....



It is hereby confirmed that the coffee export/Direct sales is approved/not approved (tick as appropriate).

Report by:

Name .....

Signature ..... Date .....

Stamp

Designation .....

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#### SEVENTH SCHEDULE

[r.26(2)]

#### HEAD COFFEE DIRECTORATE

#### SALES CATALOGUE

1. The sales catalogue shall be prepared by the miller or an appointed broker in consultation with the Exchange and growers.
2. The details to be included in the sales catalogue shall include-
  - (a) The name of the grower;
  - (b) The name of the miller;
  - (c) Name of broker, if any;
  - (d) Sale number;
  - (e) Day, date and time of the auction;
  - (f) The place of the auction shall be at the exchange;
  - (g) Total number of bags of coffee to be offered for sale;
  - (h) Name of the warehouse where the coffee is stored;
  - (i) The prompt date being the date on or before which proceeds are payable to the central depository unit of the exchange;
  - (j) Terms and conditions of sale;
  - (k) The date on which rent charges in respect of purchased coffee shall be due from the buyers to warehousemen at which the coffee is stored;
  - (l) The net weights as per warehouse weights (and unless otherwise stated coffee shall be packed in bags of 60 kg net, tare weight 1.1 Kgs but bids shall be on the basis of 50 Kgs), the bags used shall conform to the international coffee packaging standards;
  - (m) Lot numbers arranged serially per miller for all coffee offered for sale;
  - (n) The out-turn Number shown against each lot number and the registered distinguishing mark of the grower miller (whether Bulk, E/Bulk, P/Bulk, T/Bulk; Spillage, or sweepings) and out-turn Number arising from operations of grower/miller;
  - (o) Grade of the coffee;
  - (p) Number of bags in the lot (a saleable lot shall not have be less than ten bags);
  - (q) Net weight of coffee in kilograms respectively;
  - (r) Adequate space for inserting big prices by traders.
3. The sales catalogue shall be prepared weekly or as frequently as the Authority may determine in consultation with a grower or his agent.

[Subsidiary]

4. The saleable lots in the special auction dedicated to local roasters may comprise less than ten bags.

EIGHTH SCHEDULE

[r. 25(2)]

COFFEE WARRANT

NAME OF WAREHOUSEMAN

Entered by ..... on the account of the lot of coffee DULY Deliverable to ..... or assigns by endorsement hereon.

Coffee season and out-turn no.	Market and code	Grade	Number of bags	Nett weight pockets (kgs)	Total nett weight (kgs)
--------------------------------	-----------------	-------	----------------	---------------------------	-------------------------

This Coffee is lying at ..... warehouse awaiting instruction and collection.

This warrant is valid only if signed by any two of category A or any one of category A and one of category B signing jointly

Category A	Category B
Chief Finance Officer	Finance Manager
Head of supply Chain Secretary	Legal Manager-Regional Co
Head of Middle Office	Sea Exports Manager

NAME OF WAREHOUSE .....

-SIGNATURES-

Rent Commences: .....

Rates:

Warehouse handling: .....

Storage:.....

Warrant fee: .....

CONDITIONS

1. A warrant is issued in respect of each consignment.
2. All deficiencies or losses on or damage to goods must whenever possible be notified in writing to ..... ("the Company") prior to removal of the goods from the Company premises so as to afford an opportunity for checking by the Company, and in all cases where such notification is not possible, such deficiencies, losses or damage must be notified to the Company in writing within two days of the removal from the premises of the Company of the goods concerned if this condition be not complied with, the Company will in no case accept liabilities whatsoever for such deficiencies, losses or damages however caused.
3. Every warrant is transferable by endorsement and entitles the person named herein, or the last endorsee therefore named in the endorsement, to the goods specified therein, and the goods so specified shall for all purposes be deemed to be his property.
4. Upon lodging a warrant duly endorsed, the person there under entitled to the goods may transfer or obtain possession of the goods subject to the payment of all charges.

5. The contents of one warrant may be divided into others for smaller quantities at the will of the person entitled to the goods subject to the payment of all appropriate charges.
6. If a warrant is lost, written notice must at once be given to the Company. In such a case, before delivery of goods can be made, the loss of the warrant must be advertised in the *Official Gazette* and a copy of such publication containing the advertisement together with a guarantee signed by the applicant and countersigned by a bank approved by the Company to identify the Company against losses, claims, or damages, must be lodge with the Company in no circumstances will duplicate warrants be issued.
7. The Company takes all reasonable measures to protect goods against loss or damage but does not accept liabilities for—
- (a) Loss or damage, arising otherwise than through the Company's negligence;
  - (b) Loss, damage or deficiency cause by or contributed to any of the following causes; Whether such loss, damage or deficiency be also in part caused by or contributed to by a neglect, wrongful act or default of the Company, it's servant or agents or other persons for whose acts the Company might apart from this clause be liable—
    - (a) Vermin;
    - (b) Frail, unsuitable, insufficient or defective packing;
    - (c) Strikes, combinations or lock-outs of any person in the employ of the Company or in the service of others;
    - (d) Improper, insufficient, indistinct or erroneous marking or addressing of goods or packages;
    - (e) Fire;
    - (f) Civil commotion;
    - (g) The President's enemies;
    - (h) Earthquake
    - (i) Loss of weight or damage in consequence of atmospheric conditions of humidity due to heat, damp or drought, or howsoever caused.
8. This warrant, if referring to coffee bulked in the—
- (a) The Company accepts no financial liability under any circumstances for the even mix of the bulk, but undertakes to re-bulk free of charge provide that:
    - (i) The person first entitled under the warrant shall lodge the claim within seven days of receiving the warrant; and
    - (ii) The person first entitled under warrant shall satisfy the Company that rebuilding is necessary or advisable, the Company being prepared to accept the advice of an Arbitrator.
  - (b) The Company guarantees that the component coffees of the bulk are exactly those instructed by mark and quantity.
  - (c) The Company does not accept liability in respect of any divergence of the bulk from the expected resultant quality by reason of a variation in quality of one or more components of the bulk. The bonus of proof of the use of coffee other than the stipulated components shall rest upon the instructing dealer and in the event of such proof the Company agrees to submit to the normal quality arbitration under the Arbitration Rules of the Kenya Coffee Traders Association as shall be amended from time to time.
9. This warrant is subject to the condition that the Company shall have a general as well as a particular lien on the goods specified therein in respect of any monies owing to the Company by the person first or subsequently entitled under the warrant.
10. The acceptance of this warrant in the first place and subsequent presentation of this Warrant implies implicit acceptance of the conditions enumerated above.

[Subsidiary]

Deliver to ..... on payment of all charges

Signed ..... Date ..... 20 .....

Deliver to ..... on payment of all charges

Signed ..... Date ..... 20 .....

Deliver to ..... on payment of all charges

Signed ..... Date ..... 20 .....

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**THE CROPS (FOOD CROPS) REGULATIONS**

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FEEES

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GUIDELINES FOR REGULATION OF MARKETING AGENTS

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**THE CROPS (FOOD CROPS) REGULATIONS**

[Legal Notice 217 of 2019]

## PART I – PRELIMINARY

**1. Citation**

These Regulations may be cited as the Crops (Food Crops) Regulations.

**2. Interpretation**

In these Regulations, unless the context otherwise requires

"collection centre" means a place designated and registered by a county Government to serve as a place for—

- (a) buying and selling food crops or food produce;
- (b) packaging of food crops or food produce; or
- (c) meeting growers or growers' associations;

"commercial activity" means the collecting, transporting and storing, of food crops or food produce, for trade;

"consignment" for purposes of import or export, means the declared lot of food crops or food produce;

"County Executive Committee Member" means the County Executive Committee Member in charge of matters relating to agriculture within a specific county;

"country of origin" means the country where a food crop or food produce, has been grown, produced, processed or manufactured, as the case may be;

"dealer" means a person who is engaged in a commercial activity and includes an exporter and an importer;

"exporter" means a person who engages in exporting a food crop or food produce;

"food crop" means a crop specified in the First Schedule;

"food processing plant" means a facility for processing, re-packaging, packaging, labelling or distribution for sale of a food crop or food produce;

"food produce" means the harvested part of a food crop for use as food that has not changed form through processing;

"grower" means a small-scale grower or a large-scale grower;

"growers' association" means a registered group, association, co-operative society, corporate body, union or federation of growers;

"importer" means a person who engages in importing a food crop or food produce;

"inspector" means an officer appointed by the Authority as an inspector in accordance with section 27 of the Act;

"large scale grower" means a person who grows a food crop in a parcel of land of at least fifty acres;

"market" means, a designated place, medium or structure by county or national Government where buyers and sellers interact for trade in food crop or food produce;

"marketing agent" means a person, registered or licensed, in accordance with these Regulations to buy or sell food crops or food produce, in wholesale at a designated market, collection centre, growers or growers' association;

[Subsidiary]

"medium" means a physical or virtual place where a buyer and a seller, trade in a food crop or food produce, and includes a car boot sale, a commercial internet platform and a commodities exchange;

"non-commercial activity" means the collecting, transporting or storing of a food crop or food produce for household consumption;

"port of entry" means an airport, seaport or land border point, that is officially designated as such, for the importation of consignments;

"port of exit" means an airport, seaport or land border point, that is officially designated as such, for the exportation of consignments;

"potable water" means water that has been tested and confirmed by a competent authority, to be safe for handling food produce;

"processer" means any person who operates a food processing plant;

"small-scale grower" means a person who grows a food crop in a parcel of land of that does not exceed fifty acres;

"warehouse" means premises, in whole or in part, that are—

- (a) where food crops or food produce can be held for wholesale distribution to a wholesaler, retail outlet, restaurant or another entity, that sells or distributes the food crops or food produce, to consumer; and
- (b) used for the storage of food crops or food produce, in an institution such as a school, hospital, prison or a training institution for instruction in the preparation of food for consumption;

"transporter" means a person who engages in the movement of food crops or food produce, when conducting a commercial activity; and

"vehicle" means any modern or traditional mode of transportation that is used by a transporter.

### 3. Scope of application

These Regulations shall apply to all the food crops specified in the First Schedule that are—

- (a) produced, processed and traded in Kenya; or
- (b) imported into or exported out of, the country.

### 4. Purpose of these Regulations

(1) The purpose of these Regulations shall be to promote the development and regulation of food crops and food produce.

(2) Without prejudice to the generality of subregulation (1), these Regulations shall provide for—

- (a) the registration of growers, growers' associations, and other dealers in food crops or food produce;
- (b) the certification of processing plants, warehouses, collection centres and markets;
- (c) the issuance of export clearance permits;
- (d) the assurance of the safety and quality of food crops and food produce;
- (e) the marketing of food crops and food produce;
- (f) the promotion of best practices in production, transportation, storage and processing of food crops and food produce;
- (g) the collection, collating and maintaining of a database on the production, prices and trade, of food crops and food produce; and



- (h) the carrying out such other functions as may be necessary for the effective implementations of these Regulations.

## PART II – REGISTRATION

**5. Rights and obligations of growers and growers' associations**

(1) A growers' association shall have a written agreement with every grower who has registered with it.

(2) The agreement referred to in subregulation (1) shall specify the rights and obligations of both the grower and the growers' association.

(3) A growers' association shall register with the Authority and submit copies of the agreements the association has with its growers, to the Authority.

(4) A growers' association shall submit copies of the agreements the association has with its growers to its respective County Executive Committee Member.

(5) Any disputes arising between the growers and growers' associations shall be determined by the court.

**6. Registration of growers' associations and other dealers**

(1) The following persons shall apply for registration with the Authority—

- (a) a growers' association;
- (b) a large scale grower;
- (c) a marketing agent;
- (d) an exporter;
- (e) an importer;
- (f) a processor; and
- (g) a transporter.

(2) An application for registration under subregulation (1) shall be in Form 2A set out in the Second Schedule.

(3) Where the Authority is satisfied that an applicant under subregulation (2) has complied with the Act and any other relevant law, may—

- (a) within fourteen days of receiving the application, grant a certificate of registration; or
- (b) within seven days of receiving the application reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under subregulation (3)(b) may—

- (a) within fourteen days of the decision, resubmit the application for registration after addressing the issues raised in the rejection; or
- (b) within twenty-one days of being notified of the decision, appeal to the Court.

(5) Upon resubmission of a satisfactory application under subregulation (4)(a), the Authority shall issue the applicant a certificate of registration.

(6) The Authority shall issue a certificate of registration under this regulation in Form 4A set out in the Fourth Schedule subject to such terms and conditions it deems necessary.

(7) The Authority shall maintain a register of the persons issued with a certificate of registration under this regulation.

(8) The Authority shall submit a copy of the register maintained under subregulation (7) for each county, to the respective County Government.

(9) Any of the persons listed in subregulation (1) who deals with a food crop or food produce without being registered under this regulation commits an offence and shall be liable, on conviction, to a fine of five million shillings, or to imprisonment for a period of three years, or to both.

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[Subsidiary]

## 7. Cancellation of registration

The Authority may cancel the registration of a person registered under regulation 6 if the person has contravened the terms and conditions of the person's certificate of registration.

## 8. Appeals on issuance of certificate of registration

A person who is aggrieved by the decision of the Authority in—

- (a) cancelling of their registration; or
- (b) imposing the terms and conditions on their registration, may appeal to the court within thirty days of the receipt of the decision.

## 9. Register of growers

(1) A registered growers' association shall maintain a register of its members in Form 5A set out in the Fifth Schedule.

(2) A registered growers' association shall submit an up to date register of its members to—

- (a) the respective County Government; and
- (b) the Authority, by the thirty first day of December of every year.

### PART III – LICENCING

## 10. Application for a warehousing licence

(1) A person shall not operate a warehouse without a warehousing licence.

(2) An application for a warehousing licence shall be—

- (a) in Form 2B set out in the Second Schedule;
- (b) accompanied by a certificate of compliance for the warehouse issued in accordance with these Regulations; and
- (c) made to the respective County Government.

(3) A county government may, after considering the application made under subregulation (1)—

- (a) within fourteen days of receiving the application, issue the applicant a warehousing licence; or
- (b) within seven days of receiving the application, reject the application and give the reasons thereof.

(4) Where an application has been rejected in accordance with subregulation (3)(b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(5) Upon resubmission of a satisfactory application under subregulation (4), the respective County Government shall issue the applicant with a warehousing licence.

(6) A warehousing licence issued under this regulation shall be valid from the date of issue to the thirtieth of June next following the date of issue unless the licence is revoked by the respective County Government before its expiry date.

(7) A county government shall issue a warehousing licence in Form 4B set out in the Fourth Schedule.

(8) An applicant under this regulation shall notify the respective County Government of any change in the ownership, business operations or production scale within thirty days of the change whenever it occurs.

(9) A person who contravenes subregulation (1) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a term of one year, or to both.

## 11. Renewal of a warehousing licence

(1) An application for the renewal of a warehousing licence shall be—

- (a) in Form 2B set out in the Second Schedule;

- (b) made to the respective County Government;
- (c) accompanied by a valid certificate of compliance for the warehouse issued in accordance with these Regulations; and
- (d) accompanied by the returns of the warehouse operator for the previous year in Form 5D and 5E, set out in the Fifth Schedule.

(2) An application under subregulation (1) shall be made not later than the first day of June in the year which the current licence is due to expire.

(3) Where an application is made later than the day specified in subregulation (2), the applicant shall specify a reasonable cause for the delay.

(4) The respective County Government shall publish a notice of the proposed grant of a warehousing licence in the *Gazette*, at least thirty days before granting the licence.

(5) An applicant under this regulation shall notify the respective County Government of any change in the ownership, business operations or production scale within thirty days of the change whenever it occurs.

(6) The respective County Government may, after considering the application made under subregulation (1)—

- (a) within fourteen days of receiving the application, issue the applicant a warehousing licence; or
- (b) within seven days of receiving the application, reject the application and give the reasons thereof.

(7) Where the application has been rejected under subregulation (6)(b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(8) Upon resubmission of a satisfactory application under subregulation (7), the Authority shall issue the applicant with a warehousing licence.

(9) The respective County Government shall issue a warehousing licence under this regulation in Form 4B set out in the Fourth Schedule.

(10) A warehousing licence issued under this regulation shall be valid from the date of issue to the thirtieth of June next following the date of issue unless the licence is revoked by the respective County Government before the expiry date.

## 12. Import clearance permits

(1) A person shall not import a food crop or food produce unless that person is registered as an importer in accordance with regulation 6.

(2) A registered importer shall not import a consignment without a valid import clearance permit issued by the Authority.

(3) Each consignment shall be imported only through a port of entry.

(4) An application for an import clearance permit shall be—

- (a) in Form 2C as set out in the Second Schedule; and
- (b) accompanied by a certificate of compliance for the warehouse.

(5) The Authority may, after considering the application made under subregulation (4)—

- (a) within fourteen days of receiving the application, issue the applicant, an import clearance permit; or
- (b) within seven days of receiving the application, reject the application and give the reasons thereof.

(6) Where the application has been rejected under subregulation (5)(b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(7) Upon resubmission of a satisfactory application under subregulation (6), the Authority shall issue the applicant with an import clearance permit.

(8) The Authority shall issue an import clearance permit under this regulation in Form 4C set out in Fourth Schedule.

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[Subsidiary]

(9) An import clearance permit shall not be transferable.

(10) An import clearance permit shall apply only to the consignment specified in the application.

(11) A person who contravenes subregulation (1), (2), (3) or (10) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

### 13. Release order for an importer's consignment

(1) A registered importer shall declare each consignment that the importer has imported at the port of entry, to the Authority.

(2) An inspector shall physically inspect each consignment imported by an importer.

(3) A registered importer shall avail the following documents to the inspector under subregulation (2)—

- (a) a copy of the import clearance permit;
- (b) the profile of the exporter from whom the consignment was procured;
- (c) the profile of the consignment specifying the type of food crop or food produce;
- (d) a certificate of conformity of the consignment from a competent authority of the country of origin;
- (e) a declaration of the quantity, in metric tons, of the imported food crops or food produce;
- (f) a declaration of the destination of the consignment;
- (g) where the consignment is in transit, a declaration of the consignment in transit specifying the—
  - (i) quantity in transit,
  - (ii) transit shed in accordance with the East African Community Customs Management Act, 2004; and
  - (iii) details of port of exit, in Form 2D set out in the Second Schedule; and
- (h) where the consignment is of food crops or food produce in bulk, a declaration of the warehouse where the food crops or food produce is to be repackaged.

(4) When conducting an inspection of a consignment, an inspector shall examine the—

- (a) grading, packaging and labelling; and
- (b) maximum weight of a single unit package, to ensure that the consignment conforms to the Act and these Regulations.

(5) The inspector may take a sample of the food crop or food produce for analysis to ensure they conform to the standards prescribed under the Standards Act.

(6) Where the inspector has taken a sample under subregulation (5), the Authority may hold the consignment pending the outcome of the analysis of the sample.

(7) Where the outcome of the analysis conducted under subregulation (5) indicate that the consignment does not conform to the requirements under the Standards Act, the Authority may—

- (a) decline to issue the registered importer with a release order;
- (b) at the cost of the importer, seize and detain the consignment.

(8) Where an inspector is satisfied that a consignment has complied with subregulations (3), (4) and (5), the Authority shall—

- (a) issue the registered importer a release order in Form 4D set out in the Fourth Schedule; and
- (b) release the consignment to the registered importer's custody.

(9) A release order shall not be transferable.

(10) A person who deals in a consignment which does not have a valid release order under this regulation commits an offence and is liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

#### **14. Certificate of conformity**

(1) A person shall not export a food crop or food produce unless that person is registered as an importer under regulation 6.

(2) A person shall not export a consignment without a valid certificate of conformity issued by the Authority.

(3) A registered exporter shall apply for a certificate of conformity for a consignment that the exporter intends to export in Form 2E set out in the Second Schedule.

(4) The Authority may, after considering the application made under subregulation (3)—

- (a) within fourteen days of receiving the application, issue the applicant a certificate of conformity; or
- (b) within seven days of receiving the application, reject the application and give the reasons thereof.

(5) In considering an application under subregulation (3), the Authority shall carry out an inspection of the consignment to be exported to ensure that it conforms to the requirements of the country the food crops or food produce are being exported to.

(6) Where the application has been rejected under subregulation (4)(b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(7) Upon resubmission of a satisfactory application under subregulation (6), the Authority shall issue the applicant with a certificate of conformity.

(8) The Authority shall comply with any requests for—

- (a) verification of the profile of the exporter;
- (b) carrying out an inspection of the consignments intended to be exported, from the country the food crops or food produce are being exported to.

(9) The Authority shall issue a certificate of conformity under this regulation in Form 4E set out in the Fourth Schedule.

(10) Once the certificate of conformity has been issued, the consignment shall be shipped within the time specified in the certificate.

(11) Once the consignment is shipped the registered exporter shall provide the Authority with information on the date of export, type, quantity destination of the consignment.

(12) Where the consignment is rejected at the port of entry of the country the food crops or food produce are being exported to, the exporter shall immediately inform the Authority and state the reasons for rejection.

(13) Each consignment shall be exported only through a port of exit.

(14) The Authority may negotiate, implement and maintain equivalency and other sanitary agreements with other countries regarding the dealing of food crops and food produce.

(15) A person who contravenes subregulation (1), (2), (10), (11), (12) or (13) commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a period not exceeding one year, or to both.

#### **15. Revocation or suspension of a licence, permit, release order or certificate**

(1) The Authority or County Government, as the case may be, may revoke or suspend a licence, permit, release order or certificate issued under this Part if the conditions of issuance of the licence, permit, release order or certificate are not complied with.

(2) The holder of the licence, permit, release order or certificate shall immediately surrender the licence, permit, release order or certificate to the Authority or County Government, as the case may be, if—

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[Subsidiary]

- (a) the licence, permit, release order or certificate is revoked under subregulation (1); or
- (b) the purpose for which licence, permit, release order or certificate is issued ceases, and it shall cease to have effect forthwith.

#### **16. Appeals on issuance of licences, permits, release orders or certificates.**

(1) A person who is aggrieved by the decision of the Authority or the County Government in respect of—

- (a) the grant, refusal, renewal, variation of revocation; or
- (b) the conditions imposed on the grant, renewal or variation, of a licence or permit, may appeal to the Cabinet Secretary within thirty days of the date on which the applicant first received the notice of the decision.

(2) A person who is aggrieved by the decision of the Authority or the County Government in respect of—

- (a) the grant, refusal, renewal, variation of revocation; or
- (b) the conditions imposed on the grant, renewal or variation, of a release order or certificate, may appeal to the Court within thirty days of the date on which the applicant first received the notice of the decision.

#### PART IV – ASSURANCE OF SAFETY AND QUALITY OF FOOD CROPS AND FOOD PRODUCE

#### **17. Infected area**

(1) A grower shall not cultivate food crops in an infected area.

(2) In this regulation, "infected area" means a site that poses a risk of contamination to food produce and includes a site for—

- (a) the disposal of garbage or industrial waste;
- (b) sanitary waste management;
- (c) mining activities; and
- (d) oil or gas extraction.

(3) The respective County Government in collaboration with the relevant government department or agency, shall ensure that an infected area is fenced off to prevent access by a grower to such site.

(4) A grower who contravenes subregulation (1) commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a period not exceeding one year, or to both.

(5) Where a grower contravenes subregulation (1), the respective County Government shall seize and detain the contaminated food crop grown.

(6) The Authority shall, in undertaking routine sampling and testing of food crops and food produce, determine if food crops or food produce are contaminated as a result of being grown in an infected area.

(7) Where, pursuant to subregulation (6), it is determined that food crops or food produce are contaminated, the Authority shall seize and detain the contaminated food crops or food produce.

(8) Any dealer who deals in a contaminated food crop or food produce commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

#### **18. Wash water**

Every grower and dealer shall use potable water to wash the food crop or food produce that the person is handling.

**19. Safe use of pesticides**

(1) A grower or dealer shall apply the pest control products to the food crops or food produce in their custody, in accordance with the Pest Control Products Act (Cap 346).

(2) A person shall import, distribute, store, use or dispose of a pest control product, in accordance with the Pest Control Products Act (Cap. 346).

(3) A grower or dealer shall undergo the requisite training under the Pest Control Products Act (Cap. 346), on the safe usage, storage or disposal of pest control products for the food crops or food produce in the grower's or dealer's custody.

(4) A grower shall observe the pre-harvest interval for the particular pest control product used on a food crop or food produce in the grower's or dealer's custody.

(5) Where the Authority discovers that a food crop or food produce of a grower or a dealer contains a pest control product whose content exceeds the maximum residue limit, the Authority may suspend the registration of the grower or dealer until the grower or the dealer undertakes corrective measures.

**20. Training programs**

The Authority in consultation with the relevant County Government, shall initiate and coordinate training programmes for growers and dealers to enable them to implement these Regulations.

**21. Harvesting and post-harvest handling of food crops or food produce**

(1) A grower or a dealer shall harvest a food crop at its physiological maturity.

(2) A grower or a dealer shall sort, grade package, label, transport, store or process a food crop or food produce in accordance with the standards prescribed in the Standards Act (Cap 496).

(3) A transporter shall ensure that the vehicle used to transport a food crop or food produce complies with the Traffic Act and any other written law.

(4) A person who contravenes subregulations (1), (2) or (3) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

**22. Certification of warehouses**

(1) A person operating a warehouse shall store the food crops or food produce in the person's custody under conditions that are not detrimental to the safety and quality of the food crops or food produce.

(2) The Authority shall inspect all warehouses to ensure that they are in compliance with these Regulations.

(3) A person shall not operate any premises as a warehouse unless the premises have a valid certificate of compliance for a warehouse.

(4) An application for a certificate of compliance for a warehouse shall be—

- (a) in the Form 2F in the Second Schedule;
- (b) made to the Authority; and
- (c) accompanied by payment of the fees prescribed in the Third Schedule.

(5) When considering an application made under subregulation (4), the Authority may—

- (a) within thirty days of receipt of the application, issue the applicant a certificate of compliance for a warehouse; or
- (b) within fourteen days of receipt of the application, reject the application and give the reasons thereof.

(6) Where an application has been rejected under subregulation (5)(b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

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[Subsidiary]

(7) Upon resubmission of a satisfactory application under subregulation (6), the Authority shall issue the applicant a certificate of compliance for a warehouse.

(8) A certificate of compliance for a warehouse shall be valid for one year from the date of issuance unless it is revoked by the Authority.

(9) Where an operator of a warehouse intends to cease operations of the warehouse, the operator shall notify the Authority at least thirty days prior to the intended date of cessation of the operations.

(10) Upon receiving a notice under subregulation (9), the Authority shall take such measures as it shall consider necessary, to safeguard the interests of a grower or a dealer whose food crops or food produce are stored in the warehouse.

(11) A certificate of compliance for a warehouse issued under this regulation shall be in the Form 4F set out in the Fourth Schedule.

(12) A person who contravenes of subregulations (1), (3) or (9) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

### **23. Renewal of the certification of warehouses**

(1) An application for the renewal of a certificate of compliance for a warehouse shall be—

- (a) in the Form 2F in the Second Schedule;
- (b) made to the Authority; and
- (c) accompanied by the returns of the warehouse operator in Form 5D and Form 5E, set out in the Fifth Schedule.

(2) When considering an application made under subregulation (1), the Authority may—

- (a) within thirty days of receipt of the application, issue the applicant a certificate of compliance for a warehouse; or
- (b) within fourteen days of receipt of the application, reject the application and give the reasons thereof.

(3) Where an application has been rejected under subregulation (2)(b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(4) Upon resubmission of a satisfactory application under subregulation (3), the Authority shall issue the applicant a certificate of compliance for a warehouse.

(5) A certificate of compliance for a warehouse issued under this regulation shall be in the Form 4F set out in the Fourth Schedule.

### **24. Certification of a new food processing plant**

(1) A person who intends to establish a food processing plant shall obtain a certificate of approval for a food processing plant.

(2) An application for a certificate of approval for a food processing plant shall be—

- (a) in Form 2G set out in the Second Schedule; and
- (b) made to the Authority.

(3) An application under subregulation (2) shall be accompanied by the following documents—

- (a) a design, construction and layout plan of the premises where the plant will be situated including its internal structures, materials and fittings;
- (b) the requisite approval under the Environmental Management and Co-ordination Act (Cap. 387) in respect of the premises;
- (c) a map indicating the location of the premises with clearly marked boundaries;
- (d) a declaration of the source of water for the food processing plant;
- (e) an approval from all relevant Government agencies in accordance with existing laws and regulations;



- 
- (f) a detailed project feasibility study for the food processing plant; and
- (g) a declaration of the prospective source of the food crops or food produce.
- (4) When considering an application made under subregulation (2), the Authority may—
- (a) within fourteen days of receipt of the application, issue the applicant a letter of preliminary approval; or
- (b) within seven days of receipt of the application, reject the application and give the reasons thereof.
- (5) Where an application has been rejected under subregulation (4)(b), the applicant may resubmit the application upon addressing the issues raised in the rejection.
- (6) Upon resubmission of a satisfactory application under subregulation (5), the Authority shall issue the applicant a letter of preliminary approval.
- (7) A letter of preliminary approval shall not be transferrable.
- (8) The Authority shall issue a letter of preliminary approval under this regulation in Form 4G set out in the Fourth Schedule.
- (9) Upon completion of the construction of the premises of a food processing plant, a processor shall make an application for inspection of the premises—
- (a) in Form 2H set out in the Second Schedule;
- (b) submit the application in paragraph (a) to the Authority; and
- (c) pay the prescribed fee set out in the Third schedule.
- (10) Upon receipt of an application under subregulation (9), an inspector shall conduct an inspection and shall ensure the following—
- (a) the source of the food crops or food produce has been declared;
- (b) the installed capacity of the food processing plant has been declared;
- (c) the location, design and construction of the building and its interior, equipment and water supply are in accordance with the declarations made under subregulation (3);
- (d) the applicant has established a procedure for ensuring that the food processing plant is in compliance with the Occupational Safety and Health Act (Cap. 236A);
- (e) the applicant has established a procedure for receiving, handling and storage of food crops and food produce in accordance with these Regulations;
- (f) the applicant has established monitoring procedures for pest control, both for the exterior and interior of the premises;
- (g) the applicant has established adequate cleaning and sanitizing procedures;
- (h) the applicant has established procedures describing preventive, maintenance and calibration of all the equipment and instruments that can affect the quality of the food crops or food produce;
- (i) the applicant has put in place procedures for recalling and tracing the food crops or food produce that will ensure that the processed food crops or food produce are coded and labelled properly;
- (j) the applicant has established water safety monitoring procedures for water, ice and steam including the use of potable water when handling the food crops or food produce;
- (k) the applicant has complied with the Act and these Regulations.
- (11) When the inspection under subregulation (10) has been conducted, the inspector shall make his recommendations by submitting his duly filled checklist in Form 21 set out in the Second Schedule, to the Authority.
- (12) Pursuant to the checklist submitted under subregulation (11), the Authority may—
- (a) within fourteen days of receipt of the recommendation, issue the applicant a certificate of approval for a food processing plant; or
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[Subsidiary]

- (b) within seven days of receipt of the recommendation, reject the application made under subregulation (9) and give the reasons thereof.

(13) Where an application has been rejected under subregulation (12)(b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(14) Upon resubmission of a satisfactory application under subregulation (13), the Authority shall issue the applicant a certificate of approval for a food processing plant.

(15) A certificate of approval for a food processing plant shall be valid for one year from the date of issuance unless it is revoked by the Authority.

(16) A certificate of approval for a food processing plant shall not be transferable.

(17) The Authority shall issue the applicant with a certificate of approval for a food processing plant under this regulation in Form 4H set out in the Fourth Schedule.

(18) A person who contravenes subregulation (1) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

## **25. Certification of a existing food processing plant**

(1) A person shall not operate a food processing plant without a valid certificate of compliance.

(2) An application for a certificate of compliance of a food processing plant shall be—

- (a) in Form 2J set out in the Second Schedule; and
- (b) made to the Authority.

(3) An application under subregulation (2) shall be accompanied by the following documents—

- (a) a design, construction and layout plan of the premises where the plant will be situated including its internal structures, materials and fittings;
- (b) the requisite approval under the Environmental Management and Co-ordination Act (Cap. 387) in respect of the premises;
- (c) a map indicating the location of the premises with clearly marked boundaries;
- (d) a declaration of the source of water for the food processing plant;
- (e) an approval from all relevant Government agencies in accordance with existing laws and regulations;
- (f) a detailed project feasibility study for the food processing plant; and
- (g) a declaration of the source of the food crops or food produce.

(4) An application under subregulation (2) shall be accompanied by an application for inspection of the premises—

- (a) in Form 2H set out in the Second Schedule;
- (b) submit the application in paragraph (a) to the Authority; and
- (c) pay the prescribed fee set out in the Third schedule.

(5) Upon receipt of an application under subregulation (2), an inspector shall conduct an inspection and shall ensure the following—

- (a) the source of the food crops or food produce has been declared;
- (b) the installed capacity of the food processing plant has been declared;
- (c) the location, design and construction of the building and its interior, equipment and water supply are in accordance with the declarations made under subregulation (3);
- (d) the applicant has established a procedure for ensuring that the food processing plant is in compliance with the Occupational Safety and Health Act (Cap. 236A);
- (e) the applicant has established a procedure for receiving, handling and storage of food crops and food produce in accordance with these Regulations;

- (f) the applicant has established monitoring procedures for pest control, both for the exterior and interior of the premises;
- (g) the applicant has established adequate cleaning and sanitizing procedures;
- (h) the applicant has established procedures describing preventive, maintenance and calibration of all the equipment and instruments that can affect the quality of the food crops or food produce;
- (i) the applicant has put in place procedures for recalling and tracing the food crops or food produce that will ensure that the processed food crops or food produce are coded and labelled properly;
- (j) the applicant has established water safety monitoring procedures for water, ice and steam including the use of potable water when handling the food crops or food produce; and
- (k) the applicant has complied with the Act and these Regulations.

(6) When the inspection under subregulation (5) has been conducted, the inspector shall make his recommendations by submitting his duly filled checklist in Form 21 set out in the Second Schedule to the Authority.

(7) Pursuant to the checklist submitted under subregulation (6), the Authority may—

- (a) within fourteen days of receipt of the recommendation, issue the applicant a certificate of compliance for a food processing plant; or
- (b) within seven days of receipt of the recommendation, reject the application made under subregulation (2) and give the reasons thereof.

(8) Where an application has been rejected under subregulation (7)(b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(9) Upon resubmission of a satisfactory application under subregulation (8), the Authority shall issue the applicant a certificate of compliance for a food processing plant.

(10) A certificate of compliance for a food processing plant shall be valid for one year from the date of issuance unless it is revoked by the Authority.

(11) A certificate of compliance for a food processing plant shall not be transferable.

(12) An application under subregulation (1) shall be made within three months of the coming into force of these Regulations.

(13) The Authority shall issue the applicant with a certificate of compliance for a food processing plant under this regulation in Form 4H set out in the Fourth Schedule.

(14) A person who contravenes subregulations (1) and (11) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

## **26. Renewal of certification of a food processing plant**

(1) The application for the renewal of a certificate of Renewal of compliance for a food processing plant shall be—

- (a) in Form 2J set out in the Second Schedule;
- (b) accompanied by an inspection fee set out in the Third Schedule;
- (c) made to the Authority; and
- (d) accompanied by the returns of the processor in Form 5C set out in the Fifth Schedule for the previous year.

(2) A processor shall make an application under subregulation (1) at least three months prior to the expiry of the current certificate of approval for a food processing plant.

(3) A certificate of compliance for a food processing plant issued under this regulation shall be valid for one year from the date of issue unless it is cancelled by the Authority before the expiry date.

(4) The Authority may consider a late application for a certificate of compliance for a food processing plant if the applicant specifies a reasonable cause for the delay.

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[Subsidiary]

(5) A processor shall notify the Authority of any change in the ownership or shareholding, business operations or production scale within thirty days of the change.

(6) The Authority shall cancel the certificate of compliance for a food processing plant where the food processing plant ceases to operate and notify the respective County Government of such cancellation.

## **27. Sampling and testing of food crops and food produce**

(1) The Authority shall randomly sample, test and analyse any food crops or food produce in collection centres, markets, warehouses or food processing plants to ensure that it conforms to the food safety and quality requirements provided under the Act, these Regulations or any other written laws.

(2) A person may notify the Authority of any food crops or food produce that the person suspects to be contaminated and is being offered for sale.

(3) Upon notification under subregulation (2), the Authority may, within seven days of receiving the notification, sample and analyse the produce and take the necessary action specified under regulation 17.

(4) A dealer that has a warehouse may sample, test and analyse all the food crops and food produce when purchasing and during storage to ensure that the food conforms to the food safety and quality requirements provided under the Act, these Regulations or any other written laws.

(5) The Authority shall seize and detain, any food crops or food produce that do not conform to the food safety and quality requirements provided under the Act, these Regulations or any other written laws.

## **28. Traceability**

(1) The Authority in consultation with relevant stakeholders shall develop and build the capacity of every dealer to implement a traceability system for food crops and food produce in their custody.

(2) Every dealer shall—

- (a) ensure that they maintain records of the person from whom they obtained the food crop or food produce in their custody; and
- (b) establish and maintain a distinct traceability code for the food crop or food produce in their custody.

(3) The traceability system under subregulation (1) shall ensure that a food crop or food produce that does not conform to the food safety and quality requirements provided under the Act, these Regulations and any other written laws be identified and located for removal from the supply chain if necessary.

## **29. Crops inspection**

(1) The crops inspectors appointed by the Authority in accordance with section 27 of the Act shall carry out inspections of food crops and food produce to ensure they conform to the food safety and quality requirements provided under the Act, these Regulations or any other written laws.

(2) The county governments may nominate persons who may be appointed by the Authority as crops inspectors in accordance with subregulation (1).

(3) A person qualifies to be appointed as a crops inspector if that person has—

- (a) a bachelor's degree in Agriculture or a related field; or
- (b) a diploma in Agriculture or a related field with two years' experience in extension service work, from a university or institution recognised in Kenya.

(4) The Authority shall develop training curriculum and offer regular training to crops inspectors to ensure effective carrying out of their duties.

(5) A prospective crops inspector shall undergo mandatory training on inspections recommended by the Authority before being appointed.

(6) The Authority shall publish in the *Gazette* all crops inspectors who have successfully undertaken the mandatory training within thirty days upon completion of the training.

(7) A person appointed as a crops inspector shall comply with the Constitution and the Public Officer Ethics Act (Cap. 185B).

(8) A person who carries out the functions of a crops inspector without having been duly appointed by the Authority commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

### 30. Inspection and verification

(1) The Authority shall conduct a compliance audit of growers, growers' associations, dealers and processors, jointly or separately with the respective County Governments, to ensure compliance to these regulations.

(2) Pursuant to an audit under subregulation (1), the Authority shall—

- (a) provide feedback on non-conformity; and
- (b) build the capacity for corrective measures, growers, growers' associations, dealers and processors.

(3) A crops inspector shall—

- (a) monitor any activity associated with food production, dealing, handling and processing to ensure compliance with these regulations;
- (b) regularly undertake surveillance and inspections to ensure that growers, dealers and processors of food crops or food produce adhere to the food safety and quality requirements provided under the Act, these Regulations and any other written laws; and
- (c) carry out periodic auditing specified under subregulation (1).

(4) A crops inspector may enter any land or premises, or board any vehicle that is used for storing or transporting food crops or food produce to conduct an inspection.

(5) A crops inspector shall seize and detain any food crops or food produce that is packaged in a manner that does not conform to the requirement of these Regulations.

(6) A person who obstructs a crops inspector from carrying out the required inspection commits an offence shall be liable, on conviction, to a fine of one million shillings, or to imprisonment for a period of two years, or to both.

### 31. Surveillance and risk analysis, assessment and communication

(1) The Authority shall implement compliance programs consisting of inspection and verification under this regulation for all food crops and food produce.

(2) The Authority in consultation with the county governments shall perform—

- (a) random risk-based inspections; and
- (b) scheduled annual inspections for purposes of renewal of a certificate, licence or permit, as the case may be.

(3) The Authority shall maintain a systematic process of collection, analysis and interpretation, of food safety data as relates to potential hazards, to enable establishment of science-based policies and standards, based on food safety risks.

(4) The Authority shall make decisions and take action based on scientific principles and evidence, including assessment, management and communication of food safety risks and emerging issues.

### 32. Storage by growers

The respective County Government shall undertake regular programs to build the capacity of growers in their county, on the safe storage of the grower's food crops or food produce.

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[Subsidiary]

### **33. Distribution of food crops and food produce in the market**

(1) The Authority shall determine the domestic production and consumption of food crops and food produce in the market every year.

(2) Pursuant to subregulation (1), the Authority shall determine whether there is a surplus or deficit, of food crops or food produce.

(3) The Authority shall advise the Cabinet Secretary on corrective measures to take pursuant to the determination under subregulation (2).

#### **PART V – MARKETING**

### **34. Marketing agent**

The respective county Government shall ensure that a marketing agent operating in the respective county shall deal in food crops or food produce in accordance with the guidelines stipulated in Form 6A set out in the Sixth Schedule.

### **35. Contract farming**

(1) A dealer may contract a grower or growers' association for the food crop or food produce handled by the grower or growers' association.

(2) Each dealer shall register the contract under subregulation (1) with the respective County Government and submit a copy of the contract to the Authority.

(3) Where a registered dealer participates in a sponsoring scheme, the dealer shall only buy or collect, food crops or food produce, issue inputs or train the growers of the food crops, if authorized in writing by the sponsoring scheme.

### **36. Sale and packaging of food crops and food produce**

(1) The respective County Executive Committee Member in consultation with the relevant government agencies shall designate and develop a site as a market or collection centre located within their county, in accordance with the guidelines set out in Form 6B set out in the Sixth Schedule.

(2) The unit of measurement of all packaged food crops or food produce shall be the kilogramme.

(3) The maximum weight for the packaging of each single unit of a food crop shall be fifty kilograms.

(4) A grower, dealer or processor shall not handle or trade in, food crops or food produce, that is not packed in conformity with subregulations (2) and (3) above.

(5) A grower or dealer, shall use a weighing scale that has been properly calibrated, serviced, inspected and approved in accordance with the Weights and Measures Act (Cap. 513).

(6) A dealer shall collect food crops or food produce, only from a designated as such in accordance with this regulation.

(7) A person who contravenes subregulation (4), (5) or (6) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

#### **PART VI – MISCELLANEOUS PROVISIONS**

### **37. Imposition of levy**

(1) There shall be a levy imposed on all food crops and food produce that are destined for export and such levy shall be based on the Free on Board value of the food crops or food produce.

(2) There shall be a levy imposed on all food produce or food crops that are imported.

(3) The levy imposed under subregulations (1) or (2) shall be payable at the port of exit or entry, as the case may be.

(4) The levy imposed under subregulations (1) or (2) shall be collected by the Authority or its appointed agent.

(5) An exporter or importer shall pay the levy imposed under subregulation (1) or (2), as the case may be, not later than the tenth day of the month following the month during which the levy fell due.

(6) The Authority, in writing, may direct a person who fails, neglects or otherwise refuses to pay or remit the levy imposed under this Regulation, to pay, in addition to paying the regulatory levy;

- (a) an interest of twenty-five percent of the outstanding amount of the levy, for the first month or part of the month in which the levy remains unpaid; and
- (b) a compound interest of twelve percent of the outstanding amount of the levy that remains unpaid for each subsequent month or part of the month in which the levy remains unpaid;

(7) The interest rates set out in subregulation (6) may be paid on a monthly basis.

(8) The levy imposed under subregulations (1) and (2) shall be used for—

- (a) the operations of the Authority;
- (b) development of the food crops subsector; and
- (c) such other purpose as may be approved by the Authority.

### 38. Fees

(1) The fees payable for the issuance of licences, permits, certificates or release orders, under these Regulations shall be as set out in the Third Schedule.

(2) Any fees for issuance of licences, permits, certificates or release orders, under these Regulations for food crops or food produce in transit shall be charged only once at the point of exit in the country of origin.

### 39. Filing of returns

(1) A processor shall submit returns on—

- (a) the processing,
- (b) the quantity of stock held; and
- (c) the marketing data, in respect of the food crops or food produce that they deal in by the tenth of every month or upon request, by the Authority or the respective county government, as the case may be.

(2) Returns submitted under subregulation (1) shall be in Form 5B set out in the Fifth Schedule.

(3) A processor shall submit returns in respect of the food crops or food produce that the processor deals in, in Form 5C set out in the Fifth Schedule by the thirtieth of June every year or upon request, by the Authority or the respective county government, as the case may be.

(4) A warehouse operator or a marketing agent shall submit returns—

- (a) on the stock of food crops or food produce in their custody by the fifth date of every month in Form 5D;
- (b) on suppliers and projections on the quantity of food crops or food produce for the coming year by the thirtieth of June every year, in the Form 5E, set out in the Fifth Schedule, to the Authority or the respective county government, as the case may be.

(5) The returns under subregulation (4) shall be submitted to the respective county government and a copy thereof to the Authority.

(6) A grower or a growers' association shall submit to the respective county government or the Authority, as the case may be, monthly returns on food crops or food produce, that the grower or association, deal in, by the fifth date of every month in Form 5F set out in the Fifth Schedule.

[Subsidiary]

**40. Use of Forms**

The Authority or the respective County Government, as the case may be, may make such alterations to the forms prescribed in these Regulations—

- (a) to enable the use of the forms electronically; and
- (b) to enable effective use of the forms by the growers and other dealers in food crops or food produce, as are necessary and that do not affect the substance of the form or is not calculated to mislead the recipient of the form.

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FIRST SCHEDULE

[r. 3]

LIST OF FOOD CROPS THAT THESE REGULATIONS SHALL APPLY TO

PART A —CEREALS

COMMON NAME	BOTANICAL NAME
Maize	<i>Zea mays</i> L.
Barley	<i>Hordeum vulgare</i> L.
Finger millet	<i>Eleusine coracana</i> (L.) Gaertn.
Pearl millet	<i>Pennisetum</i> (L.) R.Br.
Rice	<i>Oryza sativa</i> L. (1)
Sorghum	<i>Sorghum bicolor</i> (L.) Moench.
Wheat	<i>Triticum aestivum</i> .
Wheat (pasta)	<i>Triticum monococcum</i> L.
Oats	<i>Avena sativa</i> L.
Rye	<i>Secale cereale</i> L.
Triticale	<i>Tricosecale</i> Wittm
Grain amaranth	<i>Amaranthus</i> spp.

PART B —LEGUMES

COMMON NAME	BOTANICAL NAME
Soya beans	<i>Glycine max</i> (L.) Merr.
Beans	<i>Phaseolus vulgaris</i> L.
Pigeon pea	<i>Cajanus cajan</i>
Dolichos bean	<i>Dolichos lablab</i> L.
Cowpea	<i>Vigna unguiculata</i> (L.) Walp.
Chick peas	<i>Cicer arietinum</i> L.
Broad beans	<i>Cicer arietinum</i> L.
Cluster bean	<i>Cyamopsis tetragonoloba</i> .
Pea	<i>Pisum sativum</i> L.

PART C —ROOTS AND TUBER CROPS

COMMON NAME	BOTANICAL NAME
Sweet potatoes	<i>Ipomoea batatas</i>
Cassava	<i>Manihot esculenta</i>

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SECOND SCHEDULE

[r. 6(2), 10(2)(a), 11(1)(a), 12(4)(a), 13(3)(g)(iii), 14(3), 22(4)(a), 23(1)(a), 24(2)(a), 24(9)(a), 24(11), 25(2)(a), 25(4)(a), 25(6), 26(1)(a)]

APPLICATION FORMS

**FORM 2A**

(r. 6(2))

AGRICULTURE AND FOOD AUTHORITY





APPLICATION FOR REGISTRATION OF LARGE SCALE GROWERS,  
GROWER ASSOCIATIONS OR DEALERS

Part 1 - Category (Tick as appropriate)

# Large scale grower

# Grower association

# Marketing agent

# Processor

# Transporter

# Exporter

# Importer

Part 2 - Particulars of the Applicant

1. Full name of Applicant: .....
2. Postal Address: ..... Town.....  
Tel/Mobile No: ..... Email: .....  
Physical address: Building ..... Street: .....  
Town ..... County .....  
Sub County ..... Ward .....  
Market ..... (where applicable)
3. Company details (where applicable):  
Certificate of Company Incorporation /registration No: .....  
List Names and Particulars of Directors/Officials  
a .....  
b .....  
(Attach copies of ID)
4. L.R. No/Plot No. ....
5. Type of food crops grown/handled  
(a) Large scale grower  
*Type of crop* ..... *Hectare*  
(b) Growers' Associations  
Membership: ..... Male: ..... Female: .....  
(Attach a list of members).  
Catchment area: .....  
*Type of crop* ..... *Hectare*  
(c) Marketing agent  
*Type of crop handling* ..... *Volume (50 kg Bags)*

[Subsidiary]

(d) Processor <i>Type of crop handling</i>	<i>Volume (50 kg Bags)</i>
(e) Transporter <i>Type of crop handling</i>	<i>Volume (50 kg Bags)</i>
(f) Importer <i>Type of crop handling</i>	<i>Volume (50 kg Bags)</i>
(g) Exporter <i>Type of crop handling</i>	<i>Volume (50 kg Bags)</i>

I confirm that I shall abide by the requirements of the Crops (Food Crops) Regulations, 2019.

Applicants signature ..... Date .....

Part 3 - Approval by the Authority

**FOR OFFICIAL USE**

Inspector remarks:

.....  
.....

*Recommended /Not recommended*

Inspector name .....

Signature .....

Date .....

Approved/Not approved:

Director General

Agriculture and Food Authority:

Name .....

Signature ..... Date.....

Comments if not approved

.....  
.....

Official Stamp.....

Terms and Conditions

1. This application should be completed in full.
2. An incomplete form shall not be considered.
3. For grower associations, the applicant shall be required to furnish the Authority with evidence of registration and agreements.
4. An applicant shall comply with approved practices and standards on quality, food safety and hygiene.
5. Attach a list of its members (For grower associations, marketing agents and processors).

**FORM 2B**

(r. 10 (2) (a), 11 (1)(a))

COUNTY GOVERNMENT OF .....



**APPLICATION FOR/RENEWAL OF A WAREHOUSING LICENCE**

Crops

[Subsidiary]

Part 1: Applicant's Details (To be filled by all Applicants)

Full name of Applicant:.....
Postal Address:..... Town.....
Tel/Mobile No: ..... Email:.....
Physical address: Building ..... Street:.....
County..... Sub County.....
Ward .....
Company details (where applicable):
Certificate of Company Incorporation /registration No:.....
List Names and Particulars of Directors/Officials (Attach copies of ID)

Branch offices (if any)

Table with 4 columns: No, Town, Location, Address. Rows 1 and 2.

Part 2: Facility details:

Capacity (50 kg bags) Crop(s) to be handled

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

Applicant's Signature.....
Date .....
Official rubber stamp/seal

Part 3: Approval by the County Government

FOR OFFICIAL USE

Approved/Not approved:.....
Signature..... Date.....
Name.....

County Executive Committee Member for Agriculture.....

County

Comments if not approved

Official Stamp.....

Terms and conditions

- 1. This application should be completed in full.
2. An incomplete form shall not be processed.
3. When considering applications for licencing commercial warehouse, stores and food depots, the County Government shall ensure that only warehouses with the requisite licencing requirements are licensed.

[Subsidiary]

4. A warehousing licence shall only be issued to an individual, co-operative society or a company who has registered with the Authority.

**FORM 2C**

(r. 12(4)(a))

**AGRICULTURE AND FOOD AUTHORITY**



**APPLICATION FOR AN IMPORT CLEARANCE PERMIT**

1. Name of applicant .....
  2. VAT Registration No. ....
  3. Identity Card/Passport No. ....
  4. KRA PIN .....
  5. Type and quantities of food crops produce/products to be imported.
- | <i>Commodity</i> | <i>Quantity</i> | <i>Customs Value</i> | <i>Country of origin</i> | <i>Port of entry</i> |
|------------------|-----------------|----------------------|--------------------------|----------------------|
|------------------|-----------------|----------------------|--------------------------|----------------------|

*NB: Attach details in the format given above*

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

I further state that the above declared imports have been approved and certified as being fit for human consumption and contain no poisonous substance or chemical or irradiation as per the relevant legislations and regulations.

Applicant's Signature ..... Date.....

Approval by the Authority

**FOR OFFICIAL USE**

Approved/Not approved:.....

**DIRECTOR GENERAL**

Signature ..... Date.....

Name .....

Comments if not approved

Official Stamp .....

Terms and Conditions

1. This application should be completed in full.
2. An incomplete form shall not be processed
3. This application shall be accompanied by a sanitary and phytosanitary certificate from the country of origin, compliance certificate from the Kenya National Standardization body and the Kenya National Plant Protection Organization and complied with any other relevant law.
4. The application for import clearance permit shall be accompanied by proof that the applicant has exhaustively sourced produce from local production as guided by the Authority from time to time.

**FORM 2D**

(r. 13 (3)(g)(iii))

**AGRICULTURE AND FOOD AUTHORITY**



**DECLARATION OF CONSIGNMENT IN TRANSIT**

- 1. Name of applicant .....
- 2. VAT Registration No. ....
- 3. Identity Card/Passport No. ....
- 4. KRA PIN .....
- 5. Type and quantities of food crops produce/products to be imported.  

Type	Quantity (Metric tonnes)	Value (Kshs.)
------	--------------------------	---------------
- 6. Port of exit .....
- 7. Name of Inspector .....
- Signed ..... Date .....
- 8. Details of transit shed .....

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

I further state that the above declared imports have been approved and certified as being fit for human consumption and contain no poisonous substance or chemical or irradiation as per the relevant legislations and regulations.

Registered Importer's Signature ..... Date .....

Approval by the Authority

**FOR OFFICIAL USE**

Approved/Not approved: .....

**DIRECTOR GENERAL**

Signature ..... Date .....

Name .....

Comments if not approved

.....

Official Stamp .....

**FORM 2E**

(r. 14(3))

**AGRICULTURE AND FOOD AUTHORITY**



**APPLICATION FOR A CERTIFICATE OF CONFORMITY**

[Subsidiary]

1. Name of registered exporter .....
2. VAT Registration No. ....
3. Identity Card/Passport No. ....
4. KRA PIN .....
5. Type and quantities of food crops produce/products to be imported.  

<i>Type</i>	<i>Quantity (Metric tonnes)</i>	<i>Value (Kshs.)</i>
-------------	---------------------------------	----------------------
6. Port of exit .....
7. Name of Inspector .....  
 Signed ..... Date .....
8. Details of transit shed .....
9. I/We enclose the following required certified documentation in support of our application:
  - a. the profile of the applicant;
  - b. a copy of certificate of incorporation or certificate of registration of the applicant (if the applicant is a company or registered entity);
  - c. a copy of the applicant's valid business permit at the time of making the application;
  - d. the applicant's latest audited accounts;
  - e. a copy of the applicant's PIN certificate;
  - f. a copy of the applicant's tax registration certificate;
  - g. a copy of the applicant's memorandum of association (if the applicant is a company);
  - h. a copy of the applicant's articles of association (if the applicant is a company);
  - i. a copy of the identity cards or passports of each of the applicant's directors (if the applicant is a company);
  - j. a copy of the profile of each of the applicant's directors (if the applicant is a company);
  - k. a copy of the applicant's valid tax compliance certificate;
  - l. a copy of a valid certificate of good conduct for each of the applicant's directors (if the applicant is a company);
  - m. a copy of the applicant's valid certificate of good conduct (if the applicant is an individual); and
  - n. proof of payment of the prescribed fee.

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

I further state that the above declared imports have been approved and certified as being fit for human consumption and contain no poisonous substance or chemical or irradiation as per the relevant legislations and regulations.

Registered exporter's Signature ..... Date .....

Approval by the Authority

**FOR OFFICIAL USE**

Approved/Not approved: .....

**DIRECTOR GENERAL**

Signature ..... Date .....

Name .....

Comments if not approved .....

Official Stamp .....

**FORM 2F** (r. 22(4)(a), 23(1)(a))  
**AGRICULTURE AND FOOD AUTHORITY**



**APPLICATION FOR/RENEWAL OF A CERTIFICATE OF COMPLIANCE FOR A WAREHOUSE**

Part 1: Applicant's Details (To be filled by all Applicants)

Full name of Applicant:.....

Postal Address:..... Town.....

Tel/Mobile No:..... Email:.....

Physical address: Building.....

County ..... Sub County.....

Ward .....

Company details (where applicable):

Certificate of Company Incorporation /registration No: .....

List Names and Particulars of Directors/Officials (Attach copies of ID)

.....

Branch offices (if any)

<i>No.</i>	<i>Town</i>	<i>Location</i>	<i>Address</i>
1			
2			

Part 2: Facility details:

*Capacity (50 kg bags)* *Crop(s) to be handled*

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

Applicant's Signature .....

Date .....

Official rubber stamp/seal

.....

Part 3: Approval by the Authority

FOR OFFICIAL USE

Approved/Not approved:.....

**DIRECTOR GENERAL**

Signature.....

Date.....

Name.....

Comments if not approved

[Subsidiary]

.....  
.....

Official Stamp.....

Terms and conditions

1. This application should be completed in full.
2. An incomplete form shall not be processed.
3. A certificate for a warehouse, store or food depot will only be issued to persons and organizations who have fulfilled the set standards and requirements by the Authority from time to time.

**FORM 2G** (r. 24(2)(a))  
**AGRICULTURE AND FOOD AUTHORITY**



**APPLICATION FOR A CERTIFICATE OF APPROVAL TO ESTABLISH A FOOD CROP PROCESSING PLANT**

Full name of Applicant M/s ..... ID No/ Registration No. (*Attach a copy*) ..... of Postal Address: ..... Tel ..... do hereby express my interest to establish a food processing plant and apply to be granted a certificate of approval to establish the food processing plant.

The plant will be located on plot number(s) ..... on .....  
 Street ..... Location ..... Sub-County in .....  
 County on L. R. No. ....

1. Manufacturing plant details:
  - a. Capacity (in Tonnes/Hr) .....
  - b. The proposed facility is intended to process the following food crops and products

No.	Crop produce	Product
i.		
ii.		
iii.		

2. List Names and Particulars of Directors/Officials (Attach copies of ID/Passport)
  - (a) .....
  - (b) .....
  - (c) .....

I/We undertake to—

1. Seek approval from all relevant Government agencies in accordance with existing laws and regulations.
2. Provide a detailed project feasibility study.
3. Adhere to the provisions of the Agriculture and Food Authority Act (Cap 317), the Crops Acts (Cap 318), and other relevant laws in force from time to time.
4. Support the supply chain to maintain the smooth flow of raw material.



- 5. Install manufacturing equipment that will match current Kenyan standards,
- 6. Commit to comply with the national, regional and international food safety standards.
- 7. Execute the project within the next 2 years after which this Letter Approval shall be invalid.
- 8. Declare the source of raw material.

Yours sincerely,  
Chief Executive Officer

M/s .....  
(Name of company and Official Seal/Stamp)

**FORM 2H** (r. 24(9)(a), 25(4)(a))  
**AGRICULTURE AND FOOD AUTHORITY**



**APPLICATION FOR INSPECTION OF A FOOD PROCESSING PLANT**

To:  
The Director General  
Agriculture and Food Authority  
P. O. Box 20064— 00200  
NAIROBI

Dear Sir/Madam,

RE: REQUEST FOR INSPECTION OF..... (insert name of the food processing plant)

I ..... (insert full name of the processor) of ..... ID No/Registration No. (Attach a copy) ..... of Postal Address: ..... Tel. .... do hereby express my interest in inspection of the above captioned food processing plant.

The plant is located on plot number(s)..... on.....

Street ..... Location ..... Sub-County in .....

County, L. R. No. ....

The manufacturing plant capacity (in Tonnes/Hr).....

I confirm to have undertaken the following—

- 1. Received approval from all relevant Government agencies in accordance with existing laws.
- 2. Adhere to the provisions of the Agriculture and Food Authority Act (Cap. 317), the Crops Acts (Cap. 318) and other relevant laws.
- 3. Support the supply chain to maintain the smooth flow of raw material.
- 4. Installed manufacturing equipment that matches current Kenyan standards,
- 5. I commit to comply with the Standardization Act.

Yours sincerely,

[Subsidiary]

Chief Executive Officer

M/s.....

(Name of company and Official Seal/Stamp)

**FORM 21**

(r. 24(11), 25(6))

**AGRICULTURE AND FOOD AUTHORITY**



**INSPECTION CHECK LIST FOR A FOOD PROCESSING PLAN  
(MINIMUM REQUIREMENTS)**

- (a) Suppliers and source of the raw materials .....
- (b) Installed capacity .....
- (c) Location, design and construction of the building and its interior, equipment and water supply are in accordance with the regional and international standards  
Yes # No #
- (d) Procedure for ensuring personal hygiene, clean clothing, footwear and headwear, injuries and wounds, controlled access and movement within the facility place.  
Yes # No #
- (e) Receiving, handling and storage of raw materials and products warehouse in place.  
Yes # No #
- (f) Monitoring procedures for pest control, both for the exterior and interior of the building in place.  
Yes # No #
- (g) Cleaning and sanitizing procedures in place.  
Yes # No #
- (h) Procedures describing preventive, maintenance and calibration of all the equipment and instruments that can affect food safety in place.  
Yes # No #
- (i) Recall and traceability procedures that will ensure that final products are coded and labelled properly; in-coming, in-process and outgoing materials are traceable;  
Yes # No #
- (j) Water safety monitoring procedures for water, ice and steam; and use of potable water for processing.  
Yes # No #

General comments by the inspector

I declare that I will comply with any other requirement issued by the Authority from time to time.

Name of processor .....

Signature ..... Date .....

Name of inspector .....

Signature..... Date .....

**FORM 2J**

(r. 25(2)(a), 26(1)(a))

**AGRICULTURE AND FOOD AUTHORITY**



**APPLICATION FOR/RENEWAL OF CERTIFICATE FOR APPROVAL OF A FOOD PROCESSING PLANT**

Part 1: Applicant's Details (To be filled by all Applicants)

Full name of Applicant: .....

Postal Address: ..... Postal Code .....

Town .....

Tel/Mobile No: ..... Email: .....

Website: .....

Physical address: Building ..... Street:.....

Town: .....

County ..... Sub County .....

Ward .....

Location ..... Sub-location: .....

Company details (where applicable):

Certificate of Company Incorporation /registration No: .....

List Names and Particulars of Directors/Officials (Attach copies of ID)

.....

Branch offices (if any)

No	Town	Location	Address
1			
2			

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

Applicant's Signature ..... Date .....

Official rubber stamp/seal .....

Part 3: Approval by the Authority

**FOR OFFICIAL USE**

Approved/Not approved:

**DIRECTOR GENERAL**

Name.....

Signature..... Date .....

Comments if not approved:

.....  
.....

[Subsidiary]

Official Stamp:  
.....

Terms and conditions

1. This application should be completed in full.
2. An incomplete form shall not be processed.
3. A certificate for approval of a food processing facility will only be issued to persons and organizations who have fulfilled the set standards and requirements by the Authority from time to time.

---

**THIRD SCHEDULE**

[(r. 22(4)(c), 24(9)(c), 25(4)(c), 26(1)(b), 38(1)]

**FEES**

All licences, certificates and levies are valid for one year.

Permits are valid only for consignments issued.

Type of levy/fees	Amount charged (Kshs.)
<b>1. REGISTRATION</b>	
(a) growers' association or a large scale grower	1,000
(b) dealer	3,000
(c) importers and exporters	30,000
<b>2. LICENSING</b>	
Warehousing licence (annual)(Category capacity in 50kg bags)	
Less than 5,000	2,000
Between 5,000 - 10,000	3,000
Between 10,000 -50,000	5,000
Between 51,000-100,000	10,000
Between 101,000-150,000	12,000
Between 150,000-200,000	15,000
Over 200,000	20,000
Silo complex	25,000
<b>3. CERTIFICATES &amp; PERMITS</b>	
(a) Certificate of compliance for a warehouse (Annual)	
Less than 5,000	2,000
Between 5,000 to 10,000	3,000
Between 10,000 to 50,000	5,000
Between 101,000-150,000	10,000
Between 150,000-200,000	15,000
Over 200,000	20,000
Silo complex	25,000
(b) Import clearance permit	
0-34,000kgs	3,000
34,001 - 280,000kgs	0.15 per kilogram
Above 280,000	0.01 per kilogram
(c) Certificate of Conformity	
0-34,000kgs	3,000
34,001 - 280,000kgs	0.15 per kilogram
Above 280,000	0.01 per kilogram

Crops

[Subsidiary]

(d) Certificate of Approval for a food processing plant (Annual)	Capacity (installed capacity) (tonnes per hour)	Amount charged (Kshs.)
(i) Cereals	0.5-2	3,000
	Over 2 - 5	5,000
	Over 5-10	7,000
	Over 10-20	10,000
	Over 20-45	12,000
	Over 45	20,000
(ii) Roots and tubers	0.5 - 5	2,000
	Over 5 -10	4,000
	Over 10-20	6,000
	Over 20 -45	8,000
	Over 45	10,000
<b>4. LEVIES</b>		
Commodity		% of Customs Value
(a) Cereals	Importer	2.0
	Exporter	0.3
(b) Legumes/Pulses	Importer	2.0
	Exporter	0.3
(c) Roots and tubers	Importer	1.0
	Exporter	0.3

FOURTH SCHEDULE

[(r. 6(6), 10(7), 11(9), 12(9), 13(8)(a), 14(9), 22(11), 23(5), 24(8), 24(17), 25(13)]

CERTIFICATES, LICENCES AND PERMITS

**FORM 4A** (r. 6(6))  
**AGRICULTURE AND FOOD AUTHORITY**



**CERTIFICATE OF REGISTRATION FOR A LARGE SCALE GROWERS/  
 GROWERS ASSOCIATION/MARKETING AGENT/PROCESSOR/  
 TRANSPORTER/IMPORTERS OR EXPORTER**

THIS IS TO CERTIFY that ..... of postal address .....  
 of ..... County on L. R. No. .... has been duly registered by the Authority  
 as;

- # Large scale grower
- # Grower association
- # Marketing agent
- # Processor
- # Importer

[Subsidiary]

# Exporter

# Transporter

in accordance with the Crops (Food Crops) Regulations, 2019.

Dated this ..... 20 .....

Name ..... Signature .....

Director General

Agriculture and Food Authority

Terms and Conditions

1. This certificate is not transferable.

2. The applicant shall—

i. maintain a register of their members where applicable in the format prescribed by the Authority;

ii. where applicable, shall respect and enable the carrying out of the terms and conditions of any agreements entered between themselves and their members or on behalf of their members.

iii. shall ensure that the quality of farm inputs and food crop produce and products comply with the Crops (Food Crops) Regulations 2019 and any other relevant laws;

iv. shall submit Quarterly returns to the County Executive Committee Member in the prescribed format and a copy to the Authority.

**FORM 4B**

(r. 10(7), 11(9))

COUNTY GOVERNMENT OF .....



**WAREHOUSING LICENCE**

Registration No. .... Serial No. ....

M/s ..... of Post Office Box ..... has been granted a Warehouse Licence No. .... and is hereby authorized to operate as a processor in Kenya pursuant to Regulation 14(6) of the Crops (Food Crops) Regulations 2019 and the Crops Act (Cap. 318).

This Licence is valid from..... to.....

Fee paid: Kshs.....

Signed..... Date of issue:.....

Name:

County Executive Committee Member for Agriculture

..... County

Official stamp.....

*Terms and conditions*

1. In the event that the operator of the warehouse to cease operations, the operator shall inform the County Government one month prior to ceasing the operations.
2. The County government may vary, suspend or cancel the licence issued if the warehouse fails meet conditions of the licence.
3. This licence is issued subject to compliance of the provisions of Crops Act (Cap. 318) and the regulations issued thereunder and any other relevant law.

**FORM 4C**

(r. 12(9))



**IMPORT CLEARANCE PERMIT**

AGRICULTURE AND  
FOOD AUTHORITY

Permit  
No. ....

Original  
Date of  
issue .....  
Valid  
until .....

Mr/Mrs/Ms. .... of P. O. Box .....

Tel. .... is hereby issued with an import permit for food crop produce/food crop products of the following categories;

<i>Type</i>	<i>Quantity (Metric tonnes)</i>	<i>Value (Kshs.)</i>
.....	.....	.....

Port of entry/exit .....

Director General

Date.....

Terms and Conditions

1. The Authority may vary, suspend or cancel the import clearance permit issued if the holder fails to abide with Crops (Food Crops), Regulations 2019 and any other relevant law.
2. This import clearance permit shall be issued subject to proof that the applicant has sourced produce from local production within the last six months.

**FORM 4D**

(r. 13(8)(a))

AGRICULTURE AND FOOD AUTHORITY



**RELEASE ORDER**

This is to certify that the food crop or food produce specified herein and in favour of the registered importer named herein have been inspected and certified as having met the necessary national, regional and international standards.

Details of registered importer

Name: .....

[Subsidiary]

Registration Certificate Number .....

Consignment Details

Country of origin .....

Way bill No. ....

Date of issue ..... time issued ..... a.m./p.m.

Signature of  
inspector .....

Name .....

Designation .....

**FORM 4E** (r. 14(9))  
 AGRICULTURE AND FOOD AUTHORITY



CERTIFICATE OF COMFORMITY

This is to certify that the food crop or food produce specified herein and in favour of the registered exporter named herein have been inspected and certified as having met the necessary national, regional and international standards.

During the inspection, the following documents were presented for verification.

1. Transport documents
2. Commercial invoice
3. Packing list

Details of registered exporter

Name: .....

Registration Certificate Number .....

Consignment Details.

Country of destination .....

Source of produce .....

Validity period: from ..... to .....

Date of issue ..... time issued ..... a.m./p.m.

Signature of  
inspector .....

Name.....

Designation .....

**FORM 4F** (r. 22(11), 23(5))  
 AGRICULTURE AND FOOD AUTHORITY





**CERTIFICATE OF COMPLIANCE OF A WAREHOUSE**

Serial No. ....

M/s ..... of Post office Box ..... has been granted a warehouse/store/Food depot Certificate No. .... and is/are hereby authorized to handle food crops or food produce.

This certificate is valid from ..... to .....

Fee paid: Kshs. ....

Name ..... Signature.....

DIRECTOR GENERAL

Date of issue .....

Official stamp.

Terms and Conditions

1. The Authority may suspend or cancel the warehouse/store/food depot certificate issued if the holder fails to abide with the terms and conditions of the certificate.
2. The application for renewal of this certificate shall be made to the Head Food Directorate so as to reach at least one month before expiry date.
3. This certificate is issued subject to compliance of the provisions of Crops Act (Cap. 318) and the regulations issued thereunder and any other relevant law.

**FORM 4G** (r. 24(8))  
**AGRICULTURE AND FOOD AUTHORITY**



**LETTER OF PRELIMINARY APPROVAL**

Reference:..... Date: .....

TO: M/s .....

.....  
(Applicant's name /Company address)

Dear Sir,

**RE: LETTER OF APPROVAL TO ESTABLISH ..... FOOD CROP PROCESSING PLANT**

Following your application to be granted approval to establish a food processing plant in Kenya, your application has been given approval. You are hereby authorized to seek approval from relevant Government agencies in accordance with existing laws and regulations.

[Subsidiary]

You will be required to demonstrate your plan for the following before you are granted a certificate of compliance from the Authority to operate the food processing plant:

1. Support the supply chain to maintain the smooth flow of raw material.
2. Install processing equipment that will match current Kenyan standards,
3. Commit to comply with the national, regional and international food safety standards.
4. Execute the project within the next 1 year after which this Letter of Approval shall be invalid.
5. Adhere to the provisions of the Agriculture and Food Authority Act (Cap. 317), the Crops Act (Cap. 318) and other relevant laws in force from time to time.
6. Declare the source of raw materials.

The Authority is satisfied with your intentions and looks forward to your successful implementation of the proposed food processing facility.

Yours sincerely,

Head: Director General

**FORM 4H**

(r. 24(17), 25(13))

**AGRICULTURE AND FOOD AUTHORITY**



**CERTIFICATE OF APPROVAL FOR A FOOD PROCESSING PLANT**

Registration No. .... Serial No. ....

M/s ..... of Post office Box ..... has been granted a Certificate of Approval for a Food Processing Plant of certificate No. .... and is hereby authorized to process food crops or food produce.

This Certificate is valid from..... to.....

Date of issue .....

Director General

Official stamp.

Terms and Conditions

1. The Authority may suspend or cancel a certificate issued if the holder fails to abide with the terms and conditions set out for processing facilities
2. The application for renewal of this certificate shall be made to the Head Food Directorate so as to reach at least one month before expiry date.

**FIFTH SCHEDULE**

[r. 9(1), 11(1)(d), 23(1)(c), 26(1)(d), 39(2), 39(3), 39(4)(a), 39(4)(b), 39(6)]

**REGISTERS AND RETURNS**

**FORM 5A**

(r. 9(1))

**REGISTER OF MEMBERS FOR GROWERS' ASSOCIATIONS**

Part A - Registration details of the Growers' Association

Crops

[Subsidiary]

Name .....  
 Physical Address .....  
 P. O. Box .....  
 Email .....  
 Fax .....  
 Tel. ....  
 Registration No. ....  
 PIN No. ....  
 Year .....

Part B - Membership details

<i>Member's code</i>	<i>Name of Member</i>	<i>Physical Location</i>	<i>Area Under Crop(Hectares)</i>	<i>Production (metric tonnes)</i>
----------------------	-----------------------	--------------------------	----------------------------------	-----------------------------------

Prepared by:

Name:.....

Position in the Growers' Association.....

Signature..... Date.....

Stamp .....

**FORM 5B** (r. 39(2))  
**MONTHLY RETURNS BY PROCESSORS**

To  
 The Head of the Food Directorate  
 Or  
 The ..... County Government  
 Month ..... Year ..... 20 .....

Name/Business name .....  
 Address:  
 Postal address ..... Code: .....  
 Tel ..... Email .....

Physical location  
 Street ..... L.R./Plot No. ....

Registration details  
 VAT Registration No. .... PIN .....

ID. No. ....

<i>Type food crop/</i>	<i>Quantity (Tonnes)</i>	<i>Quantity (Tonnes)</i>	<i>Stock releases</i>	<i>Brand names</i>
<i>food produce purchased</i>		<i>processed</i>		

1  
 2  
 3

[Subsidiary]

*NB: Attach a list where necessary*

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

Applicant's Signature .....

Date .....

Official stamp/seal .....

**FORM 5C** \_\_\_\_\_ (r. 26(1)(d), 39(3))  
**ANNUAL RETURNS BY PROCESSORS**

To  
 The Head of the Food Directorate  
 Or  
 The ..... County Government

Returns for the year beginning ..... year .....

Food crops produce supply information

<i>Name of supplier</i>	<i>Type of food crop/food produce</i>	<i>Quantity (Tonnes)</i>	<i>Source (county/ country)</i>
-------------------------	---	------------------------------	-------------------------------------

Authorized officers Signature.....

Date.....

Official Stamp.

**FORM 5D** \_\_\_\_\_ (r. 11(1)(d), 23(1)(c), 39(4))  
 (a)

**RETURNS ON STOCK OF FOOD CROPS OR FOOD PRODUCE BY  
 WAREHOUSE OPERATORS/MARKETING AGENTS**

To  
 The Head of the Food Directorate  
 Or  
 The ..... County Government

Returns for the year beginning ..... year .....

Food crops produce supply information

<i>Name of supplier</i>	<i>Type of food crop/food produce</i>	<i>Quantity (Tonnes)</i>	<i>Source (county/ country)</i>
-------------------------	---	------------------------------	-------------------------------------

Authorized officers Signature .....

Date .....

Official Stamp/Seal .....

**FORM 5E** \_\_\_\_\_ (r. 23(1)(c), 39(4)(b))  
**RETURNS ON SUPPLIES OF THE QUANTITY OF FOOD CROPS OR FOOD  
 PRODUCE BY WAREHOUSE OPERATORS/MARKETING AGENTS**

(To be filled in triplicate)

To  
 The Head of the Food Directorate  
 Or  
 The ..... County Government  
 Year 20 .....

Name/Business name .....

Address:  
 Postal address ..... Code: .....

Tel. .... Email .....

Physical location  
 Street ..... L.R./Plot No. ....

Registration details  
 VAT Registration No. .... PIN .....

ID. No. ....

<i>Type food crop/food produce</i>	<i>Quantity (MT)</i>
------------------------------------	----------------------

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

Applicant's Signature .....

Date .....

Official stamp/seal .....

**FORM 5F** (r. 39(6))  
**MONTHLY RETURNS BY GROWERS/GROWERS' ASSOCIATION FOOD CROPS OR FOOD PRODUCE**

- Category:
- Grower
  - Growers' association

To  
 The Head of the Food Directorate  
 Or  
 The ..... County Government

Returns for the year beginning ..... year .....

Food crops produce supply information

<i>Name of suppliers</i>	<i>Type of food crop or food produce</i>	<i>Quantity (Tonnes)</i>	<i>Source (sub-county)</i>
--------------------------	--	--------------------------	----------------------------

I hereby declare that the returns provided are to the best of my knowledge.

Authorized officers Signature .....

Date .....

[Subsidiary]

Official Stamp .....

SIXTH SCHEDULE

[r. 34, 36(1)]

GUIDELINES FOR REGULATION OF MARKETING AGENTS

**FORM 6A**

(r. 34)

1. Every registered marketing agent shall, at all times and while conducting business, wear an official badge issued by the Authority that identifies the agent.
2. The registration status of a marketing agent shall be recognised in all counties.
3. Once the county where a marketing agent is registered revokes the registration, the marketing agent shall not be allowed to deal in food crops or food produce in any other county.
4. If a marketing agent commits an offence under these Regulations, the county where this offence is committed shall report to the county where the marketing agent is registered for disciplinary action to be taken.
5. Despite paragraph 4, a marketing agent who does not comply with terms and conditions of these Regulations may have their certificate, permit suspended until the conditions of issuance are corrected.

**FORM 6B**

(r. 36(1))

CRITERIA FOR IDENTIFICATION AND DESIGNATION OF MARKETS AND COLLECTION CENTRES

**Details**

**Criteria**

Designation of a market or a collection centre.

1. It should be located on public land or premises with a secure tenure.
2. It should be located in a priority area or facility identified through public consultation and participation.
3. It should be located in an area that is easily accessible by the dealers as well as the growers.
4. It should be located where there are infrastructure support roads, and adequate connectivity to electricity, water, and a telecommunication network.
5. It should be located in an area that has adequate shelter, proper drainage system, water, sanitary and hygiene facilities.
6. Number of daily transactions inside the existing facility and daily gross turnover for agricultural produce.
7. It should be located where there are training facilities for growers or dealers on good agricultural practices, national and international food crops standards, technology dissemination.

Establishment of an area for designated collection.

1. The area should have appropriate shelters, storage and value addition facilities which includes; weighing, sanitation, sorting, grading, display, packaging, labelling, appropriate storage and processing facilities among others.
2. The area should have infrastructure and facilities that ensure food safety and hygienic environment including but not limited to—

- (a) a waste management system,  
 (b) a hygiene and sanitation area,  
 (c) access to utilities like water and electricity,  
 (d) access to loading or offloading ramps,  
 (e) access by persons living with disability and  
 (f) an adequate drainage system.
3. The area should have an administrative and management areas that provides for—  
 (a) parking space,  
 (b) security fence, lights and gate,  
 (c) an office for an inspector and internet communication and technology facilities and  
 (d) access roads with accelerating and decelerating lanes.
- Market designs
1. The design should provide for a designated area for wholesale or retail stalls, according to type of food crop or food produce.
  2. The design should provide for weighing, display and storage of food crops or food produce.
  3. The design should provide for shaded market structures.
  4. The design should provide for adequate waste management.
  5. The design should provide for proper hygiene and sanitation.
  6. The design should provide for training, plant clinic and incubation rooms.
  7. The design should provide for a security fence, security lights and a gate.
  8. The design should provide for access to utilities like water and electricity.
  9. The design should provide for loading or offloading ramps.
  10. The design should provide for access roads and parking space.
  11. The design should provide for office space for an inspector and information communication and technology facilities.
  12. The design should provide for an adequate drainage system.
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**THE CROPS (TEA INDUSTRY) REGULATIONS**

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**THE CROPS (TEA INDUSTRY) REGULATIONS**

[Legal Notice 97 of 2020]

## PART I – PRELIMINARY

**1. Citation**

These Regulations may be cited as the Crops (Tea Industry) Regulations.

**2. Interpretation**

In these Regulations, unless the context otherwise requires—

"auction" means a process of buying and selling tea by offering bids and selling it to the highest bidder through a physical or electronic system;

"auction organizer" means a person, company or firm established for the purpose of organizing tea auctions in Kenya;

"Authority" means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act (Cap. 317);

"broker" means a person or company or firm established for the purpose of negotiating the purchase or sale of tea between producers and buyers;

"blending" means the process of mixing of teas of different or same grades to affect the flavour and characteristics of the tea for the purposes of packing and sale;

"buyer" means a person, company or a firm engaged in acquiring made tea for re-sale in the local or export market, including export of imported tea;

"black CTC tea" means tea derived exclusively, and produced by acceptable processes and includes oxidation (fermentation) and drying, from the leaves, buds and tender stems of varieties of the species *Camellia Sinensis (linnaeus)*, O. Kuntze, known to be suitable for making tea for human consumption as a beverage;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to Agriculture;

"Certificate of Origin" means a document issued in a customs territory by a competent authority confirming the origin of tea product;

"co-operative society" means a co-operative society registered under the Co-operative Societies Act (Cap. 490);

"commercial tea nursery operator" means a person or firm who propagates not less than five thousand tea seedlings or planting material for sale;

"County Executive Committee Member" means the County Executive Member for the time being responsible for matters relating to agriculture in the respective tea producing county;

"County Government" shall have the meaning assigned to it under Article 176 of the Constitution;

"cottage tea factory" means a tea factory limited company that manufactures high value specialty teas of not less than thirty-eight thousand five hundred kilograms of made tea and not more than four hundred thousand kilograms of made tea per annum;

"cottage tea manufacture" mean the processing of not less than thirty-eight thousand five hundred kilograms of made tea and not more than four hundred thousand kilograms of made tea per annum;

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[Subsidiary]

"commercial green leaf transporter" means a person, a firm or a corporate body contracted by a tea factory limited company to provide green leaf transport services from the farm or green leaf collection centre to the tea factory at a fee;

"crops inspector" means a person appointed as an inspector in accordance with section 27 of the Act;

"Directorate" means the Directorate established under the Agriculture and Food Authority Act (Cap. 317) for the time being responsible for matters related to tea;

"electronic trading platform" means an information technology and/or digital or electronic system installed and/or established by an auction organizer for purposes of electronic buying and selling tea at the auction;

"export" means to take tea or cause tea to be taken out of the Kenya customs territory or to an Export Processing Zone;

"exporter" means a person, a firm, or a corporate body engaged in the business of blending, packaging and exporting of tea in bulk or in value added form;

"tea factory limited company" means a person who operates a tea processing or manufacturing factory and sources green leaf from own tea farm(s) and from registered tea growers;

"green leaf" means green leaf detached from tea plants but not dried or processed in any way and includes purple leaf;

"Green Leaf Agreement" means an agreement for supply of green leaf between the tea grower and the tea factory limited company and the obligations thereof;

"import" means to bring tea into or cause to be brought into the Kenya customs territory or to an Export Processing Zone;

"importer" means a person, a firm, or a corporate body engaged in the business of importing tea into Kenya;

"Kenya Standard 1927 Tea Packets and Containers" means the Kenya Standard or an equivalent standard, that specifies the requirements for tea packets and containers, applicable to tea packaging for retail in the form of tea bags, tea packets, instant tea and ready to drink containers or instant tea specifications or their recognized equivalent but does not include tea sacks;

"licensee" means a person who holds a tea manufacturing licence issued under the Act;

"licensing authority" means the Authority or the County Government as the case may be;

"made tea" means the derivative from green leaf through a manufacturing process;

"manufacture" means the mechanical or chemical processing and conversion of green tea leaf into made tea or other tea products and includes the packaging, labelling, distribution of tea and tea products for sale;

"management agent" means any person that is appointed by a tea factory limited company through a specific management contract or agreement to perform or offer professional services other than company secretary services;

"manufacturing licence" means a licence issued under the Act;

"point of export" means a designated customs border point at which made tea is taken out of the Kenya customs territory or to an Export Processing Zone;

"point of import" means a designated customs border point at which made tea is brought into the Kenya customs territory or to an Export Processing Zone, from any place outside Kenya;

"plantation tea grower" means a person cultivating tea in parcels of land and who has own tea processing facility;

"person" includes a firm, a company, an association, cooperative society or a corporate body;

"producer" means a person who manufactures green leaf from smallholder tea growers or from own tea farms;

"smallholder tea grower" means a grower cultivating tea in a parcel or parcels of land without own individual tea processing facility;

"small holder tea factory limited company" means a tea factory collectively owned through shares by small holder tea growers;

"specialty teas" means high value teas manufactured whole leaf, semi-aerated or non-aerated and includes green, purple, white, oolong and orthodox but does not include black curl tear and cut teas;

"tea" means the plant botanically known as *camellia sinensis* and includes its seed, tea plants and the leaf, whether on the plant or detached therefrom, and in the latter case, whether green tea or manufactured tea;

"tea factory" means a factory that processes and manufactures tea leaf into made tea;

"tea grower" means any person who is cultivating tea in a parcel or parcels of land;

"tea packer" any person who blends, brands and packs tea into packets or containers holding not more than ten kilograms of tea intended for sale locally or for export;

"tea dealer" includes a tea transporter, warehouse operator, buyer, exporter, importer, broker, packer, manufacturer, management agent, marketing agent and auction organizer;

"transit tea" means any consignment of tea transiting through Kenya's custom territory and is destined for another custom territory;

"type of tea planted" means green leaf or purple leaf;

"value addition" means improvements on made tea through flavouring, branding and packaging in not more than ten kilograms;

"warehouse" means a premises used for the storage of made tea by a warehouseman; and

"warehouseman" means a company which is in the business of storing tea in Kenya.

### 3. Application

These Regulations shall apply with respect to tea produced and marketed in Kenya, and imported or exported into and out of Kenya.

### 4. Object and purpose of these Regulations

(1) The purpose of these Regulations is to guide the development, promotion, and regulation of the tea industry for the benefit of the tea growers and other stakeholders in the tea industry.

(2) Without prejudice to the generality of subregulation (1), the purpose of these Regulations is to provide for—

- (a) procedures and conditions for registration of all players along the value chain;
- (b) procedures, terms and conditions for the issuance of licenses and registration certificates under these Regulations;
- (c) collection and maintenance of data related to tea;
- (d) authentication and verification of tea exports and imports;
- (e) the promotion of value addition and product diversification of Kenya tea products to target diverse tea markets;
- (f) compliance and enforcement of tea standards to ensure quality assurance and safety; and

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[Subsidiary]

- (g) regulation of the tea sub sector.

PART II – REGISTRATION AND LICENSING PROVISIONS

**5. Registration of a commercial tea nursery**

(1) A person who intends to establish a commercial tea nursery shall apply for registration to the County Government where they intend to establish the tea nursery in Form AFA\CG\A1 as set out in the First Schedule.

(2) The County Government shall issue a registration certificate to a commercial tea nursery in Form AFA\CG\A2 as set out in the First Schedule

(3) A commercial tea nursery shall submit annual returns to the respective County government with a copy to the Authority in Form AFA\CG\A3 as set out in the First Schedule.

**6. Registration of a tea grower**

(1) A smallholder tea grower may apply for registration to a tea factory limited company where they deliver green leaf as provided in section 14(1)(b) of the Act in Form AFA\CG\B1 set out in the First schedule.

(2) A tea factory limited company shall maintain a register of all growers who supply green leaf to it and submit a copy of the register to the respective County Government and to the Authority not later than the fifteenth day of January of every year.

(3) A person shall not sell green leaf unless the person is a tea grower as defined under Regulation 2 of these regulations.

(4) No person shall buy green leaf from a tea grower other than the tea factory limited company where the grower is registered.

(5) A tea grower shall not sell green leaf to any person other than to the tea factory limited company where they are registered.

(6) For avoidance of doubt any tea grower who sells green leaf to any person other than to the tea factory limited company where they are registered commits an offence.

(7) A plantation tea grower may apply for registration to the Authority as provided in section 14(2) of the Act in Form AFA\CG\B3 set out in the First schedule.

(8) The Authority shall issue a certificate of registration to a plantation tea grower registered under sub regulation (5) in Form AFA\CG\B4 as set out in the First Schedule.

(9) A person who contravenes the provisions of subregulation (2), (3), (4) (5) and (6) of this regulation commits an offence and shall be liable upon conviction to the penalties prescribed under Section 37 of the Crops Act.

**7. Double registration**

(1) A smallholder tea grower shall not register their parcel of land planted with tea to more than one tea factory limited company at a time.

(2) Where subdivision has been carried out but separate titles deeds have not been issued, proof of such subdivision from the registered owner of the land shall be provided to the tea factory limited company.

(3) Notwithstanding subregulation (1) above, a tea grower may register a parcel of land planted with more than one type of tea to more than one factory at a time for the purpose of processing of the different teas.

(4) A tea grower wishing to change the factory where they deliver green leaf shall inform their respective factory by giving a minimum of a one months' notice or in accordance with the notification period specified in the Green Leaf Agreement.

(5) Where an objection is made to the notice issued under subregulation (4), the matter shall be resolved in the manner set out in the Green Leaf Agreement.

(6) A factory that receives a notice from a tea grower shall within one month of the receipt of the notice release the grower subject to the grower clearing any outstanding dues with the factory.

(7) Any change in the particulars supplied by the grower for purposes of registration in accordance with subregulation (1) shall be notified to the factory in writing.

(8) Where the factory has reasonable cause to believe that a person whose particulars are so recorded has ceased to be a grower, it may, after giving that person written notification of its intention to do so, remove the name of such person from the register.

(9) The register referred to in regulation 6(3) shall be prima facie proof of the fact that a person is a registered tea grower with the factory.

(10) A person who contravenes the provisions of this regulation commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand Kenya shillings or to imprisonment for a term not exceeding six months or both.

### **8. Green Leaf Agreement**

(1) A tea factory limited company shall sign a Green Leaf Agreement with their registered tea growers as provided in Form AFA\TD\C set out in the First Schedule.

(2) The parties to the Green Leaf Agreement under subregulation (1) may include such additional terms and conditions as they may deem fit.

### **9. Tea manufacturing licence**

(1) A person who intends to manufacture tea or renew a tea manufacturing licence, as the case may be, shall apply to the Authority in Form AFA\TD\D I set out in the First Schedule and pay the fee set out in the Second Schedule.

(2) The Authority shall after consultation with the county executive committee member issue a manufacturing licence to the applicant in Form AFA\TD\D2 set out in First Schedule.

(3) A person who intends to manufacture high value specialty teas or renew their cottage tea manufacturing licence shall apply to the Authority in Form AFA\TD\EI set out in the First Schedule.

(4) The Authority shall issue a cottage tea manufacturing licence for the manufacture of high value specialty teas subject to the fulfilment by the applicant of the following terms and conditions;

- (a) furnish the Authority with a feasibility study of the proposed cottage tea manufacturing factory.
- (b) furnish the Authority with a certified copy of the growers' register.
- (c) demonstrate adequate financial capacity to construct the cottage tea factory and commence operations.
- (d) Where a cottage tea manufacturing factory intends to use wood as a source of energy, the applicant shall furnish the Authority with a wood fuel sustainability plan equivalent to the ratio of 4:1 tea planted to woodlots planted.

(5) The Authority shall issue cottage tea manufacturing licence in Form AFA\TD\E2 set out in the First Schedule.

(6) While issuing a manufacturing licence or cottage tea manufacturing licence to a new applicant, the Authority shall have due regard to the current National Processing Capacity Survey.

(7) A person shall only be issued with a manufacturing licence or cottage tea manufacturing licence for a new factory if the person has at least two hundred and fifty hectares of planted tea bushes or twenty hectares in the case of cottage manufacture.

(8) Notwithstanding the provisions of subregulation (7) where a group of persons make a joint application, they may be issued with a manufacturing license if they have at least two hundred and fifty hectares of planted tea bushes or twenty hectares for cottage manufacture and the parcels of land are within a fifty kilometre radius of each other.

(9) Before the issuance of a manufacturing licence or cottage tea manufacturing licence, the Authority shall satisfy itself that the applicant has complied with the provisions of the Act, these Regulations and any other relevant law.

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[Subsidiary]

(10) The Authority shall, after considering an application for a manufacturing licence or cottage tea manufacturing licence under this regulation, communicate its decision to the applicant within ninety days of the application.

(11) An applicant for a manufacturing or a cottage tea manufacturing licence who is issued with such licence shall construct and commission the tea factory within three years from the date of issuance of licence.

(12) A licence issued to a tea manufacturer or cottage tea manufacturer shall lapse if the holder of the licence does not commission the factory within three years from the date of issuance.

(13) A person shall not commence construction of a tea factory without a valid manufacturing licence from the Authority.

(14) A holder of a manufacturing licence or cottage tea manufacturing licence shall not vary the type of tea manufacture and granted processing capacity of their licence without prior approval of the Authority.

(15) The Authority shall seize and remove or order the removal of any manufactured tea or processing capacity where it has reasonable grounds to believe that the processing capacity has been installed contrary to the conditions of the licence issued under these Regulations.

(16) A holder of a manufacturing licence shall facilitate remittance of contributions to duly registered organizations pursuant to any agreements entered between the tea growers and those organizations.

(17) A holder of a manufacturing licence or cottage tea manufacturing licence shall furnish the authority with a certified copy of their growers register as may be required by the Authority from time to time.

(18) Before the issuance or renewal of a manufacturing license or cottage tea manufacturing license for a smallholder tea factory limited company the Authority shall satisfy itself that the applicant has a procurement policy providing for competitive procurement of goods and services including but not limited to management agency services, fertilizer, machinery & equipment, warehousing and transportation of tea.

(19) A tea factory limited shall maintain a register of all its contracted green leaf transporters and the register shall be availed for inspection to the Authority.

(20) All green leaf transporters shall comply with the tea industry code of Practice, the public health act and any other relevant laws.

(21) A person who contravenes the provisions of this regulation commits an offence.

#### **10. Boards of Smallholder Tea Factories**

(1) The board of directors for smallholder tea factory limited companies shall be elected through a democratic system of one man one vote.

(2) The Board membership for smallholder tea factory limited companies shall be a maximum of three (3) members.

Provided that persons serving as directors of smallholder tea factory limited companies before the commencement of these regulations shall continue to serve for the remainder of their term.

(3) The tenure of the board members for smallholder tea factory limited companies shall be for a maximum of two terms of three years each.

(4) Smallholder tea factories limited companies shall put in place measures to ensure that not more than two thirds of the board members elected are of the same gender.

#### **11. Illegal manufacture**

(1) A person shall not manufacture or process tea except in accordance with a licence issued under the Act or these Regulations.



(2) A person who manufactures or processes tea for sale without a licence commits an offence.

(3) A person who buys, sells, offers for sale, transports or has possession of green leaf which to the person's knowledge or belief is from a non-registered grower or a person who does not cultivate tea commits an offence.

(4) A person who contravenes the provisions of this regulations and shall be liable on conviction to the penalty prescribed under section 19 of the Crops Act (Cap. 318).

## **12. Annual and Monthly Production Statistical Returns**

(1) A holder of a manufacturing licence shall—

- (a) not later than the fifteenth day of January of every year, complete and submit to the Authority with a copy to the respective county government, an Annual Statistical Return in Form AFA\TD\FI set out in the First Schedule;
- (b) not later than the fourteenth day of each month, complete and submit to the Authority and a copy to the respective county government a Monthly Production Statistical Returns in Form AFA\TD\F2 set out in the First Schedule.

(2) A person who contravenes the provisions of this regulation commits an offence.

## **13. Registration of warehouse**

(1) A person who intends to carry out the business of tea warehousing shall apply to the Authority for registration of the warehouse premises or renewal of the registration certificate in Form AFA\TD\G1 set out in the First Schedule and pay the fee set out in the Second Schedule.

(2) The Authority shall issue the applicant a registration certificate for the tea warehouse in Form AFA\TD\G2 as set out in the First Schedule.

(3) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalties prescribed under section 16 of the Act.

## **14. Registration of a tea packer**

(1) A person who intends to carry out the business of tea packing shall apply to the Authority for registration or renew their certificate in Form AFA\TD\H1 set out in the First Schedule and pay the fee set out in the Second Schedule.

(2) The Authority shall issue a registration certificate to a tea packer in Form AFA\TD\H2 set out in the First Schedule.

(3) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalties prescribed under section 16 of the Act.

## **15. Monthly return for a Tea Packer**

(1) Every tea packer shall, not later than the fourteenth day of each month, complete and submit to the Authority with a copy to the respective the county government Monthly Statistical Returns in Form AFA\TD\H3 set out in the First Schedule.

(2) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to a fine not exceeding twenty thousand shillings or to imprisonment to a period not exceeding six months or to both.

## **16. Registration of a tea buyer or exporter**

(1) A person who intends to carry on the business of tea buying or exporting shall apply to the Authority for registration or renewal of their registration in Form AFA\TD\J1 set out in the First Schedule and pay the fee set out in the Second Schedule.

(2) All tea buyers/exporters shall value add at least forty percent (40%) of their annual Kenya tea exports.

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[Subsidiary]

(3) Provided that all persons registered as tea buyers/exporters before the coming into operation of these Regulations shall comply with regulation 16 (2) within 8 years from the date of commencement of these regulations.

(4) Notwithstanding the provisions of sub regulation 16(2) & (3) above, all persons registered as tea buyers/exporters after the coming into effect of these regulations shall value add at least 10% of their annual Kenyan tea exports annually while persons registered as buyers/exporters before the coming into effect of these regulations shall value add at least 5% of their annual Kenyan tea exports annually to gradually comply with the requirements of sub regulation (2) and (3).

(5) All persons registered as tea buyers/exporters shall submit to the authority a return on quarterly basis indicating their level of compliance with provisions of regulation 16(2), (3) and (4).

(6) A person who intends to carry on the business of a tea buying or exporting shall, in addition to availing the particulars required under subregulation (1) furnish the Authority with the following—

- (a) an elaborate business plan demonstrating the viability of the business venture outlining -
  - (i) proposal to undertake value addition;
  - (ii) creation of new market linkages;
  - (iii) creation of employment opportunities; and
  - (iv) technology transfer;
- (b) evidence of suitable premises for value addition;
- (c) availability of equipment for the tea buyer or exporter to undertake tea value addition;

(7) Where the Authority is satisfied that the application under sub regulation (1) meets the set requirements, the Authority shall issue or renew a registration certificate to a tea buyer or exporter in Form AFA\TD\J2 as set out in the First Schedule.

### **17. Registration of a Tea Broker**

(1) A person who intends to carry on the business of tea brokerage shall apply for registration to the Authority or renew their registration in Form AFA\TD\K1 set out in the First Schedule and pay the fee set out in the Second Schedule.

(2) The Authority shall issue a registration certificate to a tea broker in Form AFA\TD\K2 as set out in the First Schedule.

(3) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under Section 37 of the Act.

### **18. Considerations before registration and licensing and renewal**

(1) The Authority shall, before registering, licensing or renewing a registration or licence under these Regulations, satisfy itself that—

- (a) the applicant has complied with the provisions of the Act, these Regulations and any other relevant law; and
- (b) the applicant or the directors of the company are fit and proper for the function for which they seek a licence or registration.

(2) In determining whether a person is fit and proper, regard shall be had to—

- (a) whether they have taken part in any business practice in the tea value chain that in the opinion of the Authority was fraudulent, prejudicial or otherwise improper; or which otherwise discredited their method of doing business; and
- (b) whether they have been directors of a company or entity whose licence or registration certificate has previously been revoked or suspended by the Authority for any cause.

(3) In determining whether a person or director is fit and proper, the Authority shall have due regard to the provisions of the Fair Administrative Action Act (Cap. 7L), the Companies Act (Cap. 486) and any other relevant law.

### **19. Monthly return for buyer, exporter, importer, broker and warehouse**

(1) Every tea buyer, exporter, importer and broker shall, not later than the fourteenth day of each month, complete and submit to the Authority a return in Form AFA\TD\L set out in the First Schedule.

(2) The return submitted under subregulation (1) above shall include details of the teas bought in the previous month and the source and destination of such tea.

(3) Every warehouseman shall, not later than the fifteenth day of January of every year, complete and submit to the Authority an Annual Statistical Return in Form AFA\TD\M set out in the First Schedule.

(4) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to a fine not exceeding twenty thousand shillings or to imprisonment to a period not exceeding six months or to both.

### **20. Cancellation of a Licence or Registration**

(1) A person who applies to be registered as a tea buyer, exporter, importer, broker, packer or auction organizer shall commence operations within one year from the date of issuance of a registration certificate.

(2) A registration certificate issued to tea buyer, exporter, importer, broker, packer or auction organizer shall lapse if the holder of the registration certificate does not commence operations within one year from the date of issuance.

(3) The Authority may revoke, alter, suspend or vary a licence or registration certificate if the holder—

- (a) fails to comply with the provisions of the Act and these Regulations;
- (b) breaches or fails to comply with the terms and conditions of the licence;
- (c) fails to comply with a lawful requirement or demand given by the Authority; or
- (d) commits an offence under the Act or in respect of the licensed or registered activity under any other law.

(4) Before the Authority cancels, suspends or varies a licence or registration certificate, it shall give the person to be affected by such action an opportunity to be heard.

(5) A person who is aggrieved by the decision of the Authority in respect of a grant, refusal, renewal or variation of a licence or registration certificate may appeal to the Cabinet Secretary within thirty days from the date on which the applicant received notice of the decision.

### **21. Registration or a management agent**

(1) A person who intends to carry on the business of a Management agent shall apply to the Authority for registration or renewal of their registration in Form AFA\TD\N1 set out in the First Schedule.

(2) The Authority shall issue a registration certificate to a management agent in Form AFA\TD\N2 as set out in the First Schedule.

(3) Every management agent shall submit annual returns to the Authority and a copy to the respective county government in Form AFA\TD\N3 set out in the First Schedule.

(4) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

### **22. Management Agent Agreement**

(1) A person who intends to manufacture or deal in tea may engage the services of a management agent upon such terms and conditions as may be agreed in the management agreement between them.

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[Subsidiary]

(2) A management agent shall sign a management agreement or contract with each tea factory limited company that they intend to offer management agent services to.

(3) Provided that a management agent agreement between a smallholder tea factory limited company and the management agent shall be for a period not exceeding five (5) years and the remuneration for services rendered by the management agent shall not exceed one point five percent (1.5%) of the net sales value of the tea sold at the auction per year.

(4) Notwithstanding the provisions of subregulation (3) above staff costs for personnel seconded to the smallholder tea factory limited company by the management agent shall be borne by the management agent and not directly by the respective factory.

(5) Company Secretary Service shall be excluded from services to be offered by a management agent to a smallholder tea factory limited company. For avoidance of doubt smallholder tea factory limited companies shall recruit their own in-house Company Secretaries or outsource the service.

(6) A director or affiliate of a management agency service provider shall not serve as a director or have any direct commercial relationship with the tea factory limited company that they offer management agency services.

(7) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

### **23. Application for registration as an auction organizer**

(1) A person who intends to carry on the business of a tea auction organizer shall apply for registration to the Authority or renew their registration in Form AFA\TD\P set out in the First Schedule.

(2) The Authority shall issue a certificate of registration to or renew a certificate of registration of a Tea Auction Organizer in Form AFA\TD\Q set out in the First Schedule.

(3) All registered tea auction organizers shall establish an electronic trading platform for auction of tea.

(4) Notwithstanding the requirement of sub regulation (3) above, any tea auction organizer existing before coming into operation of these regulations shall establish an electronic trading platform for the auction of teas within a period of two (2) months from the date of commencement of these regulations

### **24. Auction Operations**

(1) All teas processed and manufactured in Kenya for the export market with the exception of orthodox and purple teas shall, within two (2) months from the commencement date of these regulation, be offered for sale exclusively at the tea auction floor.

(2) Any tea not sold at the auction shall be re-listed for sale during a subsequent auction.

(3) All buyers at the auction shall prior to the auction submit to the Authority a performance bond equivalent to 10% of the estimated value of the tea or teas they intend to buy at the auction in the form of a bank guarantee from a licensed commercial bank within the meaning of the Banking Act in Kenya.

(4) The estimated value of tea or teas referred to in subregulation (3) shall be based on a three (3) month weighted average value of tea or teas the buyer has bid and won at the auction over a three-month period preceding the auction.

(5) For avoidance of doubt, a buyer who fails or refuses to pay in full and collect the teas they have bid and won at the auction shall forfeit the 10% performance bond.

(6) The monies accruing from a performance bond under subregulation 5 above shall be forfeited to the seller of the teas.

(7) A buyer shall pay in full (100%) the value of the tea bids they have won at the auction before collecting and/or taking custody of the tea or teas.

(8) All tea factory limited companies shall register and enlist with the Authority and the auction organizer to participate in the tea auction directly. For avoidance of doubt,

management agency service providers or other service providers in the tea value chain shall not register and/or enlist at the auction on behalf of factory limited companies.

(9) A registered broker shall offer tea brokerage services to a maximum of fifteen (15) tea factory limited companies at the auction.

(10) Notwithstanding the requirement of subregulation (9) above, brokers that are already registered and in operation before the commencement date of these regulations shall continue to offer their services under the existing arrangement until their current annual registration is due for renewal by the Authority.

(11) Tea brokers, buyers and the auction organizer shall ensure that the proceeds from the sale of tea are remitted to the tea factory limited company accounts within fourteen (14) days from the date of the auction less the agreed commissions for brokers.

(12) Smallholder tea factory limited companies shall within thirty (30) days of receipt of the proceeds of the sale of tea pay tea growers at least 50% of payment due for green leaf delivered every month.

(13) The payment of the balance due to the tea grower shall be made by a smallholder tea factory limited company within the financial or calendar year as shall be agreed with the tea growers.

(14) The Cabinet Secretary may on his motion as provided by Section 40 of the Crops Act issue further guidelines and operation procedures on the organization, rules, regulations, management and governance structures for tea auctions in furtherance of competition, good governance, auction efficiency, transparency and price discovery.

(15) The Cabinet Secretary may take further administrative action or other lawful sanctions against a tea broker, tea factory limited company, buyer/exporter, importer and any other player at the tea auction for any actions that undermine the proper, efficient, competitive and transparent operation of the auction process.

(16) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

## **25. Approval of trading rules and regulations**

(1) Auction trading rules and regulations shall be submitted to the Cabinet Secretary for approval before application.

(2) Any changes to the trading rules and regulations of the auction organizer made within the course of the year shall be submitted to the Cabinet Secretary for approval.

(3) The Cabinet Secretary shall, before approving the trading rules and regulations, satisfy himself that they are in compliance with the provisions of the Crops Acts (Cap. 318), the Competition Act (Cap. 504) and any other relevant written law.

(4) The trading rules and regulations developed by an auction organizer shall provide for—

- (a) the carrying on of the tea auction generally and details of trading clearing and settlement systems proposed to be used by the auction organizer;
- (b) mechanisms put in place to prevent market abuse practices;
- (c) reasonable access to all registered members to participate at the auction;
- (d) mechanisms for effectively investigating breaches of the trading rules, enforcing the trading rules and providing for appeals;
- (e) reporting procedures to the Authority whenever it rejects any application for membership, where it suspends or expel a member or where it suspends trading;
- (f) Procedures for expulsion, suspension or disciplinary action against members for conduct inconsistent with just and equitable principle relating to trading in tea or for contravention of the trading rules and regulations.
- (g) the clear demarcation of roles and responsibilities of the board, chief executive officer and the committees of the board;

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[Subsidiary]

- (h) the appointment of directors and a fair representation of persons in the selection of members of the board and administration of its affairs including professions relevant to the tea industry;
- (i) the powers of the chief executive officer including in emergency situations;
- (j) provide for the governance of the conduct of activities of its members, including their responsibility to act with integrity.
- (k) Mechanisms to ensure that there is no conflict of interest in dealings amongst its members.
- (l) Mechanisms for engagement and consultations with all its members and other relevant stakeholders.

(5) An auction organizer shall not admit into their membership persons who are not registered by the Authority.

(6) The auction organizer shall ensure that members shall only offer for sale at the auction the type of teas for which they are licensed to manufacture.

(7) An auction organizer shall ensure that only members who have valid licenses and registration certificates from the Authority participate in the auction.

(8) An auction organizer shall not later than the fourteenth day of each month submit to the Authority a monthly tea auction report of all teas sold through the auction in the previous month in Form AFA\TD\R as set out in the First Schedule.

(9) An auction organizer shall notify the Authority of any intention to suspend trading at the auction at least fourteen days before the intended suspension.

(10) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

## **26. Additional information**

The Authority or the County Government as the case may be, may require an applicant for a licence or registration certificate specified under these Regulations, to provide any additional information that it considers necessary to determine the application.

## **27. Register and publication of names and particulars**

The Authority shall maintain a register of all persons registered and licensed under these Regulations and may publish the register in such manner as it may determine.

## **28. Fees and charges**

(1) The fees to be charged for a licence, registration certificate or renewal issued under these Regulations shall be as set out in the Second Schedule.

(2) All tea brokers, tea auction organizers and management agents shall notify the Authority of fees and commissions charged for services rendered annually during application of renewal of registration.

(3) The remuneration paid to a tea broker by a tea factory limited company and a tea buyer/exporter for services rendered shall not exceed zero point seven five percent (0.75%) of the gross sales by the broker and shall be apportioned between the tea factory limited company and the buyer/exporter as follows;

- (a) Zero point two percent (0.2%) shall be borne by the tea factory limited company.
- (b) Zero point five five percent (0.55%) shall be borne by the buyer/exporter.

(4) The Authority shall collate the information on fees and commissions charged notified to them under regulation (2) above and share the information with the relevant county governments annually.

## **29. Tea export declaration**

(1) An exporter shall declare all their tea exports with the Authority before export in Form AFA\TD\S set out in the First Schedule.

(2) An exporter shall ensure that all teas designated for export conform to Kenyan Standards on quality, food safety and hygiene, sanitary and phytosanitary regulations and maintain the relevant documents for inspection by the Authority.

(3) The Authority may inspect any tea destined for exports for purposes of ascertaining whether the provisions of the Act, these Regulations or the terms and conditions of the respective licence or registration are being complied with.

(4) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

### 30. Transit tea

(1) An exporter or importer shall comply with the relevant customs laws and regulations on transit-shipment of goods in handling transit teas and maintain the relevant documents for inspection by the Authority.

(2) Any person who exports or imports tea in contravention of these Regulations commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

### 31. Registration of a tea importer

(1) A person who intends to carry on the business of importing tea shall apply to the Authority for registration or renew their registration in Form AFA\TD\ T set out in the First Schedule upon payment of the fee set out in the Second Schedule.

(2) The Authority shall issue a registration certificate to a tea importer in Form AFA\TD\ U as set out in the First Schedule.

### 32. Tea Imports

(1) A person who intends to import tea into Kenya shall apply for pre-import approval to the Authority in Form AFA\TD\ V1 as set out in the First Schedule.

(2) An importer who imports tea into Kenya shall prior to importation—

- (a) provide evidence that the teas they intend to import are not available in the local market or at the tea auction;
- (b) provide a sample of the teas to be imported and pre-import verification certificate from the country of origin; and
- (c) obtain pre-import approval from the Authority.

(3) All tea imported into Kenya shall be accompanied by—

- (a) a certificate of origin;
- (b) a sanitary and phytosanitary certificate; and
- (c) a certificate of analysis on pesticide residues issued by a competent authority from the country of origin.

(4) An importer shall not import tea into Kenya without a valid certificate of conformity to Kenya Tea Standards from an accredited institution from the country of origin.

(5) The Authority shall verify pre-import documentation on tea intended for importation and issue a pre-import approval in the manner prescribed in Form AFA\TD\ V2 in the First Schedule.

(6) An importer shall upon obtaining pre-import approval declare the imports made with the Authority and make a return on all transactions to the Authority in Form AFA\TD\ W as set out in the First Schedule.

(7) The Authority may conduct an analysis of teas intended for importation or imported into the country from time to time to ensure conformity to Kenya tea standards.

(8) Any imported tea that does not conform to the requirements set out in subregulations (1), (2) and (3) shall be rejected, seized or destroyed by the Authority or be re-exported to the country of origin at the cost of the importer.

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[Subsidiary]

(9) An importer shall not import tea into Kenya except and in accordance with pre-import approval issued by the Authority.

(10) The following tea imports shall be exempt from pre-import approval—

- (a) tea imports for sale through the Mombasa tea auction; and
- (b) transit teas.

(11) An importer who imports tea into Kenya for blending or export shall re-export the tea within a period of six months of the date of import and proof of such re-export shall be maintained for inspection by the Authority.

(12) An importer who imports bulk tea into Kenya for re-export shall value add at least twenty percent of the re-export quantity.

(13) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

### **33. Declaration of export and import consignments**

(1) Every tea exporter or importer shall declare information on all export and import consignments to the Authority in Form AFA/TD/X or AFA/TD/W set out in the First Schedule.

(2) A tea exporter or importer who provides false information under these Regulations commits an offence and shall be liable upon conviction to the penalty prescribed under Section 37 of the Crops Act (Cap. 318).

### **34. Release order**

(1) The Authority shall verify customs documentation on Release order, exports or imports of any tea consignment and issue an import or export release Order in Form AFA \TD\Y as set out in the First Schedule.

(2) The Authority shall not issue a release order if an exporter or importer is in contravention of the provisions of the Act or any Regulations made thereunder.

(3) The Authority may cancel the export or import release or approval order if an exporter or importer contravenes the provisions of the Act or any Regulations made there under.

## **PART III – QUALITY ASSURANCE**

### **35. Appointment of Crop Inspectors**

(1) The Authority shall appoint crop inspectors to carry out inspection of all tea to check for conformity with these Regulations and other relevant regional and international standards.

(2) A person shall be qualified to be appointed as an inspector under this regulation where the person—

- (a) is a Kenyan citizen;
- (b) meets the requirements of Article 10 and Chapter 6 of the Constitution; and
- (c) holds—
  - (i) a diploma in agriculture, food science, marketing or related fields with professional training on audits, inspections or related fields from a recognized Institution and a minimum of five years of relevant experience; or
  - (ii) a bachelor's degree holder in agriculture, food science, commerce, economic, marketing or related fields with professional training on audits, inspections or related fields from a recognized institution and a minimum of three years' relevant experience.

(3) In the exercise of the powers of entry and inspection, crop inspectors shall be guided by the provision of sections 28, 29 and 30 of the Act.



**36. Tea Standards**

(1) All persons dealing in tea shall comply with the national, relevant regional and international Standards.

(2) All green leaf transporters, tea dealers, manufacturers, or importers shall comply with national tea standards and the Tea Industry Code of Practice KS: 2128.

(3) A tea factory limited company shall construct suitable and clearly designated green leaf collection centres and shall ensure that the centres comply with Tea Industry Code of Practice KS: 2128, the Public Health Act and any other relevant law.

(4) A tea factory limited company shall construct its green leaf collection centre at least 250 metres away from the green tea leaf collection or buying centre of another tea factory.

(5) Every tea factory company limited shall collect green leaf green leaf from its designated green leaf collection centres only.

(6) The relevant County Government shall carry out inspections on tea buying or collection centres to monitor compliance with the set national tea standards, relevant regional and international standards, the Crops Act, these regulations and any other relevant laws.

(7) All harvested leaf shall be collected or spread on clean canvas material, wooden tables or concrete tables at the leaf collection or buying centres to maintain the green tea leaf clean and free from any contamination and allow free air circulation.

(8) Harvested green leaf shall not be poured on bare uncovered ground, grass or open soil.

(9) The Authority shall, before licensing or renewing the license of a commercial green leaf transporter, satisfy themselves that the applicant has complied with the provisions of the Act, the Tea Industry Code of Practice KS: 2128, the Traffic Act, the Public Health Act and any other relevant law.

(10) The Authority shall regularly carry out surveillance to ascertain compliance with these tea regulations, the national tea standards, applicable international standards and any other relevant laws

(11) The Authority may carry out quality analysis on made tea and tea products as it may deem necessary from time to time.

(12) The Authority shall conduct compliance monitoring audits on persons dealing in tea.

(13) A person who contravenes regulation 36 (1), (2), (3), (4), (5), (7) and (8) commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

**37. Prohibition of Import and export of tea seed or plants**

(1) A person shall not import or export any tea seed, or any living tea plants, or any living parts of tea plants which are capable of use for the propagation of tea, without authorization by the Authority.

(2) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

**38. Declaration of blended teas**

(1) A person who blends any or various grades of tea produced in Kenya with any other tea produced outside Kenya shall declare the percentage of Kenyan tea on the packaging and on the blend sheet.

(2) A person who contravenes this regulation commits an offence and shall be liable upon conviction to the penalties prescribed under section 37 of the Act.

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[Subsidiary]

## PART IV – GENERAL PROVISIONS

**39. Imposition of fees by the county governments**

A County Government shall not impose any fees on tea contrary to section 17 (3) of the Act.

**40. Transferability of licence or registration certificate**

A licence or registration certificate issued by the Authority or the County Government under these Regulations shall not be transferable to third parties.

**41. Validity of licences and registration certificates and late application**

(1) All licences and registration certificates issued under these Regulations shall expire on the thirtieth day of June of each year.

(2) An application for a renewal of a licence or registration certificate shall be made at least one month prior to the expiry of such licence or registration certificate:

Provided that, where an application for a renewal of a licence or registration is made, the licence or registration shall be deemed to continue in force until the application for renewal is determined.

(3) The Authority may consider late application for renewal upon an applicant giving reasonable cause for the delay and upon approval for such application, the applicant shall pay a late application fee of 50% of the fees payable.

**42. Revocation of licenses and certificate of registration**

The licensing Authority may revoke, suspend or vary a license or certificate of registration issued to growers, dealers or manufactures if the holder—

- (a) fails to comply with these regulations or the conditions set out in the certificate of registration; or
- (b) commits an offence under the Act or any other written law in respect of the activity for which they have been registered.

**43. No compensation for revocation, variation or suspension of licence or registration**

Where a licence or registration is revoked, varied or suspended under these Regulations, the holder of the licence or registration certificate shall not be entitled to claim from the Authority or Government for any compensation or any damages occurring as a result of such revocation, variation or suspension.

**44. Appeal process for denial or refusal of registration or licensing**

(1) An applicant for registration or a license who is aggrieved by the decision of the Authority in respect of the grant, refusal of renewal, variation or revocation or the conditions imposed thereof may appeal to the Cabinet Secretary for review of the decision of the Authority.

(2) The appeal shall be in writing and be delivered to the cabinet secretary within 30 days from the date of notification of the decision by the Authority.

(3) The Cabinet Secretary shall consider the appeal and give a written feedback to the affected party within 45 days of receipt.

**45. Dispute Resolution between growers and other crop dealers**

(1) An agreement to refer a dispute between a grower and a tea dealer for arbitration under this regulation may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

(2) A dispute arising between a grower and other tea dealers may be notified in writing presented by the aggrieved party or their advocate to an arbitrator and shall have attached thereto copies of the relevant documents relating to the dispute.

(3) The aggrieved parties are free to agree on the procedure to be followed by the arbitrator in the conduct of the proceedings.

(4) Failing an agreement under subregulation (3) the arbitrator may conduct the arbitration in the manner they consider appropriate, having regard to the desirability of avoiding unnecessary delay or expense while at the same time affording the parties a fair and reasonable opportunity to present their cases.

**46. Modification of the forms**

The licensing authority may make such modifications, alterations or additions on the prescribed forms as may be required from time to time to enable effective use including the use of such forms electronically.

**47. General penalty**

A person who commits an offence under these Regulations, for which no penalty is prescribed shall be liable upon conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding one year or to both in accordance with section 37 of the Act.

**48.**

[Spent]

**49.**

[Spent]

**50. Transitional Provisions**

All licences and registrations existing before the coming into operation of these Regulations shall remain valid until their expiry, and subsequent licences and registrations shall be issued under these Regulations.

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FIRST SCHEDULE

FORMS

THE COUNTY GOVERNMENT OF .....

THE CROPS ACT (Cap. 318)

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

**FORM AFA\CG\A1** (r. 5(1))

APPLICATION TO ESTABLISH A COMMERCIAL TEA NURSERY

Application is hereby made to develop a commercial tea nursery in the County of ..... on the land parcel specified in Part B below:—

A Particulars of Applicant

1. Name of applicant\Certificate of Incorporation\ Registration .....
2. National Identify Card No/Passport No. ....
3. Address .....
4. Telephone No .....
5. PIN No: .....
6. Tax Compliance Certificate .....

B Particulars of Land

1. L.R. No. or No's .....
2. Location .....

[Subsidiary]

- 3. Ward .....
- 4. Sub-County .....
- 5. County .....

C Type of seedling/clones and numbers (indicate below)

- i. ....
- ii. ....
- iii. ....
- iv. ....

Date ..... Signature .....

*Applicant or his duly authorized agent*

FOR OFFICIAL USE:

Approval by: County Executive Member in charge of Agriculture

Remarks.....

Date & Stamp..... Signature.....

*Terms and Conditions*

- 1. An applicant for registration shall be made to the County government where the nursery will be made.
- 2. The applicant shall demonstrate that they have adequate knowledge in nursery management.

THE COUNTY GOVERNMENT OF .....

THE CROPS ACT (Cap. 318)

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

**FORM AFA\CG\A2** (r. 5(2))

COMMERCIAL TEA NURSERY REGISTRATION CERTIFICATE

This CERTIFICATE is issued to (company/name of person) of ..... P.O. Box ..... and permits the holder to raise a commercial tea nursery business at the location indicated as per L.R. No.(s) .....

- 1. A commercial tea nursery shall ensure that all planting material has been inspected and approved by the national plant protection organization.
- 2. A commercial tea nursery shall comply with Phytosanitary requirements to ensure clean, and healthy planting material.
- 3. Commercial tea nursery shall maintain records of source of planting material, seedlings raised and sold as the case may be.
- 4. A commercial tea nursery shall submit annual returns to the respective County government with a copy to the Authority.
- 5. A commercial tea nursery shall issue a receipt for all sales of vegetative tea planting material and indicate on the receipt the name of the registered grower, the date, and registration number of the grower, factory where grower is registered and any other relevant details that may be required with regard to the registration.
- 6. A commercial tea nursery shall seek for technical advice from the national institution for the time being in charge of tea research on vegetative propagation materials suitable for the ecological zones where the tea shall be grown.
- 7. The County may revoke, vary or suspend the certificate of the commercial tea nursery if the terms and conditions of registration have been contravened or not complied with.

This CERTIFICATE is issued subject to compliance with the provisions of the Crops Act, The Crops (Tea Industry) Regulations, 2020, County Government Act and to such terms and conditions as specified hereunder.

Date ..... Signature/Stamp .....

County Executive Member in charge of Agriculture

THE COUNTY GOVERNMENT OF .....  
THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\CG\A3** (r. 5(3))  
COMMERCIAL TEA NURSERY ANNUAL RETURNS

**COMMERCIAL TEA NURSERY ANNUAL RETURNS**

Names of Tea Nursery Owner .....

Location .....

1. Number of tea nurseries .....

2. Number of planted seedlings indicating the type of clone

Type of Clone Number

i. ....

ii. ....

iv. ....

3. Number of seedlings sold in the year .....

4. Factory/Factories served by the Nursery

i. ....

ii. ....

iii. ....

iv. ....

v. ....

Date ..... Signature/Stamp .....

Copy of this Form to be submitted to respective County Government and Agriculture and Food Authority by fifteenth January of every year.

A separate Form to be filled for each Nursery Owner.

THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\CG\B1** (r. 6(1))  
**APPLICATION FOR REGISTRATION AS A TEA GROWER**

To: The Factory Manager ..... Tea factory limited company

Application is hereby made to grow/maintain ..... hectares/ ..... acres of tea on the land parcel specified in Part B below:—

A Particulars of Applicant

[Subsidiary]

- 1. Name of applicant .....
- 2. National Identify Card No/Passport No.....
- 3. Address .....
- 4. Telephone No .....
- 5. Email address .....

B Particulars of Land

- 1. L.R. No. or No's .....
- 2. Location .....
- 3. Ward .....
- 4. Sub-County .....
- 5. County .....

Date .....

Signature .....

**Applicant or his duly authorized agent**

is hereby Registered.....

Not Registered ..... as a Tea Grower and is subject to terms and conditions specified herewith.

FOR OFFICIAL USE:

Tea Factory Manager:

Remarks .....

.....

Date and Stamp.....

Signature.....

Terms and Conditions

- 1. For the continued validity of registration, the grower shall not sell, transfer or in any way part with the possession of any tea seedlings, stumps, plants or any planting material, whether produced by vegetative propagation or otherwise, to any person other than a person who is validly registered to plant tea.
- 2. No grower shall sell green leaf to any person other than to the manufacturing factory where they are registered.
- 3. A registered tea grower is required to issue a receipt for all sales of tea planting material and note on the receipt the name of the registered grower, the date, and registration number of the grower.
- 4. Each tea grower shall sign a Green Leaf Agreement with the factory where they are registered in such format as shall be prescribed by the Authority.
- 5. A Tea grower wishing to change the factory where he delivers green leaf shall inform the respective factories by giving a notice as specified in the *Green Leaf Agreement*. In case of an "Objection" to the notice, the respective County Government shall be informed immediately of the reasons thereto for appropriate action.
- 6. Where the grower has leased a tea garden, a Lease Agreement shall be signed between the Lessor and the Lessee and the particulars thereof verified by the respective factory and a copy of the agreement shall be submitted to the respective factory before accepting the extra green leaf supply.

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THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\CG\B2** [r. 6(7)]  
**APPLICATION FOR REGISTRATION AS A PLANTATION TEA GROWER**

To: Agriculture and Food Authority (AFA)

Application is hereby made to grow/maintain ..... hectares/ ..... acres of tea on the land parcel specified in Part B below:—

A. Particulars of Applicant

- 1. Name of applicant .....
- 2. National Identify Card No/Passport No. ....
- 3. Address .....
- 4. Telephone No .....
- 5. Email address .....

B. Particulars of Land

- 1. L.R. No. or No's .....
- 2. Location .....
- 3. Ward .....
- 4. Sub-County .....
- 5. County .....
- 6. Factory where green leaf is delivered .....

Date ..... Signature .....

Applicant or his duly authorized agent  
is hereby (Tick as appropriate)

Registered as a Plantation Tea Grower and is subject to terms and conditions specified herewith.

Not Registered

FOR OFFICIAL USE:

Agriculture and Food Authority:

Remarks.....

Date and Stamp.....

Signature.....

THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\CG\B43** [r. 6(8)]  
**PLANTATION TEA GROWER CERTIFICATE**

To:

..... Plantation tea grower.

Is hereby registered to grow/maintain ..... Hectares of tea on the land parcel specified herein subject to the terms and conditions specified below.

Particulars of Land

[Subsidiary]

1. L.R. No. or No's .....
2. Location .....
3. Ward .....
4. Sub-County .....
5. County .....
6. Factory where green leaf is delivered .....

THIS Registration Certificate is issued subject to compliance with the provisions of the Crops Act (Cap. 318), The Crops (Tea Industry) Regulations, 2020, County Governments Act (Cap. 265) and to such terms and conditions as specified hereunder.

FOR OFFICIAL USE:

Director General — Agriculture and Food Authority:

Remarks .....

Date & Stamp .....

Signature .....

Terms and Conditions:

1. For the continued validity of registration, the grower shall not sell, transfer or in any way part with the possession of any tea seedlings, stumps, plants or any planting material, whether produced by vegetative propagation or otherwise, to any person other than a person who is validly registered to plant tea.
2. A registered tea grower is required to issue a receipt for all sales of tea planting material and note on the receipt the name of the registered grower, the date, and registration number of the grower.

THE AGRICULTURE AND FOOD AUTHORITY  
THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

**FORM AFA\TDIC** [r. 8(1)]

GREEN LEAF AGREEMENT

BETWEEN

NAME OF TEA FACTORY LIMITED COMPANY:.....

-AND-

NAME OF TEA GROWER:.....

**AGREEMENT**

THIS AGREEMENT is made this ..... Day of ..... 20 .....

BETWEEN:

A. .... TEA FACTORY COMPANY LTD of P.O. Box ..... (Hereinafter referred to as "The Factory" which expression shall, where the context so admits include its successors and assigns) on the one part; and

B. Mr./Mrs. .... of ID. Number ..... of P.O. Box ..... and Telephone Number ..... (hereinafter referred to as "The Grower" which expression shall, where the context so admits include his personal representatives and assigns) of the other part:—

WHEREAS:—

(a) The grower has registered, Grower Number ..... of the Factory and intends to supply Green Leaf to the Factory;

(b) Location of Grower/Out-grower tea farm:



- (i) Location .....
- (ii) Ward .....
- (iii) Sub-County .....
- (iv) County .....

(c) Title Deed Number of the farm /farms L.R No. or Nos .....

(d) Size of the growers' farm ..... acres.

(e) Area of the farm planted with tea ..... acres.

(f) Number of tea bushes in (e) above .....

(g) Estimated annual Production ..... Kgs

#### 1. DURATION OF AGREEMENT

**2.1** This Agreement shall commence on \_\_\_\_\_ day of the Year \_\_\_\_\_ and shall continue in force for a period of 2 (TWO YEARS), subject to termination by either party giving to the other 1 (ONE MONTH) written notice.

**2.2** Any party wishing to review the terms and conditions of the agreement shall give at least two (2) written months' notice to the other party highlighting the terms they wish to review.

**2.3** The terms and conditions of this agreement shall subsist during any period of review of the contract by the parties

#### 2. THE GROWER RESPONSIBILITIES

**2.1** The grower shall farm and produce good quality green leaf for processing using the best farming methods to ensure high quality yields;

**2.2** The grower will arrange for all green leaf grown on his farm to be delivered in suitable leaf containers to the nearest designated Green Leaf Collection Centre (LCC) as and when such green leaf becomes ready for delivery at such times and on such days as have been agreed with the Factory;

**2.3** The grower shall be bound to sell to the Factory good quality green leaf as per the Leaf standard specified from time to time;

**2.4** The grower shall apply the type and quantity fertilizer specified to the tea plants to ensure high productivity and production of quality leaf as guided by the factory extension officers from time to time.

#### 3. THE FACTORY'S RESPONSIBILITIES

**3.1** The factory shall, offer technical advisory services to the grower on Good Agricultural Practices (GAPS) for optimal production of high quality tea.

**3.2** In order to maximize on Green leaf plucking, the Factory in consultation with a Green Leaf Collection Centre Committee, shall set a timetable for leaf collection. The timetable shall be prominently displayed at the Green Leaf Collection Centre in a language that is understood by a majority of the growers.

**3.3** The tea factory limited company shall ensure green leaf is collected as scheduled. In case green leaf is not collected as per schedule, then the factory shall make arrangements to compensate the grower for loss of uncollected leaf.

Provided that if the failure by the tea factory limited company to collect the green leaf as set in the time table is due to *force majeure* the factory shall not be liable to compensate the grower for the loss of green leaf.

**3.4** The factory shall inform the grower of its inability to collect green leaf as per the set timetable due to *force majeure* within a reasonable time after such occurrence.

#### 4. DELIVERY OF GREEN LEAF

[Subsidiary]

4.1 All green leaf from the grower delivered to the Factory shall be weighed and examined by the factory within a reasonable time after delivery to ensure conformity to the Leaf Standards and the weight recorded.

4.2 The grower or their representative shall be entitled to be present or to be represented at such weighing and examination.

4.3 The property and risk in the green leaf accepted by the Factory will pass to the Factory upon completion of such weighing and examination.

4.4 Green Leaf shall be collected as per the timetable displayed at the Green Leaf Collection Centre and growers alerted at least 2 hours in advance.

4.5 The Factory shall cause to be displayed at every Green Leaf Collection Centre a Service Charter displaying relevant information including, Leaf Collection timetable, Green Leaf Quality Standards, Input distribution, Payment procedures.

5. PAYMENTS TO THE GROWER

1.2 The Factory shall make payment to the tea grower for green leaf delivered at the rate of Kshs ..... per Kg of green leaf.

6. TERMINATION

6.1 Notwithstanding anything to the contrary herein before contained, this Agreement may be terminated by either party as follows:-

- (a) by service of a written notice of termination, if a party fails to remedy any breach of this agreement within 30 days after service of a written notice specifying the breach and requiring it to be remedied;
- (b) forthwith and without notice, in the event of the grower ceasing to grow tea; and
- (c) forthwith and without notice, if a party does not comply with any legal and statutory requirements currently in force or hereinafter enacted related to the growing, delivery or manufacture of green leaf;

6.2 Any termination under the provision of this clause shall be without prejudice to any claim for damages and any rights and remedies of either party against the other in respect of any breach of any of the terms and conditions of this agreement whether giving rise to such termination or antecedent thereto.

6.3 Provided that a party shall be required to fulfil any outstanding obligations that they may have to the other party notwithstanding the termination of the contract under clause 6.1 above

7. ARBITRATION

Any dispute arising between the parties in connection with the agreement and the review thereof shall be submitted to the Agriculture and Food Authority, within 14 days after a party first serves notice to the other of such dispute. Any such arbitration proceedings shall be conducted in accordance with the Arbitration Act (Cap. 49) and any other relevant law.

IN WITNESS whereof this agreement has been duly executed by or on behalf of the parties.

Sealed with the common seal of

..... TEA FACTORY LIMITED COMPANY

In the presence of )  
 Director )  
 Director/Company Secretary )  
 )  
 )  
 )

)  
)  
)  
)  
)

Signed by the Tea Grower: \_\_\_\_\_

Name of Tea Grower:

Witnessed By: \_\_\_\_\_

Name:

THE AGRICULTURE AND FOOD AUTHORITY  
THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

**FORM AFA\TD\1** \_\_\_\_\_ [r. 9(1)]  
**APPLICATION FOR ISSUANCE/RENEWAL OF TEA MANUFACTURING  
FACTORY LICENCE**

An application is hereby made to establish/operate a factory for the manufacture of tea in accordance with the particulars given below:—

1. Name of Applicant .....
2. Certificate of Company Incorporation and Tax Compliance certificate (Attach copy)  
.....
3. List Names and Particulars of Directors (Attach copy of CR 12 Form) .....
- .....
4. Postal Address .....
5. Telephone No .....
6. E-mail address .....
7. Location .....
8. Ward .....
9. Sub-County .....
10. County .....
11. L.R. No./Nos .....
12. Factory Trade Mark .....
13. Source of green leaf for processing:
  - (a) Own ..... (Hectares)
  - (b) Out growers /growers ..... (Hectares)
14. Type of tea manufacture:
  - (a) C.T.C. (cut, tear, curl)
  - (b) Orthodox
  - (c) Instant
  - (d) Purple
15. Manufacturing capacity:
  - (a) Green tea leaf ..... Kilogrammes per year.

[Subsidiary]

(b) Made Tea ..... Kilogrammes per year.

16. Tea Packing Capacity: ..... Kilogrammes per year

17. Source of tea for packing

(a) Own tea ..... Kilogrammes per year

(b) Other factory teas .....Kilogrammes per year

(c) Imported teas .....Kilogrammes per year

The particulars given are hereby certified to be correct.

Date ..... Signature .....

*Applicant*

**FOR OFFICIAL USE:**

Approved/not approved by The Director General, Agriculture and Food Authority .....

.....

Signature ..... Date & Stamp .....

Terms and conditions

1. An applicant for a tea manufacturing licence shall;

- (a) furnish the Authority with a feasibility study report of the proposed tea manufacturing factory which should include a financial plan demonstrating capacity to construct and a crop development plan to sustain leaf supply;
- (b) provide a grower's register to include growers name, I.D number, Location, total area of the grower's farm, area planted with tea, land registration (L.R) number and factory where the grower currently supply green leaf;
- (c) provide grower's affidavits supported by grower I.D copy and copy of land title or area chiefs letter.
- (d) have at least 250 hectares of planted tea bushes; and
- (e) where an application is by a group of persons or companies, have at least 250 hectares of planted tea bushes which parcels of land must be within a 50 kilometres radius.

2. A tea manufacturing factory shall not buy green leaf from any other person other than the growers appearing in its register.

3. A tea manufacturing factory shall verify the details contained in the application made to it by a grower to ensure that the particulars submitted are correct.

4. A tea manufacturing factory shall sign a Green Leaf Agreement with all its registered grower's and maintain the signed agreement at the factory for inspection by the Authority.

5. A tea manufacturing factory that intends to vary its licensed processing capacity, shall furnish the Authority with proof of the additional source of leaf.

6. Before granting additional processing capacity to a tea manufacturing factory, the Authority shall satisfy itself that the applicant has adequate green leaf for the capacity applied for.

7. A tea manufacturing factory shall only manufacture the types of teas for which they are licensed.

8. When considering an application for a manufacturing licence, the Authority shall satisfy itself that the applicant has adequate financial capacity to undertake the project.

9. When considering an application for renewal of a manufacturing licence, the applicant shall furnish the Authority with audited financial statements.

10. If a tea manufacturing factory intends to use wood as a source of energy, the applicant shall furnish the Authority with a wood fuel sustainability plan equivalent to the ratio of 4:1 tea planted to woodlots planted.

11. Before granting a manufacturing license the Authority shall satisfy itself that the directors of the applicant are not serving as directors in a company having a direct or indirect commercial relationship with the factory.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\2**  
 TEA MANUFACTURING LICENCE

[r. 9(2)]

THIS LICENCE is issued to ..... of P.O. Box ..... Box and authorizes the said person to conduct the business or carry on the business of manufacture in the Republic of Kenya at L.R. No(s) ..... for a period of ..... beginning on the ..... Day of ..... and ending on Day of ..... (Both days inclusive).

THIS LICENCE is issued for:

Type of tea manufacture:

(a) Black C.T.C. (cut, tear, Orthodox curl) Others (specify)

Manufacturing capacity:

Green tea leaf ..... Kilograms per year.

THIS LICENCE is issued subject to compliance with the provisions of the Crops Act (Cap. 318), the Crops (Tea Industry) Regulations, 2020, and to such terms and conditions as specified hereunder.

Terms and Conditions

1. Each tea factory shall sign a Green Leaf Agreement with all their registered growers and a copy of the Agreement shall be maintained at the factory for inspection.
2. A tea factory limited company shall furnish the Authority with a certified copy of the growers register.
3. No tea factory limited company shall buy green leaf from any other person other than the growers appearing in its register.
4. Notwithstanding the provisions of paragraph 2, in cases where a tea factory limited company has inadequate processing capacity and surplus green leaf, the Authority shall, where necessary, arbitrate to decide the arrangements to divert the surplus green leaf to the tea factory with extra processing capacity.
5. This license shall authorize the holder to carry on the business of packing and blending in addition to manufacturing.
6. A holder of a tea manufacturing licence shall not install additional processing capacity or vary the type of manufacture without prior approval by the Authority.
7. A tea factory limited company shall comply with good manufacturing practices and national standards on quality, food safety and hygiene.
8. The Authority may revoke, vary, or suspend the licence if the conditions of the licence have been contravened or not complied with.
9. The Authority shall seize and remove or order the removal of any manufactured tea or processing capacity where it has reasonable grounds to believe has been installed contrary to the conditions of the licence issued under these Regulations.

[Subsidiary]

10. A director of a tea factory limited company shall not serve as a director in another company having a direct or indirect commercial relationship with the factory where the person is serving as a director.

Date issued ..... Signature/

Seal .....

Director General

Agriculture and Food Authority

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT (Cap. 318)

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

**FORM AFA\TD\IE1**

[r. 9(3)]

APPLICATION FOR ISSUANCE/RENEWAL OF COTTAGE TEA

MANUFACTURING LICENCE

An application is hereby made to establish/operate a factory for cottage tea manufacture in accordance with the particulars given below:-

1. Name of Applicant .....
2. Certificate of Company Incorporation and Tax compliance certificate (Attach copy) .....
3. List Names and Particulars of Directors /Officials (Attach Form CR12) .....
4. Postal Address .....
5. Telephone No .....
6. E-mail address .....
7. Location .....
8. Ward .....
9. Sub-County .....
10. County .....
11. L.R. No./Nos .....
12. Factory Trade Mark .....
13. Source of green leaf for processing:
  - (a) Own ..... (Hectares)
  - (b) Out growers/growers ..... (Hectares)
14. Type of tea manufacture:
  - (a) Orthodox,
  - (b) Purple
  - (c) Instant
  - (d) White tea (silver tips)
  - (e) green
  - (f) Others (specify)
15. Manufacturing capacity: (Maximum Four Hundred Thousand Kgs M.T/YR)
  - (a) Green tea leaf ..... Kilogrammes per year.
  - (b) Made Tea ..... Kilogrammes per year.

The particulars given are hereby certified to be correct.

Date ..... Signature .....  
Applicant

FOR OFFICIAL USE:

Remarks by the Director General , Agriculture and Food Authority:

.....  
.....

Signature..... Date & Stamp.....

Terms and conditions

1. A cottage tea manufacture shall not buy leaf from any other person other than the growers appearing in its register.
2. A cottage tea manufacturer shall verify the details contained in the application made to it by a grower to ensure that the particulars submitted are accurate.
3. A cottage tea manufacturer shall sign a Green Leaf Agreement with all its registered growers and maintain the signed agreement at the factory for inspection by the Authority.
4. A cottage tea manufacturer shall comply with good manufacturing practices and relevant national and international standards on quality, food safety & hygiene, Tea Industry Code of Practice, the provisions of the Environmental Management and Co-ordination Act (Cap. 387) and other relevant laws.
5. A cottage tea manufacturer shall only manufacture the types of teas for which they are licenced.
6. If a cottage tea manufacturer wishes to vary the type of tea manufacture or processing capacity they shall seek prior approval from the Authority.
7. Before granting additional processing capacity to a cottage tea manufacturer, the Authority shall satisfy itself that the applicant has adequate green leaf for the capacity applied for.
8. When considering an application for a cottage manufacturing licence, the Authority shall satisfy itself that the applicant has adequate financial capacity to undertake the project.
9. When considering an application for renewal of a cottage manufacturing licence, the applicant shall furnish the Authority audited financial statements.

THE AGRICULTURE AND FOOD AUTHORITY  
THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

**FORM AFA\TD\2**

[r. 9(5)]

**COTTAGE TEA MANUFACTURING LICENCE**

THIS COTTAGE TEA MANUFACTURING LICENCE is issued to ..... Of P.O. Box ..... and authorizes the said person to conduct the business or carry on the business of manufacture in the Republic of Kenya at L.R. No(s) ..... for a period of ..... beginning on the ..... Day of ..... and ending on Day of (Both days inclusive).

THIS LICENCE is issued for;

Type of tea manufacture:

Orthodox	Green	Instant	White (silver tips)	Purple	Others (specify)
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Manufacturing capacity:

Green tea leaf ..... Kilograms per year.

[Subsidiary]

THIS LICENCE is issued subject to compliance with the provisions of the Crops Act, the Crops (Tea Industry) Regulations, 2020, and to such terms and conditions as specified hereunder.

Date issued ..... Signature/ Seal..... Director General.....  
 Agriculture and Food Authority

Terms and Conditions

1. Each cottage tea manufacturer shall sign a Green Leaf Agreement with all their registered growers and a copy of the Agreement shall be maintained at the factory for inspection.
2. No cottage tea manufacturer shall buy green leaf from any other person other than the growers appearing in its register.
3. A holder of a cottage tea manufacturing licence shall ensure that their designated tea collection centres comply with the provisions of the Public Health Act (CAP. 242) and other relevant laws.
4. A new applicant for a cottage tea manufacturing licence shall construct and commission the tea factory within three years from the date of issuance of licence.
5. The Authority may revoke, vary, or suspend the licence if the conditions of the licence have been contravened or not complied with.
6. A holder of a cottage tea manufacturing licence shall not install additional processing capacity or vary the type of manufacture without prior approval by the Authority.
7. A cottage tea factory shall comply with good manufacturing practices and national standards on quality, food safety and hygiene.
8. The Authority shall seize and remove or order the removal of any manufactured tea or processing capacity where it has reasonable grounds to believe has been installed contrary to the conditions of the licence issued under these Regulations.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\FI** [r. 12(1)(a)]  
 TEA FACTORY ANNUAL PRODUCTION STATISTICAL RETURN  
 (CONFIDENTIAL)

1. Name of the factory .....
2. Address .....
3. County .....
4. Telephone .....
5. Email address .....
6. Licence Number .....
7. Total Number of registered tea growers/outgrowers .....
8. Planted Area (Hectares)
  - (a) Planted area by registered tea growers /outgrowers (Hectares) .....
  - (b) Planted area own Factory Estates (Hectares) .....
  - (c) Total Combined Planted area (a+b) above (Hectares) .....
9. Number of Commercial Tea Nurseries in the area .....



- 10. Tea Manufactured during the reporting period:
  - (a) C.T.C (cut, tear, curl) .....
  - (b) Orthodox .....
  - (c) Green Tea .....
  - (d) Purple .....
  - (e) White (silver tips) .....
  - (f) Instant Tea .....
  - (g) Tea extracts .....
  - (h) Others (specify) .....
- 11. Total crop processed in the last financial year ..... Kgs/G.L/YR
- 12. Made Tea in the last financial year ..... Kgs/M.T
  - (a) Current installed processing capacity ..... Kgs/G.L/YR
  - (b) Capacity utilization percentage (%) ..... Kgs/G.L/YR
  - (c) Projected processing capacity ..... Kgs/G.L/YR
- 13. Packed Tea in the last financial year ..... Kgs/M.T
- 14. Average payment to growers on Greenleaf deliveries ..... Ksh/Kg/G.L/YR
- 15. Cumulative rainfall for the year ..... mm

I, .....do hereby declare that above particulars are true

Date ..... Signature .....

Tea Factory Limited  
 Company Manager  
 For :.....  
 Tea Factory Limited  
 Company

NOTE: This Form must be forwarded to the Authority C/o P.O. Box 20064, 00200, NAIROBI and a copy to the respective County government on or before 15th of January in every year.

It is an offence for a tea factory limited company to fail to submit statistical returns as required by the Tea Regulations, 2020.

\_\_\_\_\_  
 AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\F2** [r. 12(1)(b)]  
 TEA FACTORY MONTHLY PRODUCTION RETURN  
 (CONFIDENTIAL)

Month ..... 20 .....

- 1. Name of Manufacturing Licence Holder .....
- 2. Licence Number .....
- 3. Address .....
- 4. County .....

GRADE ANALYSIS OF PRODUCTION AND STOCK RELEASES (KGS)

[Subsidiary]

Types of Tea Manufacture										TOTAL (kg)
CTC	BP1	PF1	PD	BP	F	DI	D	BMF		
Grades										
Orthodox	BOP	FBO	BOP	BOP	OP	PD	D	BOBOP	Others	
Grades	BOP		F							
Purple Tea										
OTHER Grades (Green Tea, Oolong, Tea, Extracts, White Tea and Soluble)										
Stock brought forward										
Tea Manufactured this month										
Total										
Stock Auction Releases										
Direct sales										
Export										
Direct sales										
Local										
Total										
Issues										
Stock Releases										
STOCK BALANCE CARRIED FORWARD										

I ..... do hereby declare that the above particulars are true.

Date ....., 20 .....

Signature .....

Licence holder or his duly Authorized Agent.

Crops

[Subsidiary]

NB: Each licence holder must complete a separate Form for each type of tea manufactured

FOR OFFICIAL USE

Date received..... Official

Stamp.....

Remarks by the Director General, Agriculture and Food Authority

.....  
.....

NOTE:

i. This Form must be forwarded to the Agriculture and Food Authority C/o. P.O. Box 20064, 00200, NAIROBI, on or before 14th day of ensuing month.

ii. It is an offence for a tea factory limited company to fail to submit monthly statistical returns as required by the Crops (Tea Industry) Regulations, 2020.

THE AGRICULTURE AND FOOD AUTHORITY  
THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

**FORM AFA\TD\G1** [r. 13(1)]  
APPLICATION FOR REGISTRATION /RENEWAL OF CERTIFICATE OF TEA WAREHOUSE

- 1. Name of Applicant .....
- 2. Details of National Identity Card No/Passport No/Certificate of Incorporation No. (Attach copy) .....
- 3. Tax compliance Certificate from Kenya Revenue Authority (Attach Copy)
- 4. List Names and particulars of Directors (Attach copy of Form CR 12) .....
- 5. Postal address .....
- 6. Email address .....
- 7. Location of Business:
  - a. Town .....
  - b. Street/Road .....
  - c. Name of Building .....
  - d. Telephone No .....
  - e. E-mail address .....

- 8. Location of business:
  - .....
  - .....

Date ..... Signature .....

Applicant or his duly Authorized Agent

FOR OFFICIAL USE:

Received

.....  
Remarks by the Authority .....

Date..... Signature/Stamp.....

Director General  
Agriculture and Food Authority

[Subsidiary]

Terms and conditions for Warehouse

1. Only a firm incorporated under the Companies Act (Cap. 486) shall apply for registration as a tea warehouse.
2. Provide details of the proposed premises suitably located and equipped for the business for which they are registered.
3. On application for registration or renewal of registration certificate a warehouseman shall submit to the Authority a certified copy of a valid insurance policy covering all risks related to the tea warehouseman business.
4. On application for registration or renewal of certificate the applicant shall comply with the requirements of the Public Health Act (Cap. 242) and any other relevant law.

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THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

**FORM AFA\TD\G2:** (r. 13(2))  
 TEA WAREHOUSE CERTIFICATE

THIS Certificate of registration is issued to ..... of P.O. Box ..... to engage in the business of tea warehousing in the County of ..... At LR/ No(s) ..... for a period of ..... beginning on the ..... day of ..... and ending on ..... day of ..... (Both days inclusive).

THIS Certificate is issued subject to compliance with the provisions of the Crops Act, the Crops (Tea Industry Regulations), 2020, Public Health Act, and any other relevant law.

Date issued .....  
 Signature.....  
 Director General  
 Agriculture and Food Authority  
 Official Seal .....

Terms and Conditions

1. A warehouse shall comply with these Regulations, Tea Industry Code of Practice, KS:2128 Standards on warehousing including national Standards on food safety and hygiene and any other relevant law.
2. A warehouseman shall conduct their business honestly, fairly and with integrity, appropriate to the nature and scale of business.

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THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

**FORM AFA\TD\H1** (r. 14(1))  
 APPLICATION FOR REGISTRATION/RENEWAL OF A TEA PACKER

1. Name of Applicant .....
2. Details of National Identity Card No/Passport No. ....
3. Certificate of Incorporation/Registration/Registration No (Attach copy) .....
4. Tax Compliance Certificate (Attach Copy) .....
5. If a Company, List Names and Particulars of Directors (Attach copy) .....
6. Postal Address .....
7. Email Address .....

8. Telephone No. ....

9. Location of Business:-

- a. County .....
- b. Town .....
- c. Street/Road .....
- d. Name of Building .....

10. Source of Tea:-

- a. Own tea ..... Yes/No
- b. Mombasa auction purchases ..... Yes/No
- c. Ex-factory purchase ..... Yes/No
- d. Direct purchase ..... Yes/No
- e. Imports ..... Yes/No
- f. Packaging on contract ..... Yes/No
- g. Packing Capacity ..... Kgs. per Year

11. Tea exports:-

- a. Value added exports
- b. Bulk tea exports

Date ..... Signature .....  
 Applicant or his duly Authorized Agent

FOR OFFICIAL USE:

Remarks by Director General, Agriculture and Food Authority.....

Signature ..... Date & Stamp.....

Terms and conditions:

1. While considering an application for registration or renewal, the Authority shall ensure that only Packers with the requisite approvals under the Public Health Act (Cap. 242) and any other written law are registered.
2. An applicant shall provide details of proposed premises that are suitably located and equipped for tea packing.

\_\_\_\_\_  
 THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\H2**  
 TEA PACKER CERTIFICATE

(r. 14(2))

THIS Certificate is issued to ..... of P.O. Box ..... and authorizes the said person to carry on business as a tea packer in the Republic of Kenya at L.R No. (s) ..... or a period of ..... beginning on ..... day of ..... and ending on ..... of ..... (Both days inclusive).

THIS Certificate is issued subject to compliance with the provisions of the Crops Act (Cap. 318), the Crops (Tea Industry) Regulations 2020, and to the terms and conditions specified hereunder.

Date .....  
 Director General

[Subsidiary]

Agriculture and Food  
 Authority  
 Signature & Seal Stamp

Terms and Conditions

1. A packer shall comply with national and international standards on tea quality, standards on tea packing and food safety and hygiene.
2. A packer who fails to submit statistical returns as required under these regulations may have their registration certificate revoked, altered or suspended.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

**FORM AFA\TD\H3**

(r. 15(1))

PACKER MONTHLY RETURN  
 (CONFIDENTIAL)

1. Month ..... Year .....
2. Name of packer .....
3. Address .....
4. Tea bought during the month:
  - a. Auction purchase ..... Kgs
  - b. Ex-factory ..... Kgs
  - c. Local purchase ..... Kgs
  - d. Imports ..... Kgs
  - e. Others ..... Kgs

Total Kgs
5. Total packing releases:
  - a. Local sales ..... Kgs
    - (i) Packets(in grams) ..... Kgs
    - (ii) Tea bags ..... Kgs
    - (iii) Others ..... Kgs

Total ..... Kgs
  - b. Export sales ..... Kgs
    - (i) Packets (in grams) ..... Kgs
    - (ii) Tea bags ..... Kgs
    - (iii) Others ..... Kgs

Total ..... Kgs
6. Allowances and free issues ..... Kgs
  - a. Packets (in grams) ..... Kgs
  - b. bags ..... Kgs
  - c. Others ..... Kgs

TOTAL RELEASES ..... Kgs.

(If space is inadequate provide an attachment)

Date ..... Signature .....  
 Packer or his duly Authorized Agent

Note:

i. The Form shall be forwarded to the Authority C/O. P.O. Box 20064-00200, NAIROBI and copy to respective County Government duly completed not late than Fourteen (14) days after end of each month.

ii. It is an offence for a tea packer to fail to submit monthly statistical returns as required under The Crops (Tea Industry) Regulations, 2020.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\J1** (r. 16(1))  
 APPLICATION FOR REGISTRATION/RENEWAL OF TEA BUYER/EXPORTER

1. Name of Applicant .....
  2. Details of National Identity Card No/Passport No/Certificate of Incorporation No.  
 (Attach copy).....
  3. Tax compliance Certificate from Kenya Revenue Authority (Attach Copy)
  4. List Names and particulars of Directors (Attach copy of Form CR 12) .....
  5. Postal address .....
  6. Email address .....
  7. Location of Business:
    - a. Town .....
    - b. Street/Road .....
    - c. Name of Building .....
    - d. Telephone No .....
    - e. E-mail address .....
  8. Nature of Business Specify Buyer/Exporter
  9. Source of Tea:—
    - a. Own tea ..... Yes/No
    - b. Mombasa auction purchases ..... Yes/No
    - c. Ex-factory purchase ..... Yes/No
    - d. Direct purchase ..... Yes/No
    - e. Imports ..... Yes/No
    - f. Packaging on contract ..... Yes/No
    - g. Capacity ..... Kgs. per Year
  10. Tea exports
    - a. Value added exports
    - b. Bulk tea exports
- Date ..... Signature .....

[Subsidiary]

Applicant or his duly  
Authorized Agent

(Delete as necessary)

FOR OFFICIAL USE:

Received .....

Decision of the Agriculture and Food  
Authority .....

.....  
Date ..... Signature / Stamp.....

Director General  
Agriculture and Food Authority

Terms and Conditions Buyer/Exporter

1. A new applicant for registration as a buyer/exporter shall provide a business plan detailing the nature of business for which registration is sought.
2. A buyer or exporter who diverts tea bought at the auction to the local market shall produce evidence of duty and value added tax payment to the Kenya Revenue Authority, where due.
3. An applicant for buyer/exporter registration shall:—
  - (a) be a company incorporated in Kenya under the Companies Act (Cap. 486); and
  - (b) demonstrate that it has the necessary management capacity to carry on tea buying/exporting business for which the Registration is required; and
  - (c) demonstrate that it has sufficient knowledge, experience and capacity to conduct tea buying/exporting business and that the persons engaged or to be engaged in the position of Chief Executive Officer or other senior position possess sufficient knowledge, management experience and capacity.

\_\_\_\_\_  
 THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TDJ2**  
 TEA BUYER/EXPORTER REGISTRATION CERTIFICATE

(r. 16(7))

THIS Certificate is issued to ..... of P.O. Box ..... and authorizes the said person to carry on business as a tea buyer/exporter in the Republic of Kenya at L.R. No(s) ..... for a period of ..... beginning on the day of ..... and ending ..... day of ..... (Both days inclusive).

Nature of Business; specify

Buyer/exporter

THIS Certificate is issued subject to compliance with the provisions of the Agriculture and Food Authority Act (Cap. 317), the Crops Act (Cap. 318), Crops (Tea Industry Regulations), 2020 and to the terms and conditions specified hereunder.

Date ..... Signature .....

issued .....

Director General  
Agriculture and Food  
Authority  
Official  
Seal.....

Terms and Conditions



Tea Buyer/Exporter

1. A tea buyer /exporter shall value add at least forty percent of their annual tea exports except tea extracts, tea aroma, tea oils, tea by-products and specialty teas.
2. A buyer/exporter shall conduct its business honestly, fairly, with integrity and professional skills appropriate to the nature and scale of activity.
3. A buyer/exporter shall comply with the provisions of the Crops Act, (Tea Industry) Regulations, 2020 and any other relevant law.
4. Any buyer/exporter who fails to register their tea exports promptly and correctly to the Authority may have their registration certificate revoked, altered or suspended.
5. The Authority may revoke, alter or suspend a registration certificate of a buyer/exporter/ if an offence has been committed with respect to a registered activity or if a condition of the registration has been contravened or not complied with.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\K1**

(r. 17(1))

**APPLICATION FOR REGISTRATION/RENEWAL OF TEA BROKER**

1. Name of Applicant .....
2. Details of Certificate of Incorporation No (Attach copy) .....
3. If Company, List Names and Particulars of Directors (Attach)  
 A copy of Form CR12) .....
4. Tax Compliance Certificate (Attach copy) .....
5. Address .....
6. Location of Business
  - a. Town .....
  - b. Street/Road .....
  - c. Name of Building .....
  - d. Telephone Number .....
  - e. E-mail address .....
 Contact Person .....
6. ....  
 Nature of Business.....  
 Date .....

Signature .....

**FOR OFFICIAL USE:**

Received .....

Decision of the Agriculture and Food

Authority .....

Date .....

Director General

Agriculture and Food Authority

Terms and Conditions

[Subsidiary]

1. Before granting any Registration, in respect of an application before it, the Authority shall satisfy itself—

- (a) that the applicant is a company incorporated in Kenya under the Companies Act (Cap. 486), with such minimum share capital as it may prescribe;
- (b) that the applicant has the necessary management capacity to carry on tea brokerage business for which the Registration is required;
- (c) that the applicant has sufficient knowledge, experience and capacity to conduct tea broking business or that the persons to be engaged in the position of Chief Executive Officer or other senior position possess sufficient knowledge, management experience and capacity;
- (d) that the applicant is an independent company not having a direct or indirect commercial relationship with the tea factory that they intend to offer brokerage services to; and
- (e) that the applicant or the directors or management do not have a direct or indirect interest that Conflicts or may conflict with the interest of the tea factory limited company that they may offer brokerage Services to.

2. The applicant shall furnish the Authority with audited financial statements for the preceding two years.

3. The applicant shall demonstrate financial capacity to provide brokerage services.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\K2**  
 TEA BROKER REGISTRATION CERTIFICATE

(r. 17(2))

**TEA BROKER REGISTRATION CERTIFICATE**

THIS Certificate is issued to ..... of P.O Box ..... and authorizes the said person to carry on business as a tea broker in the Republic of Kenya at L.R. No. (s) ..... for a period of ..... beginning on the ..... day of ..... and ending on ..... day of .....(Both days inclusive).

THIS Certificate is issued subject to compliance with the provisions of the Crops Act (Cap. 318) the Crops (Tea Industry) Regulations, 2020 and to the terms and conditions as specified herein below.

Date ..... Signature .....

Director General  
 Agriculture and Food  
 Authority  
 Signature/  
 Stamp .....

Terms and Conditions

1. A tea broker shall conduct its business honestly, fairly, with integrity and professional Skills Appropriate to the nature and scale of activity.

2. A tea brokers, its Directorates or staff shall not engage directly or indirectly in any Business activity that conflicts with the interest of the factory/factories it offers or intends to offer brokerage services to.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

**FORM AFA\TDIL1** [r. 19(1)]  
**BUYER/EXPORTER/IMPORTER AND BROKER MONTHLY RETURN**  
**(CONFIDENTIAL)**

Month ..... Year .....

1. Name of buyer/exporter/ importer/broker .....
2. Address .....
3. Location of business
  - a. Town .....
  - b. Street/Road .....
  - c. Name of building .....
  - d. Telephone number and E-mail address .....
4. Nature of business .....
5. If buyer/exporter/importer, specify source of tea bought/handled during the month:
  - a. Mombasa auction ..... Kgs.
  - b. Direct purchases:
    - i. Local ..... Kgs.
    - ii. Imports ..... Kgs.
    - iii. Ex-factory purchases ..... Kgs.

6. If exporter, specify details of exported consignment (bulk teas)

Country of Destination	Factory Mark(s)	Grade(s)	Value added teas (Kgs)	Bulk teas (Kgs)	Total Weight (Kgs)	Value of Consignment (USD)
---------------------------	--------------------	----------	---------------------------------	-----------------------	--------------------------	----------------------------------

7. If importer, specify details of imported consignment (bulk teas)

Country of Origin	Invoice No.	Grade	Net Weight (Kg)	Value of Consignment (USD)
----------------------	-------------	-------	--------------------	----------------------------------

8. If broker, specify details of consignment (bulk teas)

Factory Mark	Invoice No.	Grade	Net Weight (Kg)	Value of Consignment (USD)
--------------	-------------	-------	--------------------	----------------------------------

(If space not adequate provides an attachment)

**FOR OFFICIAL USE**

Date

Received .....

Signature &  
 Stamp .....  
 Director General  
 Agriculture and Food  
 Authority

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)

[Subsidiary]

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\1M** (r. 19(3))  
WAREHOUSE ANNUAL RETURN  
(CONFIDENTIAL)

Month ..... Year .....

- 1. Name of Warehouseman .....
- 2. Address .....
- 3. Registration No .....
- 4. Location of business
  - a. Town .....
  - b. Street/Road .....
  - c. Name of building .....
  - d. Telephone number and E-mail address .....

5. Summary of Tea warehoused:

	Garden/ Blended/Mark	No. of packages	Kgs of Mt.	Total kgs. of tea
Producer tea				
Exporter tea				
Imported tea				
Transit teas				
Blended tea				
Total				

FOR OFFICIAL USE

Date Received ..... Signature &  
Stamp .....

Director General  
Agriculture and Food  
Authority

THE AGRICULTURE AND FOOD AUTHORITY  
THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\1M** (r. 21(1))  
APPLICATION FOR REGISTRATION/RENEWAL OF MANAGEMENT AGENT

- 1. Name of applicant .....
- 2. Certificate of incorporation No. .... (Attach copy)
- 3. Names and Particulars of Directors (attach copy of Form CR 12) .....
- 4. Tax Compliance Certificate (Attach copy) .....
- 5. Postal Address .....
- 6. Telephone number and E-mail address .....

- 7. L.R. No. /Nos .....
  - 8. Nature of business .....
  - 9. Contact Person .....
  - 10. Factory Marks (specify) .....
  - 11. Indicate services to be provided shall be in the following areas (tick as appropriate)
    - a. Production .....
    - b. Processing .....
    - c. Financial Services .....
  - 12. Others - specify .....
- Date.....

Signature of applicant

Recommendation by Tea factory limited company .....

Date .....

Signature .....

Terms and Conditions:

- 1. Before registering a management agent the Authority shall satisfy itself: -
  - (a) that the applicant has the necessary management capacity to carry out the services out the services which they intend to offer and for which the licence is required;
  - (b) that the applicant intending to offer agency services has provided indemnity of 0.5 % of principals' annual business turnover from a reputable financial institution; and
  - (c) the Directors of the Management Agent do not act in a position of directorship at or have a commercial relationship a tea factory limited company or Marketing Agent that they intend to offer management services to.
- 2. The Authority shall satisfy itself that the Management Agreement between the Management Agent and the Factory Company conforms to the Crops Act (Cap. 318), these Regulations, and any other relevant laws.
- 3. The Management Agreement shall specify the performance standards to be adhered to by each of the parties to the agreement for the contract period.
  - 1. When considering an application for renewal of registration of a Management Agent, the Authority shall require the applicant to submit the annual audited financial statements.
  - 2. A Management Agent shall be excluded from offering the services of a company secretary to a tea factory limited company limited company that they intend to offer management agent services to.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\N2**  
 MANAGEMENT AGENT CERTIFICATE

(r. 21(2))

THIS Certificate is issued to ..... of P.O Box ..... and authorizes the said person to carry on Business as a tea management agent to offer:—

[Subsidiary]

- a. Production .....
- b. Processing .....
- c. Financial Services .....
- Others — specify .....

Specify the factory/garden marks ..... in the Republic of Kenya at L.R. No(s) ..... for a period of ..... beginning on the ..... day of ..... and ending on ..... day of (Both days inclusive).

THIS Certificate is issued subject to compliance with the provisions of the Crops Act (Cap. 318), the Crops (Tea Industry) Regulations, 2020 and to the terms and conditions specified herein below.

Date .....

.....  
 Director General  
 Agriculture and Food  
 Authority  
 .....  
 Signature/Stamp

Terms and Conditions

1. A certificate shall be for specific factory/garden /garden marks.
2. Any subsequent factory/garden /garden marks shall be applied for separately.
3. The term duration of the management agreement shall be for a period not exceeding 5 years and annual fees for the service does exclude 2% of gross tea sales.
4. A tea factory limited company wishing to terminate its management agreement shall give at least six months' notice of its intention to terminate the agreement or any such period as specified in the management agreement and inform the Authority immediately stating the reasons thereof.
5. A Management Agent wishing to terminate its management agreement with a factory company shall give at least six months' notice of its intention to terminate or such period as specified in the agreement and inform the Authority immediately stating the reasons thereof.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA/TD/N3**  
 ANNUAL RETURN BY MANAGEMENT AGENT  
 (CONFIDENTIAL)

(r. 21(3))

1. Name of agent .....
2. Address .....
3. Registration Number .....
4. Category of Services offered to factories—  
 (Attach list of clients under each services)
  - (i) .....
  - (ii) .....
  - (iii) .....
  - (iv) .....
  - (v) .....

(v) .....

(If space is not adequate provide an attachment)

I ..... do hereby declare that the above particulars are true.

Date .....

Signature .....

Management Agent

Note:- This Form must be forwarded to the Agriculture and Food Authority, P.O. Box 20064-00200 NAIROBI, on or before 15th January in every year.

THE AGRICULTURE AND FOOD AUTHORITY  
THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\IP** (r. 23(1))  
APPLICATION FOR REGISTRATION/RENEWAL OF AUCTION ORGANIZER

- 1. Name of applicant .....
- 1. Certificate of incorporation ..... (Attach copy)
- 2. Copies of Memorandum and Articles of Association ..... (Attach copy)
- 4. Names and Particulars of Directors and Form CR 12 (attach details) .....
- 5. Tax Compliance Certificate ..... (Attach copy)
- 6. Address .....
- 7. Telephone number .....
- E-mail address .....
- 8. Contact Person .....
- 9. L.R. No./Nos .....
- 10. Nature of business .....
- 11. Specify services to be provided .....

.....  
.....

Date applied .....

Signature .....

Signature of applicant

Terms and Conditions

- 1. An applicant shall furnish the Authority with the rules governing the operations of the Auction in a form satisfactory to the Authority.
- 2. The rules shall restrict the applicant to the business of operating a tea auction and related services.
- 3. The rules shall contain the applicable fees and charges for membership and for services rendered by and between members.
- 4. The rules shall contain guidelines for disclosure of the daily trading report of the auction.
- 5. Satisfy the Authority on the applicant Financial capacity, functional expertise and infrastructure to undertake Tea Auction in the Republic of Kenya.
- 6. Have in its employments sufficient number of persons with adequate, professional and other relevant competencies and experience.

[Subsidiary]

7. An applicant shall digitize and automate the Tea Auction system for efficient services delivery and information dissemination.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\Q** (r. 23(2))  
**AUCTION ORGANIZER CERTIFICATE**

THIS Certificate is issued to ..... of P.O. Box ..... and authorizes the said person carry on the business of Tea auction organizer in the Republic of Kenya at L.R. No(s) ..... for a period of ..... beginning on the ..... day of ..... and ending on ..... day of (Both days inclusive).

THIS Certificate is issued subject to compliance with the provisions of the Crops Act (Cap. 318), the Crops (Tea Industry) Regulations, 2020 and to the terms and conditions specified herein below.

Date .....

.....  
 Director General  
 Agriculture and Food  
 Authority  
 Signature/ Stamp

Terms and Conditions

1. An auction organizer shall not later than the fourteen (14) day of each month submit to the Authority a monthly tea auction report of all teas sold through the auction in the previous month in the prescribed form.
2. An auction organizer shall ensure that only Members who have valid licences or registration certificates from the Authority participate in the auction.
3. The trading rules and regulations of the auction organizer shall: -
  - a. promote fair treatment of members and persons who applies for admission as members;
  - b. exclude a person who is not fit and proper from being a member;
  - c. promote appropriate standards of conduct of its members;
  - d. ensure that its members comply with the Crops Act (Cap. 318) and these Regulations;
  - e. require members to report in a timely manner any breaches of applicable rules and regulations;
  - f. expel, suspend, discipline or sanction a member if they contravene the Crops Act (Cap. 318) or these Regulations; and
  - g. provide procedure for disputes resolution.
4. An auction organizer shall ensure that only members who have valid licences or registration certificates from the Authority participate in the auction.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\R** [r. 25(8)]

**AUCTION ORGANIZER REPORT**

MONTHLY AUCTION SALES ANALYSIS FOR THE MONTH ENDING



Crops

[Subsidiary]

Auction No.	Garden Mark	Grade	Volume Offered (Kgs)	Broker	Broker Valuation (USD/Kg)	Buyer	Buyer Price (USD/Kg)
-------------	-------------	-------	----------------------	--------	---------------------------	-------	----------------------

(CONFIDENTIAL)

1. Name of Auction Organizer .....
2. Address .....
3. Registration Number .....

I ..... do hereby declare that the above particulars are true.

Date .....

Signature .....  
Auction Organizer

Note:- This Form must be forwarded to the Agriculture and Food Authority, P.O. Box 20064, 00200 NAIROBI, on or before the fourteenth (14) day of the subsequent month.

THE AGRICULTURE AND FOOD AUTHORITY  
THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\IS**

[r. 29(1)]

**TEA EXPORT DECLARATION**

(CONFIDENTIAL)

1. Name of exporter .....
2. Address .....
3. Telephone No. ....
4. Email Address .....
5. Registration certificate number .....

6. Details of consignment (bulk teas)

Factory Mark	Invoice No.	Grade	No. of Packages	Net Weight (Kg)	Value of Consignment (USD)
--------------	-------------	-------	-----------------	-----------------	----------------------------

(If spaces not adequate provide attachment and if tea is blended please attach blending sheet)

7. Details of consignment (value added teas)

(Teas packed for retail in not more than 10 Kgs in the form of tea bags, tea packets, instant and ready to drink tea containers).

Brand Name	Form of packaging	Invoice No.	No. of Packages	Net Weight (Kg)	Unit Price	Value of Consignment (USD)
------------	-------------------	-------------	-----------------	-----------------	------------	----------------------------

Full name and address of buyer/consignee .....

.....

Name and address of Warehouse where tea can be inspected .....

.....

Tea Short Shipment (if any):

Factory	Invoice No.	Grade	No. of	Net Weight
---------	-------------	-------	--------	------------

[Subsidiary]

Mark Packages (Kg)

If space provided is not adequate provide an attachment

Note:- Every exporter shall attach certified copies of the following documents for verification.

- i. Sale contract showing (contract number, contract date);
- ii. Commercial invoice showing (unit price USD, terms of payment, port and Country of destination);
- iii. Brokers invoice; and
- iv. Blending sheet (where applicable);
- v. Custom entry form

Date .....

Authorized signature  
Stamp of Exporter

FOR OFFICIAL USE:

Authentication by Agriculture and Food Authority

Date .....

Officer's Name .....

Signature and Official Stamp.....

Terms and Conditions

1. For the purpose of duty/VAT exemptions on imported inputs, all exporters shall account for all tea bought by them for export using Form AFA\TD\T in the Schedule.
2. The Tea export registration form is issued in triplicate for distribution as follows:
  - i. One copy to be retained by the Authority; and
  - ii. Two copies to the exporter or agent, one of which must be presented to the Kenya Revenue Authority together with relevant Export Entry form.

THE AGRICULTURE AND FOOD AUTHORITY  
THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

**FORM AFA\TD\T** (r. 31(1))  
APPLICATION FOR REGISTRATION/RENEWAL OF A TEA IMPORTER

1. Name of Applicant .....
2. Details of National Identity Card No/Passport No/Certificate of Incorporation No  
(Attach copy) .....
3. Tax compliance Certificate from Kenya Revenue Authority (Attach Copy).....
4. List Names and Particulars of Directors (Attach copy of Form CR 12) .....
5. Postal address .....
6. Email address .....
7. Location of Business
  - a. Town .....
  - b. Street/Road .....
  - c. Name of Building .....
  - d. Telephone No. ....

e. E-mail address .....

8. Source of Tea:-

a. Country of origin .....

b. Export Processing Zone .....

9. Tea imported:-

a. Value added imports in Kgs .....

b. Bulk tea imports in Kgs .....

Total volume in Kgs.....

10. Purpose for imports

a. Re-export .....

b. Local sales .....

c. Other .....

11. Annual Capacity ..... Kgs. per Year

Date ..... Signature .....  
Applicant or his duly  
Authorized Agent

(Delete as necessary)

FOR OFFICIAL USE:

Received .....

Decision of the Agriculture and Food Authority

.....  
Date ..... Signature/Stamp .....

Director General

Agriculture and Food Authority

Terms and Conditions:

1. An importer who intends to import other teas destined to the tea auction or transit teas shall apply for pre-import approval from the Authority in accordance with regulation 35 of this Regulations.

2. An importer who imports tea into Kenya for blending shall re-export the tea within a period of six months of the date of import and proof of such re-export shall be maintained for inspection by the Authority.

3. An importer who diverts made tea imported into Kenya for blending and re-export into the local market shall in addition produce evidence of duty and value added tax payment to the Kenya Revenue Authority, where due.

4. Before granting any Registration, the Authority shall, in respect of an application before it, satisfy itself: -

a. that the applicant is a company incorporated in Kenya under the Companies Act (Cap. 486), with such minimum share capital as may be prescribed;

b. that the applicant has the necessary management capacity to carry on tea importing and buying/exporting business for which the Registration is required; and

c. that the applicant has sufficient knowledge, experience and capacity to conduct tea buying/importing/exporting business and that the persons engaged or to be engaged in the position of Chief Executive Officer or other senior position possess sufficient knowledge, management experience and capacity.

[Subsidiary]

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TDIU**  
 TEA IMPORTER REGISTRATION CERTIFICATE

(r. 31(2))

THIS Certificate is issued to ..... of P.O. Box ..... and authorizes the said person to carry on business as a tea Importer in the Republic of Kenya at L. R. No(s) ..... for a period of ..... beginning on the ..... day of and ending on day of ..... (Both days inclusive)

THIS Certificate is issued subject to compliance with the provisions of the Agriculture and Food Authority Act, the Crops Act (Cap. 318), (Tea Industry Regulations 2020 and to the terms and conditions specified hereunder.

Date issued ..... Signature .....  
 Director General  
 Agriculture and Food Authority  
 Official Seal .....

Terms and Conditions

1. An importer shall conduct its business honestly, fairly, with integrity and professional skills appropriate to the nature and scale of activity.
2. An importer shall comply with the provisions of the Crops Act (Cap. 318), Tea Industry Regulations and any other relevant law.
3. An importer who fails to declare their tea imports promptly and correctly to the Authority or fails to obtain pre-import approval may have their registration certificate revoked, altered or suspended.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TDIW1**  
 TEA PRE-IMPORT APPROVAL APPLICATION  
 (CONFIDENTIAL)

(r. 32(1))

1. Name of importer .....
2. Registration certificate number .....
3. Physical Address .....
4. Telephone number .....
5. Email address .....
6. Reason for intended importation .....

7. Details of consignment (bulk teas)

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)
<b>TOTAL</b>					

(If space is not adequate provide additional attachment)

8. If imported tea packets or value added form, (Indicate pack size or stock taking unit).

Crops

[Subsidiary]

9. Details of shipment

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)
-------------------	-------------	-------	-----------------	------------------	------------------------------------

TOTAL

(If space is not adequate provide additional attachment)

10. Full name and address of Seller/Consigner: .....

.....

11. Name and physical address of Warehouse where tea will be stored .....

.....

12. Indicate Tea short shipment (if any):

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)
-------------------	-------------	-------	-----------------	------------------	------------------------------------

TOTAL

(If space provided is not adequate provide an attachment)

Note:- Every Importer shall attach certified copies of the following documents for verification:—

- i. Sale contract;
- ii. Phytosanitary Certificate;
- iii. Certificate of Origin;
- iv. Health certificate or its equivalent,
- v. Certificate of analysis from an accredited institution from the country of origin and recognized by the Authority including microbiological, pesticides residues and heavy metals; and
- vi. Customs entry forms.

Date .....

.....  
Authorized signature  
Stamp of Importer

FOR OFFICIAL USE:

Authentication by Agriculture and Food Authority

Date .....

Officers Name .....

Signature and Official Stamp.....

Terms and conditions

1. Every tea importer must comply with Kenya Revenue Authority rules and regulations on bonded and transit goods.
2. A tea importer who diverts tea into the local market must produce evidence of duty and value added tax payment to the Authority and Kenya Revenue Authority - Customs Services Department, where due.
3. The Tea import registration form is issued in triplicate for distribution as follows-
  - a. One copy to be retained by the Authority.

[Subsidiary]

b. Two copies to the importer or agent one of which must be presented to the Kenya Revenue Authority together with relevant Import Entry form.

4. A tea importer who imports tea without prior approval from the Authority may have their Registration as a tea importer suspended, varied or revoked.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TDIV2** (r. 32(5))  
 PRE-IMPORT APPROVAL ORDER

This pre-import approval is issued to ..... of P. O. Box ..... and authorizes the said person to import ..... Kgs of tea in accordance with the following details.

1. Details of consignment (bulk teas)

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)
-------------------	-------------	-------	-----------------	------------------	------------------------------------

TOTAL

(If space is not adequate provide additional attachment)

2. Details of consignment (tea packets and value added form)

Country of Origin	Invoice No.	Type	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)
-------------------	-------------	------	-----------------	------------------	------------------------------------

TOTAL

(If space is not adequate provide additional attachment)

3. Full name and address of Seller/Consigner .....

4. Name and physical address of Warehouse where tea will be stored .....

FOR OFFICIAL USE:

Pre-Import Release Order Authority Stamp

Name ..... Signature .....

Date .....

For and on behalf of the Agriculture and Food Authority

Dated this ..... day of .....

20 .....

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TDIW** (r. 32(6))  
 TEA IMPORT DECLARATION  
 (CONFIDENTIAL)

1. Name of importer .....

2. Registration certificate number .....

Crops

[Subsidiary]

3. Address .....

4. Telephone number .....

5. Email address .....

6. Details of consignment (bulk teas)

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)
-------------------	-------------	-------	-----------------	------------------	------------------------------------

TOTAL

(If space is not adequate provide additional attachment)

7. If imported tea packets or value added form, details of shipment

Country of Origin	Invoice No.	Type	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)
-------------------	-------------	------	-----------------	------------------	------------------------------------

TOTAL

(If space is not adequate provide additional attachment)

8. Full name and address of Seller/Consigner.....

9. Name and physical address of Warehouse where tea will be stored.....

10. Indicate Tea short shipment (if any):

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)
-------------------	-------------	-------	-----------------	------------------	------------------------------------

TOTAL

(If space provided is not adequate provide an attachment)

Note: Every Importer shall attach certified copies of the following documents for verification—

- (i) Sale contract;
- (ii) Phytosanitary Certificate;
- (iii) Certificate of Origin;
- (iv) Certificate of analysis and pesticide residues;
- (v) Customs entry form; and
- (vi) Pre-import approval Order

Date .....

.....  
 Authorized signature  
 Stamp of Importer

FOR OFFICIAL USE:

Authentication by Agriculture and Food Authority

Date .....

Officers Name .....

Signature and Official Stamp .....

Terms and conditions

1. Every tea importer must comply with Kenya Revenue Authority rules and regulations on bonded and transit goods.

[Subsidiary]

2. A tea importer who diverts tea into the local market must produce evidence of duty and value added tax payment to the Authority and Kenya Revenue Authority - Customs Services Department, where due.

3. The Tea import registration form is issued in triplicate for distribution as follows-

i. One copy to be retained by the Authority.

ii. Two copies to the importer or agent one of which must be presented to the Kenya Revenue Authority together with relevant Import Entry form.

THE AGRICULTURE AND FOOD AUTHORITY  
 THE CROPS ACT (Cap. 318)  
 THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TDIX** [r. 33(1)]  
 TEA EXPORT DECLARATION  
 (CONFIDENTIAL)

- 1. Name of exporter .....
- 2. Address .....
- 3. Telephone No. ....
- 4. Email Address .....
- 5. Registration certificate number .....

8. Details of consignment (bulk teas)

Factory Marks	Invoice No.	Grade	No. of Packages)	Net Weight (Kg)	Value of Consignment (USD)
---------------	-------------	-------	------------------	-----------------	----------------------------

(If spaces not adequate provide attachment and if tea is blended please attach blending sheet)

7. Details of consignment (teas packed for retail in form of tea bags, tea packets, instant and ready to drink tea containers).

Brand Name	Form of packaging	Invoice No.	No. of Packages	Net weight (Kg)	Unit Price	Value of Consignment (USD)
------------	-------------------	-------------	-----------------	-----------------	------------	----------------------------

Full name and address of buyer/consignee .....

Name and address of Warehouse where tea can be inspected .....

Tea Short Shipment (if any):

Factory Mark	Invoice No.	Grade	No. of Packages	Net Weight (Kg)
--------------	-------------	-------	-----------------	-----------------

If space provided is not adequate provide an attachment

Note:- Every exporter shall attach certified copies of the following documents for verification.

vi. Sale contract showing (contract number, contract date);

vii. Commercial invoice showing (unit price USD, terms of payment, port and Country of destination);

viii. Brokers invoice and;



ix. Blending sheet (where applicable);

x. Custom entry form

Date .....

.....  
Authorized signature  
Stamp of Importer

**FOR OFFICIAL USE:**

Authentication by Agriculture and Food Authority

Date .....

Officers Name .....

Signature and Official Stamp.....

**Terms and Conditions**

1. For the purpose of duty/VAT exemptions on imported inputs, all exporters shall account for all tea bought by them for export using Form AFA\TD\T in the Schedule.
2. The Tea export registration form is issued in triplicate for distribution as follows-
  - iii. One copy to be retained by the Authority; and
  - iv. Two copies to the exporter or agent, one of which must be presented to the Kenya Revenue Authority together with relevant Export Entry form.

THE AGRICULTURE AND FOOD AUTHORITY  
THE CROPS ACT (Cap. 318)  
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020  
**FORM AFA\TD\T**  
TEA EXPORT/IMPORT RELEASE ORDER

(r. 34(1))

1. Name of Exporter/Importer .....
2. Postal Address .....
3. Contact Person and Designation .....
4. Telephone/Mobile No/Fax .....
5. E-mail Address .....
6. Tea Export/Import Registration No. ....
7. Issue Date .....
8. Customs Entry No. and Date .....
9. Net Weight (Kgs made tea) .....
10. Bill of lading .....
11. Physical location of consignment .....

**12. Indicate Tea short shipment (if any):**

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)
TOTAL					

(If space provided is not adequate provide an attachment)

Signature of Exporter/Importer or Authorized Agent Date

**FOR OFFICIAL USE:**

[Subsidiary]

Release Authority Stamp

Name ..... Signature ..... Date .....

For and on behalf of Agriculture and Food Authority

Dated this ..... day of ..... 20 .....

SECOND SCHEDULE

FEES

[Regs. 9(1), (8), 10(1), 14(1), 15(1), 17(1), 18(1), 24(1), 29(1), 32(1).]

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT (Cap. 318)

LICENSING AND REGISTRATION FEES

NO.	PERSONS DEALING IN TEA	NEW APPLICANTS	RENEWAL FEES
		Amount in Kenya Shillings (Kshs).	Amount in Kenya Shillings (Kshs).
1.	Tea Manufacturing Licence — Black CTC tea	10,000	7,500
2.	Cottage Tea Manufacturing License	10,000	7,500
3.	Management Agent	25,000	12,500
4.	Marketing Agent	25,000	12,500
5.	Tea Buyer/Exporter	20,000	10,000
6.	Tea Warehouse	20,000	10,000
7.	Tea Importer	20,000	10,000
8.	Tea Broker	20,000	10,000
9.	Tea Auction Organizer	25,000	10,000
10.	Tea Packer	5,000	2,000
11.	Commercial Green Leaf Transporter	1,000	1,000
12.	Commercial Tea Nursery Operator	To be determined by the County Assembly of the respective County.	To be determined by the County Assembly of the respective County.

**THE CROPS (SUGAR) (GENERAL) REGULATIONS**

## ARRANGEMENT OF REGULATIONS

## PART I – PRELIMINARY

*Regulation*

1. Citation
2. Interpretation

## PART II – REGISTRATION PROVISIONS

3. Registration of umbrella millers' associations
4. Registers maintained by millers
5. Registration of growers
6. Registration of out-growers' institutions
7. Obligations of a registered out-growers' institutions
8. Registers maintained by out-growers' institutions
9. Registration of umbrella out-growers institutions
10. Revocation and suspension of registration
11. Returns by miller and out-growers' institutions

PART III – AGREEMENTS FOR DEALING IN  
SUGARCANE AND SUGARCANE PRODUCTS

12. Agreements for the harvesting of sugarcane
13. Agreements for the transportation of sugarcane
14. Agreements between growers and millers
15. Agreements between outgrowers' institutions and growers
16. Agreements between outgrowers' institutions and millers
17. Registrations of agreements

## PART IV – MISCELLANEOUS PROVISIONS

18. Sugarcane development plans
19. Adequate milling capacity
20. Report of changes to millers
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23. Sugarcane Pricing Committee
24. Sugarcane testing services
25. Burnt sugar
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## SCHEDULES

## FORMS

## KENYAN SPECIFICATIONS FOR SUGAR



## THE CROPS (SUGAR) (GENERAL) REGULATIONS

[Legal Notice 99 of 2020, Legal Notice 214 of 2020]

### PART I – PRELIMINARY

#### 1. Citation

These Regulations may be cited as the Crops (Sugar) (General) Regulations.

#### 2. Interpretation

In these Regulations, unless the context otherwise requires—

"agreement" means an agreement specifying the standard provisions that govern the rights and obligations of a grower, miller, out-growers' institution, harvester or transporter, in the farming or supply of sugarcane or a sugarcane product;

"directorate" means the Directorate for the time being responsible for sugar established pursuant to section 11(4) of the Agriculture and Food Authority Act (Cap. 317);

"extraneous matter" means any matter other than sugarcane delivered with and weighed as sugarcane;

"grower" means a person who cultivates sugarcane in Kenya;

"independent grower" means a grower who —

- (a) is not a member of any out-growers' institution;
- (b) does not depend on a miller for any assistance in cultivating his sugarcane; and
- (c) depends solely on his own resources to develop and supply sugarcane directly to any miller as per an agreement;

"industry" means the Kenyan sugar industry;

"interested party" means a stakeholder in the industry and includes the Government, a miller, millers' association, grower or out-growers' institution;

"mill gate" means a site designated as such by the Authority where sugarcane weighing and sugarcane testing facilities have been set up;

"miller" means a person who operates a sugarcane mill to produce sugar jaggery or other products of sugarcane;

"out-growers' institution" means a legal entity composed of small-holder growers and includes a co-operative society;

"sugar inspector" means a person appointed as an inspector under section 27 of the Crops Act (Cap. 318);

"sugarcane" means sugarcane (*Saccharum*) or sugar beet (*beta vulgaris*) grown for the production of sugar or other products;

"sugarcane nursery" means a site where sugarcane varieties are progressively grown under strictly controlled agronomic conditions for eventual establishment of the sugarcane crop; and

"working day" means a day other than a Saturday, Sunday or public holiday.

### PART II – REGISTRATION PROVISIONS

#### 3. Registration of umbrella millers' associations

(1) Registered millers may organise themselves into an association and register with the Authority as an umbrella association to represent and advocate for the millers' interests.

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[Subsidiary]

(2) An association of millers that intends to be registered as an umbrella millers' association shall apply to the Authority for registration as an umbrella millers' association in Form 1 set out in the First Schedule.

(3) The Authority shall consider the application made under subregulation (2) and—

- (a) within thirty days of submitting an application, issue to a successful applicant a certificate of registration; or
- (b) within fifteen days issue the applicant a notice of their rejection of the application specifying the reasons for the rejection.

(4) An applicant who is dissatisfied with the rejection of their application made under subregulation (3)(b) may within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection.

(5) Upon resubmission of a satisfactory application under subregulation (4), the Authority shall issue the applicant a certificate of registration as an umbrella millers' association, within thirty days.

(6) Where the Authority rejects an application resubmitted under subregulation (4), the applicant may appeal to Court within thirty days after the date the applicant receives the notice of the rejection of the application from the Authority.

(7) The Authority shall issue a certificate of registration as an umbrella millers' association under this regulation in Form 2 set out in the First Schedule subject to such conditions it deems necessary.

#### **4. Registers maintained by millers**

(1) A miller shall maintain a register of the registered out-growers' institutions, growers and other dealers in sugarcane or sugarcane products, with whom the miller has entered into an agreement for the farming or supply of sugar cane.

(2) The register maintained under subregulation (1) shall contain—

- (a) the particulars of the registered out-growers' institutions;
- (b) the particulars of the growers;
- (c) the miller's location, land registration number, registration number, and agreement numbers;
- (d) the particulars of the sugarcane harvesters;
- (e) the particulars of the transporters; and
- (f) the particulars of the acreage, varieties, crop cycles and yield of sugarcane per acreage.

#### **5. Registration of growers**

(1) A grower may register with any out-growers' institution of their choice.

(2) A grower may register with a miller of their choice.

#### **6. Registration of out-growers' institutions**

(1) An out-grower institution which has registered growers in accordance with regulation 5(1) shall register with the Authority.

(2) An out-grower institution that intends to be registered as an out-growers' institution shall apply to the Authority for registration in Form 3 set out in the First Schedule.

(3) The Authority shall consider the application made under subregulation (2) and—

- (a) within thirty days of submitting an application, issue to a successful applicant a certificate of registration; or
- (b) within fifteen days issue the applicant a notice of their rejection of the application specifying the reasons for the rejection.

(4) An applicant who is dissatisfied with the rejection of their application made under subregulation (3)(b) may within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection.

(5) Upon resubmission of a satisfactory application under subregulation (4), the Authority shall issue the applicant a certificate of registration, within thirty days.

(6) Where the Authority rejects an application resubmitted under subregulation (4), the applicant may appeal to Court within thirty days after the date the applicant receives the notice of the rejection.

(7) The Authority shall issue a certificate of registration as an out-growers' institution under this regulation in Form 4 set out in the First Schedule subject to such conditions it deems necessary.

(8) A certificate of registration issued under this regulation shall not be transferable.

## **7. Obligations of a registered out-growers' institutions**

(1) A registered out-growers' institution shall—

- (a) organize its out-growers' farms into viable economic units to enable its farmers pool resources for bulk procurement of farm inputs, services and machinery;
- (b) promote and represent the interests of its growers;
- (c) ensure that its members comply with their obligations as per their agreements;
- (d) negotiate the terms of supply of sugarcane to the millers;
- (e) co-ordinate the production, harvesting and transport of sugarcane to the millers;
- (f) provide financial credit or arrange for financing of its growers for the production of their sugarcane, land clearance and preparation, planting, cultivation and tending, harvesting, transport and the supply of goods and services relating thereto;
- (g) provide services, advice and assistance for its growers as may be required;
- (h) provide accounting services and record keeping services for its members in respect of their individual operations; and
- (i) purchase, sell or otherwise deal in, securing or providing such goods, materials, supplies and services as may be required by its growers.

(2) An out-growers' institution which does not comply with the provisions of this regulation commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a period not exceeding one year, or to both.

## **8. Registers maintained by out-growers' institutions**

(1) An out-growers' institution shall maintain a register of its members and the growers who have entered into an agreement with it for the farming or supply of sugarcane.

(2) The register maintained under subregulation (1) shall contain the particulars of the locations, land registration numbers, identity card numbers, agreement numbers, sugarcane harvesters, transporters, acreage, varieties, crop cycles and yield of sugarcane per acreage of its members and the growers who have entered into an agreement with it for the farming or supply of sugarcane.

(3) An out-grower institution which registers smallholder growers shall forward a copy of the register of their smallholder growers to the respective county government and to the Authority at least once in every six months.

(4) A registered out-growers' institution shall notify the Authority of any change in its ownership, by-laws and shareholding.

(5) A registered out-grower institution shall notify the Authority of the appointment of a principal officer or a director within thirty days of the making of such appointment.

(6) An out-growers' institution which does not comply with the provisions of this regulation commits an offence and shall be liable on conviction to a fine not exceeding five

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[Subsidiary]

hundred thousand shillings, or to imprisonment for a period not exceeding one year, or to both.

### **9. Registration of umbrella out-growers institutions**

(1) Registered out-growers' institutions may organise themselves into an umbrella out-growers' institution and register as such with the Authority to represent and advocate for the interests of its members and the growers who have entered into an agreement with it for the farming or supply of sugarcane.

(2) An umbrella out-growers' institution that intends to be registered as such shall apply to the Authority for registration in Form I set out in the First Schedule.

(3) The Authority shall consider the application made under subregulation (2) and—

- (a) within thirty days of submitting an application, issue to a successful applicant a certificate of registration; or
- (b) within fifteen days issue the applicant a notice of their rejection of the application specifying the reasons for the rejection.

(4) The Authority may in consultation with the County Governments register an out-growers' institution as an umbrella out-growers' institution based on—

- (a) whether the institution is duly registered as an association under existing laws;
- (b) the by-laws or constitutional provisions relating to membership, voting rights, rights and obligations of members including the right to join or leave the institution; and
- (c) the number of its members.

(5) An applicant who is dissatisfied with the rejection of their application made under subregulation (3) (b) may within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection.

(6) Upon resubmission of a satisfactory application under subregulation (6), the Authority shall issue the applicant a certificate of registration as an umbrella out-growers' institution, within thirty days.

(7) Where the relevant county government rejects an application resubmitted under subregulation (5), the applicant may appeal to Court within thirty days after the date the applicant receives the notice of the rejection.

(8) The Authority shall issue a certificate of registration as an umbrella growers' institution under this regulation in Form 2 set out in the First Schedule subject to such conditions it deems necessary.

(9) A certificate of registration issued under this regulation shall not be transferable.

### **10. Revocation and suspension of registration**

(1) The Authority shall suspend the registration of a umbrella millers' association, an out-growers' institution or an umbrella out-growers' institution if—

- (a) the association or institution made a false declaration in the application for registration;
- (b) the association or institution engaged in corruption or fraud to obtain the certificate of registration;
- (c) without reasonable cause, the association or institution has not complied with a condition of its registration;
- (d) the institution has contravened regulation 7; or
- (e) the association or institution has not complied with the law under which it is registered.

(2) When the Authority suspends the registration of an association or institution under subregulation (1), the Authority shall issue the association or institution a notice of the suspension.



(3) The notice issued under subregulation (2) shall set out the reasons for the suspension and the corrective measures that the association or institution should undertake to reinstate their registration.

(4) The Authority shall reinstate the registration of an association or an institution, who complies with the corrective measures set out in the notice issued under subregulation (3).

(5) The Authority shall revoke the registration of an association or an institution, who does not comply with the corrective measures set out in the notice issued under subregulation (3).

#### **11. Returns by miller and out-growers' institutions**

All registered millers and registered out-growers' institutions shall submit to the Authority and the relevant county government, annual returns of the registers maintained under this Part before the thirty-first date of January every year following the conclusion of the data collection period.

### PART III – AGREEMENTS FOR DEALING IN SUGARCANE AND SUGARCANE PRODUCTS

#### **12. Agreements for the harvesting of sugarcane**

(1) A grower may enter into an agreement with a miller, out-growers' institution or any other person, for the harvesting of the grower's sugarcane.

(2) An agreement for the harvesting of sugarcane on behalf of a grower, shall be in Form 5 set out in the First Schedule

#### **13. Agreements for the transportation of sugarcane**

(1) A grower may enter into an agreement with a miller, out-growers' institution or any other person, for the transportation of the grower's sugarcane.

(2) An agreement for the transportation of sugarcane on behalf of a grower, shall be in Form 5 set out in the First Schedule.

#### **14. Agreements between growers and millers**

(1) A grower may enter into an agreement with a miller for the farming or supply of the grower's sugarcane.

(2) An agreement referred to in subregulation (1), shall be in Form 6 set out in the First Schedule.

(3) Despite subregulation (1), a grower may enter into an agreement with a miller for the leasing of part of their land to the miller on the terms and conditions mutually agreed between them.

#### **15. Agreements between outgrowers' institutions and growers**

(1) A grower may enter into an agreement with a registered out-growers' institution for the farming and supply of the grower's sugarcane.

(2) An agreement referred to in subregulation (1) shall be in Form 7 set out in the First Schedule.

#### **16. Agreements between outgrowers' institutions and millers**

(1) A registered out-growers' institution shall enter into an agreement with a miller for the farming or supply of the sugarcane on behalf of the growers who the institution have entered into an agreement under regulation 14.

(2) An agreement referred to in subregulation (1) shall be in Form 8 set out in the First Schedule.

#### **17. Registration of agreements**

A person who enters into an agreement in accordance with this Part shall submit the agreement to the Authority for registration.

## PART IV – MISCELLANEOUS PROVISIONS

**18. Sugarcane development plans**

(1) A miller shall develop and submit a sugarcane development plan to the Authority and the respective County Government.

(2) An out-growers' institution shall develop and submit a sugarcane development plan to the Authority and the respective County Government.

(3) A sugar development plan shall be based on the number of growers, the size of the land under cultivation, sugarcane varieties cultivated, yields of the sugarcane cultivated and the maturity profile of the sugarcane.

(4) The purpose of a sugarcane development plan shall be to facilitate economic harvesting and transportation.

(5) A sugarcane development plan shall be developed in consultation with the growers.

**19. Adequate milling capacity**

(1) Subject to subregulation 19(2), a miller shall ensure that they have adequate milling capacity in accordance with the sugarcane development plan developed and submitted in accordance with regulation 18.

(2) A miller shall operate their mill in accordance with the registered milling capacity, the terms of sugarcane throughput per day and the sugar recovery percent set by the Authority.

(3) A miller may in writing apply to the Authority for authorization to change the installed milling capacity by more than twenty percent of the registered capacity.

(4) A miller who makes any variation of the installed capacity without prior authorisation from the Authority, commits an offence.

**20. Report of changes to millers**

(1) A grower who is a member of a registered out-growers' institution shall report any changes to the name of the grower's farm, land reference number or any other particulars, to the out-growers' institution the grower has registered with and the miller with whom the grower has entered into an agreement for the farming or supply of the grower's sugarcane.

(2) An independent grower, shall report any changes to the name of the grower's farm, land reference number or any other particulars, to the miller with whom the grower has entered into an agreement for the farming or supply of the grower's sugarcane.

**21. Use of certified seeds**

A grower shall only use seeds that are certified accordance with the Seeds and Plant Varieties Act (Cap. 326).

**22. Payment statements**

(1) A miller shall issue a grower issue a grower with whom the miller has entered into an agreement in accordance with regulation 14, a payment statement that indicates the quantity of sugarcane delivered, the price and agreed deduction or recovery on the payment, as agreed upon by the grower and the miller.

(2) A registered out-growers' institution shall issue a grower issue a grower with whom the institution has entered into an agreement in accordance with regulation 25, a payment statement that indicates the quantity of sugarcane delivered, the price and agreed deduction or recovery on the payment, as agreed upon by the grower and institution.

(3) A miller shall issue a registered out-growers' institution with whom the institution has entered into an agreement in accordance with regulation 16, a payment statement that indicates the quantity of sugarcane delivered, the price and agreed deduction or recovery on the payment, as agreed upon by the miller and institution.

**23. Sugarcane Pricing Committee**

(1) There is established a Sugarcane Pricing Committee.

(2) The Sugarcane Pricing Committee shall comprise of—

- (a) a chairperson appointed by the Cabinet Secretary from amongst the members of the Sugarcane Pricing Committee;
- (b) one person nominated by the Ministry responsible for matters relating to agriculture and appointed by the Cabinet Secretary;
- (c) two persons nominated by the Authority and appointed by the Cabinet Secretary;
- (d) two persons nominated by the registered umbrella out-growers' institution and appointed by the Cabinet Secretary;
- (e) two persons nominated by the registered umbrella millers association and appointed by the Cabinet Secretary; and
- (f) two persons nominated by the Council of Governors from the county governments from the sugarcane growing areas and appointed by the Cabinet Secretary.

(2A) In appointing persons under subregulation (2)(b), (c), (d), (e) and (f), the Cabinet Secretary shall take into account the gender, regional and ethnic diversity of the persons to be appointed.

(2B) A person shall not be nominated for appointment under subregulation (2)(b), (c), (d) (e) and (f), unless the person has demonstrable experience, knowledge and skills in sugar pricing or similar relevant qualifications.

(3) The quorum of the Sugarcane Pricing Committee shall be two-thirds of its members.

(4) The members of the Sugarcane Pricing Committee who were appointed under subregulation (2)(d) and (e) shall hold office for a period of three years and shall be eligible for re-appointment only once for a further term of three years.

(5) The members of the Sugarcane Pricing Committee who were appointed under subregulation (2)(d) and (e) may resign from office by a letter addressed to the Cabinet Secretary.

(6) The office of a member of the Sugarcane Pricing Committee shall become vacant if the member—

- (a) has been absent from three consecutive meetings of the committee without the permission of the chairperson;
- (b) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors;
- (c) is convicted of an offence involving dishonesty or fraud;
- (d) fails to comply with the requirements of Chapter 6 of the Constitution;
- (e) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; or
- (f) is incapacitated by prolonged physical or mental illness or is otherwise deemed unfit to discharge his duties as a member of the committee.

(7) The objective of the Sugarcane Pricing Committee shall be to ensure equitable returns to the growers and millers.

(8) The principal function of the Sugarcane Pricing Committee shall be to determine the Sugarcane Pricing Formula.

(9) In determining the formula under subregulation (8), the Sugarcane Pricing Committee may consider —

- (a) revenue sharing between the grower and the miller;
- (b) the distribution of the proceeds of the milling of sugarcane among growers on the basis of sugarcane quality, sugarcane production and handling costs; and
- (c) the outcome of the sugarcane testing services.

[Subsidiary]

(10) The Sugarcane Pricing Committee may review the formula determined in accordance with subregulation (8) from time to time to provide for continuous improvements in sugarcane testing and revenue sharing systems.

[L.N. 214/2020, r. 2.]

#### 24. Sugarcane testing services

(1) The Sugarcane Pricing Committee may conduct sugarcane testing services to determine the sucrose content of sugarcane to determine the Sugarcane Pricing Formula.

(2) The Sugarcane Pricing Committee may contract the services of an expert in conducting sugarcane testing services.

#### 25. Burnt sugar

(1) A miller may accept burnt sugarcane subject to the following conditions—

- (a) a grower had authorised the harvesting of his burnt sugarcane before the sugarcane was harvested;
- (b) the harvested sugarcane was delivered to the mill weighbridge while still fresh; and
- (c) sugarcane of an acceptable quality was harvested.

(2) The authorisation referred to in subregulation (1)(a) shall be in the form of a separate agreement between a grower and a miller and shall set out conditions for the miller's acceptance the grower's burnt sugarcane.

(3) An agreement referred to in subregulation (2) shall be in Form 9 set out in the First Schedule.

#### 26. Approved standards

(1) A miller shall manufacture, package, transport or store in a warehouse, sugar and by-products of sugar in accordance with the Kenyan specifications for sugar set out in the Second Schedule.

(2) All brands for packaging, including a brand which is repackaged for sale by a distributor, shall register with the Authority for purposes of traceability.

(3) A dealer shall apply for registration under subregulation (2) in Form 10 set out in the First Schedule.

(4) The Authority shall issue a certificate of Registration in Form 11 as set out in the First Schedule to a successful applicant.

(5) A person who fails to comply with subregulations (1) or (2) commits an offence and shall be liable on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a period not exceeding one year, or to both.

[L.N. 214/2020, r. 3.]

#### 27. Stay of execution

Any person against whom a decision to revoke or suspend their registration, may request for stay of the execution of that decision for thirty days within which he may effect remedial action.

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#### FIRST SCHEDULE

[r. 3(2), 3(7), 6(2), 6(7), 9(2), 9(9), 12(2), 13(2), 14(2), 15(2), 16(2), 25(3), 26(3), 26(4)]

#### FORMS

##### FORM 1

(r. 3(2), 9(2))

APPLICATION FOR REGISTRATION AS AN UMBRELLA MILLERS'  
ASSOCIATION/ UMBRELLA OUT-GROWERS' INSTITUTION

To

Agriculture and Food Authority,

1. I/We ..... (Officials of  
..... (Name of Association/Institution)
2. Physical Address: ..... Market ..... Location ..... Sub-County .....
3. Land Ref. No .....
4. Postal Address:..... Tel: .....  
Fax: ..... E-mail .....
5. .... (name of body) apply for the recognition of ..... (name of body).
6. The registered office of the body will be at .....
7. Copies of the following documents are attached to this application—
  - (a) the Constitution;
  - (b) the Certificate of Registration;
  - (c) the profiles of officials;
  - (d) the register of members.
8. The Head Office of the body will be situated at .....
9. The registered officials are:
  - (a) .....
  - (b) .....
  - (c) .....
10. Project Objectives
  - (a) .....
  - (b) .....
  - (c) .....

Contact Details:

Name: ..... Title: .....

Telephone: ..... Fax: .....

Email: .....

**FORM 2** ..... (r. 3(7), 9(9))  
**CERTIFICATE OF REGISTRATION AS AN UMBRELLA MILLERS' ASSOCIATION/UMBRELLA OUT-GROWERS' INSTITUTION**

TO .....

THIS IS TO CERTIFY that the above-named body is duly registered as an umbrella millers' association/umbrella out-growers' institution in the sugarcane industry.

Date of issue .....

.....

DIRECTOR-GENERAL

Agriculture and Food Authority

**FORM 3** ..... (r. 6(2))

[Subsidiary]

APPLICATION FOR REGISTRATION AS AN OUT-GROWERS' INSTITUTION

To

Agriculture and Food Authority,

1. I/We ..... (Manager/Director(s)/agent of .....  
(Name of out-grower institution)

2. Physical Address: ..... Market ..... Location ..... Sub-  
County .....

3. Land Ref. No. ....

4. Postal Address: ..... Tel: .....

5. Fax: ..... E-mail .....

6. .... (name of business enterprise) apply for the registration  
of ..... (name of out-grower institution).

7. The registered office of the institution/ company will be at .....

8. Copies of the following documents are attached to this application—

- (a) the memorandum and articles of association/or partnership agreement;
- (b) the Certificate of Incorporation/Registration;
- (c) the profiles of the investor(s) and directors/principal officers;
- (d) a copy of the project profile or feasibility study showing the implementation period, program of implementation and operation dates;
- (e) the evidence of financing and land ownership for the project; and
- (f) the register of members.

9. The Head Office of the institution /Company will be situated at .....

10. The Principal Officers of the Company and their qualifications are:

- (a) .....
- (b) .....
- (c) .....

11. The date of the end of the financial year is .....

12. The Auditors of the out-grower institution are .....

13. The authorized share capital of the out-grower institution is Kshs./US  
\$: .....

14. The intended capital investment of the out-grower institution is Kshs./US  
\$ .....

15. The affiliated sugarcane mill(s):

- (a) .....
- (b) .....
- (c) .....

16. Sugarcane mill(s) acceptance:

..... (name of each registered miller)  
confirms that acceptable arrangements have been concluded for delivery and acceptance  
of cane to be supplied by the applicant under agreement

No. ....

Registered miller's Director/Principal Officer .....

Signature

.....

Registered miller's stamp

.....

Apex Body's Recommendation stamp

17. Applicant's Declaration

I, ..... of Post Office Box Number ..... sincerely declare that I am a manager/director/principal officer/duly authorized agent of ..... (name of out-grower institution) AND that all the requirements of the Crops Act (Cap. 318), in respect of matters precedent to the registration of this out-grower institution and the business enterprise under other Acts and incidental thereto have been complied with, AND I make this declaration believing the same to be true.

Declared } at ..... } ..... Authorized officer The ..... day of ..... } 20 ..... Before me:

.....

Commissioner for Oaths/Notary Public

Attach certified copies of documents only where applicable

APPLICATION SUMMARY (for official use only)

Company Name: .....

or

Out-grower Institution Name: .....

Certificate(s) of Incorporation (COI)/ Business Reg. Number(s): .....

Company

Status: .....

COI/Registration Date: .....

Post Box Number: .....

Town: .....

Investment Financing Plan in Million US\$/Kshs:

Table with 4 columns: Foreign Equity, Local Equity, Foreign Loan, Local Loan. Each column has a dotted line for input.

Project Objectives:

- (a) .....
(b) .....
(c) .....

Capacity: ..... (turnover or production p.a.)

Employment:

Foreign: .....

Local: .....

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Total: .....  
 Implementation Period: .....  
 Estimated life of project: .....  
 Project Location  
 Site/Plot/Block No.: .....  
 Street: ..... Sub-County:..... Region: .....

(Attach sketch map showing project location)

Shareholders	Nationality	%
.....	.....	.....
Investment Breakdown	US\$/Kshs.M	
Pre-expenses	.....	
Land/Buildings	.....	
Plant and equipment	.....	
Vehicles	.....	
Furniture & Fittings	.....	
Working Capital	.....	
Others	.....	
TOTAL	.....	

Contact Details:  
 Name: ..... Title: .....  
 Telephone: ..... Fax: .....  
 Email: .....

**FORM 4** \_\_\_\_\_ (r. 6(7))  
**CERTIFICATE OF REGISTRATION AS AN OUT-GROWERS' INSTITUTION**

TO .....

THIS IS TO CERTIFY THAT the above-named body is duly registered as an out-grower institution.

Date of issue .....

.....  
 DIRECTOR-GENERAL  
 Agriculture and Food Authority

**FORM 5** \_\_\_\_\_ (r. 12(2), 13(2))  
**AGREEMENT BETWEEN A GROWER/REGISTERED MILLER/REGISTERED OUT-GROWER INSTITUTION FOR THE HARVESTING OF SUGARCANE/ TRANSPORTATION OF SUGARCANE**

This AGREEMENT is made on the ..... day of ..... two thousand and ..... BETWEEN ..... of P. O. Box ..... (referred to as the "Company" which expression shall, where the context so admits, include its successors in title and assignees) AND ..... (harvesting/transportation contractor's name) of P. O. Box ..... (referred to as the "contractor" which expression shall, where the context so admits, include his or its successors and assignees), who, if a body corporate,



was incorporated/registered in the Republic of Kenya and has its registered office at within the Republic of Kenya.

**(a)** WHEREAS the Company intends to engage the contractor to harvest or transport sugarcane in the estate of the Company and grower fields; and

**(b)** WHEREAS the contractor intends to harvest/transport sugarcane within the estate of the Company and grower fields and, for which the contractor has proof of capability of undertaking the harvesting/transportation services to the satisfaction of the Company for the consideration provided.

NOW IT IS AGREED BETWEEN THE COMPANY AND THE CONTRACTOR AS FOLLOWS:

#### TERMS OF THE AGREEMENT

1. This agreement shall commence on the date of this agreement and shall remain in force for a period of ..... (months) unless previously terminated or extended in accordance with the provisions herein.
2. The parties to this agreement shall undertake to conduct their business with the aim of ensuring integrity, transparency and accountability.
3. On expiry of the contract period specified in paragraph 1, the parties may renew this Agreement upon the same terms or other conditions as the parties may agree in writing .
4. The contractor shall—
  - (a) be a registered employer with the Ministry responsible for labour and shall recruit all their harvesters/transporters;
  - (b) recruit and employ adults in accordance with the labour laws of Kenya and regularly bring to the workplace the appropriate number of harvesters/transporters, fully equipped with suitable cane knives;
  - (c) provide transport to the harvesters/transporters to and from working sites;
  - (d) before signing this agreement, open an account with a suitable and acceptable financial institution in Kenya, the details of which shall be availed to the Company to facilitate payment of their services;
  - (e) harvest and stack green and accidentally burnt cane in the estate of the Company for which he undertakes to provide a sufficient number of the harvesters/transporters daily and to work under the direction of the Company;
  - (f) harvest/transport sugarcane in the allocated fields only when a valid work order has been issued and complete their allocated fields before being allocated new ones; on failure to do so, shall be held responsible for any unauthorized harvesting by sugarcane cutters registered under the contractor;
  - (g) cut all cane stalks at ground level, de-top at the first visible dewlap and remove all dry or green leaves, water shoots, dead stalks and other trash from sugarcane and, while stacking the cane, clearly separate the extraneous matter from sugarcane;
  - (h) motivate their employees to accomplish designated tasks to enhance harvesting efficiency;
  - (i) ensure that the sugarcane from each field is stacked separately and appropriately tagged;
  - (j) be responsible for re-stacking, arranging or combining poorly shaped, sized or low density sugarcane stacks;
  - (k) be responsible for the social welfare, upkeep and all legal obligations pertaining to their employees and machinery;
  - (l) be responsible for damage, injury or losses caused by his employees/ agents or vehicles upon third parties and themselves;

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- (m) provide a list of their harvesters/transporters to the Company;
- (n) provide accommodation, if the need arises, and safety gear for his employees;
- (o) pay the wages and other benefits of their employees;
- (p) meet the cost of any inputs or services availed to the contractor on their request by the Company or will allow the deduction of such charges/expenses from any payment due unless otherwise agreed in writing;
- (q) be responsible for any damage caused to the property of the Company and shall be required to make good such damages out of the payment due to the contractor;
- (r) be responsible for any loss to the Company through bad harvesting, unharvested sugarcane or sugarcane covered by trash;
- (s) ensure that his employees follow all routing instructions and advice from the field staff of the Company;
- (t) ensure that discipline amongst the employees is maintained;
- (u) not solicit payment of any kind, other than what is provided for under this agreement, from the Company for services rendered under this agreement; and
- (v) take insurance to cover his employees, agents, machinery and third parties.

**5. The Company shall—**

- (a) offer for harvest/transportation sugarcane as is derived from its estate and contracted sugarcane fields only, for use either as seed crop cane or mill crop, sugarcane which shall be harvested green, cut at ground level, de-trashed and topped just below the meristem as specified by the body responsible for research; a job completion certificate shall be promptly signed where harvesting has been done satisfactorily;
- (b) set the lead time in harvesting/transporting sugarcane not more than twenty-four hours and all the lead sugarcane harvested/transported within the lead time shall be under the responsibility of the Company, otherwise the contractor shall be held responsible for sugarcane harvested/transported outside the lead time;
- (c) accept all sugarcane of requisite harvesting quality from the area specified in this agreement in accordance with the programme provided for herein and the requisite harvesting quality of sugarcane shall be as specified by the Authority in respect of the sugarcane variety whose extraneous matter shall be less than three per cent;
- (d) ensure that, subject to sugarcane yield and weather conditions, sufficient cane is available to meet the cutting and stacking requirements of the contractor;
- (e) make payments to the contractor at an agreed rate and time;
- (f) make payments every fortnight after the contractor has presented and verified their bills;
- (g) at its discretion, take over any work not done in accordance with this agreement and recover the cost of such from the payments due to the contractors;
- (h) apply strict disciplinary practice and provide formal notification where the required standards of harvesting are not being met;
- (i) not be liable for any loss, damage or injury done to or caused by the contractor to their employees, agents or machinery or third parties whatsoever;
- (j) write delivery notes and any other field records for the sugarcane harvested; and

- (k) notify the contractor to remedy a situation within twenty-four hours where the Company is dissatisfied with the contractor's performance, failure to which the contractor shall bear the cost of the damages.

6. For the sugar cane crop, estimates of tonnages shall be based on accurate sugar cane stack dimensions of sixteen by ten by seven feet all the sugar cane shall be cleared from the ground and remain neatly stacked in the field so as to make a minimum average of one and a half tonnes of stacked sugar cane per cutter per day.

#### TERMINATION OF CONTRACT

7. The contractor shall not assign his services or any interest therein or any of his rights or obligations under this agreement without the written consent of the Company.

8. Where the contractor offers poor quality services, the Company may seek for alternative services upon notice to the contractor.

9. Where the Company ceases to exist, the contractor may offer its services to another party without the approval of the company.

10. If either party decides to discontinue the harvesting of sugarcane or terminate the relationship with the other party, he shall give a notice of thirty days of their intention to do so and shall pay all dues within the period of notice.

11. Termination of the contract pursuant to paragraph 9 shall be without prejudice to all rights accrued and obligations incurred to or by either party prior to the date of termination and shall not prejudice claim for damages for such breach of contract.

#### FORCE MAJEURE

12. Neither the Company nor the Contractor shall be obliged to perform their respective obligations under this agreement if, and to the extent that they or either one of them, they may be hindered or prevented from so doing directly or indirectly by an event of force majeure.

13. If the performance of this agreement or any part thereof shall become impossible of performance by either party due to force majeure, the party in default shall not be held responsible to the other party for such non-performance.

14. Without prejudice to the generality to the other terms the following events shall for all the purposes of this Agreement fall within the meaning of the term *force majeure*; fires and explosions at the factory, floods, earthquake, tempest, war, civil commotion, riots, arson, sabotage, labour strikes, lock-outs, other industrial dispute, breakdown or damage to plant machinery, transport or equipment, shortage of supplies fuel, non-availability of shipping space or railway services inability to effect sale and or delivery of sugar produced or transported sugarcane or road conditions and any other causes beyond the control of the parties hereto such that no reasonable measure or vigilance on the part of the parties hereto or their agents could have prevented.

15. The affected party shall report any event of force majeure within seven days from the date of its occurrence and the competent authorities of both parties shall certify the said event.

16. The obligations of the parties under the specified agreement shall remain suspended for the period during which the said event of force majeure persists.

#### DISPUTES

17. Subject to paragraph 18, any question or dispute as to the responsibility to fulfil the terms of this agreement shall be referred to the Courts.

18. If a dispute arises in the performance of this, the parties may agree, within fourteen days after service by one of the parties hereto on the other, notice of the existence of such dispute, to refer the dispute to two arbitrators who shall be appointed jointly by the Chairperson for the time being of the Law Society of Kenya and such arbitration shall be conducted in

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accordance with and subject to the provision of the Arbitration Act, Chapter 49 of the Laws of Kenya.

IN WITNESS WHEREOF the parties have executed this agreement on the date and year inscribed herein.

SIGNED on behalf of: ..... (Contractor)

BY: .....

In the presence of: ..... (Witness)

SIGNED on behalf of: .....  
(Company)

BY: .....

In the presence of: ..... (Witness)

**REGISTRATION OF SUGARCANE CUTTERS**

**(p. 4.a.)**

Registration number .....

Name .....

Sub-location .....

Village .....

(1) I ....., harvesting contractor for..... apply to register as a temporary employee to cut and stack green or accidentally burnt sugarcane.

(2) I am a Kenyan citizen of Identity card number or a foreigner with work permit number .....

(3) I have been hired for the period of ..... months from ..... day of ..... (month) two thousand and .....

(4) My minimum daily task shall be one point five tonnes of clean, trashed, ground cut and topped at the last node sugarcane per cane sugarcane.

(5) I will work in a group of not more than three other cutters to cut enough cane to make a stack of not less than six tonnes.

(6) I will individually cut four or more rows of sugarcane, whose length will vary according to cane yield, as will be allocated once in the morning by a Supervisor or Field Assistant prior to commencement of cutting or within the first hour of cutting.

(7) I will stack the sugarcane properly according to the field Assistants directive ensuring grooves are not blocked and that all stack sides and corners are regular and of uniform length, width and height all round.

(8) I will also avail myself to do other tasks related to cane harvesting namely re-stacking, cutting and slashing poor cane cutting and carrying cane to a suitable stack site. I will also avail myself for transportation to other area than my own area for the purposes of harvesting cane as contained in the contract.

(9) Payment will be based on the tonnage of sugarcane cut and Stacked or on a daily basis for re-stacking, slashing and will be according on the following rates.

- (a) cutting and stacking green cane at Kshs ..... per tonnes of cane;
- (b) cutting and stacking burnt cane at Kshs ..... per tonnes of cane; and
- (c) carrying cane at Kshs ..... per tonnes of cane.

(10) I have read and understood the contents of this agreement to the best of my ability.

Name ..... Signature .....

Signed on behalf of the Harvesting Contractor:

Name ..... Signature .....

In the presence of.....

Name ..... Signature .....

**FORM 6** (r. 14(2))  
**AGREEMENT BETWEEN A GROWER AND A MILLER FOR SUGARCANE FARMING AND SUPPLY**

This AGREEMENT is made the ..... (day) of ..... (month) two thousand and ..... BETWEEN ..... (names in full) of Identity Card No. .... of P.O. Box ..... (Town/City) (referred to as the "grower", which expression shall where the context so admits, include his successors and assignees) whose farm/plot L. R No ..... Soil type(s) and is situated in Sub-location

Location ..... Division ..... Sub-County ..... County .....

AND ..... (name in full) of P.O.Box ..... (Town/City) (referred to as the "miller", which expression shall where the context so admits include its successors and assignees) whose was incorporated/registered in the Republic of Kenya and having its registered office at .....

- (a) WHEREAS the grower is a registered owner/ lessee and grows sugarcane under this agreement in the aforesaid plot/field whose total area planted with sugarcane covering ..... hectares and supply the total harvested sugarcane to the miller; and
- (b) WHEREAS the grower is not a member of any out-grower institution and wishes to enter into direct agreement to grow and supply sugarcane to the miller; and
- (c) WHEREAS the miller is willing to enter into agreement and accept all sugarcane grown under this agreement in the aforesaid plot/field and mill the total harvested sugarcane.

NOW IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

**TERMS OF THE AGREEMENT**

1. The term of this agreement shall commence on the date it is signed and shall, unless sooner determined under the provisions hereof, continue until the grower has harvested one plant and two ratoon crops, which is a period of up to twenty four months for plant crop and up to twenty two months for each ratoon crop provided that for early maturing varieties, the crop may be harvested earlier as appropriate, and that by mutual consent the said term maybe extended to include the harvesting of one or more ratoon crops as long as the crops meet agreed quality standards, with or without modifications of the terms and conditions herein contained, by a memorandum of extension endorsed hereon not less than three months before the date of the anticipated commencement of harvesting of what would otherwise have been the last ratoon crop under this agreement.
2. This agreement shall cover sugarcane development services such as seed sugarcane supply, land preparation, supply of fertilizers, supply of herbicides and pesticides, extension/ advisory services, financing of sugarcane cultivation and supply by either party in cash or through provision of services as outlined under sugarcane development; negotiating for affordable credit, maintaining proper bookkeeping, transport/ distribution of farm inputs, timely transport of seed crop, provision of educational programmes for farmers, supporting crop diversification programmes for food security and provision of advances to farmers on hypothecation of their crops.
3. Any party may harvest, transport and weigh sugarcane on behalf of the grower or the miller within the terms and conditions agreed between the miller and grower.
4. Sugarcane transportation shall be fast, to avoid sugarcane spillage and carry high payload to reduce costs; the miller and cane transporters shall ensure a short turn round

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time at all times; and transport costs shall be charged on the basis of the weight of delivered sugarcane at zonal rates.

**5.** Sugarcane shall be transported efficiently in stack units (6 tonnes) or their multiples such as two stacks ((12) tonnes) or three stacks (eighteen (18) tonnes) to avoid field and transport losses.

**6.** The sugarcane transporter shall be included in the harvesting programme indicating specific assignment and area of operation and shall be held responsible, by either party, for sugarcane spillage during transportation.

**7.** The sugarcane price payable by any party shall be the price derived through the payment formula provided by the sugarcane Pricing Committee.

**8.** The parties to this agreement shall at all times undertake to conduct their business above Board with the aim of ensuring integrity, transparency and accountability and the miller shall ensure sugar products conform to the specifications of the Kenyan Bureau of Standards and also strive to pack sugar directly for retail in the market.

#### OBLIGATIONS OF THE MILLER

**9.** The miller shall, before the start of each financial year, prepare cultivation and planting programme covering all growers and showing acreage, approximate timings and production quantities anticipated from each grower.

**10.** The miller shall notify the grower in advance of any planned closure of the mill for any reason, and notification shall be through a detailed annual time account and the provided annual milling programme.

**11.** The miller shall prepare a cultivation and planting programme to include the area under sugarcane: by crop cycle for farmer; by each variety showing the name(s) of farmer(s), plot number(s); age of sugarcane, area under fallow; anticipated tonnage of sugarcane and yields; expected time of maturity and harvesting per area; expected inputs and their timings; record of growers loan(s) to farmer(s); payment records in respect of sugarcane sales proceeds; record(s) for land preparation and harvesting equipment.

**12.** Where the miller is not the primary provider of crop seed, he shall provide requirements for seed cane as part of long-term sugarcane requirements provided an integrated approach to seed cane development shall be worked out by the body responsible for research in the seed crop development programme

**13.** The miller shall, at the appropriate time, prepare a harvesting programme showing the approximate expected time of harvesting the crop of each grower and furnish the grower with copies of such programmes as soon as they are completed, and consult with the growers regarding any significant changes therein that the miller may subsequently consider necessary to make; and a list of all plots showing the acreage of each grower's sugarcane area as specified in his sugarcane supply agreement provided that the programmes referred to herein shall be tentative and their implementation shall be subject to the exigencies of subsequent operation and circumstances.

**14.** The lead time in harvesting sugarcane shall not be more than twenty-four (24) hours and all the lead sugarcane harvested within the lead-time shall be under the responsibility of the miller, who may arrange to offer the sugarcane to another miller or bear the cost of wastage.

**15.** The miller shall buy all sugarcane of requisite quality harvested from the area specified in this supply agreement in accordance with the programme provided for herein and the requisite quality of sugarcane shall be as specified by the Authority in respect of the specified sugarcane variety.

**16.** The miller may reject any sugarcane found not to be of the requisite quality based on parameters established by the Authority.

17. The miller shall pay the grower within seven days of sugarcane delivery provided that the sugarcane will be harvested not later than one month after the maturity period specified by the Authority.

18. If a miller fails to pay the grower as specified by these Regulation and the Schedule to this agreement for the sugarcane, the miller shall be liable to pay a penalty of 1.5 % per month on the outstanding grower dues of the affected growers up to the time it completes payment to safeguard the growers' ability to repay the funds to finance sugarcane production.

19. The miller shall maintain and develop adequate milling capacity for sugarcane planted based on agreed planting plans with the growers and further strive to mill sugarcane efficiently to realize maximum returns for both parties by achieving the standards specified by the Authority:

20. The miller shall off-load sugarcane quickly and efficiently by applying the principle of first in first out (FIFO) and no sugarcane shall be stored in the yard for more than 12 hours from mill-time, provided that during the handling of sugarcane in the yard vehicles shall not be used in such a manner as to destroy sugarcane.

21. The miller shall ensure that high impact extraneous matter such as stones, boulders, tree stumps, etc. do not damage equipment by putting a system in place to exclude them and any identified culprit shall be penalized.

22. The miller may harvest, transport and weigh sugarcane on behalf of the grower within the terms and conditions agreed between miller and grower.

23. The miller shall advise the grower of any change in planned activities as soon as the need for such change becomes apparent and he shall issue notices to stop further harvesting of sugarcane in the event of mill breakdowns.

24. The miller shall list charges for all goods and services to be provided in the agreement as shown hereafter to allow the grower to make a choice and such chargeable goods and services shall include, pesticides, herbicides, fertilizers, land development, crop maintenance, harvesting, weighing, transportation and any other specified hereof.

#### OBLIGATIONS OF THE GROWER

##### *Accessibility of sugarcane plot*

25. The grower shall offer for sugarcane development only land, which is accessible in case of supply of goods and services throughout the term of agreement.

26. The grower shall at all times allow the miller to enter upon his land together with any vehicles, machinery or livestock which the miller may require to inspect the land and the sugarcane growing thereon without causing damage to property, sample the sugarcane, gain access to other grower's land, including such construction of access tracks as may be required for the transport of sugarcane produced by the grower or others provided that any damage to property by miller or his agents shall be borne by the miller.

##### *Sugarcane varieties*

27. The grower shall plant or cultivate the most suitable variety of sugarcane recommended by the body responsible for sugar research; which shall avail the sugarcane varieties and expected characteristics, which relate to the various soil types in the area.

##### *Crop husbandry*

28. The grower shall maintain his sugarcane cultivation to enhance a satisfactory yield by:

- (a) maintaining the sugarcane weed-free;
- (b) applying, at the commended time and in the recommended amounts, all fertilizers and other material recommended by the bodies responsible for research and extension;

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- (c) undertaking the planting and gapping of sugarcane area at the times recommended by the bodies responsible for research and extension, to ensure a high plant population;
- (d) applying all services and goods, which he may have obtained from the miller for the benefit of his sugarcane crop solely for that purpose;
- (e) undertaking stubble shaving, inter-row cultivation and trash lining within one month after harvesting provided that the cost of stubble shaving shall be borne by the party undertaking the harvesting;
- (f) inspecting sugarcane for pests and diseases periodically and removing diseased or infested sugarcane and disposing them off in the manner prescribed by extension agents according to the list of pests, diseases and methods of eradication as recommended by the body responsible for research;
- (g) except for seed cane production, planting the sugarcane inter-row, one row only of common beans, soybeans, potatoes, tomatoes, onions, cabbages or carrots and any other crop maturing within four (4) months and recommended by bodies responsible for research and extension; and
- (h) maintaining suitable permanent boundary marks and cleared firebreaks for his sugarcane crops.

**29.** The grower shall take other precautions against fire according to the advice of the extension agents; be liable to pay the cost of any damage suffered by other growers because of failure to comply with the terms hereof.

**30.** The grower shall attend meetings and field days convened by the bodies responsible for research and extension; for learning the proper sugarcane husbandry, operation and application of goods and services obtained from the miller for the satisfactory yield of sugarcane.

**31.** The grower shall grow and supply sugarcane of requisite quality harvested from the area specified in the sugarcane farming and supply agreement in accordance with the programme provided for herein by the miller.

*Seed cane*

**32.** The grower shall allow the cultivation of seed cane nurseries, if the millers' extension agents' desires for the multiplication of seed cane material to be supplied to other growers provided such sugarcane may be used for milling when it is no longer required for seed cane.

**33.** Where sugarcane is to be used as seed cane the cost for purposes of paying the grower or selling to recipient grower shall be determined in accordance with guide notes provided by the Sugarcane Pricing Committee.

**34.** Where a grower has been identified to grow seed cane using the agronomical practices recommended by body responsible for research the price per tonne of the seed shall be determined separately from the commercial sugarcane provided breeder or basic seed shall be provided by body responsible for research on specific terms to the miller or any bulking institution or grower who will establish A-nurseries and in turn shall supply other growers with seeds for B-nurseries. A list of approved nurseries and bulking institutions or growers shall be maintained by body responsible for research.

**35.** The grower shall allow the cutting of good quality commercial sugarcane of plant and first ratoon crops to supply seed cane to other growers, only in the absence of suitable nurseries provided that the age of the seed cane shall not be less than seven but not more than fourteen months depending on cane variety and cane growing.

**36.** The grower shall plant seed cane at the onset of rains. Irrigated sugarcane shall be planted at any time.

*Grower fails to maintain sugarcane husbandry*



**37.** The miller shall, upon a seven-day notice, be entitled, in the event that the grower does not prepare, plant and maintain his land and sugarcane in accordance with the agreement, to carry out all and any such operations on the grower's land, to deduct the cost with interest for these operations from the payment to be made for the grower sugarcane. Such notice shall have either been served to the grower or his representative and acknowledged, or shall have been posted to the grower by registered mail of work carried out.

**38.** The miller shall give notice for the work to be undertaken on behalf of the grower, detailing work description, costs and penalties involved; and on completion of the said work, a job completion certificate shall be prepared and issued to the grower who shall acknowledge receipt by signing thereof; indirect costs shall be agreed by the parties at time of entering into this agreement.

*Costs and recovery*

**39.** The grower shall bear all direct and indirect costs of the works, goods and services and interest accruing thereto supplied by the miller in accordance with the Schedule to this Agreement unless the same is paid earlier allow such costs to be deducted from payment for sugarcane supplied by the grower.

Provided that:

- (a) the said charges shall always be as agreed with the grower;
- (b) the miller shall consult with the grower regarding any proposed changes in the said charges before such charges are proposed to take effect and shall maintain such records as are necessary to show the grower that he charges from time to time are as agreed in (a) above;
- (c) the miller shall notify all charges to the grower in reasonable time before the charges are due to take effect; and
- (d) where a grower ends up with a debit balance the miller shall immediately write to the grower for arrangement of recovery of the said debt.

*Sugarcane harvesting, transport, weighing and selling*

**40.** The grower shall offer, for harvest, transport and weighing all such sugarcane as is derived from his sugarcane plot under the agreement and no other for use either as seed cane or mill cane; sugarcane which shall be harvested green, cut at ground level de-trashed and topped just below the meristem as specified by body responsible for research and extension; a job completion certificate shall be promptly signed where harvesting and transport has been done satisfactorily.

**41.** The grower shall not sell his sugarcane through a middleman nor dispose of it or any interest therein to any other parties without the written permission of the miller specifying the tonnage of sugarcane which may be sold, the date on which the sale may take place and destination of the sugarcane.

*Grower representatives*

**42.** The grower shall appoint a representative in all matters of advocacy for sugarcane development, financing of sugarcane supply services, costs of farm inputs and related services.

**43.** The grower shall either attend himself or send an authorized representative to the buying point to witness the condition of the sugarcane at the time of delivery and to obtain a ticket showing the weight or value of the sugarcane.

**TERMINATION OF CONTRACT**

**44.** The grower shall not assign his land or any interest therein or any of his rights or obligations under the agreement without the written consent of the miller.

**45.** Where the miller offers services at the wrong time, the farmer shall have the option of arranging for such services upon notice to the miller.

[Subsidiary]

46. Where the sugar mill ceases to exist, the grower may deliver the sugarcane to another party without the approval of the miller.

47. If any party decides to discontinue the production of sugarcane or terminate the relationship with the other party, he shall give a three months' notice of his intention to do so and shall pay all his dues before the expected time of harvest and the miller or the grower will then harvest sugarcane in the normal manner provided that such notice shall only be effective if the grower shall, within the period of notice, repay in full all loans received by him from the miller. Any such termination of the contract shall be without prejudice to all rights accrued and obligations incurred to or by either party prior to the date of termination and shall not prejudice claim for damages for such breach of this agreement.

*FORCE MAJEURE*

48. Neither the grower nor the miller shall be obliged to perform their respective obligations under this agreement if and to the extent that they or either one of them may be hindered or prevented from so doing directly or indirectly by an event of force majeure.

49. The affected party shall report any event of force majeure within seven days from the date of its occurrence and the competent authorities of both parties shall certify the said event.

50. The obligations of the parties under the specified agreement shall remain suspended for the period during which the said event of *force majeure* persists.

## DISPUTES

51. Any question or dispute as to the responsibility to fulfil the terms of this agreement shall be resolved in accordance with the Laws of Kenya.

## CHARGES BY THE MILLER

	UNIT	QUANTITY	COST per UNIT	TOTAL COST
SURVEY	Ha			
LAND PREPARATION				
Trimming	Ha			
Ripping	Ha			
Disking	Ha			
1st Ploughing	Ha			
2nd Ploughing	Ha			
1st Harrowing	Ha			
2nd Harrowing	Ha			
Furrowing	Ha			
Inter-row cultivation	Ha			
FERTILISERS				
NPK	50 kg bag			
UREA	50 kg bag			
DAP	50 kg bag			
SSP	50 kg bag			
TSP	50 kg bag			
CAN	50 kg bag			
Transport	50 kg bag			
Loading/Off loading	50 kg bag			

CHEMICALS/  
HERBICIDES  
ETC.

Atranet combination	Kg
Gesapax combination	Kg
Actril DS.	Lt
Diuron	Kg
Round up	Lt

SUGARCANE  
HARVESTING

Sugarcane harvesting	Kshs/tonne
Groover/Lysol/ water man	Kshs/tonne
Chemicals	Kshs/tonne
Administration	Kshs/tonne
NSSF Contribution	Kshs/tonne
Public Holidays	Kshs/tonne
Transportation of Sugarcane cutters	Kshs/tonne

TRANSPORTATION  
OF  
SUGARCANE

Band 0 — 4km	Kshs/tonne
4.1 — 8	Kshs/tonne
8.1 — 12	Kshs/tonne
12.1 — 16	Kshs/tonne
16.1 — 20	Kshs/tonne
20.1 — 24	Kshs/tonne
24.1 — 28	Kshs/tonne
28.1 — 32	Kshs/tonne
32.1 — 36	Kshs/tonne
36.1 — 40	Kshs/tonne
Over 40 km	Kshs/tonne

OR

Band A. 0 — 10 km	Kshs/tonne
B. 10.1 — 16	Kshs/tonne
C. 16.1 — 24	Kshs/tonne
D. 24.1 — 32	Kshs/tonne
E. 32.1 — 40	Kshs/tonne
Over 40 km	Kshs/tonne

INTEREST ON %

LOANS

Other charges (specify)	Kshs/tonne
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[Subsidiary]

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and date first hereinbefore mentioned.

SIGNED for or on behalf of the miller:.....

in presence of:.....

SIGNED for or behalf of the grower:.....

In presence of:.....

**FORM 7 (r. 15(2))**

**AGREEMENT BETWEEN A REGISTERED OUT-GROWERS' INSTITUTION AND A GROWER FOR SUGARCANE FARMING OR SUPPLY**

This AGREEMENT is made on \_\_\_\_\_ (day) of \_\_\_\_\_ (month) two thousand and \_\_\_\_\_ BETWEEN \_\_\_\_\_ (names in full) certification of registration/business registration No. \_\_\_\_\_ of P.O.Box \_\_\_\_\_ (Town/City) (referred to as the "Grower", which expression shall, where the context so admits include his successors and assignees) whose plot L. R. No \_\_\_\_\_ Soil type(s) \_\_\_\_\_ and is situated in Sub-location \_\_\_\_\_ Location \_\_\_\_\_ Division \_\_\_\_\_ Sub-County \_\_\_\_\_ AND \_\_\_\_\_ (name in full) of P.O Box \_\_\_\_\_ (Town/City) (referred to as the "Out-growers' institution" which expression shall, where the context so admits include its successors and assignees) whose institution was incorporated/registered in the Republic of Kenya and having its registered office at in the Republic of Kenya.

(a) WHEREAS the Out-growers' institution wishes to contract sugarcane farming in pursuit of its functions and generally —

- (i) promotes and represents the interests of growers;
- (ii) negotiates, arranges, on behalf of grower members, the terms of supply of sugarcane to the miller and the co-ordination of the production, harvesting and transport thereof;
- (iii) provides financial credit or otherwise arranges finance for grower members relating to the production of their sugarcane, including land clearance and preparation, planting, cultivation and tending, harvesting, transport and the supply of goods and services relating thereto;
- (iv) provides or procures services, advice and assistance for grower members as may be required, to carry out or procure the carrying out of such operations for grower members;
- (v) provides or procures accounting services and books or records for members in respect of their individual operations;
- (vi) purchases, sells or otherwise deals in, securing or providing such goods, materials, supplies and services as may be required by members;
- (vii) negotiates sugarcane prices with millers through the umbrella out-growers' institution; and
- (viii) participates in lobbying for favourable Government policies in the industry through the umbrella out-growers' institution;

(b) WHEREAS the Out-growers' institution has entered into sugarcane supply contract with the miller in respect of sugarcane grown by the growers who have consequently contracted the out growers' institution for the farming and supply of the growers' sugarcane; and

(c) WHEREAS the growers are willing to grow sugarcane with the assistance of the out-growers' institution under specific agreements signed between the growers and the out-growers' institution.

NOW IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

## TERMS OF THE AGREEMENT

1. The term of this agreement shall commence on the date it is signed and shall, unless sooner determined under the provisions hereof, continue until the grower has harvested one plant and two ratoon crops, which is a period of up to twenty four months for plant crop and up to twenty two months for each ratoon crop provided that for early maturing varieties, the crop may be harvested earlier as appropriate, and that by mutual consent the said term may be extended to include the harvesting of one or more ratoon crops as long as the crops meets agreed quality standards, with or without modifications of the terms and conditions herein contained, by a memorandum of extension endorsed hereon not less than three months before the date of the anticipated commencement of harvesting of what would otherwise have been the last ratoon crop under this agreement.
2. The agreement shall cover sugarcane development services such as seed sugarcane supply, land preparation, supply of fertilizers, supply of herbicides and pesticides, extension/ advisory services, financing of sugarcane supply by borrowing funds and lending to out growers either in cash or through provision of services as outlined under sugarcane development; negotiating for affordable credit, maintaining proper bookkeeping, transport/ distribution of farm inputs, timely transport of seed cane, provision of educational programmes for farmers, supporting crop diversification programmes for food security and provision of advances to farmers on hypothecation of their crops.
3. Any parties may harvest, transport and weigh sugarcane on behalf of the Growers or the Out-growers' institution within the terms and conditions agreed between the miller and Out-growers' institution.
4. Sugarcane transportation shall be fast, avoid sugarcane spillage and carry high payload to reduce costs; the miller and sugarcane transporters shall ensure a short turn round time; and transport costs shall be charged based on the weight of delivered sugarcane at zonal rates.
5. Other responsible parties shall maintain sugarcane transport roads to allow transport units to efficiently carry sugarcane in stack units (6 tonnes) or their multiples such as two stacks (12 tonnes) or three stacks (18 tonnes) to avoid field and transport losses.
6. The sugarcane transporter shall be included in the harvesting programme indicating specific assignment and area of operation and shall be held responsible for sugarcane spillages during transportation.
7. Sugarcane shall normally be weighed at the factory under the supervision of the sugarcane testing unit who manages all sugarcane weigh bridges.
8. Any party may weigh sugarcane at any agreed location provided the weighbridge, possibly automated, shall be serviced, inspected and stamped by the Weights and Measures department in accordance with the Weights and Measures Act (Cap. 513).
9. An Out-growers' institution or the Grower may install a weighbridge at the mill gate at his own expense for weighing sugarcane provided that the weighbridge shall be subjected to tests and inspection by the weights and measures department in accordance with the law.
10. The sugarcane price payable by any party shall be the price derived through the payment formula provided by the Sugarcane Pricing Committee.
11. The parties to this agreement shall always undertake to conduct their business above Authority with the aim of ensuring integrity, transparency and accountability and the miller shall ensure sugar products conform to the specifications of the Kenyan Bureau of Standards and strive to pack sugar directly for retail in the market.

## OBLIGATIONS OF THE OUT-GROWERS' INSTITUTION

12. The Out-growers' institution shall list charges for all goods and services to be provided in the agreement as shown hereafter to allow the Grower to make a choice and such chargeable goods and services shall include, pesticides, herbicides, fertilizers,

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[Subsidiary]

land development, crop maintenance, harvesting, weighing, transportation and any other specified hereof.

**13.** The Out-growers' institution shall bear the responsibility of the sugarcane harvesting, loading and transportation to the mill for weighing and milling at the factory.

**14.** If an Out-growers' institution fails to pay the Grower as specified under subparagraph (1) for any reason other than delay in payment by the miller as specified under paragraph 17(1), the institution shall be liable to pay interest charges at market rates on the sum due and an additional penalty of 3% per month on overdue payment;

**15.** The Out-growers' institution shall prepare a schedule of all payments to the farmers on weekly basis showing dates of harvest, delivery to the miller and of payment to the Grower, and such schedule of payment shall be open to scrutiny by the Grower, umbrella out-growers' institution and the Authority

**16.** The Out-growers' institution may require doing anything required to be done for either party in terms hereof provided that, if the Grower fails to facilitate the harvesting of his sugarcane at the appointed time, the Out-growers institution shall refer the matter to the Courts.

**17.** The Out-growers' institution shall, during each harvest period, deliver to the miller from the Grower, sugarcane in the quantities and on the dates agreed upon between the miller and the Out-growers' institution.

**18.** The Out-growers' institution may, within the limits imposed by the condition of the roads, provide and operate an efficient system of transport from the field to the mill.

**19.** The Out-growers' institution shall cause the Growers' sugarcane to be weighed and tested on arrival at the buying point, allow the grower or his representative access to the weigh-bridge to check the weight, maintain in duplicate a written or printed record of the value of each load of sugarcane delivered and give to the Grower or his representative on the day of delivery one copy of such record.

**20.** The Out-growers' institution shall have absolute charge and control of all equipment machinery, staff and labour concerned with operations on the Grower's land provided that the Out-growers institution shall exercise due care to ensure that the operational costs to be charged to the Grower shall be kept at a reasonable level as agreed.

#### OBLIGATIONS OF THE GROWER

**21.** The Grower shall attend meetings and field days convened by the Out-growers' institution for learning the proper sugarcane husbandry, operation and application of goods and services obtained from the Out-growers' institution for the satisfactory yield of sugarcane.

#### *Accessibility of cane plots*

**22.** The Grower member shall offer for sugarcane development only land, which is accessible in case of supply of goods and services throughout the term of this agreement.

**23.** The Grower shall at all times allow the Out-growers' institution to enter upon his land together with any vehicles, machinery or livestock which the Out-growers' institution may require to inspect the land and the sugarcane growing thereon, sample the sugarcane, gain access to other Grower's land, including such construction of access tracks as may be required for the transport of sugarcane produced by the Growers or others provided that any damage to Grower's property by Out-growers' institution agents shall be borne by the Out-growers' institution.

**24.** The Grower shall not assign his land or any interest therein or any of his rights or obligations under the agreement to another party without the written consent of the Out-growers' institution.

#### *Sugarcane varieties*

**25.** The Grower shall plant or cultivate the most suitable variety of sugarcane recommended by the body responsible for research, which shall avail the sugarcane varieties and expected characteristics, which relate to the various soil types.

*Sugarcane husbandry*

**26.** The Grower shall plant or cultivate the most suitable variety of sugarcane recommended by the body responsible for research, which shall avail the sugarcane varieties and expected characteristics, which relates to the various soil types.

**27.** The Grower shall maintain his sugarcane cultivation to enhance a satisfactory yield by:

- (a) maintaining the sugarcane crop weed-free;
- (b) applying, at the recommended time and in the recommended amounts, all fertilizers and other material recommended by the Out-growers' institution and the body responsible for research;
- (c) undertaking the planting and gapping of sugarcane area at the times recommended by the Out-growers' institution to ensure a high plant population;
- (d) applying all services and goods, which he may have obtained from the Out-growers' institution for the benefit of his sugarcane solely for that purpose;
- (e) undertaking stubble shaving, inter-row cultivation and trash lining within one month after harvesting provided that the cost of stubble shaving shall be borne by the Out-growers' institution or the party undertaking the harvesting;
- (f) inspecting sugarcane for pests and diseases periodically and removing diseased or infested sugarcane and disposing them off in the manner prescribed by extension agents according to the list of pests, diseases and methods of eradication as recommended by the body responsible for research; and
- (g) except for seed cane production, planting the sugarcane inter-row, one row only of common beans, soybeans, potatoes, tomatoes, onions, cabbages or carrots and any other crop maturing within four (4) months and recommended by the body responsible for research;
- (h) maintaining suitable permanent boundary marks and cleared firebreaks for his sugarcanes.

**28.** The Grower shall be responsible for maintaining suitable permanent boundary marks and cleared firebreaks for his sugarcane; take other precautions against fire according to the advice of the Out-growers' institutions; be liable to pay the cost of any damage suffered by other growers because of failure to comply with the terms hereof.

**29.** The Grower shall offer, for harvest and transport by the Out-growers' institution, all such sugarcane as is derived from his sugarcane plot under this agreement and no other for use either as crop seed or mill sugarcane; sugarcane which shall be harvested green, cut at ground level, de-trashed and topped just below the meristem as specified by the body responsible for research.

*Seed development for sugarcanes*

**30.** The Grower shall allow the cultivation of seed cane nurseries, if the Out-growers' institution desires for the multiplication of seed cane material to be supplied to other growers provided that such sugarcane may be used for milling when it is no longer required for crop seed.

**31.** Where the Grower has been identified to grow seed cane using the agronomical practices recommended by the body responsible for sugar research the price per tonne of the seed shall be determined separately from the commercial sugarcane provided that the breeder or basic seed shall be provided by the body responsible for sugar research on specific terms to the miller or any bulking institution who will establish A nurseries and in turn shall supply the Out-grower members with seeds for B nurseries in the Out-grower regions.

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[Subsidiary]

A list of approved nurseries and bulking institutions/farmers shall be maintained by the body responsible for sugar research.

**32.** The Grower shall plant seed sugarcane at the onset of rains and stop two months before the onset of dry season, except under irrigation where sugarcane shall be planted at any time.

**33.** The Grower shall allow the cutting of good quality commercial sugarcane of plant and first ratoon crops only to supply seed cane to other growers in the absence of suitable nurseries provided that the age of the seed cane shall be not less than 7 months but not more than 14 months depending on cane variety and agro-ecological zone.

**34.** Where sugarcane is to be used as seed cane the cost for purposes of paying the Grower or selling to recipient growers shall be determined in accordance with guide notes provided by the Sugarcane Pricing Committee.

**35.** Where the Out-growers' institution is not the primary provider of crop seed, the Out-growers' institution shall provide requirements for crop seed as part of long-term sugarcane requirements provided an integrated approach to crop seed development shall be worked out by body responsible for research.

**36.** The Out-growers' institution shall establish seed sugarcane "B" nurseries on Out-grower members' plot for bulking of seed sugarcane to be supplied to other growers, and for this purpose to purchase, harvest and transport such seed sugar-crop after certification by the Out-growers' institution's agronomist as to its suitability for planting; seed crop which fails to be used for seed will be used for milling provided that the grower whose crop is cut for seed will be paid at the price not less than that of mill crop and will not be charged the cost of transport.

*Sugarcane harvesting, transport, weighing and selling*

**37.** The Grower shall offer, for harvest, transport and weighing all such sugarcane as is derived from his sugarcane plot under this agreement and no other for use either as crop seed or mill crop; sugarcane which shall be harvested green, cut at ground level de-trashed and topped just below the meristem as specified by the body responsible for research; a job completion certificate shall be promptly signed where harvesting has been done satisfactorily.

**38.** The Grower shall not sell his sugarcane through a middleman nor dispose of it or any interest therein to any other parties without the written permission of the Out-growers' institution specifying the tonnage of sugarcane which may be sold, the date on which the sale may take place and destination of the sugarcane.

*If Grower fails to maintain crop husbandry*

**39.** The Out-growers' institution shall, upon notice be entitled, in the event that the Grower does not prepare, plant and maintain his land and sugarcane in accordance with the agreement, to carry out all and any such operations on the Grower's land which the Out-growers' institution shall consider necessary to ensure that the Grower's quota of sugarcane of satisfactory quality will be delivered on the due date, in which case the Out-growers' institution shall be further entitled to deduct the cost, including a penalty for these operations from the payment to be made for the Grower's sugarcane.

**40.** In case of a default and upon notice by the Out-growers' institution, the Grower shall allow all or any such work to be carried out at his cost by the Out-growers' institution and its agents or employees working in conjunction with the Grower.

**41.** Within seven days of receipt of a written notification from the Out-growers' institution that such operations are necessary to achieve a satisfactory yield of sugarcane, the Grower shall allow unimpeded access into his cane plot by the Out-growers' institution and his equipment for the purpose of carrying out any or all operations which the grower has failed to carry out and that notification shall have either been served to the Grower or his representative and



acknowledged, or shall have been posted to the grower by registered mail of work carried out.

**42.** The Out-growers' institution shall give notice for the work to be undertaken on the Grower's behalf, detailing work description, costs and penalties involved; and on completion of the said work, a job completion certificate shall be prepared and issued to the Grower who shall acknowledged receipt by signing thereof indirect costs shall be agreed by the parties at time of entering into this agreement.

*Costs and recoveries*

**43.** The Grower shall bear all direct and indirect costs of the works, goods and services supplied by the Out-growers' institution as specified in the agreement and unless the same are paid earlier allow such costs to be deducted from payment for sugarcane supplied by the Grower provided indirect costs, shall have been discussed and agreed at the time of this agreement.

**44.** The Out-growers' institution shall charge interest on any credit that may be granted by the Out-growers' institution to the Grower, such credit being only granted in exceptional circumstances at such rate as may, from time to time, be notified by the Out-growers' institution and be entitled to deduct such interest from the payment due to the Grower in respect of the first sugarcane harvest from the Grower's land subsequent to the grant of the credit provided that any interest charges shall have been agreed upon at the time of entering this agreement.

**45.** The Out-growers' institution shall be entitled to charge the Grower for all works, goods and services supplied to the Grower by the Out-growers' institution in accordance with the Out-growers' institution's Schedule of Charges in force at the date the agreement is signed provided that the said charges shall at all times be as agreed with the grower.

**46.** The Out-growers' institution shall consult with the Grower regarding any proposed changes in the said charges before such charges are proposed to take effect and shall maintain such records as are necessary to show the growers that the charges from time to time are as agreed under sub-paragraph 43, 44 and 45 herein.

**47.** The Out-growers' institution shall notify all changes in the Schedule of Charges to the Grower at least thirty days before the charges are due to take effect and where the Grower ends up with a debit balance, the Out-growers' institution shall immediately write to the Grower for arrangement of recovery of the said debt.

*Grower's representatives and agents*

**48.** A Grower may appoint a representative in all matters of advocacy in sugarcane development and the financing of sugarcane supply, including negotiations for the price of sugarcane, costs of farm inputs and related services.

**49.** The Grower shall either attend himself or send an authorized representative to the buying point to witness the condition of the sugarcane at the time of delivery and to obtain a ticket showing its weight or value.

**FORCE MAJEURE**

**50.** Neither the Out-growers' institution nor the Grower shall be obliged to perform their respective obligations under an agreement if and to the extent that they or either one of them may be hindered or prevented from so doing directly or indirectly by an event of force majeure.

**51.** Any event of force majeure must be reported by the affected party to the other party within seven days from the date of its occurrence and the said event be certified by the competent authorities of both parties.

**52.** The obligations of the parties under an agreement shall remain suspended for the period during which the said event of force majeure persists.

[Subsidiary]

## DISPUTES

**53.** Any question or dispute as to the responsibility to fulfil the terms of the specified agreement due to the reason stated above shall be resolved in accordance with the laws of Kenya.

## TERMINATION OF THIS AGREEMENT

**54.** Where the Out-growers' institution is unable to provide the services within the agreed period for whatever reason, the grower may harvest and transport sugarcane to any other miller or out-growers' institution upon three months' notice to the Out-growers' institution.

**55.** Where the Out-growers' institution offers services at the wrong time, the Grower shall have the option of arranging for alternative services upon notice to the Out-growers' institution.

**56.** Where the Out-growers' institution ceases to exist, the Grower may deliver the sugarcane to any other miller or out-growers' institution.

**57.** Where a Grower decides to discontinue the production of sugarcane or terminate the relationship with the Out-growers' institution, he shall give a three months' notice of his intention to do so and shall pay all his dues before the expected time of harvest and the Grower will then harvest sugarcane in the normal harvesting manner provided that such notice shall only be effective if the Grower shall, within the period of notice, repay in full all loans received by him from the Out-growers' institution.

**58.** Any such termination of this agreement shall be without prejudice to all rights accrued and obligations incurred to or by either party prior to the date of termination and shall not prejudice any claim for damages for such breach of this agreement.

## SCHEDULE OF CHARGES BY OUT-GROWERS INSTITUTION

ACTIVITY	UNIT	QUANTITY	COST /UNIT	TOTAL COST
SURVEY	Ha			
LAND PREPARATION				
Trimming	Ha			
Ripping	Ha			
Disking	Ha			
1st Ploughing	Ha			
2nd Ploughing	Ha			
1st Harrowing	Ha			
2nd Harrowing	Ha			
Furrowing	Ha			
Inter-row cultivation	Ha			
FERTILISERS				
NPK	50 kg bag			
UREA	50 kg bag			
DAP	50 kg bag			
SSP	50 kg bag			
TSP	50 kg bag			
CAN	50 kg bag			
Transport	50 kg bag			
Loading/Off loading	50 kg bag			
CHEMICALS/ HERBICIDES ETC.				

Atranet            Kg  
 combination  
 Gesapax           Kg  
 combination  
 Actril DS.        Lt  
 Diuron            Kg  
 Round up         Lt

SUGARCANE  
 HARVESTING

Sugarcane        Kshs/tonne  
 harvesting  
 Groover/Lysol/ Kshs/tonne  
 water man  
 Chemicals        Kshs/tonne  
 Administration Kshs/tonne  
 NSSF              Kshs/tonne  
 Contribution  
 Public Holidays Kshs/tonne  
 Transportation Kshs/tonne

of  
 Sugarcane  
 cutters

TRANSPORTATION OF SUGARCANE

Band 0 — 4km    Kshs/tonne  
 4.1 — 8           Kshs/tonne  
 8.1 — 12         Kshs/tonne  
 12.1 — 16        Kshs/tonne  
 16.1 — 20        Kshs/tonne  
 20.1 — 24        Kshs/tonne  
 24.1 — 28        Kshs/tonne  
 28.1 — 32        Kshs/tonne  
 32.1 — 36        Kshs/tonne  
 36.1 — 40        Kshs/tonne

Over 40 km

OR

Band A. 0 — 10 Kshs/tonne  
 km  
 B. 10.1 — 16    Kshs/tonne  
 C. 16.1 — 24    Kshs/tonne  
 D. 24.1 — 32    Kshs/tonne  
 E. 32.1 — 40    Kshs/tonne

F Over 40 km

INTEREST ON %

LOANS

Other charges    Kshs/tonne  
 (specify)

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and date first herein before mentioned.

SIGNED for or on behalf of the registered out-grower institution:.....

In the presence of .....

[Subsidiary]

SIGNED for or behalf of the grower.....

In presence of: .....

**FORM 8** **(r. 16(2))**  
**AGREEMENT BETWEEN A REGISTERED OUT-GROWERS' INSTITUTION  
 AND A MILLER FOR SUGARCANE FARMING OR SUPPLY**

This AGREEMENT is made the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) two thousand and \_\_\_\_\_ BETWEEN \_\_\_\_\_ (names in full) of Certificate of Registration/Business Registration No. \_\_\_\_\_ of P. O. Box \_\_\_\_\_ (referred to as the "out-growers' institution", which expression shall, where the context so admits include its successors and assignees) and is situated in Sub-location \_\_\_\_\_ Location \_\_\_\_\_ Division \_\_\_\_\_ Sub-County \_\_\_\_\_ County \_\_\_\_\_ AND \_\_\_\_\_ (*name in full*) of P.O. Box \_\_\_\_\_ (Town/City) (referred to as the "miller" which expression shall, where the context so admits include its successors and assignees) who was incorporated/registered in the Republic of Kenya and having its registered office at \_\_\_\_\_ in the Republic of Kenya.

**(a) WHEREAS** the out-growers' institution in pursuit of its functions and generally-

- (i) promotes and represents the interests of growers;
- (ii) negotiates, arranges, on behalf of grower members, the terms of supply of sugarcane to the miller and the co-ordination of the production, harvesting and transport thereof;
- (iii) provides financial credit or otherwise arranges finance for grower members about the production of their sugarcane, including land clearance and preparation, planting, cultivation and tending, harvesting, transport and the supply of goods and services relating thereto;
- (iv) provides or procures services, advice and assistance for grower members as maybe required, to carry out or procure the carrying out of such operations for grower members;
- (v) purchases, sells or otherwise deals in, securing or providing such goods, materials, supplies and services as may be required by members;
- (vi) provides or procures services and books or records for members in respect of their individual operations;
- (vii) negotiates sugarcane prices with millers through the Apex Body of the sugarcane growers; and
- (viii) participates in lobbying for favourable Government policies in the industry through the umbrella out-growers' institution;

**(b) AND WHEREAS** the out-growers' institution has entered into sugarcane supply agreement with the miller in respect of sugarcane grown by the growers who have an agreement with the out-growers' institution;

**(c) AND WHEREAS** the growers are willing to grow sugarcane with the assistance of the out-growers' institution under specific agreements signed between the growers and the out-grower's institution; and

**(d) AND WHEREAS** the miller is willing to buy all sugarcane of requisite quality from the out-growers' institution specified in this agreement:

NOW IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS—

TERMS OF AGREEMENT

1. The term of this agreement shall commence on the date it is signed and shall, unless sooner determined under the provisions hereof, continue until the out-growers' institution has supplied one plant and two ratoon crops, which is a period of up to twenty four months for

plant crop and up to twenty two months for each ratoon crop provided that for early maturing varieties, the crop may be harvested earlier as appropriate, and that by mutual consent the said term may be extended to include the harvesting of one or more ratoon crops as long as the crops meet agreed quality standards, with or without modifications of the terms and conditions herein contained, by a memorandum of extension endorsed hereon not less than three months before the date of the anticipated commencement of harvesting of what would otherwise have been the last ratoon crop under the agreement.

2. Any party may harvest, transport and weigh sugarcane on behalf of the out-growers' institution or the miller within the terms and conditions agreed between the miller and Out-grower institution.
3. Sugarcane transportation shall be fast, avoid sugarcane spillage and carry high payload to reduce costs; the miller and cane transporters shall ensure a short turn round time always; and transport costs shall be charged based on the weight of delivered sugarcane at zonal rates.
4. Other responsible parties shall maintain sugarcane transport roads to allow transport units to efficiently carry sugarcane in stack units (6 tonnes) or their multiples such as two stacks ((12) tonnes) or three stacks (eighteen (18) tonnes) to avoid field and transport losses.
5. The sugarcane transporter shall be included in the harvesting programme indicating specific assignment and area of operation and shall be held responsible, by either party, for sugarcane spillage during transportation.
6. Sugarcane shall normally be weighed at the milling factory under the supervision of the Sugarcane Testing Unit who shall manage all sugarcane weighbridges.
7. Any party approved by the Authority may weigh sugarcane at any agreed location provided that the weighbridge, possibly automated, shall be serviced, inspected and stamped by the Weights and Measures department in accordance with the Weights and Measures Act (Cap. 513).
8. The sugarcane price payable by any party shall be the price derived through the payment formula provided by the Sugarcane Pricing Committee.
9. The parties to this agreement shall always undertake to conduct their business above Authority with the aim of ensuring integrity, transparency and accountability and the miller shall ensure sugar products conform to the specifications of the Kenyan Bureau of Standards and strive to pack sugar directly for retail in the market.

#### OBLIGATIONS OF THE OUT-GROWERS' INSTITUTION

10. The out-growers' institution shall specify sugarcane growing areas by using identity of fields such as location, land reference numbers, size, growers' identity cards, soil types, etc.
11. The out-growers' institution shall, before the start of each financial year, prepare cultivation and planting programme covering all growers and showing acreage, approximate timings and production quantities anticipated from each grower.
12. The cultivation and planting programme shall include: the area under sugarcane by crop cycle for each farmer; by each variety showing the name(s) of farmer(s), plot number(s); age of sugarcane, area under fallow; anticipated tonnages of sugarcane and yields; expected time of maturity and harvesting per area; expected inputs and their timings; record of loan(s) to farmer(s); payment records in respect of sugarcane sales proceeds; record(s) for land preparation and harvesting equipment.
13. At the appropriate time, the out-growers' institution shall prepare a harvesting programme showing the approximate expected time of harvesting the crop of each grower and furnish the miller with copies of such programmes as soon as they are completed, and consult with the miller regarding any significant changes therein that the out-growers' institution may subsequently consider necessary to make; and a list of all growers showing the acreage of each grower's sugarcane area as specified in his sugarcane

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[Subsidiary]

supply agreement provided that the programmes referred to herein shall be tentative and their implementation shall be subject to the exigencies of subsequent operations and circumstances.

#### OBLIGATIONS OF THE MILLER

**14.** The miller shall buy all sugarcane of requisite quality harvested from the area specified in this supply agreement in accordance with the programme provided for herein and the requisite quality of sugarcane shall be as specified by the Authority in respect of the sugarcane variety(s) \_\_\_\_\_ - whose harvest-to-mill time for green sugarcane shall ideally not exceed seventy-two (72) hours, and in case of accidentally burnt sugarcane harvest-to-mill time shall ideally not exceed forty-eight (48) hours; with extraneous matter of less than three per cent (3%); of Pol % cane of twelve percent (12%) or above and fibre content of 15% but not more than 17.5 % at maturity.

**15.** The miller shall notify the out-growers' institution in advance of any planned closure of the mill for any reason, and notification shall be through a detailed annual time account and the provided annual milling programme.

**16.** The miller shall advise the out-growers' institution of any change in planned activities as soon as the need for such change becomes apparent and he shall issue notices to stop further harvesting of sugarcane in the event of mill breakdowns.

**17.** The lead time in harvesting sugarcane shall not be more than twenty-four (24) hours and all the lead sugarcane harvested within the lead- time shall be under responsibility of the miller, who may arrange to offer the sugarcane to another miller or bear the cost of wastage.

**18.** The miller may reject any sugarcane found not to be of the requisite quality based on parameters established by the Authority and as specified in this agreement and sugarcane rejection parameters shall include:

- (a) extraneous matter of more than 10 %;
- (b) harvest-to-mill time of green sugarcane of three (3) or more days;
- (c) two (2) or more days for burnt sugarcane with zero day being the day of cutting or burning where mill time shall be the time recorded on entry at the weighbridge;
- (d) 82 % or less absolute juice purity; fibre content outside the range of 15.0 to 17.5 %;
- (e) Pol % cane of less than 12 % or sugarcane of a variety not specified in this agreement and not recommended by the body responsible for research.

**19.** The miller shall pay the out-growers' institution within seven days of sugarcane delivery provided that the sugarcane will be harvested not later than twenty-four months for plant crops and not later than twenty-two months for subsequent ratoons.

**20.** If a miller fails to pay the out-growers' institution as specified by the Crops (Sugar) (General) Regulations, 2020, the miller shall be liable to pay interest charges at market rates and a penalty of 1.5% per month on the outstanding grower loan accounts of the affected growers up to the time it completes payment to safeguard the growers' ability to repay the funds to finance sugarcane production.

**21.** The miller shall maintain and develop adequate milling capacity for sugarcane planted based on agreed planting plans with the growers and further strive to mill sugarcane efficiently to realize maximum returns for both parties by achieving the following standards:

- (a) in the case of sugar cane, tonne cane/tonne sugar ratio of 9 or renderment of 10 %;
- (b) mill extraction of 94%;
- (c) preparation index of 90%;
- (d) boiling house recovery of 88%;
- (e) factory time efficiency of 92%;

- (f) overall time efficiency of 80 %; and
- (g) overall time utilization of 75%.

**22.** The miller shall off-load sugarcane quickly and efficiently by applying the principle of first-in-first-out and no sugarcane shall be stored in the yard for more than 12 hours from mill-time, provided that during the handling of sugarcane in the yard vehicles shall not be used in such a manner as to destroy sugarcane.

**23.** The miller shall ensure that high impact extraneous matter such as stones, boulders, tree stumps, etc. do not damage equipment by putting a system in place to exclude them and any identified culprit is penalized.

#### SUGARCANE HARVESTING, TRANSPORT, WEIGHING AND SELLING

**24.** The out-growers' institution shall decide to harvest, transport and weigh all such sugarcane as is derived from the growers' sugarcane plots under agreements and no other for use either as seed cane or mill cane; sugarcane which shall be harvested green, cut at ground level, de-trashed and topped just below the meristem as specified by the body responsible for research.

**25.** The out-growers' institution shall not sell a grower's sugarcane nor dispose of it or any interest therein to any other parties, other than through this agreement, without the written permission of the miller specifying the tonnage of sugarcane which may be sold, the date on which the sale may take place and destination of the sugarcane.

#### COSTS AND RECOVERY

**26.** The charges for all goods and services to be provided by either party shall remain as listed in the agreement.

**27.** The out-growers' institution shall bear, on behalf of the growers all direct and indirect costs of the works, goods and services supplied by the miller or other parties as specified in their agreements and unless the same are paid earlier allow such costs to be deducted from payment for sugarcane supplied by the grower provided indirect costs, shall have been discussed and agreed at the time of the agreement.

#### OUT-GROWERS' INSTITUTION REPRESENTATIVES

**28.** The out-growers' institution shall appoint a representative in all matters of advocacy for sugarcane development, financing of sugarcane supply, costs of farm inputs and related services.

**29.** The out-growers' institution shall send an authorized representative or its employee to the buying point to witness the condition of the sugarcane at the time of delivery and to obtain a ticket showing the weight or value of the sugarcane delivered.

#### TERMINATION OF THIS AGREEMENT

**30.** The out-growers' institution shall not assign any interest therein or any of his rights or obligations under the agreement without the written consent of the miller.

**31.** Where the miller offers services at the wrong time, the out-growers' institution may arrange for alternative services upon notice to the miller.

**32.** Where the miller ceases to exist, the out-growers' institution may deliver the sugarcane to any other miller.

**33.** Where the out-growers' institution ceases to exist, the miller may harvest, transport and mill the sugarcane without further reference to the out-growers' institution.

**34.** If any party decides to discontinue the supply of sugarcane or terminate the relationship with the other party, he shall give a three months' notice of his intention to do so and shall pay all his dues before the expected time of supply; any such termination of the agreement shall be without prejudice to all rights accrued and obligations incurred to or by either party

[Subsidiary]

prior to the date of termination and shall not prejudice claim for damages for such breach of agreement.

FORCE MAJEURE

35. Neither party to this agreement shall be obliged to perform their respective obligations under this agreement if and to the extent that they or either one of them may be hindered or prevented from so doing directly or indirectly by an event of force majeure.

36. The affected party shall report any event of force majeure within seven (7) days from the date of its occurrence and the competent authorities of both parties shall certify the said event.

37. The obligations of the parties under the specified agreement shall remain suspended for the period during which the said event of force majeure persists.

DISPUTES

38. Any question or dispute as to the responsibility to fulfil the terms of this agreement shall be resolved in accordance with the laws of Kenya.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and date first hereinbefore mentioned.

SIGNED for or on behalf of the miller: .....

In presence of: .....

SIGNED for or behalf of the out-growers' institution: .....

In presence of: .....

FORM 9 (r. 25(3))

AGREEMENT BETWEEN A GROWER AND MILLER FOR SUPPLY OF BURNT SUGARCANE

This AGREEMENT is made the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) two thousand and \_\_\_\_\_ BETWEEN \_\_\_\_\_ (names in full) of P. O. Box ..... (Town/City) (referred to as the "grower", which expression shall, where the context so admits, include his successors and assignees) whose plot L.R No \_\_\_\_\_ soil type(s) \_\_\_\_\_ and is situated in Sub-location \_\_\_\_\_ Location \_\_\_\_\_ Division \_\_\_\_\_ Sub-County \_\_\_\_\_ County \_\_\_\_\_

AND \_\_\_\_\_ (name in full) of P. O Box \_\_\_\_\_ (Town/City) (referred to as the "miller" which expression shall, where the context so admits include, its successors and assignees) which was incorporated/registered in the Republic of Kenya and has its registered office at \_\_\_\_\_ in the Republic of Kenya.

(a) WHEREAS the grower is desirous of entering into an agreement with the miller in respect of the supply of burnt sugarcane by the grower;

(b) WHEREAS the grower is willing to grow sugarcane without the assistance of the miller under a specific agreement signed between the grower and the miller; and

(c) WHEREAS the miller is willing to buy all sugarcane of requisite quality from the grower specified in this agreement:

NOW IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS—

TERMS OF AGREEMENT

1. The term of this agreement shall commence on the date it is signed and shall, unless sooner determined under the provision of clauses hereof, continue until the grower has supplied one plant and two ratoon crops, which is a period of up to twenty four months for



plant crop and up to twenty two months for each ratoon crop provided that for early maturing varieties, the crop may be harvested earlier as appropriate, and that by mutual consent the said term maybe extended to include the harvesting of one or more ratoon crops as long as the crops meet agreed quality standards, with or without modifications of the terms and conditions herein contained, by a memorandum of extension endorsed hereon not less than three months before the date of the anticipated commencement of harvesting of what would otherwise have been the last ratoon crop under this agreement.

**2.** The grower shall, before the start of each financial year, prepare cultivation and planting programme covering all his fields and showing acreage, approximate timings and production quantities anticipated for each plot.

**3.** The cultivation and planting programme shall include: the area under sugarcane by crop cycle for each plot; by each variety showing, plot number(s); age of sugarcane, area of plot, anticipated sugarcane yields and expected time of maturity.

**4.** At the appropriate time, the grower shall prepare a harvesting programme showing the approximate expected time of harvesting the crop of plot and furnish the miller with copies of such programmes as soon as they are completed, and consult with the miller regarding any significant changes therein that the miller may subsequently consider necessary to make; and a list of plots showing the acreage of each sugarcane area as specified in this agreement provided that the programmes referred to herein shall be tentative and their implementation shall be subject to the exigencies of subsequent operations and circumstances.

**5.** The miller may harvest, transport and weigh sugarcane on behalf of the grower within the terms and conditions agreed between both parties

**6.** The lead time in harvesting sugarcane shall not be more than twenty-four (24) hours and all the lead sugarcane harvested within the lead time shall be under responsibility of the miller, who may arrange to offer the sugarcane to another miller or bear the cost of wastage.

**7.** The miller shall buy all sugarcane of requisite quality harvested from the area specified in this agreement in accordance with the programme provided for herein and the requisite quality of sugarcane shall be as specified by the Authority in respect of the sugarcane variety(ies) \_\_\_\_\_ whose harvest-to-mill time for green sugarcane shall ideally not exceed seventy-two (72) hours, and in case of accidentally burnt sugarcane harvest-to-mill time shall ideally not exceed forty-eight (48) hours; with extraneous matter of less than three per cent (3%); Pol % cane of eleven percent (11%) or above and fibre content of 15% but not more than 17.5% at maturity.

**8.** The miller may reject any sugarcane found not to be of the requisite quality based on parameters established by the Authority and as specified in this agreement; and sugarcane rejection parameters shall include:

- (a) extraneous matter of more than 10%;
- (b) harvest-to-mill time of green sugarcane of three (3) or more days;
- (c) two (2) or more days for burnt sugarcane with zero day being the day of cutting or burning, and mill time shall be the time recorded on entry at the weighbridge;
- (d) 82% or less absolute juice purity;
- (e) fibre content outside the range of 15.0 to 17.5%;
- (f) pol% cane of less than 11%; or
- (g) sugarcane of a variety not specified in this agreement and not recommended by body responsible for research.

**9.** The miller shall off-load sugarcane quickly and efficiently by applying the principle of first in first out (FIFO) and no sugarcane shall be stored in the yard for more than 12 hours from mill-time, provided that during the handling of sugarcane in the yard vehicles shall not be used in such a manner as to destroy sugarcane.

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[Subsidiary]

- 10.** The miller shall ensure that high impact extraneous matter such as stones, boulders, tree stumps, etc. do not damage equipment by putting a system in place to exclude them and any identified culprit shall be penalized.
- 11.** The miller shall notify the grower in advance of any planned closure of the mill for any reason, and notification shall be through a detailed annual time account and the provided annual milling programme.
- 12.** The miller shall advise the grower of any change in planned activities as soon as the need for such change becomes apparent and he shall issue notices to stop further harvesting of sugarcane in the event of sugarcane mill breakdowns.
- 13.** The miller shall pay the grower within seven days of sugarcane delivery provided that the sugarcane will be harvested not later than twenty-four months for plant crops and not later than twenty-two months for subsequent ratoons and that the sugar cane price will have been derived through the payment formula provided by the Sugarcane Pricing Committee.
- 14.** If a miller fails to pay the grower as specified by this agreement, the miller shall be liable to pay a penalty of 1.5% per month on the outstanding accounts of the grower.
- 15.** The miller shall maintain and develop adequate milling capacity for sugarcane planted based on agreed planting plans with the grower and further strive to mill sugarcane efficiently to realize maximum returns for both parties by achieving the following minimum standards:
- (a) in the case of sugarcane, tonne cane/ tonne sugar ratio of 9 or rendement of 10 %; mill extraction of 94%;
  - (b) preparation index of 90%;
  - (c) boiling house recovery of 88%;
  - (d) factory time efficiency of 92%;
  - (e) overall time efficiency of 80 %; and
  - (f) overall time utilization of 75%.

#### SUGARCANE HARVESTING, TRANSPORT, WEIGHING AND SELLING

- 16.** The grower shall plan to harvest, transport and weigh all such sugarcane as is derived from its sugarcane plots under agreements and no other for use either as seed cane or mill cane; sugarcane which shall be harvested green, cut at ground level, de-trashed and topped just below the meristem as specified by the body responsible for research.
- 17.** A sugarcane transporter shall be included in the harvesting programme indicating specific assignments and areas of operation and may be held responsible for sugarcane spillages during transportation.
- 18.** Sugarcane transportation shall be fast, avoid sugarcane spillage and carry high payload to reduce costs; the miller and sugarcane transporters shall ensure a short turn round time; and transport costs shall be charged based on the weight of delivered sugarcane at zonal rates.
- 19.** The miller or other responsible parties shall maintain sugarcane transport roads to allow transport units to efficiently carry sugarcane in stack units (6 tonnes) or their multiples such as twelve (12) tonnes or eighteen (18) tonnes to avoid field and transport losses.
- 20.** Sugarcane shall normally be weighed at the factory under the supervision of the sugarcane testing unit, otherwise any party under an agreement shall weigh sugarcane at any agreed location provided the weigh-bridge shall be serviced, inspected and stamped by the Weights and Measures department in accordance with the Weights and Measures Act, (Cap. 513).
- 21.** An grower may install a weighbridge at the farm-gate at his own expense for weighing sugarcane provided that the weighbridge shall be subjected to tests and inspection by the weights and measures department in accordance with the law.

22. The sugarcane-testing unit shall manage all sugarcane bridges and where possible the weighbridges shall be automated.

23. The grower shall not sell his sugarcane nor dispose of it or any interest therein to any other parties, without the written permission of the miller specifying the tonnage of sugarcane which may be sold, the date on which the sale may take place and destination of the sugarcane.

24. The parties to this agreement shall always undertake to conduct their business with the aim of ensuring integrity, transparency and accountability and the miller shall ensure sugar products conform to the specifications of the Kenyan Bureau of Standards and strive to pack sugar directly for retail in the market.

TERMINATION OF THIS AGREEMENT

25. The grower shall not assign any interest therein or any of his rights or obligations under this agreement without the written consent of the miller.

26. Where the miller offers services at the wrong time, the grower shall have the option of arranging for alternative services upon notice to the miller.

27. Where the miller ceases to exist, the grower may deliver the sugarcane to another party without the approval of the miller.

28. If any party decides to discontinue the supply of sugarcane or terminate the relationship with the other party, he shall give a three (3) months' notice of his intention to do so and shall pay all his dues before the expected time of supply; any such termination of the agreement shall be without prejudice to all rights accrued and obligations incurred to or by either party prior to the date of termination and shall not prejudice claim for damages for such breach of the agreement.

FORCE MAJEURE

29. Neither the grower nor the miller shall be obliged to perform their respective obligations under this agreement if and to the extent that they or either one of them may be hindered or prevented from so doing directly or indirectly by an event of force majeure.

30. The affected party shall report any event of force majeure within seven (7) days from the date of its occurrence and the competent authorities of both parties shall certify the said event.

31. The obligations of the parties under the specified agreement shall remain suspended for the period during which the said event of force majeure persists.

DISPUTES

32. Any question or dispute as to the responsibility to fulfil the terms of this agreement shall be resolved in accordance with the laws of Kenya.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and date herein.

SIGNED for or on behalf of the MILLER:

Name .....

In presence of:

Name .....

SIGNED for or behalf of the GROWER:

Name .....

In presence of:

Name .....

[Subsidiary]

**FORM 10** (r. 26(3))  
APPLICATION FOR REGISTRATION OF SUGAR BRANDS

To  
Agriculture and Food Authority,

1. I/We ..... (Official of  
..... (Name of  
Association/Institution)
2. Physical Address:..... Market..... Location .....  
Sub-County .....
3. Land Ref. No .....
4. Postal Address: .....  
Tel:..... Fax:..... E-mail .....
5. ....(name of applicant)apply for the recognition of .....  
(name of brand).
6. Copies of the following documents are attached to this application—
  - (a) Trademark registration certificate;
  - (b) Sample of the brand
  - (c) Certificate of Incorporation or Business name.
  - (d) ID or Passport of Directors
8. Project Objectives
  - (a) .....
  - (b) .....
  - (c) .....

Contact Details:

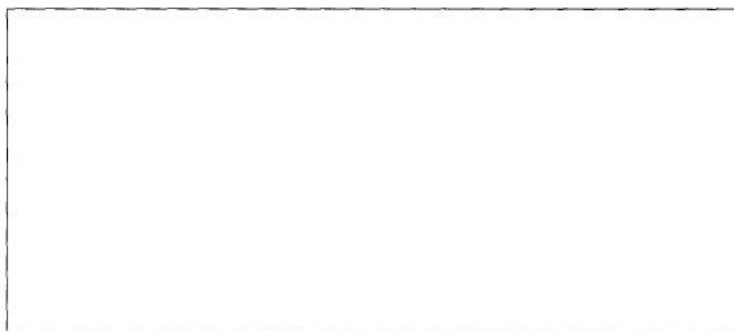
Name: ..... Title: .....  
Telephone: ..... Fax: .....  
Email:.....

**FORM 11** (r. 26(4))  
CERTIFICATE OF REGISTRATION AS A BRAND

TO .....

THIS IS TO CERTIFY that the above-named body is duly registered as a sugar brand in the sugarcane industry.

BRAND:



Date of issue .....

.....

DIRECTOR-GENERAL

Agriculture and Food Authority

SECOND SCHEDULE

[r. 26(1)]

KENYAN SPECIFICATIONS FOR SUGAR

A. REFINED SUGAR

STANDARD : KS EAS 5: 2009

Characteristic	Requirement
Polarisation °S (Min)	99.7
Invert Sugar Content, % m/m (Max)	0.04
Conductivity Ash, % m/m (Max)	0.04
Loss on drying (Max) (3 hours at 105°C)	0.1
Colour, in ICUMSA units (Max)	60

B. PLANTATION (MILL) WHITE SUGAR

STANDARD : KS EAS 16: 2000

Characteristic	Requirement
Polarisation °S (Min)	99.5
Invert Sugar Content, % m/m (Max)	0.1
Conductivity Ash, % m/m (Max)	0.1
Loss on drying (Max) (3 hours at 105°C)	0.1
Colour, in ICUMSA units (Max)	500

C. BROWN SUGAR

STANDARD :KS EAS 749: 2010

Characteristic	Requirement	
	Light Brown	Brown
Polarisation, °Z (Min)	99.2	99.0
Invert Sugar Content, % m/m (Max)	0.2	0.2
Conductivity Ash % m/m (Max)	0.3	0.3
Loss on drying (3 hours at 105°C ± 2°C) (Max)	0.15	0.2

[Subsidiary]

Colour, in ICUMSA units (Max)	700	1,300
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## D. RAW CANE SUGAR

STANDARD :KS EAS 8: 2010

Characteristic	Requirement
Polarisation, °Z	94 - 99
Invert Sugar Content, % m/m (Max)	1.2
Conductivity Ash % m/m (Max)	1.0
Moisture Content, % (Max) (3 h at 105°C ± 2°C)	1.0
Colour, in ICUMSA units at 420 nm	>1,300 — 6,000

**DECLARATION**

[Legal Notice 119 of 2020]

IN EXERCISE of the powers conferred by section 7(2) of the Crops Act (Cap 318) the Cabinet Secretary for Agriculture, Livestock, Fisheries and Co-operatives, declares the following crops as scheduled crops—

Achiote (Mrangi)  
Stevia  
Oil Palm  
Bambara

*Bixa Orellana;*  
*Stevia Rebudiana;*  
*Elaeis Guineensis; and*  
*Nuts Vigna Subterranean.*





**THE CROPS (FIBRE CROPS) REGULATIONS**

## ARRANGEMENT OF REGULATIONS

## PART I – PRELIMINARY

*Regulation*

1. Citation
2. Interpretation
3. Purpose of these Regulations
4. Scope of application of these Regulations

## PART II – REGISTRATION AND LICENSING

5. Registration of smallholder fibre crop growers
6. Registration of fibre crops plantation growers
7. Registration of commercial nurseries
8. Licensing of commercial nurseries
9. Registration of retailers
10. Licensing of retailers
11. Designation of collection centres
12. Setting up a new fibre crop products manufacturing factory
13. Registration of fibre crop products manufacturers
14. Licensing of fibre crop products manufacturers
15. Registration of exporters and importers
16. Licensing of exporters and importers
17. Export and import permits
18. Renewal of licences

## PART III – STANDARDS AND QUALITY ASSUARANCE

19. Fibre crops seed requirements
20. Obligations of growers
21. Obligations of retailers
22. Obligations of fibre crop products manufacturers
23. Baling
24. Grading and inspection of fibre crops and fibre crop products
25. Classing and grading of cotton lint
26. Prohibition against adulteration

## PART IV – TRADE AND MARKETING

27. Unprocessed sisal leaf
28. Fibre Crops and Fibre Crop Products Pricing Committee
29. Movement permit
30. Agreements between growers and dealers

## PART V – INSPECTION AND COMPLIANCE

31. Appointment of crops inspectors
32. Inspections and surveillance
33. Illegal manufacture and possession
34. Notices issued for non-compliance

## PART VI – MISCELLANEOUS PROVISIONS

35. Revocation and surrender of certificates, licences or permits

[Subsidiary]

36. Appeal process for grant, refusal, renewal, variation or revocation of the conditions of licences
37. General penalty
38. Fees
39. Dispute resolution between growers and dealers
40. Transitional provisions

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APPLICATION FORMS

CERTIFICATES, LICENCES AND PERMITS

REGISTERS, RETURNS AND REPORTS

Guidelines for Development of Agreements between Parties

Sisal and Cotton Grading Definitions

Registration and Licensing Requirements

Fibre Crops Pricing Committee

Fees for Permits, Certificates and Licences

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**THE CROPS (FIBRE CROPS) REGULATIONS**

[Legal Notice 120 of 2020]

**PART I – PRELIMINARY****1. Citation**

These Regulations may be cited as the Crops (Fibre Crops) Regulations.

**2. Interpretation**

In these Regulations, unless the context otherwise requires—

"classing" means assessing the quality of every bale of cotton;

"collection centre" means a place designated for the buying and selling of fibre crops or fibre crops products, packaging houses, pick-up points of fibre crops or fibre crops products, and meeting places of growers and growers' entities;

"commercial nursery" means a nursery where planting materials are grown for commercial purposes;

"Committee" means the Fibre Crops and Fibre Crop Products Pricing Committee established under regulation 28;

"co-operative society" has the meaning assigned to it under the Co-operative Societies Act (Cap. 490);

"cotton lint" means cotton fibre that is derived from ginning seed cotton;

"cotton seed" means a seed from a cotton plant obtained after ginning;

"cotton seed milling" means the mechanical crushing of a cotton seed for the production of cotton seed oil, cotton seed cake or any other by-product of cotton;

"cotton textile milling factory" means premises used for converting cotton lint into cotton yarn, woven fabrics or any other finished cotton fibre product;

"county government" means a county government as provided for under Article 176 of the Constitution;

"crop inspector" means a person appointed in accordance with section 27 of the Act;

"dealer" includes a cotton seed miller, cotton seed retailer, cotton textile miller, exporter, fibre buying agent, fibre transporter, ginner, handloom weaver, importer, seed cotton retailer, sisal fibre retailer, sisal spinner, store operator and warehouse operator;

"Directorate" means the directorate established pursuant to section 11 of the Agriculture and Food Authority Act (Cap 317), that is responsible for matters related to fibre crops;

"exporter" means a person who exports fibre crops or fibre crop products;

"fibre buying agent" refers to a person appointed by a licenced dealer to buy fibre crops and fibre crop products on behalf of the dealer;

"fibre crop" includes sisal and cotton;

"fibre crops product" includes cotton lint, a cotton seed, a cotton seed cake, a cotton seed meal, a cotton seed oil, a hull, a linter, seed cotton, sisal fibre, a twine, a rope, a textile, a yarn;

"fibre crops product manufacturer" means a person carrying out baling, brushing, cotton seed milling, textile milling, decorticating, ginning, spinning or weaving, and textile milling of fibre crops and includes the distribution, labelling and packaging of fibre crops and fibre crop products for sale;

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[Subsidiary]

"ginner" means a person carrying out process of separating seed cotton into cotton lint and cotton seed;

"ginners" means a factory where seed cotton is separated into cotton lint and cotton seed;

"grade" means the quality of a fibre crop or fibre crop product;

"grower" means a person who cultivates fibre crops in Kenya;

"growers' entity" means an association, a co-operative, a company, a farmers' group, a growers' organisation or a union;

"handloom weaver" means a person, that makes a fabric or a fabric item by interlacing threads made from a fibre crops product;

"importer" means a person who imports fibre crops or fibre crop products;

"infected area" means an area declared to be an infected area in accordance with section 31 of the Act;

"person" includes a company, association or other body of persons whether incorporated or unincorporated;

"fibre crop plantation grower" means—

- (a) a grower who cultivates; or
- (b) a growers' association whose members cultivate, in the aggregate, a fibre crop on a parcel of land of more than twenty hectares;

"premises" includes a building or structure, used for collecting, trading, storing or processing of fibre crops, or fibre crops products;

"retailer" means a person who trades in fibre crops or fibre crop products;

"smallholder fibre crop grower" means a grower who cultivates a fibre crop on a parcel of land not exceeding twenty hectares; and

"unwashed sisal fibre" means sisal fibre that has been extracted without water during decortication.

### 3. Purpose of these Regulations

The purpose of these Regulations is to provide for the regulation, promotion and development of the fibre crops and fibre crop products.

### 4. Scope of application of these Regulations

These Regulations shall apply to—

- (a) the procedures and conditions for registering and licensing of dealers;
- (b) the standards and assurance of the quality, of fibre crops and fibre crops products;
- (c) the collection and maintenance of data related to fibre crops;
- (d) the conduct of inspections and compliance aspects over fibre crops;
- (e) the determination of the price of fibre crops and fibre crops products;
- (f) the marketing of fibre crops and fibre crops products;
- (g) the grading of fibre crops and fibre crops products;
- (h) the basic requirements for agreements between growers and dealers;
- (i) the issuance of permits for exporting or importing of fibre crops or fibre crops products; and
- (j) such other matter as the Authority may deem necessary.

## PART II – REGISTRATION AND LICENSING

**5. Registration of smallholder fibre crop growers**

- (1) A smallholder fibre crop grower may register with the growers' entity the grower so desires.
- (2) A smallholder fibre crop grower who opts to register in accordance with subregulation (1) may apply for registration in Form AFA/FCD/A1 set out in the First Schedule.
- (3) A growers' entity shall consider the application made under subregulation (2) and—
- (a) within fourteen days of receiving the application, issue to a successful applicant a certificate of registration; or
  - (b) within seven days of receiving the application, reject the application and indicate the reasons thereof.
- (4) An applicant who is dissatisfied with the decision of the growers' entity made under subregulation (3)(b) may—
- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
  - (b) engage in the dispute resolution mechanisms specified in the constitution, by-laws or memorandum or articles, of the growers' entity.
- (5) Upon resubmission of a satisfactory application under subregulation (4)(a), the growers' entity shall issue the applicant a certificate of registration, within fourteen days.
- (6) A growers' entity shall issue a certificate of registration under this regulation in Form AFA/FCD/B1 set out in the Second Schedule, subject to such conditions it deems necessary.
- (7) A growers' entity shall maintain a register of all smallholder fibre crops growers registered with it in Form AFA/FCD/C1 set out in the Third Schedule.
- (8) The register referred to in subregulation (7) shall contain the annual production data of the smallholder fibre crop growers therein.
- (9) A growers' entity shall submit returns of the smallholder fibre crops growers registered with it to the respective County Government and Authority, in Form AFA/FCD/C1 set out in the Third Schedule, by the fifteenth day of January of every year.
- (10) Despite subregulation (9), a growers' entity shall notify the Authority and the respective County Government, in writing, of any change in particulars of the smallholder fibre crop growers contained in the register maintained under subregulation (7), within sixty days.
- (11) Each respective county government shall maintain a register of all grower entities registering smallholder fibre crops growers in Form AFA/FCD/C1 set out in the Third Schedule.
- (12) The Authority shall maintain a register of all growers' entities registering smallholder fibre crops growers in Form AFA/FCD/C1 set out in the Third Schedule.

**6. Registration of fibre crops plantation growers**

- (1) A fibre crop plantation grower shall apply for registration in Form AFA/FCD/A2 set out in the First Schedule.
- (2) The Authority shall consider the application made under subregulation (1) and—
- (a) within fourteen days of receiving the application, issue to a successful applicant a certificate of registration; or
  - (b) within seven days of receiving the application, reject the application and indicate the reasons thereof.
- (3) An applicant who is dissatisfied with the decision of the Authority made under subregulation (2)(b) may—
- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or

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(b) appeal to Court.

(4) Upon resubmission of a satisfactory application under subregulation (3)(a), the Authority shall issue the applicant a certificate of registration, within fourteen days.

(5) The Authority shall issue a certificate of registration under this regulation in Form AFA/FCD/B2 set out in the Second Schedule, subject to such conditions it deems necessary.

(6) The Authority shall maintain a register of all fibre crops plantation growers registered with it in Form AFA/FCD/C1 set out in the Third Schedule.

(7) The register referred to in subregulation (6) shall contain the annual production data of the fibre crop plantation growers therein.

(8) A fibre crop plantation grower shall submit returns of their annual production data to the Authority, in Form AFA/FCD/C1 set out in the Third Schedule, by the fifteenth day of January of every year.

### **7. Registration of commercial nurseries**

(1) An operator of a commercial nursery shall register with the County Government where the nursery is located.

(2) An operator of a commercial nursery shall apply for registration in Form AFA/COUNTY/A1 set out in the First Schedule.

(3) The respective County Government shall consider the application made under subregulation (2) and—

(a) within fourteen days of receiving the application, issue to a successful applicant a certificate of registration; or

(b) within seven days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the respective County Government made under subregulation (3)(b) may—

(a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or

(b) appeal to Court.

(5) Upon resubmission of a satisfactory application under subregulation (4)(a), the respective County Government shall issue the applicant a certificate of registration, within fourteen days.

(6) The respective County Government shall issue a certificate of registration under this regulation in Form AFA/COUNTY/B1 set out in the Second Schedule, subject to such conditions it deems necessary.

### **8. Licensing of commercial nurseries**

(1) A person shall not operate a commercial nursery without a licence from the respective County government.

(2) An operator of a commercial nursery shall apply to the County Government where the nursery is located, for a licence in Form AFA/COUNTY/A2 set out in the First Schedule.

(3) The respective County Government shall consider the application made under subregulation (2) and—

(a) within sixty days of receiving the application, issue to a successful applicant a licence; or

(b) within thirty days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the respective County Government made under subregulation (3)(b) may—

(a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or

(b) appeal to Cabinet Secretary.

(5) Upon resubmission of a satisfactory application under subregulation (4)(a), the respective County Government shall issue the applicant a licence, within thirty days.

(6) The respective County Government shall issue a licence under this regulation in Form AFA/COUNTY/B2 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) A licenced operator of a commercial nursery shall submit returns of their nursery to the respective County Government and Authority, in Form AFA/FCD/C1 set out in the Third Schedule, by the fifteenth day of January of every year.

### 9. Registration of retailers

(1) A person who intends to trade in fibre crops or fibre crop products, shall register with the Authority as a retailer.

(2) A retailer shall apply for registration in Form AFA/FCD/A3 set out in the First Schedule.

(3) The Authority shall consider the application made under subregulation (2) and—

(a) within fourteen days of receiving the application, issue to an applicant who has complied with the conditions set out in the Sixth Schedule, a certificate of registration; or

(b) within seven days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under subregulation (3)(b) may—

(a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or

(b) appeal to Court.

(5) Upon resubmission of a satisfactory application under subregulation (4)(a), the Authority shall issue the applicant a certificate of registration, within fourteen days.

(6) The Authority shall issue a certificate of registration under this regulation in Form AFA/FCD/B3 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) The Authority shall maintain a register of all retailers in Form AFA/FCD/C1 set out in the Third Schedule.

(8) A retailer who contravenes subregulation (1) commits an offence and shall on conviction be liable to a fine not exceeding five million shillings or to imprisonment for term not exceeding three years or to both.

### 10. Licensing of retailers

(1) A person shall not trade in fibre crops or fibre crop products, without a licence from the Authority as a retailer.

(2) A retailer shall apply for a licence in Form AFA/FCD/A4 set out in the First Schedule.

(3) A retailer shall specify the collection centres the retailer acquires fibre crops from or delivers fibre crops to, in the retailer's application for a licence.

(4) The Authority shall consider the application made under subregulation (2) and—

(a) within sixty days of receiving the application, issue to a successful applicant a licence; or

(b) within thirty days of receiving the application, reject the application and indicate the reasons thereof.

(5) An applicant who is dissatisfied with the decision of the Authority made under subregulation (4)(b) may—

(a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or

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(b) appeal to Cabinet Secretary.

(6) Upon resubmission of a satisfactory application under subregulation (5)(a), the Authority shall issue the applicant a licence, within thirty days.

(7) The Authority shall issue a licence under this regulation in Form AFA/FCD/B4 set out in the Second Schedule, subject to such conditions it deems necessary.

(8) A retailer who contravenes subregulation (1) commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for term not exceeding one year or to both.

#### **11. Designation of collection centres**

(1) The Authority in consultation with the relevant County Government and the stakeholders in the fibre crops industry, shall designate collection centres in each county.

(2) In designating a collection centre under subregulation (1), the Authority shall ensure that each collection centre—

(a) has an appropriate store or warehouse for storing fibre crops or fibre crop products; and

(b) complies with national, regional and international standards, codes of practice and best practices in the fibre crops industry.

(3) A county government, growers' entity, dealer or manufacturer may own or manage a collection centre designated as such in accordance with subregulation (1).

#### **12. Setting up a new fibre crop products manufacturing factory**

(1) A person shall not set up a new fibre crop products manufacturing factory without a certificate of compliance issued by the Authority.

(2) A person who intends to set up a fibre crop products manufacturing factory shall make an application for a preliminary approval in Form AFA/FCD/A5 set out in the First Schedule.

(3) The Authority shall consider the application made under subregulation (2) and—

(a) within sixty days of receiving the application, issue to a successful applicant a preliminary approval; or

(b) within thirty days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under subregulation (4)(b) may—

(a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or

(b) appeal to Court.

(5) Upon resubmission of a satisfactory application under subregulation (4)(a), the Authority shall issue the applicant a preliminary approval, within thirty days.

(6) The Authority shall issue a preliminary approval under this regulation in Form AFA/FCD/B5 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) Upon obtaining preliminary approval, and upon completion of the factory, a person setting up a fibre crop products manufacturing factory shall, apply to the Authority for inspection in Form AFA/FCD/A6 set out in the First Schedule.

(8) The Authority shall issue the applicant under subregulation (7) an inspection report in Form AFA/FCD/C2 set out in the Third Schedule.

(9) Pursuant to the recommendations of the inspection report referred to in subregulation (8), the Authority shall—

(a) within fourteen days of issuing the report, issue to a successful applicant a certificate of compliance; or



- (b) within seven days of issuing the report, notify the applicant of the reasons for the rejection the application.

(10) An applicant who is dissatisfied with the decision of the Authority made under subregulation (9)(b) may—

- (a) resubmit the application after addressing the reasons raised in the rejection; or  
 (b) appeal to Court.

(11) Upon resubmission of a satisfactory application under subregulation (10)(a), the Authority shall issue the applicant a certificate of compliance, within fourteen days.

(12) The Authority shall issue a certificate of compliance under this regulation in Form AFA/FCD/B6 set out in the Second Schedule, subject to such conditions it deems necessary.

(13) A person who sets up a fibre crop products manufacturing factory without a preliminary approval or certificate of compliance, issued in accordance with this regulation commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for term not exceeding one year or to both.

### 13. Registration of fibre crop products manufacturers

(1) A person shall not manufacture fibre crop products unless that person is registered with the Authority.

(2) A fibre crop products manufacturer shall apply for registration in Form AFA/FCD/A3 set out in the First Schedule.

(3) The Authority shall consider an application made under subregulation (2) and—

- (a) within fourteen days of receiving the application, issue to an applicant who has complied with the conditions set out in the Sixth Schedule, a certificate of registration; or  
 (b) within seven days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under subregulation (3)(b) may—

- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or  
 (b) appeal to Court.

(5) Upon resubmission of a satisfactory application under subregulation (4)(a), the Authority shall issue the applicant a certificate of registration, within fourteen days.

(6) The Authority shall issue a certificate of registration under this regulation in Form AFA/FCD/B3 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) The Authority shall maintain a register of all fibre crop products manufacturers in Form AFA/FCD/C1 set out in the Third Schedule.

(8) A manufacturer who contravenes subregulation (1) commits an offence and shall on conviction be liable to a fine not exceeding five million shillings or to imprisonment for term not exceeding three years or to both.

### 14. Licensing of fibre crop products manufacturers

(1) A person shall not manufacture fibre crop products without a licence from the Authority as a fibre crops products manufacturer.

(2) A manufacturer shall apply for a licence in Form AFA/FCD/A4 set out in the First Schedule.

(3) The Authority shall consider the application made under subregulation (2) and—

- (a) within sixty days of receiving the application, issue to a successful applicant a licence; or

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(b) within thirty days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under subregulation (3)(b) may —

(a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or

(b) appeal to Cabinet Secretary.

(5) Upon resubmission of a satisfactory application under subregulation (4)(a), the Authority shall issue the applicant a licence, within thirty days.

(6) The Authority shall issue a licence under this regulation in Form AFA/FCD/B4 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) A manufacturer who contravenes subregulation (1) commits an offence and shall on conviction be liable to a fine not exceeding ten million shillings or to imprisonment for term not exceeding five years or to both.

### 15. Registration of exporters and importers

(1) A person shall not export or import, fibre crops or fibre crop products, unless that person is registered with the Authority.

(2) An exporter or importer, shall apply for registration in Form AFA/FCD/A7 set out in the First Schedule.

(3) The Authority shall consider an application made under subregulation (2) and—

(a) within fourteen days of receiving the application, issue to an applicant who has complied with the conditions set out in the Sixth Schedule, a certificate of registration; or

(b) within seven days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under subregulation (3)(b) may —

(a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or

(b) appeal to Court.

(5) Upon resubmission of a satisfactory application under subregulation (4) (a), the Authority shall issue the applicant a certificate of registration, within fourteen days.

(6) The Authority shall issue a certificate of registration under this regulation in Form AFA/FCD/B3 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) The Authority shall maintain a register of all exporters and importers in Form AFA/FCD/C1 set out in the Third Schedule.

(8) An exporter or importer who contravenes subregulation (1) commits an offence and shall on conviction be liable to a fine not exceeding five million shillings or to imprisonment for term not exceeding three years or to both.

### 16. Licensing of exporters and importers

(1) A person shall not export or import, fibre crops or fibre crop products, without a licence from the Authority as an exporter or importer.

(2) An exporter or importer shall apply for a licence in Form AFA/FCD/A8 set out in the First Schedule.

(3) The Authority shall consider the application made under subregulation (2) and—

(a) within sixty days of receiving the application, issue to a successful applicant a licence; or

(b) within thirty days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under subregulation (3)(b) may —

- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
- (b) appeal to Cabinet Secretary.

(5) Upon resubmission of a satisfactory application under subregulation (4)(a), the Authority shall issue the applicant a licence, within thirty days.

(6) The Authority shall issue a licence under this regulation in Form AFA/FCD/B7 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) Every exporter and importer shall submit monthly returns by the fifteenth day of every month to the Authority in Form AFA/FCD/C7 set out in the Third Schedule.

(8) An exporter or importer who contravenes subregulation (1) commits an offence and shall on conviction be liable to a fine not exceeding ten million shillings or to imprisonment for term not exceeding five years or to both.

### 17. Export and import permits

(1) A person shall not export or import, a consignment of fibre crops or fibre crop products, without a permit from the Authority for each consignment to be exported or imported.

(2) An exporter or importer shall apply for a permit in Form AFA/FCD/A9 set out in the First Schedule.

(3) The Authority shall consider the application made under subregulation (2) and—

- (a) within two days of receiving the application, issue to a successful applicant a permit; or
- (b) within a day of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under subregulation (3)(b) may —

- (a) within seven days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
- (b) appeal to Court.

(5) Upon resubmission of a satisfactory application under subregulation (4)(a), the Authority shall issue the applicant a permit, within two days.

(6) The Authority shall issue a permit under this regulation in Form AFA/FCD/B8 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) An exporter or importer who contravenes subregulation (1) commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for term not exceeding one year or to both.

### 18. Renewal of licences

(1) All licences issued under these Regulations shall be valid until the thirtieth of June immediately following the date when it was issued.

(2) An application for the renewal of a licence shall be made in the same manner as the application for a new licence.

(3) An applicant for the renewal of a licence shall comply with the conditions set out in the Sixth Schedule

(4) An application for the renewal of a licence shall be made at least thirty days before it expires.

(5) An annual inspection by a crops inspector shall be a prerequisite for the renewal of a licence issued under these Regulations.

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PART III – STANDARDS AND QUALITY ASSUARANCE

**19. Fibre crops seed requirements**

(1) A person shall only use planting materials from a source certified by Kenya Plant Health Inspectorate Services.

(2) A person shall only trade in fibre crop seeds in accordance with the Seeds and Plant Varieties Act. Cap. 326.

**20. Obligations of growers**

(1) Every grower shall only use planting seeds that are certified by in accordance with the Seeds and Plant Varieties Act. Cap. 326.

(2) Every grower shall adhere to the standards KS 2857, KS 2858 and the national, regional and international standards, codes of practice and other best practices in the cultivation of fibre crops.

(3) Every grower shall harvest only physiologically mature fibre crops.

(4) Every grower shall, before offering their fibre crops for sale, grade fibre crops in accordance with regulation 24.

(5) Every grower shall package their fibre crops in accordance with these Regulations.

(6) Every grower shall offer for sale their fibre crops only at designated collection centres.

**21. Obligations of retailers**

(1) Every grower shall adhere to the standards KS 2857, KS 2858 and the national, regional and international standards, codes of practice and other best practices in the handling of fibre crops and fibre crop products.

(2) Every retailer shall trade in fibre crops and fibre crop products, only at designated collection centres.

(3) At a collection centre, every retailer shall—

(a) conspicuously display the prices offered per unit weight of each grade of fibre crop and fibre crop product, in the local dialect, Kiswahili and English, when the retailer's premises are open for business;

(b) display sample boxes, of standard sizes, of grades of fibre crops and fibre crop products;

(c) display weighing scales that have been properly calibrated, serviced,

(d) issue original receipts to the person they sell their fibre crops or fibre crop products from and retain the duplicate receipts for the sales; and

(e) trade in fibre crops and fibre crop products at the price determined in accordance with pricing formula under regulation 28.

(4) Every retailer shall store fibre crops and fibre crops, only at registered warehouses.

(5) Every retailer shall package fibre crops or fibre crop products, only in accordance with these Regulations.

(6) Every retailer shall grade fibre crops and fibre crop products in accordance with regulation 24.

(7) A retailer may mix fibre crops or fibre crop products only if the crops or the products are of the same grade.

(8) Every retailer shall submit monthly returns by the fifteenth day of every month to the respective County Government in Form AFA/FCD/C6 set out in the Third Schedule.

**22. Obligations of fibre crop products manufacturers**

(1) Every fibre crop products manufacturer shall acquire fibre crops and fibre crop products only from a registered person.

(2) Every fibre crop products manufacturer shall grade fibre crops and fibre crop products in accordance with regulation 24.

(3) A fibre crop products manufacturer may mix fibre crops or fibre crop products only if the crops or the products are of the same grade.

(4) Every fibre crop products manufacturer shall ensure that the quality of the fibre crops and fibre crop products are maintained to avoid any contamination.

(5) Every fibre crop products manufacturer shall maintain and operate machinery in a manner that it will not deteriorate or damage fibre crops and fibre crop products.

(6) Every fibre crop products manufacturer shall adhere to the standards KS 2857, KS 2858 and the national, regional and international standards, codes of practice and other best practices in the cultivation of fibre crops.

(7) A fibre crop products manufacturer may install additional processing capacity or vary the type of manufacturing only with prior approval from the Authority.

(8) Every fibre crop products manufacturer shall submit monthly returns by the fifteenth day of every month to the Authority in Form AFA/FCD/C3 set out in the Third Schedule.

### 23. Baling

(1) A fibre crop products manufacturer shall label legibly and indelibly, their bales.

(2) A label of a bale under subregulation (1) shall indicate—

- (a) the name of the fibre crop or fibre crop product;
- (b) the grade of the fibre crops or fibre crop products;
- (c) the country of origin of the fibre crops or fibre crop products;
- (d) the bale number of the fibre crops or fibre crop products;
- (e) the lot number of the fibre crops or fibre crop products;
- (f) the year the fibre crop was harvested; and
- (g) the net weight of the bale in kilograms.

(3) The ink is used to label a bale under subregulation (1) shall not penetrate the bale to avoid contamination of the fibre crops or the fibre crop products within the bale.

(4) Every fibre crop products manufacturer shall adhere to the standards KS 2857, KS 2858 and the national, regional and international standards, codes of practice and other best practices in the baling of fibre crops and fibre crop products.

(5) Sisal fibre crops and fibre crop products shall be packaged in bales weighing either fifty, one hundred, two hundred, or two hundred and fifty kilograms.

(6) Cotton lint fibre crops or fibre crop products shall be packaged in bales in accordance to ISO 8115.

(7) A bale prepared in accordance with subregulation (6) shall have a minimum weight of one hundred and eighty-five kilograms and a maximum weight of two hundred and twenty kilograms.

### 24. Grading and inspection of fibre crops and fibre crop products

(1) Every grower and retailer shall sample and grade all fibre crops and fibre crop products in accordance with the grades set out in the Fifth Schedule.

(2) A person who intends to validate the grade the fibre crops and fibre crop products they are dealing in shall—

- (a) apply to the Authority for inspecting and grading in Form AFA/FCD/A10 as set out in the First Schedule; and
- (b) supply samples of the person's fibre crops and fibre crop products to the Authority.

(3) The Authority shall consider the application made under subregulation (2) and—

- (a) within seven days of receiving the application and the samples, issue to a successful applicant a grading report; or

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- (b) within three days of receiving the application and the samples, reject the application and indicate the reasons thereof.
- (4) An applicant who is dissatisfied with the decision of the Authority made under subregulation (3)(b) may—
  - (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
  - (b) appeal to Court.
- (5) Upon resubmission of a satisfactory application under subregulation (4) (a), the Authority shall issue the applicant a grading report, within seven days.
- (6) The Authority shall issue a grading report under this regulation—
  - (a) specifying the results of the analysis and the recommended grade of the samples delivered to it; and
  - (b) in Form AFA/FCD/C4 set out in the Third Schedule, subject to such conditions it deems necessary.

### 25. Classing and grading of cotton lint

- (1) The Authority shall class and grade all cotton lint in accordance with the grades set out in the Fifth Schedule.
- (2) A cotton ginner who intends to class and grade the cotton lint they are dealing in shall—
  - (a) apply to the Authority for classing and grading in Form AFA/FCD/A10 as set out in the First Schedule; and Kenya Subsidiary Legislation, 2020 1451
  - (b) supply samples of the person's cotton lint to the Authority.
- (3) The Authority shall consider the application made under subregulation (2) and—
  - (a) within seven days of receiving the application and the samples, issue to a successful applicant a classing and grading report; or
  - (b) within three days of receiving the application and the samples, reject the application and indicate the reasons thereof.
- (4) An applicant who is dissatisfied with the decision of the Authority made under subregulation (3)(b) may —
  - (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
  - (b) appeal to Court.
- (5) Upon resubmission of a satisfactory application under subregulation (4)(a), the Authority shall issue the applicant a classing and grading report, within seven days.
- (6) The Authority shall issue a classing and grading report under this regulation—
  - (a) specifying the results of the analysis and the recommended grade of the samples delivered to it; and
  - (b) in Form AFA/FCD/C5 set out in the Third Schedule, subject to such conditions it deems necessary.

### 26. Prohibition against adulteration

- (1) A person shall not adulterate fibre crops or fibre crop products.
- (2) A person who contravenes subregulation (1) commits an offence.

#### PART IV – TRADE AND MARKETING

### 27. Unprocessed sisal leaf

- (1) A person shall not buy an unprocessed sisal leaf from a smallholder grower unless the payment for the leaf is pegged on the fibre crop or the fibre crop product resultant from the leaf.
- (2) A person who contravenes subregulation (1) commits an offence.

**28. Fibre Crops and Fibre Crop Products Pricing Committee**

- (1) There is established a Fibre Crops and Fibre Crop Products Pricing Committee.
- (2) The Committee shall be responsible for the development of the pricing formula for fibre crops and fibre crop products.
- (3) The Committee shall consist of—
  - (a) the Principal Secretary responsible for the crop development;
  - (b) the Director-General of the Authority;
  - (c) one County Executive Committee Member nominated by the Council of Governors;
  - (d) one representative of the growers of cotton fibre crop;
  - (e) one representative of the growers of sisal fibre crop;
  - (f) one representative of ginners;
  - (g) one representative of the manufacturers of sisal fibre crop products;
  - (h) one representative of the exporters and importers of cotton fibre crops and fibre crop products;
  - (i) one representative of the exporters and importers of sisal fibre crops and fibre crop products; and
  - (j) two representatives of the spinning and textile millers.
- (4) The chairperson of the Committee shall be the Principal Secretary responsible for crop development.
- (5) The Cabinet Secretary shall appoint the persons under subregulation (3) (d), (e), (f), (g), (h), (i) and (j) shall be through a competitive and transparent process.
- (6) The persons appointed under subregulations (3)(d), (e), (f), (g), (h), (i) and (j) shall serve for a term of two years but shall, subject to satisfactory performance, be eligible for re-appointment for one further term of two years.
- (7) The persons appointed under subregulations (3)(d), (e), (f), (g), (h), (i) and (j), may vacate office—
  - (a) by resignation by a letter addressed to the Cabinet Secretary;
  - (b) on the written recommendation of the body which the member represents revoking the nomination of that member;
  - (c) upon being found liable for gross misconduct or abuse of office in contravention of the Public Officers Ethics Act or any other law;
  - (d) if the member is absent, without permission of the chairperson, from three successive meetings of the Committee of which the member has received notice;
  - (e) if the Committee determines that the member is incapable of performing the member's duties by reason of mental or physical infirmity;
  - (f) upon adjudication or admission of bankruptcy; or
  - (g) upon conviction for an offence relating to corruption or contravention of Chapter Six of the Constitution and sentenced for a term exceeding six months imprisonment without an option of a fine.
- (8) The business and affairs of the Committee shall be as set out in the Seventh Schedule.
- (9) The Authority shall provide secretariat services to the Committee.
- (10) The members of the Committee shall be paid such remuneration, fees, allowances and disbursements for expenses as may be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

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[Subsidiary]

### 29. Movement permit

(1) The respective County Government from where the fibre crops have been cultivated shall issue a movement permit to a transporter of the fibre crops.

(2) The respective County Government from where the manufacturing factory is registered as a business entity shall issue a movement permit to a transporter of the fibre crops or fibre crop products that the factory handles.

(3) The movement permit issued in accordance with subregulation (1) shall indicate the origin, all the other counties through which the fibre crops are to be transported and the destination of the fibre crops.

(4) The movement permit issued in accordance with subregulation (2) shall indicate the specific manufacturing factory from which the fibre crops or fibre crop products are dispatched, all the other counties through which the fibre crops and fibre crop products are to be transported and the destination of the fibre crops and fibre crop products.

(5) A movement permit issued in accordance with this regulation shall be valid in each of the county governments through which fibre crops or fibre crop products are transported and the county government responsible of the destination of the fibre crops or fibre crop products.

### 30. Agreements between growers and dealers

(1) A registered grower may enter into agreement with a person dealing in fibre crops or fibre crop products.

(2) The agreement entered into in accordance with this regulation (1) shall be as set out in the Fourth Schedule.

(3) A person who intends to sponsor the cultivation of fibre crops shall enter into an agreement with the growers or growers' association.

(4) A copy of the agreement entered into in accordance with this regulation shall be deposited with the respective County Government and the Authority.

#### PART V – INSPECTION AND COMPLIANCE

### 31. Appointment of crops inspectors

(1) The crops inspectors appointed by Authority in accordance with section 27 of the Act shall be responsible for carrying out inspections of all fibre crops and fibre crop products to ensure compliance to requirements of the Act and these Regulations.

(2) A person qualifies to be appointed as a crops inspector if that person—

(a) is a Kenyan citizen;

(b) satisfies the requirements of Chapter Six of the Constitution;

(c) holds either—

(i) a diploma in agriculture or agriculture related field and a minimum of two years' relevant experience; or

(ii) a bachelor's degree in agriculture or agriculture related field from a recognized university and a minimum of a year's relevant experience; and

(d) has undergone training in relevant course in inspection.

(3) A county government may nominate a qualified person for consideration and appointment as a crop inspector.

(4) The Authority may publish in the *Gazette* the crops inspectors appointed under section 27 of the Act.

(5) A person appointed as a crops inspector shall not, while being so appointed, engage in any business connected with dealing in fibre crops or fibre crops products.



**32. Inspections and surveillance**

(1) When conducting an inspection, a crops inspector shall—

- (a) inspect the field operations of a grower when cultivating fibre crops;
- (b) inspect the handling, packaging, labelling, pricing, grading, sampling, units of measurement, and handling of fibre crops or fibre crop products and any equipment used thereof;
- (c) inquire for such information as he deems necessary from any person in relation to the cultivation or dealing in fibre crops or fibre crop products;
- (d) enter any land, premises or vehicle, used by a grower or retailer of fibre crops or fibre crops products;
- (e) request for the production of a licence or certificate for examination;
- (f) seize and remove any article or thing which the inspector has reasonable grounds for believing that an offence under the Act or these Regulations is being or has been used to commit;
- (g) monitor and enforce the compliance to standards and codes of practice; and
- (h) carry out surveillance at entry points and in areas where fibre crop or fibre crop products are traded.

(2) The owner, occupier or any person, on premises or a vehicle on which a crops inspector is conducting an inspection, shall render any assistance as may be required by the inspector.

(3) A crops inspector shall issue inspection report in Form AFA/FCD/C2 set out in the Third Schedule, to the Authority pursuant to conducting an inspection in accordance with subregulation (1).

(4) An application for inspection pursuant to subregulation (3) shall be in Form AFA/FCD/A6 set out in the First Schedule.

(5) Upon being satisfied that all requirements have been met, the Authority shall issue a certificate of compliance Form AFA/FCD/B6 set out in the Second Schedule.

**33. Illegal manufacture and possession**

(1) A person shall not manufacture, buy, sell, transport, offer for sale, or possess, fibre crops or fibre crop products, which to the person's belief or knowledge—

- (a) has been grown, manufactured or processed otherwise than in accordance with the Act and these Regulations; or
- (b) is acquired from an unregistered grower or dealer.

(2) A person who contravenes subregulation (1) commits an offence and shall be liable, on conviction, to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding five years, or both.

**34. Notices issued for non-compliance**

(1) Where a person fails to comply with any order made pursuant to these Regulations, the Authority or the respective County Government shall issue that person a fourteen days' notice of its intention to take the necessary corrective measures to ensure compliance with these Regulations and the Act.

(2) The notice issued under subregulation (2) shall set out the necessary corrective measures which the person addressed in the notice is to take in order to ensure compliance with these Regulations and the Act.

(3) A person who fails to take the necessary corrective measures specified in the notice issued under subregulation (1) shall, may be liable to the penalty prescribed under these Regulations or the Act for failure to comply with the order made pursuant to these Regulations.

## PART VI – MISCELLANEOUS PROVISIONS

**35. Revocation and surrender of certificates, licences or permits**

(1) The Authority or the respective County government may revoke a certificate, licence or permit, issued by them in accordance with these Regulations, if the conditions of the certificate, licence or permit, have not been complied to.

(2) If a certificate, licence or permit, is revoked, the holder shall immediately surrender it to the Authority or to the respective County Government as the case may be.

(3) A certificate, licence or permit, that is revoked under this regulation shall cease to have effect on the date of its revocation.

(4) The Authority or the respective County Government shall publish all the revoked certificated, licences or permits in a circular which shall be issued to all stakeholders.

**36. Appeal process for grant, refusal, renewal, variation or revocation of the conditions of licences**

(1) An appeal against the grant, refusal, renewal, variation or revocation of the conditions imposed, on a licence issued under these Regulations, made to the Cabinet Secretary, shall be in writing and be delivered to the Cabinet Secretary within thirty days from the date of notification of the decision by the Authority.

(2) The Cabinet Secretary shall consider the appeal delivered to him in accordance with these Regulations and deliver his decision on the appeal, to all the affected parties within forty-five days after receiving the appeal.

**37. General penalty**

A person who contravenes any provision of these Regulations, or commits an offence for which no penalty is prescribed, shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a period not exceeding one year, or to both.

**38. Fees**

(1) A person who applies for the services rendered under these Regulations, including the issuance of certificates, licences or permits, and fibre grading shall pay the fees set out in the Eighth Schedule.

(2) A sisal inspection fee at a rate of zero point five percent of the gross free board value per ton, of all imported or exported sisal fibre crops or fibre crop products, shall be charged payable by the exporter or importer, as the case may be.

**39. Dispute resolution between growers and dealers**

(1) The agreement entered into by a grower and a dealer in accordance with regulation 30, may provide for an arbitration clause for the settlement of disputes that may arise in the performance of the terms of that agreement.

(2) Notwithstanding subregulation (1), a grower and a dealer may enter into a separate agreement that provided for the resolution of disputes that may arise between the grower and the dealer by arbitration.

(3) The resolution of a dispute in accordance with this regulation shall be conducted in the manner the parties and the arbitrator consider appropriate, having regard to the desirability of avoiding unnecessary delay or expense while at the same time affording the parties a fair and reasonable opportunity to present their cases.

**40. Transitional provisions**

All certificates, licences and permits, validly in force before the coming into operation of these Regulations shall remain valid until their expiry and the holders shall acquire any subsequent certificates, licences and permits in accordance with these Regulations.

FIRST SCHEDULE

[r. 5(2), 6(1), 7(2), 8(2), 9(2), 10(2), 12(2),(7), 13(2),  
14 (2), 15(2), 16(2), 17(2), 24(2)(a), 25(2)(a), 32(4)]

APPLICATION FORMS

**FORM AFA/FCD/A1** (r. 5(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
APPLICATION FOR REGISTRATION AS A SMALLHOLDER FIBRE CROPS  
GROWER

*(To be filled in triplicate: a copy to the Cooperative society /union /Association /Farmer Group, the respective County Government and the Grower)*

I ..... ID No. ....

of P.O. Box ..... Phone No. ....

(Herein referred to as a "fibre crops grower") from ..... County,  
..... Sub County, ..... Ward, apply for registration and has  
agreed to till and maintain ..... Acres of land under ..... crop

SIGNED by the grower;

Signature: .....

Name. ....

Date: .....

Signed for and on behalf of the cooperative society,

Union, association or farmer group

Signature: .....

Designation .....

Date and stamp: .....

REQUIREMENTS:

Copy of the applicant's national identity card.

**FORM AFA/FCD/A2** (r. 6(1))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
APPLICATION FOR REGISTRATION AS A FIBRE CROPS PLANTATION  
GROWER

A. Particulars of Applicant (New/Renewal- *delete as appropriate*):

1. Full name of applicant .....

2. Postal address..... Postal code.....Town.....

3. Telephone No. .... Email..... Website .....

4. Physical address: Building.....Street.....Town.....

5. Certificate of Company Incorporation No. .... (Attach copy)

6. KRA PIN .....

7. List Names and Identity card Nos/Passports for Directors ..... (Attach copies)

B. Particulars of Land Parcel(s)

1. L.R. No. ....

2. County .....

[Subsidiary]

3. Sub County .....

5. Ward .....

4. Village .....

Fibre Crop grown	Total area (Acres)	Total production from previous year (Tons)
------------------	--------------------	--

C. Declaration

I/We hereby declare that the particulars which we have given are true and accurate to the best of our knowledge and information.

Applicant or his duly authorized agent.....

Signature ..... Date .....

D. Requirements:

Provide full list of smallholders where production agreement exists (where applicable).

E. FOR OFFICIAL USE

Approved by:

Director General

Name ..... Signature ..... Date .....

*Recommended/Not recommended*

Comments .....

.....

.....

.....

Official Stamp

**FORM AFA/COUNTY/A1** (r. 7(2))

**THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
APPLICATION FOR REGISTRATION OF A COMMERCIAL NURSERY**

A. Applicant's Information

Name of Applicant: .....

Postal Address .....

Email .....

Telephone: .....

Where the applicant is a company or growers' entity, supply the Authority with a certified copy of certificate of incorporation/registration.

B. Nursery Information

Ward ..... Village/Road .....

Sub County: .....

County: .....

L. R. No/Plot No. ....

C. Requirements

The registration requirements for a commercial fibre crop nursery shall be as follows:

1. The applicants must show compliance to phytosanitary requirements through certification by Kenya Plant Health Inspectorate Service.

2. The applicant must demonstrate adequate knowledge and technical competence in nursery management.

3. The nursery operators shall remit returns to the respective County Government and a copy to the Authority on an annual basis.

4. The nursery operators shall maintain records of source of planting materials and sales made annually.

Name of applicant .....

Signed: ..... Date: .....

Official Stamp .....

D. FOR OFFICIAL USE

Approved by:

For County government

Name ..... Signature.....

Date .....

*Recommended / Not recommended*

Comments .....

.....

.....

Official Stamp

**FORM AFA/COUNTY/A2** (r. 8(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
APPLICATION FOR COMMERCIAL NURSERY LICENCE

A. Applicant's Information

Name of Applicant (New/Renewal - *delete as appropriate*):

.....

Address:

Postal .....

Email .....

Telephone: .....

*Where the applicant is a company or co-operative society , supply the County government with:*

- (a) A certified copy of certificate of incorporation/registration;
- (b) A certified copy of memorandum and articles of association/constitution;
- (c) Names and address of Directors or the Executive Committee:
  - (i) .....
  - (ii) .....

B. Nursery Information

Ward ..... Village/Road .....

Sub County: .....

[Subsidiary]

County: .....

L.R No/Plot No. ....

C. Requirements

The licensing requirements for a commercial nursery licence shall be as follows:

- 1. The applicants must show compliance to phytosanitary requirements through certification by Kenya Plant Health Inspectorate Service.
- 2. The applicant must demonstrate adequate knowledge and technical competence in nursery management (training certificate from the Authority) of the fibre crop.
- 3. A reliable source of water.
- 4. Accessibility of nursery site for inspection and materials transportation.
- 5. The nursery operators shall remit returns to the respective County Government and a copy to Authority on an annual basis.
- 6. The nursery operators shall maintain records of source of planting materials raised and sold.
- 7. Any other requirements that may be prescribed by the Authority from time to time.

Name of applicant .....

Signed: ..... Date: .....

Official Stamp .....

D. FOR OFFICIAL USE

Approved by:

For County government

Name ..... Signature.....

Date .....

Comments (*Recommended/ Not recommended*)

.....  
.....

Official Stamp

**FORM AFA/FCD/A3** (r. 9(2), 13(2))  
**THE CROPS (FIBRE CROPS) REGULATIONS, 2020**  
**APPLICATION FOR REGISTRATION AS A RETAILER/FIBRE CROPS**  
**PRODUCTS MANUFACTURER**

A. Applicant's details:

- 1. Full name of Applicant .....
- 2. Postal Address .....
- 3. Physical Address .....
- 4. KRA PIN .....
- 5. Year of Incorporation of Company ..... and Registration No. ....

B. Location of premises:

- 1. L. R. No. .... Street .....

Crops

[Subsidiary]

- 2. Tel. No. .... Fax No. ....
- 3. E-mail ..... Website .....
- 4. Village ..... Ward .....
- 5. Sub-County ..... County .....

C. Category of Dealer

1. Check as appropriate

- # Cotton textile milling
- # Cotton seed miller
- # Others (specify) .....
- # Fibre retailer
- # Sisal spinning factory
- # Cotton ginner
- # Fibre Crop seed merchant
- # Sisal factory

2. Check one

- # Individual Ownership
- # Cooperatives/ Association
- # Company
- # Others (specify) .....

D. Declaration:

I/We hereby declare that information provided above are true to the best of my / our knowledge

Name: ..... Signature .....

Date: .....

Office Stamp .....

E. Requirements

The applicant must submit a copy of KRA PIN registration certificate, copy of certificate of incorporation or registration, copy of ID or valid passport of directors.

F. FOR OFFICIAL USE

Approved by:

Authorizing officer's Name .....

Signature .....

Designation .....

Date .....

Official Stamp .....

**FORM AFA/FCD/A4** (r. 10(2), 14(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
APPLICATION FOR LICENCE AS A RETAILER/FIBRE CROPS PRODUCTS  
MANUFACTURER

A. Applicant's Information (*New application or Renewal*)

Name of Applicant: .....

Address: Postal .....

Email .....

Telephone: .....

Ward ..... Village/Road .....

[Subsidiary]

Sub County: .....

County: .....

L. R. No/Plot No. ....

B. Category of Dealer

1. Check as appropriate

- # Cotton textile # Fibre retailer # Cotton ginner # Sisal factory
- milling
- # Cotton seed miller # Sisal spinning # Fibre Crop seed
- factory merchant
- # Others (specify) .....

2. Check one

- # Individual # Cooperatives/ # Company # Others
- Ownership Association (specify).....

C. Requirements

1. A certified copy of certificate of registration from the Authority for the category applied for in part B;

2. For a retailer—

(a) List of collection centres indicating the names, national ID numbers and mobile phone numbers of persons nominated by the retailer to act on their behalf as agents in each collection centre.

(b) Provide comprehensive insurance cover for 3rd party produce stored awaiting payment to smallholder growers.

(c) A signed agreement between the parties in the format set out in the Fourth Schedule.

Name of applicant .....

Signed: ..... Date: .....

Official Stamp .....

D. FOR OFFICIAL USE

Approved by:

Name ..... Signature.....

Date .....

Recommended/ Not recommended

Comments .....

.....

.....

Official Stamp

Director General

Agriculture and Food Authority

FORM AFA/FCD/A5 (r. 12(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
APPLICATION FOR SETTING UP A NEW FIBRE CROPS PRODUCTS  
MANUFACTURING FACTORY



Crops

[Subsidiary]

To

The Director General AFA,

A. Particulars of Applicant

1. Full name of Applicant/Name of business enterprise ..... apply for setting up of a new fibre crops manufacturing factory ..... (type of proposed fibre factory) situated on LR No.:.....

2. Postal Address .....

3. Physical Address .....

4. Copies of the following documents are attached to this application

- (a) the Memorandum and Articles of Association;
- (b) the Certificate of Incorporation/Registration;
- (c) the profiles of the investor(s), directors and their IDs/Passports;
- (d) a copy of the project profile or feasibility study showing the implementation period, factory design, programme for sustainable production of raw materials, quantities of raw materials available for processing.
- (e) program of implementation and operationalization date of the factory; and
- (f) evidence of source of financing and land ownership /lease for the project.

5. The authorized share capital of the fibre factory is Kshs. /US\$:

.....

6. The intended capital investment of the fibre factory is Kshs. /US\$.

.....

B. Declaration

I/We ..... hereby declare that the particulars which I/We have given are true and accurate to the best of my/our knowledge and information.

Name of Applicant or his duly authorized agent .....

Signature ..... Date .....

C. FOR OFFICIAL USE

Checked by:

Name ..... Signature .....

Date .....

*Recommended/ Not recommended*

Comments .....

.....

.....

Approved by:

Director General

Agriculture and Food Authority

Name: .....

Signature .....

[Subsidiary]

Date .....

**FORM AFA/FCD/A6** (r. 12(7), 24(2)(a), 32(4))  
THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
APPLICATION FOR INSPECTION/GRADING OF FIBRE CROPS/FIBRE  
CROPS PRODUCTS

To

The Director General,

AFA

A. Particulars of Applicant

- 1. Full name of Applicant/Name of business enterprise.....
- 2. Postal Address .....
- 3. Telephone number ..... Mobile: .....
- 4. Email: .....
- 5. Physical Address .....

B. Request for inspection of (please state):

- 6. Field (farm) acreage, crop type .....
- 7. Produce (type and quantity, grade) .....
- 8. Product (type, quantity and grade) .....
- 9. Factory (type, expected product) .....
- 10. Collection centres (location).....
- 11. Warehouse .....
- 12. Other (specify) .....

C. FOR OFFICIAL USE ONLY

This request is authorized/not authorized

Remarks .....

.....

Signed ..... Date .....

(Director General)

Agriculture and Food Authority

**FORM AFA/FCD/A7** (r. 15(2))  
THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
APPLICATION FOR REGISTRATION AS AN EXPORTER/IMPORTER

A. Particulars of Applicant (New/Renewal - delete as appropriate):

- 1. Full name of Applicant .....
- 2. Postal Address .....
- 3. Business Permit Number ..... (attach a copy).
- 4. Physical Address .....
- 5. Certificate of Incorporation .....

Crops

[Subsidiary]

6. Provide certified copies Articles and Memorandum of Association.

7. List Names and National Identity Card Nos. for Directors ..... (Attach copies)

8. Provide Passport Nos. and Work Permits for Directors for Foreign based Companies (Attach copies)

I/We ..... of P.O. Box ..... and holders of business Licence No. .... (copy attached) issued in..... (Name of County) wish to apply for an export/import licence for.....(name fibre crop or fibre crop products) for the period ..... to .....

B. Financial Arrangements:

I/We confirm that I/We have financial arrangements with our bankers and the same can be confirmed by my/our bankers\* ..... of P.O. Box ..... (\*provide evidence).

C. Fibre Crops Processing Arrangement (for example, Ginning /brushing /baling):

(others specify) .....

a) Fibre factory location .....

D. Agreements:

Agreement with M/S .....of P.O. Box..... (attach copy of agreement with dealers who MUST be registered with the Authority)

Applicant's Name ..... Sign .....

Date .....

E. Requirements

1. Undertaking to furnish the Authority with monthly marketing returns

(Provide Annual Marketing Returns for the year ending)

2. Provide letter of commitment to take out comprehensive insurance cover for 3rd party produce stored awaiting payment to smallholder growers.

3. Any other requirements that may be prescribed by the Authority from time to time.

F. FOR OFFICIAL USE

Checked by:

Name ..... Signature .....

Date .....

Comments (Recommended /Not recommended)

.....

.....

Approved by:

Authorizing officer's Name .....

Signature .....

Designation ..... Date .....

FORM AFA/FCD/A8 (r. 16(2))  
THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
APPLICATION FOR AN EXPORTER/IMPORTER LICENCE

A. Particulars of Applicant

[Subsidiary]

- 1. Full name of Applicant .....
- 2. Postal Address .....
- 3. Previous licence Number .....(attach a copy).
- 4. Physical Address .....

I/We ..... of P.O. Box ..... wish to apply for new licence or renewal for export/import of ..... (State the produce/ products) for the period ..... To .....

**B. FOR OFFICIAL USE**

Checked by:

Name ..... Signature .....

Date .....

*Recommended/ Not recommended*

Comments .....

Approved by:

Director General Agriculture and Food Authority

Signature .....

Date .....

Official Stamp

**FORM AFA/FCD/A9** \_\_\_\_\_ (r. 17(2))  
 THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
 APPLICATION FOR AN EXPORTER/IMPORT PERMIT

**A. Applicant Details**

Name of Applicant: .....

AFA Registration Number:..... AFA Licence No: .....

Postal Address: P. O. Box .....

Physical Address: .....

Tel No: ..... Mobile No:.....

Email: .....

**B. Destination**

Country of destination/Origin.....Shipment Date:.....

Vessel .....

Consignee .....

Notify Address .....

**C. Consignment Details**

Contract No. .... Date ..... Quantity in contract .....(Tons) .....

Local Agreement No. .... Date .....

Crops

[Subsidiary]

GRADE	QUANTITY IN METRIC TONS	PRICE F.O.B PER TON US \$	FREIGHT \$	USTOTAL VALUE (US \$)	TOTAL VALUE (KSHS)
-------	-------------------------------	---------------------------------	---------------	-----------------------------	--------------------------

Attach the following:

1. Copy of grading report (preferably instrument report)

2. Inspection report from a reputable agency (done within the last 6 months) I/We hereby certify that the information which I/we have given above is true and accurate to the best of my/our knowledge and belief.

Date ..... Signed .....

Official stamp .....

**D. FOR OFFICIAL USE**

Received by:

Name ..... Date .....

Signature .....

Application reference number: .....

**FORM AFA/FCD/A10** (r. 25(2)(a))  
**THE CROPS (FIBRE CROPS) REGULATIONS, 2020**  
**APPLICATION FOR CLASSING/GRADING OF COTTON LINT**

**A. Applicant information**

Name: .....

Address: ..... Telephone: .....

Email: .....

**B. Consignment information**

Number of samples .....

Sample (s) Lot Numbers: .....

Sample Condition: .....

Cotton Variety: ..... Type of Ginning: [ROLLER] [SAW]

Mode of results dispatch: .....

**C. Declaration**

I/We hereby declare that the samples of the above mentioned lot/lots were drawn and sealed, under our responsibility in accordance with the sampling protocols as prescribed by the Authority and were delivered to the Authority's laboratory as being truly representative of the lot(s) referred to.

**D. Requirements**

1. Non-refundable classing fee of ksh.150 per sample

2. The Laboratory reserves the right to withhold sample remnants for verification purposes.

Client's Signature: ..... Date: .....

**E. FOR LABORATORY USE:**

Received by: .....

[Subsidiary]

Date: .....

Classing report ready by (date): .....

Sample Received Note reference number .....

Checked by:

Authorizing Officer's Name .....

Signature .....

Date .....

SECOND SCHEDULE

[r. 5(6)), 6(5), 7(6), 8(6), 9(6), 10(7), 12(6),(12), 13(6), 14(6), 15(6), 16(6) 17(6), 32(5)]

CERTIFICATES, LICENCES AND PERMITS

**FORM AFA/FCD/B1**

(r. 5(6))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
 CERTIFICATE OF REGISTRATION AS A SMALLHOLDER FIBRE CROPS  
 GROWER

Certificate No. ....

THIS IS TO CERTIFY that ..... of postal address ..... of .....  
 County, LR No. .... has been duly registered as a fibre crops smallholder grower to  
 grow and maintain .....hectares of fibre crop ..... (*name of the crop*) on  
 the land parcel specified herein in accordance with section 14 of the Crops Act (Cap. 318).

Sign ..... Date .....

Signed for and on behalf of the registering growers' entity;

Official Stamp .....

*This certificate of registration is not transferable.*

**FORM AFA/FCD/B2**

(r. 6(5))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
 AGRICULTURE AND FOOD AUTHORITY  
 CERTIFICATE OF REGISTRATION AS A PLANTATION GROWER



Certificate No. ....

THIS IS TO CERTIFY that ..... of postal address ..... of  
 ..... County, LR No. .... has been duly registered as a fibre crops  
 plantation grower to grow and maintain ..... hectares of fibre crop .....  
 (*name of the crop*) on the land parcel specified herein in accordance with section 15 of the  
 Crops Act (Cap. 318).

Sign .....Date .....

Director General

Agriculture and Food Authority

Official Stamp .....  
 This certificate of registration is not transferable.

**FORM AFA/COUNTY/B1** (r. 7(6))  
 THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
 THE COUNTY GOVERNMENT OF ..... (insert name of respective  
 County Government)  
 (Insert Coat of Arms of respective County Government)  
 CERTIFICATE OF REGISTRATION FOR A COMMERCIAL NURSERY

Certificate No. ....

This is to CERTIFY that ..... of P.O. Box ..... is  
 registered as ..... (name type of crop nursery) at L.R. No. or Plot  
 No: .....

Village/Road..... Sub location.....Location: .....

Ward: .....Sub County.....County .....

Signature .....

Date: .....

For County government .....

Official Stamp .....

This Registration certificate is not transferable

**FORM AFA/COUNTY/B2** (r. 8(6))  
 THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
 THE COUNTY GOVERNMENT OF ..... (insert name of  
 respective County Government)  
 (Insert Coat of Arms of respective County Government)  
 COMMERCIAL NURSERY LICENCE

Licence Number .....

This LICENCE is issued to (company/name of person) ..... of P. O. Box .....  
 and permits the holder to raise a commercial ..... (state type of fibre crops) nursery  
 business at the location indicated as per L.R. No.(s) .....

1. The type of seedling clones to be raised must be in consultation with the Kenya Plant Health Inspectorate Service.
2. Phytosanitary aspects must be observed to ensure clean, healthy planting material.
3. The County may revoke, vary or suspend the licensing of the fibre crops nursery operator if a condition of licensing has been contravened or not complied with.

This LICENCE is issued subject to compliance with the provisions of the Crops Act, The Crops (Fibre Crops) Regulations, 2020, County Government Act and to such conditions as specified hereunder.

Date .....

Signature/Stamp.....

For County government

(This licence is not transferable.)

**FORM AFA/COUNTY/B3** (r. 9(6), 13(6), 15(6))  
 THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
 AGRICULTURE AND FOOD AUTHORITY

[Subsidiary]



CERTIFICATE OF REGISTRATION AS A RETAILER/FIBRE CROP PRODUCTS MANUFACTURER/IMPORTER/EXPORTER

Certificate No. ....

This is to CERTIFY that ..... of P. O. Box .....

is registered as .....

at L.R. No. or Plot No: .....

Village/Road ..... Sub location ..... Location: .....

Ward: ..... Sub County ..... County .....

Signature .....

Date: .....

Director General,

Agriculture and Food Authority .....

Official Stamp .....

*This certificate of registration is not transferable.*

**FORM AFA/FCD/B4** (r. 10(7), 14(6))  
THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
AGRICULTURE AND FOOD AUTHORITY



RETAILER'S/MANUFACTURE'S LICENCE

Licence No. ....

THIS LICENCE IS ISSUED to .....

of P.O. Box ..... who has been licenced to ..... (*state nature of dealership*);

Licence valid until .....

FEES KSHS ..... RECEIPT NO. ....

DATED .....

Signature ..... Designation .....

Date: .....

*Director General*

*Agriculture and Food Authority*



Official Stamp .....  
*This licence is not transferable.*

**FORM AFA/FCD/B5** (r. 12(6))  
THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
AGRICULTURE AND FOOD AUTHORITY



**PRELIMINARY APPROVAL TO SET UP A FIBRE CROP PRODUCTS  
MANUFACTURING FACTORY**

Approval No. ....

THIS APPROVAL IS ISSUED ..... (name of applicant) who  
has fulfilled all the requirements set by the Authority for setting up of a new fibre  
crops/products manufacturing factory for ..... (type of fibre crop factory)  
in ..... County.

The Applicant has committed to:

- (a) do environmental impact assessment;
- (b) whenever smallholder growers shall be involved, agreements shall be used;
- (c) install process equipment that will match current Kenyan standards;
- (f) execute the project within two years from the date of this preliminary approval.

.....

Director General,  
Agriculture and Food Authority  
Name ..... Signature .....  
Date .....

*This Approval is not transferable.*

**FORM AFA/FCD/B6** (r. 12(12), 32(5))  
THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
AGRICULTURE AND FOOD AUTHORITY



**CERTIFICATE OF COMPLIANCE**

Certificate No. ....

THIS IS TO CERTIFY that (area of inspection) .....presented by  
Ms. .... of postal address ..... of ..... County on LR  
No. .... has been duly inspected vide inspection report No: .....

[Subsidiary]

The grower/dealer has been found to conform to the requirements as set out by the Agriculture and Food Authority in accordance with provisions of the Crops Act Cap 318, and The Crops (Fibre Crops) Regulations 2020, laws of Kenya and is hereby issued with this certificate of compliance.

This certificate is valid for .....

Sign .....

Date .....

Director General

Agriculture and Food Authority

Official Stamp .....

*This certificate of compliance is not transferable.*

**FORM AFA/FCD/B7** (r. 16(6))  
THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
AGRICULTURE AND FOOD AUTHORITY



**EXPORT/IMPORT LICENCE**

Licence No. ....

THIS LICENCE IS ISSUED TO that .....

of P.O. Box .....

has been licenced to buy, receive, sell or dispose fibre and fibre products for purposes of export or import (..... *state the product*);

Licence valid until .....

FEES KSHS. .... RECEIPT NO. .... DATED .....

Signature ..... Designation .....

Date: .....

*Director General*

*Agriculture and Food Authority*

Official Stamp .....

*This licence is not transferable.*

**FORM AFA/FCD/B8** (r. 17(6))  
THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
AGRICULTURE AND FOOD AUTHORITY



FIBRE CROPS/FIBRE CROPS PRODUCE AND PRODUCTS EXPORT/  
IMPORT PERMIT

Permit No. ....

This Permit is hereby granted to M/s ..... of P.O. Box ..... and holder of a Registration No. .... and Licence No. .... to export/import ..... (name the fibre crop produce /product);

GRADE	QUANTITY IN METRIC TONS	PRICE F.O.B PER TON US\$ \$	FREIGHT US\$	USTOTAL VALUE (US \$)	TOTAL VALUE (KSHS)
-------	-------------------------------	-----------------------------------	-----------------	-----------------------------	--------------------------

Country of destination/origin .....

Date of shipment .....

Vessel .....

Consignee/ consigner .....

This Permit is valid for 90 days from the date of issuance.

Signed ..... Date .....

Director General

Agriculture and Food Authority (AFA)

Official Stamp .....

*This permit is not transferable.*

THIRD SCHEDULE

[r. 5(7), 5(11), 5(12), 6(6), 6(8), 8(7), 12(8), 16(7), 21(8), 24(5)(b), 25(6)(b), 32(3)]

REGISTERS, RETURNS AND REPORTS

**FORM AFA/FCD/C1** (r. 5(7), 5(11), 5(12), 6(6), 6(8), 8(7))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
REGISTER AND RETURNS

A. ANNUAL RECORDS OF SMALLHOLDER FIBRE CROPS GROWERS

Name of registering growers' entity .....

Name of fibre crop ..... Year .....

S/No	Name of grower	ID Number	Gender	Area under Production (Acres)	Fibre crop (Tons, indicate grade)	Indicate whether agreement exist
------	----------------	-----------	--------	-------------------------------	-----------------------------------	----------------------------------

B. ANNUAL REGISTER OF GROWERS' ENTITIES REGISTERING SMALLHOLDER FIBRE CROPS GROWERS

S/No	Name of Growers' entity	Certificate Number registered growers	Area planted with fibre crop	Fibre Crop (name of crop) Nursery Immature Mature	Date of submission of annual
------	-------------------------	---------------------------------------	------------------------------	---	------------------------------

C. ANNUAL REGISTER AND RETURNS OF FIBRE CROPS PLANTATIONS

[Subsidiary]

Registered name of plantation	Registration No.	Date of registration	Location of Plantation	Name of fibre crop and Nursery	Stage Immatu	Production (Tons)
-------------------------------	------------------	----------------------	------------------------	--------------------------------	--------------	-------------------

D. ANNUAL RETURNS BY COMMERCIAL FIBRE CROP NURSERY OPERATOR

Name of Nursery Operator .....

Name of Fibre Crop ..... Year .....

S/No	Location of Nursery	Number of seedlings carried forward from previous yea	Number of new Establishment during the year	Total Number	Number sold during the year	Balance carried forward
------	---------------------	---	---	--------------	-----------------------------	-------------------------

Returns submitted by: Name ..... Signature .....

Designation ..... Date .....

Official rubber stamp

**FORM AFA/FCDC/2** (r. 12(8), 32(3))  
 THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
 AGRICULTURE AND FOOD AUTHORITY



INSPECTION REPORT

1. Applicant's information

Name: .....

Registration No. ....

Address:Postal ..... Email .....

Telephone: ..... Mobile: .....

Inspection report period from: ..... to .....

Date: .....

2. Inspection Report For (Please State):

- (a) Field (farm)
- (b) Produce
- (c) Product
- (d) Factory
- (e) Collection centre
- (f) Warehouse
- (g) Other (specify)

Crops

[Subsidiary]

SN	AREA OF CONFORMITY / PARAMETER	OBSERVATION REMARK
----	--------------------------------	--------------------

1  
2  
3  
4

Comment:

.....  
.....  
.....

Inspector details:

Name .....  
Designation ..... Station .....  
Sign ..... Date .....

**FORM AFA/FCD/C3** (r. 22(8))  
THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
MONTHLY FIBRE CROP AND PRODUCTS MANUFACTURING RETURN

To: Director General  
AGRICULTURE AND FOOD AUTHORITY (AFA)  
Name of Fibre Crop Processor .....  
Fibre Crop Type .....  
Certificate registration No:.....  
Month ..... Year .....  
Date of report submission ..... GRADE .....

Fibre Factory	Processing To Previous Month	Total Bales Processing To Date	Quantity Delivered Locally	Quantity Exported	Balance at the Factory
---------------	------------------------------	--------------------------------	----------------------------	-------------------	------------------------

Name of Registered Processor.....  
Signature of Registered Processor .....  
Date .....  
Official stamp .....  
Copy to: County Government

**FORM AFA/FCD/C4** (r. 24(5)(b))  
THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
FIBRE CROPS/FIBRE CROPS PRODUCT GRADING REPORT

To .....  
.....  
Ms. ....

[Subsidiary]

Submitted samples received by sample receiving note no. ....

Date of submission of samples .....

Date of Grading .....

Results

S.N	Sample identifier	Consignment identifier (source of sample – Lot and Bale)	Grade
1			
2			
3			

Disclaimer:

The above results are based on the samples received and the Authority shall not be held responsible for any claims arising from inconsistencies between the sample and the source from where the samples were drawn.

Issued at ..... this ..... day of ...../20.....

Director General

Agriculture and Food Authority

Signature .....

Official Stamp .....

*(This report is not transferable and is issued without any alterations.)*

**FORM AFA/** (r. 25(6)(b))  
**FCD/C5**  
 THE CROPS (FIBRE CROPS)  
 REGULATIONS, 2020  
 COTTON LINT CLASSING AND  
 GRADING REPORT

Client's Name: .....

Results for sample(s) submitted under Sample Received Note reference number

..... on ..... day of ..... 20 .....

Sample Identification	Date of Origin analysis	Micronaire (mm)	length (UHML)	Uniformity Index (%)	Strength (g/tex)	RD +b	Colour grade

Extraneous matter and contamination report .....

.....

Remarks:

.....

.....

Disclaimer:

The above results are based on the samples received and the Authority shall not be held responsible for any claims arising from inconsistencies between the sample and the source from where the samples were drawn.

Crops

[Subsidiary]

Director General  
 Agriculture and Food Authority  
 Name ..... Signature .....  
 Date .....  
 Official Stamp .....

(This report is not transferable and is issued without any alterations.)

**FORM AFA/** (r. 21(8))  
**FCD/C6**

THE CROPS (FIBRE CROPS)  
 REGULATIONS, 2020  
 MONTHLY RETURN BY A RETAILER

To: Director General  
 AGRICULTURE AND FOOD AUTHORITY (AFA)  
 Name of Fibre crop retailer .....  
 Fibre Crop Type .....  
 Certificate registration No: .....  
 Month ..... Year .....  
 Date of report submission .....

SN	Collection centre/ Warehouse	PURCHASES	DELIVERIES TO FACTORY	Balances with retailer (Kgs)			
	Grade	Purcha- ses to previous Month (Kgs)	Purcha- ses During this month (Kgs)	Total Purcha- ses to date (Kgs)	Deliver- ies to previous Month (Kgs)	Deliver- ies During this month (Kgs)	Total Deliver- ies date (Kgs)

Name of Registered Retailer .....  
 Signature of Registered Retailer .....  
 Date .....  
 Official stamp  
 Copy to: County government

**FORM AFA/** (r. 16(7))  
**FCD/C7**

THE CROPS (FIBRE CROPS)  
 REGULATIONS, 2020  
 M MONTHLY EXPORTS/IMPORTS  
 RETURNS

Name of Exporter / Importer: .....  
 Licence No. ....

[Subsidiary]

Month ..... Year .....

Reporting date: .....

Permit No.	Fibre Crops Product	Grade	Tons	USD/ Kshs. per ton	Total value in USD/Kshs	Consignor/Destination / ConsigneeOrigin
------------	---------------------	-------	------	--------------------	-------------------------	---

Name of Exporter/Importer .....

Signature .....

Date .....

Official stamp .....

FOURTH SCHEDULE

[r. 30]

Guidelines for Development of Agreements between Parties

**SAMPLE AGREEMENT BETWEEN A GROWER AND A DEALER**

**(To be filled in triplicate: a copy to the Cooperative society/union/ Association/Farmer Group, County government and the Authority)**

AGREEMENT FOR ..... (insert services) BETWEEN .....(insert service provider) AND .....

(insert client).

This AGREEMENT is made this ..... Day of ..... 20 .....

BETWEEN: ..... of .....

..... (registered DEALER, (..... Others specify) Registration No. .... hereinafter referred to as "service provider"

which expression shall where the context so admits include its successors and assignees of the one part:

AND ..... of ..... a grower/ ..... (*enter crop type*) Registration No. .... (..... others specify) hereinafter called the "client" which expression shall where the context so admits include its successors and assignees) of the other part

WHEREAS

- (a) the client has requested ..... (Services) from the service provider
- (b) the service provider having presented to the client that they have the required skills, capacity, resources, labour, personnel has agreed to provide the services as per the conditions set forth in this agreement.

NOW IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS;

1. Services

Parties to ensure that the following elements among other are captured in this section

- (a) Quantity and quality of produce to be supplied at a particular time and agreed price:
- (b) Seed and other inputs:
- (c) General accepted production practices:
- (d) Record keeping:



- (e) Field support and training:
- (f) Harvesting, post-harvest practices and storage:
- (g) Inspection and grading:
- (h) Packaging supply and procedures:
- (i) Conditions of collection or delivery:
- (j) Rejected produce:

2. Term

This section shall state the duration (start date and end date) of the agreement and the option(s) of renewal.

3. Payments

This section shall state the cost of the service(s) or price of the produce, mode and schedule of payment.

4. Force majeure

For purposes of this agreement, force majeure means an event which is beyond the reasonable control of either party and makes a party's performance of its obligations impossible.

Endorsed by County  
 government  
*(Where growers  
 and dealer agreement  
 is entered into):*  
 Name .....  
 Signature .....  
 Date .....  
 Official  
 Stamp .....

Parties to state specific calamities that would be considered as force majeure.

5. Termination

This section shall state the conditions for termination of agreement by either party including notifications.

6. Breach of agreement and penalties

(a) Parties to define what constitutes a breach in the agreement and what remedies are acceptable to the parties.

(b) Penalties for breach to be defined.

7. Dispute resolution

Any dispute arising between parties to this agreement shall in the first instance be referred to an arbitrator mutually agreed upon by the parties. In the event that an amicable solution is not realised either party to seek other remedies in accordance with the Laws of Kenya.

8. Law governing the Agreement

This agreement shall be governed by the Laws of the Republic of Kenya.

9. Annexures

This Clause shall contain documents that form part of this agreement e.g. copies of registration certificates, licences, quality certificates etc.

[Subsidiary]

IN WITNESS WHEREOF the parties have hereunto executed this Agreement on the day and date hereinbefore mentioned.

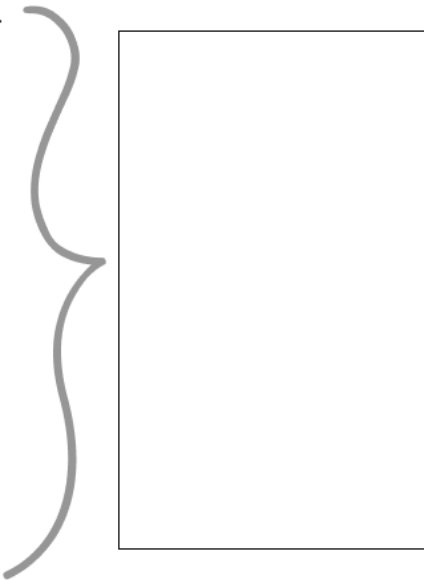
SIGNED for and on behalf of the service provider;

Name: .....  
Designation .....  
Date: .....

In the presence of  
Name: .....  
Designation .....  
Date: .....

signed for and on behalf of the client  
Name: .....  
Designation .....  
Date: .....

In the presence of  
Name: .....  
Designation .....  
Date: .....






FIFTH SCHEDULE

[r. 24(1)]

Sisal and Cotton Grading Definitions

**SISAL AND COTTON GRADING DEFINITIONS**

1. SISAL GRADING DEFINITIONS

Bale Marks	
	Length from 3ft. with average 3 ft. 6 in. Free of defective decortication. Properly brushed. Free of tow, buncy ends, knots and harshness. Colour: creamy white to cream
<b>A</b>	Same as Grade 1 but colour yellowish, sunburned, slightly spotted or slightly discoloured.
	Length from 2 ft. 6 in. upwards. Otherwise same as Grade 1.
	Length from 2 ft. upwards, consisting of brushed fibre that does not conform to Grades 1, A or 2. Although minor defects in colour and cleaning are allowable, it must be free of barky or undecorticated fibre and knots.
	Length from 3 ft. upwards. Otherwise the same as Grade 3
<b>UG</b>	Fibre that does not conform to the above-mentioned grades as regards length, colour and cleaning but minimum length 2 ft.
<b>SSUG</b>	Length should not be less than 60cm. This is the fibre which does not conform to standard UG grade. Colour may vary from yellowish to more darkish and blemished
<b>SCWF</b>	Short Clean White Fibre. Length not less than 18 in. and not more than 24 in. Otherwise same as Grade 3.
<b>TOW 1</b>	Pieces of fibre that comes out behind the brushing machines. Free of line fibre, cuttings, dust, dirt, sweepings, knots and undecorticated barks. Colour varies from creamy white to cream.
<b>TOW 2</b>	Pieces of fibre that comes out behind the brushing machines during the process of brushing. Free of line fibre, cuttings, dust, dirt, sweepings, knots and undecorticated barks. Colour of fibre may be brownish, spotted, yellowish or greenish. Black coloured fibre is not allowed in this grade because this shows that it is in the process of rotting (or rotten).

[Subsidiary]

Uncarded Flume TOW	Fibre cuttings extracted from the flume channel and dried. It should be uniform in colour of creamy white to light brown. Devoid of un-decorticated strips of sisal leaf, rotten fibre and foreign materials. It should be properly dried with a moisture content similar to other grades. Dust content not to exceed 15% when extracted by hand.
Carded Flume TOW	Fibre cuttings extracted from the flume channel and dried. It should be the same as uncarded flume tow except the total dust content not to exceed 10%.
UHDS	Length 60cm upwards and it is fibre which comes from unwashed hand, decorticated sisal. It can be brushed or not brushed and colour may be blemished, greenish, brownish and blackish but not rotten.

Notes relating to Grades 1, A, 2, 3L, 3, UG and SCWF –

(a) All grades to be of parallel packing, no ties or knots, free of dampness and excessive baling pressure.

(b) The word "harshness" included in the definition of Grades 1, A, and 2 only refers to fibre from which the gum has not been sufficiently extracted by cleaning, and does not apply to fibre which is coarse in texture owing to soil or climatic conditions.

## 2. SEED COTTON GRADING DEFINITIONS

Grade A - seed cotton with no yellow stains from pest attack and excretions usually white and with minimum foreign matter.

Grade B - yellow stained seed cotton from pest attack and excretions usually not white

## 3. COTTON LINT CLASSING AND GRADING

All cotton lint shall be classed and graded by instrument testing.

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## SIXTH SCHEDULE

[9(3)(a), 13(3)(a), 15(3)(a), 18(3)]

### Registration and Licensing Requirements

#### CONDITIONS FOR REGISTRATION AND LICENSING

##### 1. Conditions for registration for new applicants—

- (a) a duly filled application form;
- (b) a certified copy of CR2 and CR12 certificate from the Registrar of Companies or by-laws in case of cooperative societies, associations or groups;  
the names of the company directors or Executive Committee (in the case of cooperative societies, associations or groups), copies of IDs/passports and PIN certificates;
- (c) a certified copy of business trading permit from the respective County government;
- (d) a certified copy of certificate of incorporation/certificate of registration;
- (e) a copy of valid tax compliance certificate from Kenya Revenue Authority;
- (f) recent bank statements from a duly licenced bank;
- (g) an inspection report from the relevant licensing Authority (where applicable);

- (h) a copy of agreement for source of fibre crops or fibre crop products (whichever is applicable);
- (i) the certificate of compliance issued in accordance with regulation 12 shall form part of the requirements for registration and licensing of a manufacturer; and
- (j) any other requirements that may be deemed necessary by the Authority or the County government.
2. Conditions for renewing of a licence issued under these Regulations—
- (a) a duly filled application form;
- (b) a certified copy of a business trading permit from the respective County government;
- (c) a copy of valid tax compliance certificate from Kenya Revenue Authority;
- (d) recent bank statements from a duly licenced bank;
- (e) the inspection report or a certificate of compliance from the relevant licensing Authority (where applicable);
- (f) the annual marketing and production returns for the previous year;
- (g) copies of agreements for the sources of fibre crops or fibre crop products (whichever is applicable);
- (h) the certificate of compliance issued in accordance with regulation 12 shall form part of the requirements for registration and licensing of a manufacturer; and
- (i) any other requirements that may be deemed necessary by the Authority or the County government.

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SEVENTH SCHEDULE

[r. (28)(8)]

Fibre Crops Pricing Committee

**THE MEETINGS AND PROCEDURES OF THE FIBRE CROPS  
AND FIBRE CROP PRODUCTS PRICING COMMITTEE**

1. The Committee shall meet at the Authority's registered offices or any other designated venue and the meetings shall be convened by the chairperson.
2. The Committee shall meet on a need basis but at least once every financial year.
3. Unless two thirds of the members of the Committee agree, a meeting shall be convened by a written notice of at least fourteen days to the date of the meeting, issued to every member.
4. Every meeting shall be presided over by the chairperson or in the absence of the chairperson, the members present shall appoint one of their members to preside at the meeting.
5. The Committee may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Committee.
6. The quorum for the meetings of the Committee shall be two-thirds of its members.
7. Where there is a vacancy in the composition of the Committee, the quorum of the meeting shall be at least five members.
8. A decision of the Committee shall not be invalid by reason only of a vacancy among its the members.

[Subsidiary]

9. If a person has a personal or fiduciary interest in any matter being deliberated by the Committee, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question on that matter.

10. A disclosure of interest made under paragraph 9 shall be recorded in the minutes of the meeting at which it is made.

11. A question before the Committee shall be decided by a majority of the members present at the meeting and the chairperson shall have a casting vote. 5.

12. The Committee shall determine rules of procedure for the conduct of its business and keep minutes of its meetings and decisions.

EIGHTH SCHEDULE

[r. 38 ]

Fees for Permits, Certificates and Licences

**FEES FOR CERTIFICATES, LICENCES AND PERMITS**

No.	Category of licence/ Permit	Annual Fees Kshs / USD	Payable to
1.	Fibre crops retailer licence	Kshs. 2,500.00	Authority
2.	Licence for fibre crops (sisal) for exports/imports markets only	Kshs. 8,000.00	Authority
3.	Licence for fibre crops (Cotton lint) for exports/imports markets only	USD 2,000.00 (Export licence)	Authority
4.	Licence for fibre crops (cotton seed/ cotton seed cake) for exports/imports markets only	Kshs 2,000 (Import licence) Kshs. 1,000.00	Authority
5.	Licence for fibre crops marketing for domestic markets only.	Kshs. 5,000.00	Authority
6.	Licence fees for sisal manufacturing factory authorizing the holder to process own sisal leaf exclusively	Kshs. 2,000.00	Authority
7.	Licence fees for sisal manufacturing factory authorizing the holder to process own sisal	Kshs. 2,000.00	Authority

*Crops*

[Subsidiary]

	leaf as well as other growers		
8.	Cotton ginning licence	Kshs. 2,000.00	Authority
9.	Cotton Seed Milling licence	Kshs. 5,000.00	Authority
10.	Sisal spinning factory/cotton textile milling factory licence	Kshs. 5,000.00	Authority
11.	Certificate of compliance	Kshs. 5,000.00	Authority
12.	Lint classing services	Kshs. 150.00 per sample	Authority
13	Sisal inspection	0.5% FOB	Authority

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**THE CROPS (HORTICULTURAL CROPS) REGULATIONS**

## ARRANGEMENT OF REGULATIONS

*Regulation*

1. Citation.
2. Interpretation
3. Application
4. Object of the Regulations

## PART II – PRODUCTION AND PRODUCTIVITY

5. Approved sources of planting materials
6. Obligation to register nurseries and mother blocks
7. Registration of nurseries or mother blocks for domestic market.
8. Registration of nurseries or mother blocks for export market
9. Conditions of nursery registration certificate.
10. Revocation of certificate of nursery or mother block registration.
11. Certification of planting materials
12. Nursery records and returns
13. Registration of grower associations.
14. Registration of dealers in the domestic market
15. Registration of horticultural produce clearing agents.

## PART III – QUALITY ASSURANCE AND MARKETING

16. Monitoring of quality standards
17. Safe production and handling of horticultural produce
18. Produce handling and grading at the farm
19. Minimum conditions for produce handling facilities
20. Requirements for packaging, transportation and storage of horticultural produce and products
21. Safe use of pesticides
22. Traceability of produce
23. Contract farming
24. Enforcement of quality standards
25. Consequences of non-compliance with standards
26. Consequences of non-compliance with standards
27. Import certificate
28. Export licence
29. Export certificate
30. Import and export returns
31. Appeals

## PART IV – MISCELLANEOUS PROVISIONS

32. Fees
33. Levies
34. Alteration, suspension and revocation of licences or certificates
35. General penalty
36. Transitional provisions
37. Revocation L.N No. 190 of 2011

## SCHEDULES

[Subsidiary]

HORTICULTURAL

SECOND SCHEDULE —

THIRD SCHEDULE —

FORMS

FEES AND LEVIES

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**THE CROPS (HORTICULTURAL CROPS) REGULATIONS**

[Legal Notice 118 of 2020]

**1. Citation.**

These Regulations may be cited as the Crops (Horticultural Crops) Regulations.

**2. Interpretation**

In these Regulations, unless the context otherwise requires—

"Act" means the Crops Act (Cap. 318);

"Authority" means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act (Cap. 317);

"agreement" means a negotiated and binding arrangement between a dealer and a grower of horticultural produce;

"collection centre" means an area established close to growers for bulking of produce for purposes of collective marketing and enforcement of quality standards;

"crops inspector" means a person who is appointed as such, in writing, by the Authority in accordance with section 27 of the Act;

"dealer" means a natural person, a company or a firm engaged in collecting, transporting, storing, buying or selling horticultural produce and includes a ship chandler, an exporter, an importer, processor or a marketing agent;

"domestic market" means a market for horticultural produce that is situated within the country;

"export" means the selling of horticultural produce in a market that is outside Kenya;

"financial year" means the period of twelve months commencing on the first of July and ending on the thirtieth June of the subsequent year;

"grower" means a person who cultivates horticultural crops in Kenya and includes a smallholder and a plantation grower;

"horticultural crop" means a crop listed under the First Schedule;

"import" means to bring into Kenya horticultural produce from another country;

"levy" means a payment imposed on horticultural produce based on a criterion determined and published in the gazette by the cabinet secretary;

"marketing agent" means a natural person, company or firm engaged in buying horticultural produce for sale in the domestic market or export market;

"mother block" means an established area for plants known to be free from diseases and true to type that is used as a source of stock for propagation for the purpose of obtaining clean grafting or budding material;

"national horticulture standards" means the Kenyan Horticulture Standards formulated and registered by the Kenya Bureau of Standards in consultation with the Authority and the horticulture industry;

"nursery" means an area for raising and selling horticulture seedlings including tissue culture laboratories, greenhouses, shed nets and open fields;

"nursery seedling operator" means a person who raises horticulture seedling for sale;

"postharvest" means any process that horticultural produce is subjected to from the time the crop is harvested to the time the crop is consumed;

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"potable water" means water that has been tested and confirmed to be suitable for use in the processing of horticultural produce;

"produce" means the harvested part of horticultural crop including roots, tubers, fruits, leafy part, berries or cut flowers ;

"produce handling facility" means an area where horticultural produce is assembled for purposes of grading, sorting, packaging or storage and includes collection centres, pack houses, cold stores, supermarkets, retail and wholesale markets and grading sheds;

"retail market" means a place where horticultural produce is sold to consumers;

"rootstock" means a plant, including a stump, which already has an established healthy root system onto which a cutting or a bud from another plant is grafted;

"scion" means a detached portion of a plant, a bud or shoot that is intended for grafting or budding to a rootstock;

"seedling" means a plant that is sexually or asexually propagated as a vegetative planting material;

"ship chandler" means a person registered and authorized by the Authority to supply horticultural produce to a ship or an aircraft;

"traceability" means the ability to track horticultural produce and process owner from production to the final consumer and vice versa;

"value addition" means the process of capturing and creating value of produce from its original state and includes sorting and grading, packaging, prepacking, canning and freezing;

"vessel" means a carrier which can be used to convey horticultural produce from one point to another and includes a person, vehicle, ship, airplane, bicycle, handcart or motorbike; and

"wholesale market" means a place where goods or merchandise are sold to retailers, industrial, commercial, institutional or other large- scale business users.

### 3. Application

These Regulations shall apply to all horticultural crops specified in the First Schedule—

- (a) grown, processed or marketed in Kenya; and
- (b) imported to or exported from Kenya.

### 4. Object of the Regulations

The object of these Regulations is to promote, develop and regulate the growth of the horticulture industry, to ensure that growers and dealers meet produce quality and food safety standards and to provide for the—

- (a) organization and coordination of the horticulture industry;
- (b) reduction of duplication and overlap of functions among institutions involved in the regulation of the horticulture industry;
- (c) registration of nursery operators, grower associations and dealers;
- (d) increased productivity and production of safe and quality horticultural produce;
- (e) safe handling, storage, value addition and efficient distribution of horticultural produce;
- (f) improved market access of horticultural produce; and
- (g) establishment of systems for collection of integrated real time data for the horticulture value chain.

## PART II – PRODUCTION AND PRODUCTIVITY

**5. Approved sources of planting materials**

(1) A commercial nursery operator shall not procure rootstock, scion or seed from a source that is not approved.

(2) A person who contravenes subregulation (1) commits an offence.

**6. Obligation to register nurseries and mother blocks**

(1) A person shall not operate a commercial nursery or a mother block for supply to the domestic market unless the person holds a valid certificate of registration from the respective county government.

(2) A person shall not operate a commercial nursery or mother block for supply to the export market unless the person holds a valid certificate of registration from the Authority.

(3) A person who contravenes subregulation (1) or (2) commits an offence.

**7. Registration of nurseries or mother blocks for domestic market.**

(1) A person who intends to operate a commercial nursery or a mother block for supply to the domestic market shall apply for registration to the respective county government in Form 1 set out in the Second Schedule.

(2) The county government shall not issue a certificate of registration unless a county crops inspector has visited and inspected the site and has confirmed that the applicant complies with the following requirements—

- (a) sanitation standards are maintained at the propagation area;
- (b) the seedlings are protected from diseases and pests;
- (c) the area is free from organic and inorganic litter;
- (d) there is clear separation of operations, including soil mixing and potting, seedling area, grafting area, hardening area and dispatch;
- (e) the water source is year-round, adequate, of recommended PH and is free from chemical and microbial contamination;
- (f) the planting media used is free from microbial and chemical contamination;
- (g) the nursery layout is secured from animals and other pests;
- (h) the layout has East to West orientation, has a gentle slope and allows for good drainage;
- (i) there are structures in place for the nursery operations including shade nets, polytunnels and insect proof net, a certified laboratory for tissue culture material and a hardening off area;
- (j) the scion, seeds or rootstock are obtained from an approved source;
- (k) the nursery seedlings are labelled with the seedling type, date of planting, grafting or budding where applicable;
- (l) the seedlings ready for dispatch are tagged or labelled appropriately indicating the seedling variety;
- (m) the distribution records of the nursery showing the buyer's name, county, sub county, ward, postal address and varieties purchased are maintained;
- (n) the nursery is located one hundred meters away from the orchard to prevent cross pollination; and
- (o) the operator or the operator's agent has adequate knowledge of nursery management and horticultural techniques in respect of the horticultural crops to be grown.

(3) The county government shall, if satisfied that the applicant meets the requirements in subregulation (2), issue a certificate of registration in Form 2 set out in the Second Schedule to the applicant in respect of the inspected site.

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(4) A certificate of registration for a commercial nursery or a mother block shall not be transferrable and shall expire at the end of the financial year.

(5) An application for renewal of registration shall be made to the respective county government at least three months before the expiry date in Form 1 set out in the Second Schedule.

#### **8. Registration of nurseries or mother blocks for export market**

(1) A person who intends to operate a commercial nursery or mother block for supply to the export market shall make an application to the Authority in Form 3 set out in the Second Schedule.

(2) The Authority shall issue a certificate of registration after a crops inspector has visited and inspected the site and confirmed that it complies with the following minimum requirements—

- (a) sanitation standards are maintained at the propagation area;
- (b) the seedlings are protected from diseases and pests;
- (c) the area is free from organic and inorganic litter;
- (d) there is clear separation of operations, including soil mixing and potting, seedling area, grafting area, hardening area and dispatch;
- (e) the water source is year-round, adequate, of recommended PH and is free from chemical and microbial contamination;
- (f) the planting media used is free from microbial and chemical contamination;
- (g) the nursery layout is secured from animals and other pests;
- (h) the layout has East to West orientation, has a gentle slope and allows for good drainage;
- (i) there are structures in place for the nursery operations including shade nets, polytunnels, insect proof nets, a certified laboratory for tissue culture material and hardening off area;
- (j) the scion, seeds or rootstock are obtained from an approved source;
- (k) the nursery seedlings are labelled with the seedling type, the date of planting, grafting or budding, as the case may be;
- (l) the seedlings ready for dispatch are tagged or labelled appropriately, indicating the seedling variety;
- (m) the distribution records of the nursery showing the buyer's name, county, sub county, ward, postal address and varieties purchased are maintained;
- (n) the nursery is located 100 meters away from the orchard to prevent cross pollination; and
- (o) the personnel working in the nursery have basic training in nursery management.

(3) The Authority shall, if satisfied that the applicant meets the requirements in subregulation (2), issue a certificate of registration in Form 4 set out in the Second Schedule to the applicant in respect of the inspected site.

(4) A certificate of registration issued under this regulation shall not be transferrable and shall expire at the end of the financial year.

(5) An application for renewal of registration shall be made to the Authority at least three months before the expiry date in Form 3 set out in the Second Schedule.

#### **9. Conditions of nursery registration certificate.**

(1) An operator of a commercial nursery or a mother block shall, on request by an inspector, produce the certificate of registration.

(2) A person who contravenes this regulation commits an offence.

**10. Revocation of certificate of nursery or mother block registration.**

The Authority or county government may revoke a certificate of registration issued to a nursery or a mother block operator if that operator contravenes the provisions of the Act, any regulations issued under the Act or any conditions specified in the certificate.

**11. Certification of planting materials**

(1) A nursery operator shall not sell planting materials that have not been certified by the Kenya Plant Health Inspectorate Service.

(2) A person who contravenes this regulation commits an offence.

**12. Nursery records and returns**

(1) A commercial nursery operator who is registered by the Authority or county government shall keep records of distributed planting materials and shall produce the records on demand for inspection.

(2) The records referred to in subregulation (1) shall indicate the varieties purchased and the buyer's name, county, sub-county, ward and postal address.

(3) A nursery operator shall submit annual statistical returns to the Authority Form 5 set out in the Second Schedule.

(4) A person who contravenes subregulation (1) or (3) commits an offence.

**13. Registration of grower associations.**

(1) A plantation grower or a grower association may apply to the Authority for registration in Form 6 set out in the Second Schedule.

(2) The application made under subregulation (1) shall be accompanied by—

- (a) a certificate of registration;
- (b) a list of the association's officials;
- (c) a list of the registered members;
- (d) a list of horticultural crops grown by the members;
- (e) the code of conduct for the association.

(3) No fee shall be charged for the registration of grower associations.

(4) The Authority shall, if satisfied that the applicant meets the requirements for registration, enter the name and particulars of the association in the register and issue a certificate of registration subject to such terms and conditions as it deems necessary.

**14. Registration of dealers in the domestic market**

(1) A person who intends to deal in horticultural crops in the domestic market shall make an application to the Authority in Form 7 set out in the Second Schedule.

(2) If the Authority is satisfied that the applicant meets the registration requirements, the Authority shall issue a certificate of registration to the applicant.

(3) A certificate of registration issued under this regulation shall be in Form 8 set out in the Second Schedule.

(4) A dealer shall conspicuously display the certificate issued under subregulation (3) at his place of business.

(5) A certificate of registration issued under this regulation shall not be transferrable shall be valid until the thirtieth of June next following the date of issue.

(6) An application for renewal of registration shall be made to the Authority at least three months before the expiry date in Form 7 set out in the Second Schedule.

**15. Registration of horticultural produce clearing agents.**

(1) A clearing agent who intends to clear horticultural produce shall apply to the Authority for registration in Form 9 set out in the Second Schedule.

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- (2) The application under subregulation(1) shall be accompanied by—
- (a) the fee set out in the Third Schedule
  - (b) a copy of the certificate of incorporation;
  - (c) a copy of the customs license;
  - (d) a copy the Kenya Revenue Authority PIN certificate;
  - (e) a copy of the certificate from the Kenya International Freight and warehouse Association of Kenya;
  - (f) a contract or an agreement between the clearing and forwarding agent and the exporter;
  - (g) two coloured passport photos for a processing clerk;
  - (h) a copy of the national identification card for the processing clerk; and
  - (i) a copy of a certificate of good conduct from the National Police Service for the processing clerk.

(3) The Authority shall, if satisfied with that the application meets the registration requirements, enter the name of the applicant in the register and issue the applicant with a certificate in Form 10 set out in the Second Schedule subject to such terms and conditions it deems necessary.

#### PART III – QUALITY ASSURANCE AND MARKETING

### 16. Monitoring of quality standards

(1) The Authority shall, in collaboration with relevant Government agencies and county governments, ensure that horticultural crop inputs and produce conform to these Regulations, national, regional and international horticulture standards.

(2) Every county government shall facilitate the development of market infrastructure to support the implementation of national standards.

### 17. Safe production and handling of horticultural produce

(1) A person shall not use water, planting media or fertilizer that contains microbial or chemical contaminants for production of horticultural crops.

(2) Water used for postharvest and processing of horticultural produce shall be of potable quality.

(3) Every county government shall ensure that all collection centres, retail and wholesale markets, food stores and pack houses are provided with sanitary facilities.

(4) A person who contravenes subregulation (1) or (2) commits an offence.

### 18. Produce handling and grading at the farm

(1) Horticultural produce shall be harvested at the right stage of maturity for the intended use.

(2) Harvested produce shall be handled by personnel with skills and knowledge on food safety.

(3) Horticultural produce shall be harvested in the morning or evening or during cool parts of the day and kept under a shade.

(4) Harvested produce shall be protected from dust and other contaminants.

(5) Appropriate harvesting equipment and containers shall be used for harvesting horticultural produce.

(6) Horticultural produce shall be harvested using clean crates or clean buckets.

(7) Horticultural produce shall be sorted and graded as appropriate and produce unfit for the market shall be separated from marketable produce at the field level.

(8) A collection shed shall be constructed for receiving produce at the field level.

(9) A collection shed shall—



- (a) be accessible to both growers and dealers;
- (b) be designed to allow for a store, working area and shade;
- (c) have floors, doors, wall surfaces made with materials which are easy to clean and disinfect;
- (d) be constructed to allow for adequate ventilation, lighting, effective produce inspection and made of acceptable materials;
- (e) have potable water and adequate sanitation facilities;
- (f) have waste disposal facilities;
- (g) have clear documentation procedures and document control systems; and Produce handling and grading at the farm.
- (h) have traceability details of any produce that is collected.

(10) A person who contravenes subregulation (1), (2), (4), (6), (8) or (9) commits an offence.

### **19. Minimum conditions for produce handling facilities**

(1) The processing and packaging of horticultural produce shall be carried out under clean, hygienic and safe conditions as set out in the National Horticulture Standards and the Public Health Act (Cap. 242).

(2) The working areas and premises of a produce handling facility shall be kept free of waste materials.

(3) Any person who is within a produce handling facility shall wear protective clothing at all times.

(4) Any hand used equipment or grading table shall be rust proof and easy to clean.

(5) The floor layout for a produce handling facility shall allow for smooth flow of produce with adequate separation of raw materials and finished products.

(6) The floors, doors and wall surfaces of a produce handling facility shall be made of impervious, nonabsorbent, non-toxic washable material which is easy to clean and disinfect.

(7) A produce handling facility shall have adequate ventilation, temperature control and lighting.

(8) A produce handling facility shall be designed and constructed to prevent entry of dust, domestic animals, rodents, insects, birds, or any other unwanted animals.

(9) A person shall not smoke, eat or drink in a produce handling facility and appropriate signs shall be displayed in the facility to that effect.

(10) Packaging materials shall be kept off the floor in a clean dry storage area that is free from the risk of contamination.

(11) Horticultural produce shall move through the facility operation in the order that it is received, first in first out.

(12) The traceability of horticultural produce shall be documented throughout the process chain.

(13) A person who contravenes any provision in this regulation commits an offence.

### **20. Requirements for packaging, transportation and storage of horticultural produce and products**

(1) The packaging material for horticultural produce shall be designed to suit the transport handling system and shall meet market requirements.

(2) The package weight of horticultural produce shall not exceed fifty kilogrammes.

(3) The packaging material used for horticultural produce shall have the capacity to contain the produce, enabling the required quantity to be handled as one-unit up to the targeted destination without collapsing.

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(4) Horticultural produce shall, during storage and transportation, be kept at the temperature and humidity levels prescribed in the specific commodity standards for that produce.

(5) Horticultural produce shall not be stored or transported together with other produce which may contaminate them or otherwise adversely affect their quality.

(6) A vessel for transportation of horticultural produce shall be built and equipped to ensure maintenance of optimal temperatures and hygiene and to prevent damage, contamination and spoilage of produce.

(7) Horticultural produce offered for export shall conform to the national labelling and packaging standards.

(8) Every packaging material for horticultural produce for the export market shall be branded as "produce of Kenya" using the national logo prescribed by the national institution responsible for branding.

(9) A person handling horticultural produce shall—

- (a) after every six months, undergo a medical test and be issued with a medical certificate; and
- (b) be trained on produce handling.

(10) A person who contravenes any provision in this regulation commits an offence.

## 21. Safe use of pesticides

(1) A grower shall use only the pest control products registered by Pest Control Product Board in accordance with the label instructions.

(2) A grower shall maintain all records of pest control products used and avail the records to a crops inspector on demand.

(3) The minimum records kept by a grower for traceability shall include—

- (a) the name of the crop previously grown in the same field;
- (b) the type of seed used;
- (c) seed dressing product used;
- (d) date of planting;
- (e) pest and disease records;
- (f) pest product used in spraying;
- (g) method of application of pest control products;
- (h) weather conditions during the application of pest control products;
- (i) date and rate of application of pest control products;
- (j) irrigation frequency and dates of irrigation;
- (k) harvesting dates and weather conditions during harvesting;
- (l) the spray operator and equipment used; and
- (m) sprayer and equipment calibration records.

(4) A person shall not use post-harvest treatment products that are not registered by the Pest Control Product Board.

(5) A person who contravenes any provision of this regulation commits an offence.

## 22. Traceability of produce

(1) A dealer in horticultural produce shall declare to the Authority the source of his produce—

- (a) in the case of a farm owned by the dealer, in Form 11 set out in the Second Schedule;
- (b) in the case of produce sourced from contracted growers, in Form 12 set out in the Second Schedule; or

- (c) in the case of produce obtained from retail or wholesale markets, in Form 13 set out in the Second Schedule.

(2) A dealer in horticultural produce shall put in place the National Horticulture Traceability System or an equivalent traceability system as may be approved by the Authority.

(3) A dealer in horticultural produce shall not deal with marketing agents who are not registered with the Authority.

(4) A dealer in horticultural produce shall put in place a quality management system for withdrawal and recall of produce to address food safety concerns with potential to harm human health.

(5) A person who contravenes any provision in this regulation commits an offence.

### **23. Contract farming**

(1) A grower supplying produce to a dealer shall sign a contract with the dealer.

(2) A dealer shall not—

- (a) sponsor the growing of a horticultural crop for trading without notifying the Authority;
- (b) collect produce from a sponsored production scheme unless authorized in writing to do so by the sponsoring firm;
- (c) return horticultural produce collected from a grower contrary to the contract; or
- (d) impose contractual terms on the grower that do not comply with the horticultural code of conduct.

(3) A person who contravenes regulation (2) commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a period not exceeding six months or both.

### **24. Enforcement of quality standards**

(1) Produce in collection centres, stores, pack houses, markets, warehouses may be randomly sampled and tested by the Authority in collaboration with county government and relevant agencies from time to time to ensure conformity with food safety and quality requirements.

(2) A dealer shall not operate without a compliance certificate in Form 14 set out in the Second Schedule.

(3) A dealer shall not be issued with a compliance certificate unless a Crops inspector—

- (a) has visited and inspected the farm and confirmed that it complies with food safety and quality standards; and
- (b) is satisfied that the dealer has adequate knowledge of national, regional and international market requirements.

### **25. Consequences of non-compliance with standards**

Horticultural produce that does not conform to the set national and international standards and has been declared so by the Authority shall—

- (a) in the case of produce that does not comply with food safety standards, be seized, detained or destroyed at the cost of the offender; and
- (b) in the case of produce presented using forged export documents or exported using forged phytosanitary certificate, export certificate or any compliance certificate, be destroyed upon interception and the offender suspended from export dealership for one year.

### **26. Consequences of non-compliance with standards**

(1) A person who intends to be registered as an importer of horticultural produce shall apply to the Authority for a horticultural produce import licence in Form 15 set out in the Second Schedule.

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- (2) The application under subregulation (1) shall be accompanied by—
- (a) a copy of the certificate of incorporation, for local companies;
  - (b) a copy of the certificate of compliance for a branch of a foreign company;
  - (c) Kenya Revenue Authority PIN certificate for the company;
  - (d) a valid tax compliance certificate from the Kenya Revenue Authority;
  - (e) a copy of a valid business permit;
  - (f) copies of the identity cards or passports of the directors;
  - (g) copies of a passport and valid work permit of the directors, if they are foreigners;
  - (h) the fee set out in the Third Schedule.

(3) The Authority may require the personal attendance of the applicant or an authorized representative of the applicant for interview before granting a licence.

(4) If the Authority is satisfied that the applicant has satisfied the requirements for registration, the Authority shall issue the applicant with an import licence in Form 16 set out in the Second Schedule.

(5) If the Authority refuses to grant an import licence, it shall inform the applicant of such refusal in writing, giving reasons thereof.

(6) A licence issued under this regulation shall be valid from first July up to thirtieth of June of the following calendar year unless earlier cancelled.

(7) An import licence shall not be transferrable.

(8) A person who imports horticultural produce without a valid horticultural crop import licence commits an offence.

## **27. Import certificate**

(1) A registered importer who intends to import a consignment of horticultural produce shall apply to the Authority for a horticultural produce import certificate in Form 17 set out in the Second Schedule.

- (2) The application under subregulation (1) shall be accompanied by—
- (a) copies of importation and customs entry documentation;
  - (b) the import permit for shipment of the specific consignment;
  - (c) evidence of payment of duties and levies;
  - (d) a certificate of origin and contact details of the exporters and importers from whom the consignment was procured; and
  - (e) the fee set out in the Third Schedule.

(3) The Authority shall, on receipt of the application, analyse samples of the consignment in respect of which the application is made at the port of entry.

(4) If the Authority is satisfied that the consignment of horticultural crops meets the import requirements, the Authority shall issue the applicant with an import certificate in form 18 set out in the Second Schedule.

(5) Any consignment of horticultural produce that is smuggled or does not conform to the quality standards shall be seized, detained and disposed of or destroyed in an appropriate manner by the Authority at the cost of the offender.

(6) A person who contravenes regulation (1) commits an offence and shall be liable on conviction to a fine not exceeding three hundred thousand shillings or imprisonment for a period not exceeding one year, or both.

## **28. Export licence**

(1) A person who intends to be registered as an exporter of horticultural produce shall apply to the Authority for a horticultural produce export licence in Form 19 set out in the Second Schedule.

- (2) The application under subregulation (1) shall be accompanied by—
- (a) a copy of the certificate of incorporation, for local companies;
  - (b) a copy of the certificate of compliance for a branch of a foreign company;
  - (c) the Kenya Revenue Authority PIN certificate for the company;
  - (d) a valid tax compliance certificate from the Kenya Revenue Authority;
  - (e) a copy of a valid business permit;
  - (f) copies of the identity cards or passports of the directors;
  - (g) copies of a passport and valid work permit of the directors, if they are foreigners;
  - (h) the registration fee set out in the Third Schedule;
  - (i) produce traceability records;
  - (j) contracts from contracted produce sources; and
  - (k) documents indicating that the applicant operates from a registered packing facility.
- (3) The Authority shall, upon receipt of the application—
- (a) inspect the farm where the horticultural produce is grown and issue the applicant with a farm inspection report, if the inspected farm complies with good agricultural practices;
  - (b) inspect the pack house facility and issue the applicant with a pack house inspection report and enter the pack house in the register, if the facility has complied with food safety requirements; and
  - (c) inspect the transport vessel used for transporting produce and issue the applicant with a transport inspection report, if the vessel has complied with food transportation standards.
- (4) The Authority may require the personal attendance of the applicant or an authorized representative of the applicant for an interview before granting a license.
- (5) The Authority shall, if satisfied with the application, enter the name of the exporter in the register and issue the applicant with an export licence in Form 20 set out in the Second Schedule subject to such terms and conditions it deems necessary.
- (6) If the Authority refuses to grant an export licence, it shall inform the applicant of such refusal in writing, giving reasons thereof.
- (7) A license issued under this regulation shall not be transferrable and shall be valid from first July to thirtieth of June of the following calendar year unless earlier cancelled.
- (8) An application for renewal of an export licence made thirty days before the expiry of an export licence and shall be in Form 19 set out in the Second Schedule shall be accompanied by—
- (a) certified copy of business trading permit from the respective county government;
  - (b) valid tax compliance certificate from the Kenya Revenue Authority;
  - (c) farm and pack house inspection report from the Authority;
  - (d) annual marketing and production returns for the previous year and season;
  - (e) records of produce traceability;
  - (f) contracts from contracted produce sources; and
  - (g) documents indicating that the applicant operates from a registered packing facility.
- (9) A person who exports horticultural produce without a valid horticultural crop export licence commits an offence.

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[Subsidiary]

### 29. Export certificate

(1) A person who intends to export a consignment of horticultural produce shall apply to the Authority for an export certificate in Form 21 set out in the Second Schedule.

(2) The application in subregulation (1) shall be accompanied by—

- (a) a copy of the horticultural produce export license;
- (b) a copy of the consignment invoice certified by Kenya Plant Health Inspectorate Service indicating—
  - (i) the product name;
  - (ii) the destination of the product;
  - (iii) the consignee;
  - (iv) the flight details;
  - (v) the unit value of the produce, indicating the currency; and
  - (vi) the weight of each product being exported in Kilograms; and
- (c) a maturity inspection report for mangoes and avocados.

(3) If the Authority is satisfied that the consignment of horticultural produce meets the export requirements, the Authority shall issue the applicant with an export certificate in Form 22 set out in the Second Schedule.

(4) A person who exports horticultural produce from Kenya without an export certificate commits an offence and shall be liable on conviction to a fine not exceeding three hundred thousand shillings or imprisonment for a period not exceeding one year, or both.

### 30. Import and export returns

(1) A registered exporter or importer of horticultural produce shall maintain accurate records of transactions relating to horticultural produce and shall submit quarterly returns to the Authority in Form 23 set out in the Second schedule.

(2) A person who contravenes subregulation (1) commits an offence.

### 31. Appeals

(1) An applicant for or a holder of a licence or certificate who is aggrieved by a decision of the Authority on or in respect of—

- (a) the grant, refusal, renewal, variation or revocation; or
- (b) the conditions imposed on the grant, renewal or variation, of a licence, may appeal to the Cabinet Secretary.

(2) An appeal under this regulation shall be lodged within thirty days from the date on which the appellants first received notice of the decision.

## PART IV – MISCELLANEOUS PROVISIONS

### 32. Fees

The applicable fees for services rendered under these Regulations shall be as set out in the Third Schedule.

### 33. Levies

(1) There shall be a levy, based on the customs value, imposed on all horticultural crops destined for export other than those canned, bottled, preserved, dehydrated or delivered to operators for canning and processing factories at the rate of 0.25 per cent of the customs value.

(2) There shall be a levy imposed on all horticultural crops—

- (a) imported as finished products at the rate of four percent of the import value; and
- (b) imported as fresh products or raw materials at a rate of two percent of the import value.

(3) The levy due under subregulation (3) shall be remitted to the Authority not later than the tenth day of the month following the month during which the levy was due.

(4) Any levy imposed under this regulation which remains unpaid shall be recovered by the Authority as a civil debt due to it from the person by whom it is payable.

(5) A person who fails to remit any levy on time as provided under these regulations shall, where directed by the Authority in writing, in addition to paying the levy—

- (a) pay an interest of twenty-five percent for the first month or part of the month in which the levy remains unpaid; and
- (b) pay twelve percent compound interest for each subsequent month or part of the month in which the levy remains unpaid.

(6) The interest rate set out in subregulation (2) shall be payable on a monthly basis.

(7) The levy imposed under paragraph (1) and (2) shall be used for the operations of the Authority and development of the industry.

#### 34. Alteration, suspension and revocation of licences or certificates

(1) The Authority may alter, suspend or revoke a license or certificate issued under these Regulations if in its opinion the Act, these Regulations or a condition of the licence has been contravened.

(2) The Authority shall, before altering, suspending or revoking a license, give the person a fourteen days' notice to make representations.

#### 35. General penalty

A person who contravenes the provisions of these Regulations for which no specific penalty is provided commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months or both.

#### 36. Transitional provisions

Any certificate or license issued before these Regulations come into operation shall remain valid until expiry, and subsequent certificates or license shall be issued under these Regulations.

#### 37. Revocation L.N No. 190 of 2011

The Horticultural Crops Development Authority Order, 2011 is revoked.

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#### FIRST SCHEDULE

[r. 2, 3]

#### HORTICULTURAL FRUIT TREES

<i>Common Name</i>	<i>Botanical Name</i>
Apple	<i>Pyrus malus L.</i>
Apricot	<i>Prunus armeniaca</i>
Avocado	<i>Persea spp</i>
Bananas and plantains	<i>Musa sp</i>
Berries	<i>Rubus sp</i>
Bread fruit	<i>Artocarpus altilis</i>
Cape Gooseberry	<i>Physalis peruviana</i>
Carambola	<i>Averrhoa carambola</i>
Cherimoya	<i>Annonacherimola</i>
Chinese pear	<i>Pyrus prunifolia</i>
Citrus	<i>All citrus species</i>
Custard apple	<i>Annona sp.</i>

[Subsidiary]

Date palm	<i>Phoenix dactylifera</i>
Goose berries	<i>All species</i>
Grapes`	<i>Viti ssp</i>
Guava	<i>Psidium guajava</i>
Jackfruit	<i>Artocarpus heterophyllus</i>
Litchi	<i>Litchi chinensis</i>
Litchi	<i>Nephelium litchi</i>
Loquat	<i>Eriobotrya caponica</i>
Mango	<i>Mangifera indica</i>
Melons`	<i>Cucumis melo</i>
Mountain Pawpaw	<i>Carica candanacensis</i>
Mulberries	<i>Morus sp.</i>
Nectarine	<i>Prunus sp. L.</i>
Passion fruit	<i>Passiflora spp</i>
Pawpaw...	<i>Carica papaya</i>
Peach	<i>Prunus persica L.</i>
Pear	<i>Pyrus communis L.</i>
Pineapple	<i>Ananas comosus</i>
Plum	<i>Prunus sppL</i>
Pomaganrate	<i>Punica granatum</i>
Quince	<i>Cydonia oblonga</i>
Strawberries	<i>Fragaria spp</i>
Sweetsop (Sugar apple)	<i>Annona squamosa</i>
Water melon `	<i>Citrullus lanatus</i>
White sapote	<i>Casimiroa edulis</i>
Any other fruit of economic value	

## A. MEDICINAL AND AROMATIC PLANTS

<i>Common Name</i>	<i>Botanical Name</i>
Aloe	<i>Aloe vera</i>
Artemesia	<i>Artemesia annua</i>
Salvia	<i>Salvia solarea</i>
<i>All other medicinal and aromatic plants of commercial value</i>	

## B. VEGETABLES

<i>Common name</i>	<i>Botanical Name</i>
Amaranth	<i>Amaranthus spp.</i>
Artichoke	<i>Cynara cardunculus var. scolymus</i>
Jerusalem artichokes	<i>Helianthus tuberosus</i>
Asparagus	<i>Asparagus officinalis</i>
Beet root	<i>Beta vulgaris</i>
Broccoli/cauliflower	<i>Brassica oleracea var. botrytis</i>
Brussels sprouts	<i>Brassica oleracea var. gemnifera</i>
Cabbage	<i>Brassica oleracea .var. capitata</i>
Carrot	<i>Daucus carota</i>
Celery / Celeriac	<i>Apium graveolens</i>
Chervil	<i>Anthriscus cerefolium</i>
Chicory	<i>Cichorium intybus</i>
Chillies	<i>Capsicum spp</i>
Chinese cabbage	<i>Brassica chinensis</i>
Cluster bean (green)	<i>Cyamopsis tetragonoloba</i>
Collards / Kale.	<i>Brassica oleracea var ancephala</i>
Coriander	<i>Coriandrum sativa</i>



Cowpeas (leafy) chora	<i>Vigna unguiculata</i>
Cucumber	<i>Cucumis sativa</i>
Dill	<i>Arethum graveolens</i>
Dioscorea	<i>Dioscorea sp</i>
Dudhi (kaddu)	<i>Lagenaria siceraria</i>
Edible Mushroom	<i>Agaricus species</i>
Eggplants	<i>Solanum melongena</i>
Endive	<i>Cichorium endivia</i>
French beans	<i>Phaseolus vulgaris</i>
Garden cress	<i>Lespidium sativa</i>
Garden pea	<i>Pisium sativum</i>
Green maize	<i>Zea mays</i>
Horseradish	<i>Armoracia rusticania</i>
Karella	<i>Mormodica charantia</i>
Kohlrabi	<i>Brassica oleracea var. gongylodes</i>
Leek	<i>Allium porrum</i>
Lettuce	<i>Lactuca sativa</i>
Loofah	<i>Luffa cylindrical</i>
New Zealand spinach	<i>Tetragonia expansa</i>
Okra	<i>Hibiscus esculentus</i>
Onion/ garlic	<i>Allium cepa</i>
Parsley	<i>Petroselinum crispum</i>
Parsnip	<i>Pastina casativa</i>
Pea	<i>Pisum sativum</i>
Pepper	<i>Capsicum spp.</i>
Pumpkin/Squash/Courgette	<i>Cucurbita pepo</i>
Pumpkins	<i>Cucurbita sp.</i>
Radish	<i>Raphanus sativus</i>
Rhubarb	<i>Rheum rhaponticum</i>
Runner bean.	<i>Phaseolus coccineus</i>
Rutabaga	<i>Brassica napobrassica</i>
Snow peas.	<i>Pisium sativum var. saccharatum</i>
Spinach	<i>Spinacea oleracea</i>
Sugar beet	<i>Beta vulgaris</i>
Sugar snaps.	<i>Pisium sativum</i>
Swiss chard	<i>Beta vulgaris</i>
Tomato	<i>Solanum lycopersicum</i>
Turnip	<i>Brassica rapa</i>
Watercress	<i>Nasturtium officinale</i>
<i>Any other vegetables of economic value</i>	

## FLOWERS AND ORNAMENTAL PLANTS

<i>Common name</i>	<i>Botanical Name</i>
Agapanthus/African Lily	<i>Agapanthus spp, A.umbellatus</i>
Alstromeria/Peruvian Lily	<i>Alstroemeria Aurantiaca</i>
Amaranthus	<i>Amaranthus 1407 peg (Amaranthus acanthochoiton)</i>
Amми/White Dill/Bishops Flower	<i>Amми majus</i>
Amми/White Dill/Bishops Flower	<i>Amми visnaga</i>
Anthuriums/Flamingo Flower	<i>Anthurium Sp</i>
Arabicum	<i>Ornithogalum saundersiae</i>

[Subsidiary]

Asparagus Fern	<i>Asparagus 1407 peg (Asparagus aethiopicus)</i>
Asters/Michaelmas Daisy	<i>Aster Sunhelence, Aster Novi-belgii</i>
Astrantia	<i>Astrantia 1407 peg (Astrantia major)</i>
Begonia	<i>Begonia 1407 peg (Begonia obliqua)</i>
Bupleurum	<i>Bupleurum rotundifolium "graffiti"</i>
Callistaphus	<i>Callistaphus 1407 peg (Callistaphus chinensis)</i>
Carnations	<i>Dianthus caryophyllus</i>
Carthamus/Safflower/Saffron	<i>Carthamus tinctoris</i>
Celosia	<i>Celosia 1407 peg. (Celosia cristata)</i>
Chrysan. Cuttings/Pot Mum	<i>Dendratherma 1407 peg1407flora / Chrysanthemum sp</i>
Craspedia	<i>Craspedia 1407 peg (Craspedia uniflora)</i>
Crocasmia	<i>Crocasmia 1407 peg (Crocasmia aurea)</i>
Delphinium/Larkspur	<i>Delphinium 1407 peg (Delphinium elatum)</i>
Dianthus	<i>Dianthus 1407 peg (Dianthus caryophyllous)</i>
Dianthus	<i>Dianthusa 1407 peg (Dianthusa caryophyllous)</i>
Dill	<i>Anethum 1407 peg (Anethum graveolens)</i>
Easter Lily	<i>Lilium Longiflorum</i>
Echinops	<i>Echinops 1407 peg (Echinops ritro)</i>
Eryngium/Sea Holly/Alphine	<i>Eryngium Sp</i>
Eucalyptus	<i>Eucalyptus L'H'er eg (Eucalyptus oblqua)</i>
Freesia	<i>Freesia 1407 peg (Freesia refracta)</i>
Gerbera/Transvaal Daisy	<i>Gerbera Hybrids</i>
Gladiolus/Sword Lily	<i>Gladiolus hybrids</i>
Grass	<i>Cortaderia Sp and Zoysia Spp</i>
Gypsophilla/Baby Breath Species	<i>Gypsophila paniculata</i>
Helianthus	<i>Helianthus annus</i>
Heliconia	<i>Heliconia 1407 peg Heliconia psittacorum</i>
Hypericum	<i>Hypericum 1407 peg (Hypericum perforatum)</i>
Lavender	<i>Lavandula spp</i>
Leather Leaves(L) Fern	<i>Rumohra adiantiformis</i>
Lisianthus/Prairie Gentian/Wildflower	<i>Eustoma grandiflorum</i>
Longiflora	<i>Ecapris longiflora</i>
Million Stars	<i>Gypsophila paniculata</i>
Mobydick	<i>Gomphocarpus 1408 peg Gomphocarpus physocarpa and Gomphocarpus fruticosus</i>
Molucella/Bells of Ireland	<i>Molucella leavis</i>
Montbretia	<i>Crosmia 1408 peg (Crosmia x crosmiflora)</i>

Crops

[Subsidiary]

Orchids	<i>Cymbidium hybriden</i>
Ornithogalum/Star Of Bethlehem	<i>Ornithogalum Thyrsoides</i>
Panicum	<i>Panicum 1408 peg (Panicum virgatum)</i>
Papyrus	<i>Papyrus eg (Cyperus papyrus)</i>
Pelargonium Cuttings	<i>Pelargonium SP eg (Pelargonium cucullatum)</i>
Pennisetum	<i>Pennisetum 1408 peg (Pennisetum polystachion)</i>
Phlox	<i>Phlox S peg (Phlox paniculata)</i>
Phormium	<i>Phormium 1408 peg (Phormium tenax)</i>
Ranunculus	<i>Ranunculus Sp (Ranunculus asiaticus)</i>
Roses	<i>Rosa spp</i>
Rudbeckia/Coneflower	<i>Echinacea Purpurea</i>
Ruscus	<i>Ruscus aculeatus</i>
Saundersisiae	<i>Ornithogalum saundersiae</i>
Scabiosa	<i>Scabiosa 1408 peg (Scabiosa caucasica)</i>
Setaria	<i>Setaria 1408 peg (Setaria viridis)</i>
Solidago/Garden Rod	<i>Solidago gardensis</i>
Solidaster/Garden Plant	<i>Solidaster luteus</i>
Statice/Sea Lavender	<i>Limonium spp</i>
Strelitzia and hybrids	<i>Strelitzia 1408 peg (Strelitzia reginae)</i>
Sunflower	<i>Helianthus annus</i>
Trachelium	<i>Trachelium caeruleum</i>
Tuberose	<i>Polianthes tuberosa</i>
Veronica	<i>Veronica Spicata</i>
Zantedeschia/Calla Lily/Arum Lily	<i>Zantedeschia Sp</i>
And any other flower and ornamental plants of economic value	

SECOND SCHEDULE

FORMS

Form 1 (r. 7(1), (5))  
 APPLICATION FOR REGISTRATION OF HORTICULTURAL CROPS NURSERY  
 OR MOTHER BLOCK  
 COUNTY GOVERNMENT OF.....

(To be filled in triplicate)

1. Full name of Applicant.....
  2. PIN .....ID No.....Huduma No.....
  3. Postal Address.....Tel.....Email.....
  4. County.....Sub County.....Ward.....
  5. L.R. No.....
  6. Water source: Rivers/Dam/Boreholes, others (specify) .....
  7. Type of material applied for to be produced:
- | Crop/variety | No. of Seedlings | Source of Seed/ rootstock and scion |
|--------------|------------------|-------------------------------------|
| .....        | .....            | .....                               |
| .....        | .....            | .....                               |

[Subsidiary]

I confirm that I shall abide by the regulations and ensure that all planting material has been inspected and approved by County crops inspectors.

Applicant's signature.....

Date.....

**PART II**

**FOR OFFICIAL USE:**

County crops Inspector

Remarks.....

*Recommended/Not recommended*

County Crop Inspector

name.....Signature.....

Date .....

Approved/Not Approved by: County Executive Committee in charge of Agriculture

Name.....Signature.....Date.....

**CONDITIONS**

1. Application for registration should be sent to the County where the nursery/mother block is located
2. This form shall be accompanied by the prescribed fees and submitted to the County government.

Form 2

r. 7(3)

**CERTIFICATE OF REGISTRATION OF HORTICULTURAL NURSERY/MOTHER BLOCK**

**COUNTY GOVERNMENT OF.....**

1. Name of certificate holder.....
2. P.O. Box..... of .....
3. Is/are registered to operate an Horticultural nursery for the year.....
4. Located at County..... Sub-county..... Ward.....
5. L.R. No..... GPS coordinates..... Altitude..... Northing..... Eastings.....

6. The following planting materials will be produced

Crop Type/ variety	approximate No of seedlings	Remarks (condition of seeds/seedlings)
--------------------	-----------------------------	--

Registration No. ....

Signed..... Date:.....

(County Executive Committee member in charge of Agriculture)

**Conditions**

1. This certificate is valid for 1 year from date of issue
2. This certificate is not transferable to any other person or nursery site
3. All seed, rootstock or scion must be from approved source
4. No sale of planting material before certification by the National Plant Protection Organization.
5. The application for renewal of registration should be sent to the County where the nursery/ mother block is located so as to reach at least 3 months before expiry date.

- 6. All certified materials which cannot be sold during the certification season will be subjected to re-certification before redistribution.
- 7. A copy of the certificate shall be sent to the Authority within 15 days of registration by the respective County government.

Form 3 (r. 8(1), (5))  
 THE AGRICULTURE AND FOOD AUTHORITY  
 APPLICATION FOR OPERATION OF NURSERY OR MOTHER BLOCK FOR  
 SUPPLY TO THE EXPORT MARKET

(To be filled in triplicate)

- 1. Full name of Applicant.....
- 2. PIN..... ID No.....Huduma number.....
- 3. Postal Address..... Tel..... Email.....
- 4. Country.....Sub County.....Ward.....
- 5. L.R. No.....GPS coordinates-Altitude.....N/S .....E.....
- 6. Water source: Rivers/Dam/Boreholes, others(specify).....

7. Type of material to be exported:  
 Crop/variety          No. of Seedlings          Source of Seed          Remarks

I confirm that I shall abide by the regulations and ensure that all planting material has been inspected and approved by the inspectors.

Applicant's signature..... Date.....

**PART II**

FOR OFFICIAL USE:

*Recommended/Not recommended*

County Crop Inspector

name.....Signature.....Date.....

Remarks.....

Checked by:

Authorized Officer

Name.....Signature.....Date.....

Approved/Not Approved by:

Director

General.....Signature.....Date.....

Form 4 (r. 8(3))

THE AGRICULTURE AND FOOD AUTHORITY  
 CERTIFICATE OF REGISTRATION FOR NURSERY OR MOTHER BLOCK FOR  
 SUPPLY TO THE EXPORT MARKET

(To be filled in triplicate)

Full name of certificate holder.....

P. O. Box ..... Email ..... Mobile .....

Is/are registered to export Horticultural seedlings for the year .....

Name of County..... Sub-County .....Ward.....

L.R. No.....GPS coordinates -Altitude.....N/S.....E.....

[Subsidiary]

The following planting materials will be produced  
Types                                  number of planting stock    remarks

Registration No. ....

Signed..... Date:.....

(Director General)

AGRICULTURE AND FOOD AUTHORITY

Conditions

1. This certificate is valid for one financial year.
2. This certificate is not transferable to any other person, or nursery site.
3. All seed must be from approved source.
4. No export of planting material before final visual inspection and approval by KEPHIS.
5. The application for renewal of this certificate shall be made to the Authority so as to reach at least 3 months before expiry date.
6. Tolerance levels of virus diseases incidence in the nursery is 0.5% of total number of plants.
7. All certified materials which can't be sold during the certification season will be subjected to certification after (6) six months.

Form 5 \_\_\_\_\_ (r. 12(3))  
 HORTICULTURE NURSERY OPERATOR STATISTICAL RETURNS FORM  
 (To be completed in triplicate)  
 THE AGRICULTURE AND FOOD AUTHORITY

Name of the Nursery operator.....

1. Telephone/ Mobile number.....P.O. Box.....Nearest Town.....
2. Period of returns.....Month..... Year.....

Declaration:

Crop	Variety	Number of seedlings raised within the period	Number of seedlings issued/sold/ distributed	Balance of seedlings	Average price of a seedling over the period (KES)
------	---------	--	--	----------------------	---

I hereby declare that the information I have given above, to the best of my knowledge, is true and complete.

Name of the Nursery Operator.....Date.....

Signature.....

3. For official use only:

Name of Inspector.....

Date.....Signature.....

Official Agriculture and Food Authority

***NB This form must be filled and submitted to the Agriculture and Food Authority, not later than the fifteenth day of January and fifteenth day of July of every year.***

Form 6 \_\_\_\_\_ (r. 13(1))

APPLICATION FOR REGISTRATION OF PLANTATION GROWER/ GROWERS ASSOCIATION

(To be filled in triplicate)

A – Particulars of Applicant (New/Renewal - delete as appropriate):

- 1. Name of Company .....
- 2. Certificate of Incorporation No.....

3. List Names and Identity Card Nos. for Directors

Name	ID/Passport	Email address	Telephone number	Remarks
------	-------------	---------------	------------------	---------

- 1.
- 2.
- 3.

Remarks Provide Work Permits for Directors for Foreign based Companies

- 4. VAT Registration No.....PIN.....
- 5. Postal address.....Postal code.....Town.....
- 6. Telephone No. ....E-mail.....Website.....
- 7. Physical address: Building .....Street.....Town.....

B – Particulars of Land Parcel for plantation growers

- 1. L.R. No. or No's .....
- 2. County.....
- 3. Sub County.....
- 4. Ward.....

Type of crop	Variety	Acreage/Population	Average yield
--------------	---------	--------------------	---------------

NB: For permanent crops indicate the plant population

I confirm that I shall abide by the requirements of the Horticulture Crops Regulations.

Full name of applicant..... Signed..... Date.....

**PART C FOR OFFICIAL USE:**

Remarks.....

# Recommended # Not recommended

Authorized Officer Agriculture and Food Authority

Signature.....

Date .....

Attachments

- (a) Certificate of registration or incorporation
- (b) Copies of the Constitution or Articles and Memorandum of Association;
- (c) A copy of the register of members
- (d) Products handled

[Subsidiary]

APPLICATION FOR REGISTRATION AS A HORTICULTURAL PRODUCE DEALER IN THE DOMESTIC MARKET

(To be filled in triplicate)

New applicant Renewal

1. Name of Applicant.....  
Postal Address.....
2. Physical address.....
3. Registered Office.....L.R. No.....Street.....  
Tel. No. ....Fax No.....  
E-mail..... Website.....
4. Place where the premise is located: County.....Sub-County.....Ward.....
5. VAT Registration No/ID No. ....PIN.....
6. Year of Incorporation of Company..... and Registration No. ....  
*(Attach copies of, company incorporation certificate ID of Directors and current Single Business Permit where applicable)*
7. Type of dealership e.g. Processor /Transporter/marketing agent/.  
(specify) .....
8. Types of Produce/ Products for the market.....
9. Sources of supply for Produce  
Name of county      Sub county      Ward      Name of buyers  
*Attach contranctual agreement if outsourcing for buyers*

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

10. Applicant Signature.....Date.....

**FOR OFFICIAL USE:**

Remarks:

Approved/Not approved.....

11. Checked by:

Officer

Name.....Signature.....Date.....

Approved by:

Name.....Signature.....

Date .....

**CONDITIONS**

1. Consideration of this application will be on condition that the applicant satisfies the Authority that he is capable of complying with national standards and any other legal requirements.
2. The dealer shall produce such documentary evidence as requested to support the statements made above.
3. A dealer shall pay all dues to the Authority before his application can be considered.
4. The Authority has the right to approve or reject this application. In case of rejection reasons will be given and the applicant can reapply.



Form 8 (r. 14(3))  
CERTIFICATE OF REGISTRATION OF PRODUCE DEALER FOR THE  
DOMESTIC MARKET

Name.....  
Type of dealership.....  
P. O. Box: ..... Tel.....  
Physical Address.....  
L.R. No.....  
Street: .....

is hereby certified as a dealer *specify Type of dealership e.g Processor (/Transporter/ Buyer/Grocery etc)* of horticulture produce/products under this Regulation for the following products:

.....  
.....  
.....  
.....

Date of Registration.....  
Date of expiry.....  
Signed.....

Name.....

(CEC in charge of Agriculture)

Official Rubber stamp of the respective County government

CONDITIONS

The certificate is not transferable.

The certificate may be revoked, suspended or altered according to the provisions of this regulations.

Form 9 (r. 15(1))  
APPLICATION FOR REGISTRATION OF CLEARING AGENT FOR  
HORTICULTURAL CROPS

(To be filled in triplicate)

- 1. Full name of Applicant .....
- 2. Postal Address.....Registered Office ..... L.R. No. .... Street..... Tel. No. .... Fax No..... Email.....Website.....
- 3. Place where the premise is located: Ward..... Sub-County.....Sub County.....
- 4. VAT Registration No/ID. No. ....PIN .....
- 5. Year of Incorporation of Company.....and Registration No. ....

(Attach copies of, company incorporation certificate ID of Directors and current Single Business Permit)

[Subsidiary]

- 6. Commodity types handled .....
- 7. List of horticultural export companies contracting your service (Attach service level agreement).....
- 8. List full names documentation clerks (attach copies of ID and passport photograph)
- 9. I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.  
 Applicant Signature..... Position .....
- Date.....

Form 10 (r. 15(3))  
**CERTIFICATE OF REGISTRATION FOR CLEARING AGENTS FOR HORTICULTURAL CROPS**

Name: .....

P.O.Box: ..... Tel.....

Physical Address.....

L.R. No. ....

Street: .....

is hereby certified as a clearing agent for of horticultural produce for the following export Companies:

.....

.....

Date of Registration.....

Date of expiry.....

Signed.....

Name.....

Director General/Authorized officer  
 Official Rubber stamp of the Authority

**CONDITIONS**

- 1. The certificate is not transferable.
- 2. The certificate may be revoked, suspended or altered according to the provisions of this regulations.
- 3. The Authority shall be notified when changes under this registration occur within 14 days.

Form 11 (r. 22(1)(a))  
**DECLARATION OF PRODUCE SOURCE FROM DEALER OWNED FARMS**

Company name: Physical business location:  
 Company registration number Certificate of registration number:  
 Address: P.O. Box: E-mail:  
 Phone No. Date:

No.	Farm name	Trace Code	County	Subcounty ward	Specific farm location	Crop	Area of crop (Acre)	No. of Trees (for	Production per season (Kg)	Certification Status
-----	-----------	------------	--------	----------------	------------------------	------	---------------------	-------------------	----------------------------	----------------------

Crops

[Subsidiary]

fruit trees)

Form 12 (r. 22(1)(b)) DECLARATION OF PRODUCE SOURCE FROM CONTRACTED FARMS

Company name Physical business location:
Company registration number Certificate of registration number
Address: P.O. Box: E-mail:
Phone No. Date:
Name of association (where applicable )

Name of farmer..... Trace code,,

Mobile No.....ID NO,,,,,,,,,,,,,,,,,,,,,,,,,,,,,Email.....

County.....Sub county..... ward.....

Location/ LR No.....GPS altitude.....N/S.....E.....

Farmer's and crop production details
Name of crop Variety Area (acre) Production (MT)Certification Status

CONDITIONS

Attach duly signed contracts for each of farmer indicated above

A different form should be filled for each crop

Name of company representative:..... Designation..... Date

Signature.....

Stamp:.....

Form 13 (r. 22(1)(c)) DECLARATION OF PRODUCE SOURCE FROM RETAIL OR WHOLESALE MARKET

Company name Physical business location:
Company registration number Certificate of registration number
Address: P.O. Box: E-mail:
Phone No Date:
Name of association (where applicable)

Market supply information

Name of Contact detailType of crop name of County Subcounty
supplier market

CONDITIONS

Information for each market source and crop type should be provided

An inspection will be conducted for each produce source

Name of company representative:.....Designation.....date.....

Signature.....

Stamp:.....

Form 14 (r. 24(2))

[Subsidiary]

COMPLIANCE CERTIFICATE

This is to certify that the following horticulture produce/products

1. ....
2. ....
3. ....

have been inspected and meet the national, regional and international standards.

Scope Including:

1. Transport
2. Farm
3. retail outlet
4. Pack house

Consignment details

Name of dealer.....Type of dealership.....

Registration certificate/license number.....

Validity period: from..... To.....

Date of issue.....time issued.....a.m./p.m.

Signature.....

Director General

Agriculture and Food Authority

Form 15

r. 26(1)

HORTICULTURAL PRODUCE IMPORTERS APPLICATION FORM

1. Name of business/company.....(attach copy of certificate of incorporation)
2. Physical business location.....
3. Postal address.....
4. Telephone: Mobile No.....  
Fixed line No.....
5. KRA P.I.N No.....(attach copy)
6. E-mail address.....
7. Location of horticulture produce handling facilities.....

8. List the Company's intended imports of major horticultural produce and the respective country of origin.

No.	Produce	Country	Quantity (Kgs) Annually
-----	---------	---------	----------------------------

- I.
- II.
- III.
- IV.
- V.

9. Provide the following details regarding the company's intended supply of imported horticultural produce

Crops

[Subsidiary]

(I) Supply/distribution into the domestic market:

No.	Name of client (Supermarket, Hotel, Grocery stores etc.)	Physical location (building street)	Major produce to be supplied
-----	---	--	---------------------------------

- I.
- II.
- III.
- IV.
- V.

(II) Re-exported produce and the respective countries

No.	Re-exported produce	Country
-----	---------------------	---------

- I.
- II.
- III.
- IV.
- V.

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

Date:..... Name of Authorized Signatory:.....

Company Stamp/ Seal..... Signature.....

Form 16 r. 26(4)

HORTICULTURAL PRODUCE IMPORT LICENSE

Name importer.....

License Number.....

Address:..... Tel.....

L.R. No. ....

Street: .....

is hereby licensed as an importer under this Regulation for the following horticultural produce:

- 1. ....
- 2. ....
- 3. ....

The License expires on.....

Date of issue.....

Signed.....

Name.....

(Director General)

Official stamp of the Authority

CONDITIONS

- 1. Any changes to the source of produce and list of buyers submitted to the Authority by the dealer shall be notified in advance to the Authority in writing

[Subsidiary]

- 2. This License is not transferable.
- 3. This License may be revoked, suspended or altered in circumstances outlined in section 23 of the Crops Act (Cap. 318).

Form 17 r. 27(1)  
**APPLICATION FOR IMPORT CERTIFICATE**

Name of import company.....  
 Address ..... Telephone .....  
 Email ..... Physical location .....  
 Contact person .....  
 Import license Number .....  
 Import date and time.....  
 Point of entry ..... Type of vessel and number

Type of product: #Fresh produce #processed product (Tick as appropriate)  
 Produce Type (Hs Code)    Quantity (Kilograms)    Country of origin    Value (F.O.B) KES

**FOR OFFICIAL USE**

Checked by:  
 Name of officer .....  
 Signature..... Date.....  
 Approved by:  
 Director General.....  
 Signature..... Date.....  
 Official rubber stamp

Form 18 (r. 27(3))  
**IMPORT CERTIFICATE**

Name of Dealer .....  
 Address ..... Tel.....  
 Email..... Physical Location.....  
 Contact person .....  
 Import Certificate Registration No. ....  
 Validity period from ..... to .....  
 Point of entry/ delivery .....

Is hereby authorized to import the following; #Fresh produce #Processed product (*Tick as appropriate*)

Produce Type (Hs Code)    Quantity (Kilograms)    Country of Origin    Value (F.O.B) KES

**FOR OFFICIAL USE**

Checked by:  
 Officer Name.....Signature.....Date.....  
 Approved by:

Director General..... Signature.....  
 Date.....

Official Rubber stamp

Terms and Conditions:

1. The Authority may vary, suspend or cancel the horticulture produce import certificate issued if the holder fails to abide with the national horticulture produce standards.
2. The importer shall provide all the information of the transaction in question to the Authority on demand.
3. The import permit may be suspended without notice where such importer infringes the legal requirements as set out in the laws of Kenya.
4. The holder of this certificate shall submit monthly returns to the Authority in the prescribed format
5. A registered importer shall provide, on request by the Authority;
  - (a) Original copies of importation and customs entry documentation.
  - (b) An import permit for shipment of the specific consignment.
  - (c) Evidence of payment of duties and levies.
  - (d) A certificate of origin and contact details of the exporters and importers from whom they procured.
6. All consignments whether repacked or in original package shall bear in bold print, the name and contact details of the consignor, consignee and the country of origin.
7. Produce intended for importation into the country shall be sampled and analysed for conformity to national food quality and safety standards and requirements at the point of entry by the Authority.
8. Any consignment of horticulture produce that is either smuggled or does not conform to the quality standards, shall be seized, detained and disposed of or destroyed in an appropriate manner by the Authority at the cost of the offender.
9. Horticulture produce and products whose documentation does not meet the requirements of the Authority shall be seized and detained for verification and may be released to the consignee through issuance of a release order from the Authority.

Form 19 (r. 28(1))  
**APPLICATION FOR EXPORT LICENSE FOR HORTICULTURAL PRODUCE**  
*(To be filled in triplicate)*

1. Full name of Applicant.....
2. Postal Address.....Registered Office.....L.R. No. ....  
 Street..... Tel.No. .... Fax No. ....  
 E-mail..... Website.....
3. Place where the premise is located: Ward ..... Sub-County.....County.....
4. VAT Registration No/ID. No. .... PIN.....
5. Year of Incorporation of Company.....and Registration No. ....  
*(Attach copies of, company incorporation certificate ID of Directors and current Single Business Permit)*
6. Types of Produce/Products for the market.....
7. Sources of supply for Produce.....

[Subsidiary]

8. List of buyers for produce (Attach contractual agreements if outsourcing).....

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

Applicants Signature.....

Date.....

**FOR OFFICIAL USE**

Checked by:

Officer Name.....

Signature..... Date.....

Approved by:

Director's Name..... Signature.....

Date.....

*The Authority has the right to approve or reject this application. In case of rejection reasons will be given and the applicant can reapply.*

**General Conditions**

- 1. Consideration of this application will be conditional on the applicant satisfying the Authority that the Applicant is capable of complying with national and International Standards and any other legal requirements.
- 2. The dealer shall produce such documentary evidence as requested to support the statements made above.
- 3. Dealers in export shall produce a valid contractual agreement in the prescribed form between themselves and the entities from which they source their produce and also the entities to which they sell their produce.
- 4. A dealer shall pay all dues to the Authority before his application can be considered.

Form 20 \_\_\_\_\_ (r. 28(5))

**HORTICULTURAL PRODUCE EXPORT LICENSE**

Name exporter .....

License Number.....

Address:..... Tel.....

L.R. No. ....

Street: .....

is hereby licensed as an exporter under this Regulation for the following products:

1. ....

2. ....

3. ....

The License expires on.....

Date of issue.....

Signed .....

Name.....

(Director General)

Official stamp of the Authority

CONDITIONS



Crops

[Subsidiary]

- 9. Any changes to the source of produce and list of buyers submitted to the Authority by the dealer shall be notified in advance to the Authority in writing.
- 10. This License is not transferable.
- 11. The License may be revoked, suspended or altered in circumstances outlined in Crops Act (Cap. 318).

Form 21 \_\_\_\_\_ (r. 29(1))

APPLICATION FOR EXPORT CERTIFICATE

Name of Export Company .....

Address.....Tel.....

Email..... Physical Location.....

Contact person.....

Exoport License No. ....

Export date and time Date: ..... Time.....

Point of Exit.....

Is hereby authorized to export the following; #Fresh produce #Processed product (*Tick as appropriate*)

Produce Type (Hs Code)	Quantity (Kilograms)	Country of Origin	Value (F.O.B) KES
------------------------	----------------------	-------------------	-------------------

FOR OFFICIAL USE

Checked by:

Officer

Name.....Signature.....Date.....

Approved by:

Director

General.....Signature.....Date.....

Official Rubber stamp

Form 22 \_\_\_\_\_ (r. 29(2))

EXPORT CERTIFICATE

Name of Dealer.....Registration No. ....

Address.....Tel.....

Email.....Physical Location.....

Contact person.....

Validity period from.....to.....

Point of exit.....

Export certificate for the following; # Fresh produce # Processed product (*Tick as appropriate*)

Produce Type (Hs Code)	Quantity (Kilograms)	Country of Origin	Value (F.O.B) KES
------------------------	----------------------	-------------------	-------------------

*NB: Attach invoice*

Checked by:

Authorized Officer's Name .....

[Subsidiary]

Signature..... Date .....

Official Rubber stamp of the Authority

Terms and Conditions:

1. The exporter shall provide all the information of the transaction in question to the Authority on demand.
2. The export permit may be suspended without notice where such exporter infringes the legal requirements as set out in the laws of Kenya.

Form 23 r. 30(1)  
**QUARTERLY RETURNS ON IMPORT/EXPORT OF HORTICULTURAL CROPS  
 PRODUCE AND PRODUCTS**

*(To be filled in triplicate)*

- 1) Name/Business name of importer/exporter as appearing on the registration certificate.....
- 2) Certificate No.....
- 3) Postal address.....Code:.....
- 4) Tel..... Email.....
- 5) Contact person .....
- 6) Returns for the period (indicate in quarters) .....

Quarter	Name of crop produce or product	Quantity (Kilograms) Imported/ exported	Customs Value (KES)	Country of origin/ destination country	Point of entry/exit
---------	---------------------------------	---	---------------------	--	---------------------

*NB: Indicate the applicable quarter Q1: January – March; Q2: April – June; Q3: July – Sept; Q4: Oct - Dec*

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

Applicant's Signature..... Date .....

Official stamp/seal

THIRD SCHEDULE

FEEES AND LEVIES

REGISTRATION AND PERMIT CATEGORIES	FEEES (KES)	VALIDITY	RESPONSIBILITY
Dealers registration for the domestic market	5,000.00	Annual	Authority
Pack house registration	5,000.00	Annual	Authority
Export license fee	10,000.00	Annual	Authority
Importer registration	10,000.00	Annual	Authority
Export Levy	0.25 % of Customs value	Per consignment	Authority
Import levy – Finished products	4% of import value	Per consignment	Authority

*Crops*

[Subsidiary]

Import levy – Raw materials	2% of import value	Per consignment	Authority
Inspection for nursery/mother block	1,000.00	Annual per site	Authority
Inspection for produce conformity	1,000.00	Per inspection	Authority
Audits due to non-compliance to national, regional and international standards	100% of the inspection cost of systems audit	Per inspection	Authority
Nursery operator /Mother block registration for export market			Authority
Annual turnover of 0 to 50,000	1,000.00	Annual	Authority
Annual turnover of 50,001-250,000	2,500.00	Annual	Authority
Annual turnover of 250,001-500,000	5,000.00	Annual	Authority
Annual turnover above 500,000	7,500.00	Annual	Authority



**THE CROPS (SUGAR) (IMPORTS, EXPORTS  
AND BY-PRODUCTS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

*Regulation*

1. Citation
2. Interpretation
3. Registration of dealers
4. Consideration of applications for a permit
5. Exporters and importers register
6. Permits for importers
7. Permits for exporters
8. Determine of distribution of sugar in the market
9. Inspection of consignments
10. Release order
11. Monthly returns
12. Repackaging of consignments
13. Rebranding of consignments
14. Smuggling
15. Cancellation of permits
16. Appeals
17. Revocation of L.N. No. 114 of 2008

SCHEDULES

- FIRST SCHEDULE —                      FORMS [*r.* 3(1),(2), (4)(b), 6(1), (3), (6), (8), 7(1),  
(3), (6), (8), 10(1), 11(1), (12)(2)]
- SECOND SCHEDULE —                      FEES [*r.* 3(3), 6 (2)(n), 7(2)(n)]
-



**THE CROPS (SUGAR) (IMPORTS, EXPORTS  
AND BY-PRODUCTS) REGULATIONS**

[Legal Notice 125 of 2020]

**1. Citation**

These Regulations may be cited as the Crops (Sugar) (Imports, Exports and By-products) Regulations.

**2. Interpretation**

In these Regulations, unless the context otherwise requires—

"COMESA" means the organisation established by the Treaty establishing the Common Market for Eastern and Southern Africa, 1994;

"consignment" means sugar or a by-product of sugar, to be exported or imported, by an exporter or importer, who has a valid export permit or import permit, as the case may be;

"export permit" means an permit issued by the Authority in accordance with regulation 3;

"exporter" means a person who exports sugar or a by-product of sugar;

"import permit" means a permit issued by the Authority in accordance with regulation 6;

"importer" means a person who imports sugar or a by-product of sugar;

"permit" means an export permit, import permit, pre-export permit, pre-shipment permit or a release order, issued in accordance with these Regulations;

"PIN" has the meaning assigned to it in the Tax Procedures Act (Cap. 469B);

"register" means the register of maintained by the Authority under regulation 5;

"tax compliance certificate" has the meaning assigned to it in the Tax Procedures Act (Cap. 469B);

"tax registration certificate" has the meaning assigned to it in the Value Added Tax Act (Cap. 476);

**3. Registration of dealers**

(1) A person who intends to import or export sugar shall apply to the Authority for registration in Form 1 set out in the First Schedule.

(2) A person who intends to import or export, a by-product of sugar shall apply to the Authority for registration in Form 1 set out in the First Schedule.

(3) An application made under subregulation (1) or (2), shall be accompanied by the payment of the registration fee set out in the Second Schedule.

(4) Where the Authority approves an application under subregulation (1) or (2), it shall—

- (a) record the name and such other particulars as may be required, of the applicant in the register; and
- (b) issue the applicant with a certificate of registration in Form 2 set out in the First Schedule.

**4. Consideration of applications for a permit**

In considering applications for permits, the Authority shall rely on the COMESA and the Community Annual Quota Export Allocation and the market deficit, the Authority shall provide guidelines to applicants.

**5. Exporters and importers register**

(1) The Authority shall maintain a register of all importers and exporters who have been registered in accordance with these Regulations.

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[Subsidiary]

(2) The Authority shall maintain a register of all importers and exporters who have been granted permits in accordance with these Regulations.

## 6. Permits for importers

(1) A person who intends to import sugar or a by-product of sugar shall apply for an import permit in Form 3 set out in the First Schedule.

(2) An application made under subregulation (1) shall be accompanied by—

- (a) the profile of the applicant;
- (b) a copy of certificate of incorporation or certificate of registration of the applicant (if the applicant is a company or registered entity);
- (c) a copy of the applicant's valid business permit at the time of making the application;
- (d) the applicant's latest audited accounts;
- (e) a copy of the applicant's PIN certificate;
- (f) a copy of the applicant's tax registration certificate;
- (g) a copy of the applicant's memorandum of association (if the applicant is a company);
- (h) a copy of the applicant's articles of association (if the applicant is a company);
- (i) a copy of the identity cards or passports of each of the applicant's directors (if the applicant is a company);
- (j) a copy of the profile of each of the applicant's directors (if the applicant is a company);
- (k) a copy of the applicant's valid tax compliance certificate;
- (l) a copy of a valid certificate of good conduct for each of the applicant's directors (if the applicant is a company);
- (m) a copy of the applicant's valid certificate of good conduct (if the applicant is an individual); and
- (n) proof of payment of the prescribed fee set out in the Second Schedule.

(3) If the Authority approves an application made under subregulation (1), it shall issue an import permit in Form 4 set out in the First Schedule to the applicant.

(4) The import permit issued under subregulation (3) shall be valid for a period of one year.

(5) The import permit issued under subregulation (3) shall not be transferrable.

(6) A holder of a valid import permit shall apply for a pre-shipment permit for the importation of each consignment in Form 5 set out in the First Schedule.

(7) An application made under subregulation (6) shall be accompanied by the documents referred to in regulation 9(2).

(8) If the Authority approves an application made under subregulation (6), it shall issue a pre-shipment permit in Form 6 set out in the First Schedule to the applicant.

## 7. Permits for exporters

(1) A person who intends to export sugar or a by-product of sugar shall apply for an export permit in Form 3 set out in the First Schedule.

(2) An application under subregulation (1) shall be accompanied by—

- (a) the profile of the applicant;
- (b) a copy of certificate of incorporation or certificate of registration of the applicant (if the applicant is a company or registered entity);
- (c) a copy of the applicant's valid business permit at the time of making the application;
- (d) the applicant's latest audited accounts;



- (e) a copy of the applicant's PIN certificate;
- (f) a copy of the applicant's tax registration certificate;
- (g) a copy of the applicant's memorandum of association (if the applicant is a company);
- (h) a copy of the applicant's articles of association (if the applicant is a company);
- (i) a copy of the identity cards or passports of each of the applicant's directors (if the applicant is a company);
- (j) a copy of the profile of each of the applicant's directors (if the applicant is a company);
- (k) a copy of the applicant's valid tax compliance certificate;
- (l) a copy of a valid certificate of good conduct for each of the applicant's directors (if the applicant is a company);
- (m) a copy of the applicant's valid certificate of good conduct (if the applicant is an individual); and
- (n) proof of payment of the prescribed fee set out in the Second Schedule

(3) If the Authority approves an application made under subregulation (1), it shall issue an import permit in Form 4 set out in the First Schedule to the applicant.

(4) The export permit issued under subregulation (3) shall be valid for only one year.

(5) The export permit issued under subregulation (3) shall not be transferrable.

(6) A holder of a valid export permit shall apply for a pre-export permit for the importation of each consignment in Form 5 set out in the First Schedule.

(7) An application made under subregulation (6) shall be accompanied by the documents referred to in regulation 9(2).

(8) If the Authority approves an application made under subregulation (6), it shall issue a pre-export permit in Form 6 set out in the First Schedule to the applicant.

## 8. Determine of distribution of sugar in the market

The Authority shall determine the quantity of sugar that may be required from manufacturers for domestic consumption while accounting for any shortfall in domestic production of sugar.

## 9. Inspection of consignments

(1) The Authority shall physically verify each consignment before issuing a release order in respect of that consignment.

(2) A person whose consignment is being verified under subregulation (1) shall submit to the Authority, duly certified copies of—

- (a) the customs entry or exit documents for the consignment;
- (b) a proof of payment of taxes by the exporter from whom the consignment was procured;
- (c) the invoice and proof of payment for the consignment from the exporter or importer;
- (d) the identification and contact details of the exporter or dealer from whom the consignment was procured;
- (e) the certificate of origin of the consignment;
- (f) the phytosanitary permits, certificates, permits for the consignment; and
- (g) the certificate of conformity in respect of the consignment.

## 10. Release order

(1) After a consignment has been verified in accordance with regulation 9, the Authority may issue a release order in Form 7 set out in the First Schedule.

[Subsidiary]

(2) The release order issued under subsection (1) shall authorise the consignment to be released to the holder of a valid export permit or import permit, as the case may be.

#### 11. Monthly returns

(1) A holder of an export permit shall submit monthly returns of their consignments in Form 8 set out in the First Schedule to the Authority.

(2) A holder of an import permit shall submit monthly returns of their consignments in Form 8 set out in the First Schedule to the Authority.

#### 12. Repackaging of consignments

(1) A person shall not pack sugar or a by-product of sugar, into a package of a different quantity, material or brand from the original packaging, without the approval of the Authority.

(2) An application for approval under subregulation (1) shall be made in Form 9 as set out in the First Schedule to the Authority Repackaging of consignments.

(3) A package of an imported consignment, whether repackaged or in its original packaging, shall carry, in bold print, the name and contact details of the manufacturer, country of origin, and the vendor and purchaser, of the consignment.

#### 13. Rebranding of consignments

(1) A approved importer of sugar or a by-product of sugar, who wishes to rebrand a consignment shall apply for a permit from the Authority before rebranding the sugar.

(2) A person who does not comply with subregulation (1) commits an offence.

#### 14. Smuggling

Sugar that is smuggled or otherwise imported without the authority of the Authority shall be deemed to be prohibited goods under section 18 (2) of the East African Community Customs Management Act, 2004.

#### 15. Cancellation of permits

The Authority may cancel the import or export permit, or a pre-shipment permit or pre-export permit, issued to a person who contravenes these Regulations.

#### 16. Appeals

(1) An applicant for or holder of a permit who is aggrieved by a decision of the Authority on or in respect of—

- (a) the grant, refusal to issue, variation or revocation; or
- (b) the conditions imposed on the grant or variation,

of a permit, may appeal to the Cabinet Secretary.

(2) An appeal under this section shall be lodged within thirty days from the date on which the appellant first received notice of the decision.

#### 17. Revocation of L.N. No. 114 of 2008

The Sugar (Imports, Exports and By-products) Regulations, 2008 are revoked.

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### FIRST SCHEDULE

#### FORMS

[r. 3(1),(2), (4)(b), 6(1), (3), (6), (8), 7(1), (3), (6), (8), 10(1), 11(1), (12)(2)]

### AGRICULTURE AND FOOD AUTHORITY



**FORM 1** (r. 3(1), (2))  
**APPLICATION FOR REGISTRATION AS IMPORTER/ EXPORTER**

1. Name of applicant: .....

2. Categories (tick as appropriate)

- a.  Exporter
  - brown sugar
  - white refined sugar
  - by-product of sugar
- b.  Importer
  - brown sugar
  - white refined sugar
  - by-product of sugar

3. Registered address: .....

Building: .....

Street: .....

Town/City: .....

L. R. No.: .....

Telephone Number: .....

E-mail address: .....

Postal Address: .....

4. Date of Incorporation (if company): .....

Registration No: .....

5. Full names, addresses and occupations of the directors:

<i>Name</i>	<i>Address</i>	<i>Occupation</i>
a.		
b.		
c.		
d.		

6. Branch Office(s) if any Address: .....

Building: .....

Town/City: .....

L. R. No.: .....

Telephone .....

E-mail: .....

Postal Address: .....

a. Address: .....

Building: .....

Street: .....

Town/City: .....

[Subsidiary]

L. R. No.: .....

Telephone .....

E-mail: .....

Postal Address: .....

7. Declarations

a. I/We certify that we have read and understood the provisions of the Crops Act (Cap. 318) and the regulations made there under.

b. I/We also understand that the registration certificate granted on this application may be cancelled and penalties may be imposed on each of us if any document or statement submitted by us in the course of this application is false or materially misleading.

Date .....

Name of Director .....

Signature .....

Name of Director .....

Signature .....

Name of Secretary .....

Signature .....

FORM 2

(r. 3(4)(b))

AGRICULTURE AND FOOD AUTHORITY  
SUGAR DIRECTORATE

Serial No.: AFA/SD/

Importers's/Exporters

.....

License No.....

.....

EXPORTER/IMPORTER CERTIFICATE OF REGISTRATION

THIS IS TO CERTIFY that

..... of .....

Physical Address ..... Postal Address .....

Email.....Telephone: .....located in .....

County.....Sub-County.....Ward .....

Is hereby issued with a certificate of registration as a Suagr Exporter/Importer (Delete appropriately) beginning this .....day of .....20.....

Date: .....Signed: .....

Valid from ..... To.....

Official Stamp

*Director-General,  
Agriculture and  
Food Authority*

*This certificate of Registration is not transferable*

**AGRICULTURE AND FOOD AUTHORITY**



**FORM 3**

(r. 6(1), 7(1))

**APPLICATION FORM FOR AN IMPORT/EXPORT PERMIT**

1. Name of applicant:

.....

Registration number:.....

*(attach a copy of the certificate of registration)*

2. Categories (tick as appropriate)

- |    |          |   |
|----|----------|---|
| a. | Exporter | brown sugar<br>white refined sugar<br>by-product of sugar |
| b. | Importer | brown sugar<br>white refined sugar<br>by-product of sugar |

3. I/We enclose the following required certified documentation in support of our application:

- a. the profile of the applicant;
- b. a copy of certificate of incorporation or certificate of registration of the applicant (if the applicant is a company or registered entity);
- c. a copy of the applicant's valid business permit at the time of making the application;
- d. the applicant's latest audited accounts;
- e. a copy of the applicant's PIN certificate;
- f. a copy of the applicant's tax registration certificate;
- g. a copy of the applicant's memorandum of association (if the applicant is a company);
- h. a copy of the applicant's articles of association (if the applicant is a company);
- i. a copy of the identity cards or passports of each of the applicant's directors (if the applicant is a company);
- j. a copy of the profile of each of the applicant's directors (if the applicant is a company);
- k. a copy of the applicant's valid tax compliance certificate;
- l. a copy of a valid certificate of good conduct for each of the applicant's directors (if the applicant is a company);
- m. a copy of the applicant's valid certificate of good conduct (if the applicant is an individual); and
- n. proof of payment of the prescribed fee.

4. Declarations

[Subsidiary]

a. I/We certify that we have read and understood the provisions of the Crops Act (Cap. 318) and the regulations made there under.

b. I/We also understand that the export permit/import permit granted on this application may be cancelled and penalties may be imposed on each of us if any document or statement submitted by us in the course of this application is false or materially misleading.

Date .....

Name of Director ..... Signature .....

Name of Director..... Signature .....

Name of Secretary..... Signature .....

AGRICULTURE AND FOOD AUTHORITY



FORM 4

(r. 6(3), 7(3))

Permit Number.....

IMPORT/EXPORT PERMIT

Issued to

.....  
*(Insert the name of the successful applicant and their registration number)*

This Permit is valid from ..... to .....

In respect of—

- a. Exporter                      brown sugar  
   white refined sugar  
   by-product of sugar
- b. Importer                      brown sugar  
   white refined sugar  
   by-product of sugar

.....  
Director-General

Date of issue .....

Official stamp.

Kindly note:

1. The holder of this Permit shall submit their returns quarterly without fail.
2. This Permit is not transferrable.
3. The holder of this Permit shall apply for a pre-shipment permit, a pre-export permit, and a release order, in respect of each consignment.

AGRICULTURE AND FOOD AUTHORITY



FORM 5

(r. 6(6), 7(6))

APPLICATION FORM FOR A PRE-SHIPMENT PERMIT/PRE-EXPORT PERMIT

1. Name of applicant:

.....

Permit Number:.....

(attach a copy of the import permit/export permit)

2. Categories (tick as appropriate)

- a.  exporter  brown sugar  white refined sugar  by-product of sugar
- b.  importer  brown sugar  white refined sugar  by-product of sugar

3. I/We enclose the following required certified documentation in support of our application:

- (a) the dated Bill of Lading and Imports Declaration Form, for the consignment;
- (b) a proof of payment of taxes by the exporter from whom the consignment was procured;
- (c) the invoice and proof of payment for the consignment from the exporter or importer;
- (d) the identification and contact details of the exporter or dealer from whom the consignment was procured;
- (e) the certificate of origin of the consignment;
- (f) the phytosanitary permits, certificates, permits for the consignment; and
- (g) the certificate of conformity in respect of the consignment.

5. Declarations

(a) I/We certify that we have read and understood the provisions of the Crops Act (Cap. 318) and the regulations made there under.

(b) I/We also understand that the pre-export permit/pre-shipment permit granted on this application may be cancelled and penalties may be imposed on each of us if any document or statement submitted by us in the course of this application is false or materially misleading.

Date .....

Name of Director..... Signature .....

Name of Director ....., Signature .....

Name of Secretary .....

Signature .....

[Subsidiary]

AGRICULTURE AND FOOD AUTHORITY



FORM 6

(r. 6(8), 7(8))

Pre-Shipment/Pre-Export Permit Number: .....

PRE-SHIPMENT PERMIT/PRE-EXPORT PERMIT

Issued to

.....

*(Insert the name of the successful applicant and their import/export permit number)*

This Permit is valid from ..... to .....

In respect of—

- a. Exporter brown sugar  
white refined sugar  
by-product of sugar  
  
Details of consignment to be exported  
.....
- b. importer brown sugar  
white refined sugar  
by-product of sugar  
  
Details of consignment to be imported  
.....

.....

Director-General

Date of issue .....

Official stamp.

Kindly note:

1. The holder of this Permit shall submit their returns quarterly without fail.
2. This Permit is not transferrable.
3. The holder of this Permit shall obtain a release order, in respect of each consignment at the port of entry/exit during clearance.

AGRICULTURE AND FOOD AUTHORITY





FORM 7

(r. 10(1))

Release Order Number: .....

RELEASE ORDER

Issued to

.....

(Insert the name of the exporter or importer and their pre-shipment /pre-export permit number)

This Release Order is valid from ..... to .....

In respect of—

- a.
 

exporter	brown sugar
	white refined sugar
	by-product of sugar
Details of consignment to be exported	(1) Declarant/Clearing Agent:..... ..... .....
	(2) Number of Containers:..... .....
	(3) Quantity in Metric Tonnes:..... .....
	(4) Entry Number:..... .....
	(5) UCR Number:..... .....
	(6) Country of Origin:..... .....
  
- b.
 

Importer	brown sugar
	white refined sugar
	by-product of sugar
Details of consignment to be imported	(1) Declarant/Clearing Agent:..... .....
	(2) Number of Containers:..... .....
	(3) Quantity in Metric Tonnes.....

[Subsidiary]

.....  
 .....  
 (4) Entry  
 Number:.....  
 .....  
 .....  
 (5) UCR  
 Number:.....  
 .....  
 .....  
 (6) Country of  
 Origin:.....  
 .....  
 .....

Verification Officer Details:

- (a) Batch Number:
- (b) Production Date:
- (c) Expiry Date:
- (d) Number of Containers Verified:

Name of Officer

Sign.....

Date .....

Stamp.....

**AGRICULTURE AND FOOD AUTHORITY**



**FORM 8**

(r. 11(1))

**RETURNS FOR AN EXPORTER/IMPORTER**

1. Name of Exporter/Importer:

.....

Registration number:.....

*(attach a copy of the certificate of registration)*

2. Details of consignments imported or exported:

a. Port and Country of origin:

.....

b. Manifest Numbers at Gazetted entry points .....

c. Quantity .....

d. C.I.F. value:.....

Crops

[Subsidiary]

3. Utilization of imports. Please give detailed breakdown of utilization under following categories: (If space is inadequate provide attachment)

(a) Direct human consumption (give a full list of purchasers, addresses, physical location and quantities purchased) .....

(b) Industrial manufacturing (specify type of products in which sugar was used and production returns for the period) .....

(c) Raw sugar for processing (specify quality of raw sugar processed into mill white, refined sugar, brown sugar or other by-products. Also give a full list, addresses and physical locations of all the end users of the processed goods.)  
 .....  
 .....

(d) Transit sugar (provide full details of the quantities imported and exported including the dates of actual export at entry and exit points. Also attach copies of re-export certificates duly signed)  
 .....  
 .....

4. Full name and address of purchasers or vendors, to who consignments were sold or bought from:  
 .....

5. Name and address of warehouses where consignments were inspected:  
 .....  
 .....

6. Consignment short shipment if (any):

<i>Manifest Number</i>	<i>Invoice Nos.</i>	<i>Type of consignment</i>	<i>Net Weight (kilograms)</i>
----------------------------	---------------------	--------------------------------	-----------------------------------

- a.
- b.
- c.

(If space provided is not adequate provide an attachment.)

NB: Applicant to attach certified copies of the following documents for verification.

- (a) Sale contract
- (b) Letter of credit / Telegraphic Transfer Documents
- (c) Commercial invoice
- (d) Brokers invoice; and
- (e) Sugar Development Levy payment slip.

Date.....  
 Name of Director.....  
 Signature.....  
 Name of Director..... Signature.....  
 Name of Secretary..... Signature.....

*For official use:*  
 .....

[Subsidiary]

Director-General

Date of issue.....

Official stamp.

**FORM 9** \_\_\_\_\_ (r. 12(2))  
**APPLICATION FOR REGISTRATION OF SUGAR REPACKAGING**

To

Agriculture and Food Authority,

1. I/We.....(Officials ..... (Name of Association/Institution)

2. Physical Address:..... Market..... Location..... Sub-County.....

3. Land Ref. No.....

4. Postal Address:.....

Tel:..... Fax:..... E-mail.....

5. .... (name of applicant) apply for the registration of ..... (name of brand).

6. Copies of the following documents are attached to this application

- a. Trademark registration certificate;
- b. Sample of the brand
- c. Certificate of Incorporation or Business name.
- d. ID or Passport of Directors
- 8. Project Objectives

- a. ....
- b. ....
- c. ....

Contact Details:

Name: ..... Title: .....

Telephone:..... Fax: .....

Email.....

SECOND SCHEDULE

FEES

[r. 3(3), 6 (2)(n), 7(2)(n)]

No.	Particulars of Service	Amount in Kshs.
1.	Registration of an exporter or importer.	100,000/-
2.	Issuance of an export permit or an import permit.	100,000/-

**THE CROPS (NUTS AND OIL CROPS) REGULATIONS**

## ARRANGEMENT OF REGULATIONS

## PART I – PRELIMINARY

*Regulation*

1. Citation
2. Interpretation
3. Application
4. Purpose of Regulations

## PART II – REGISTRATION AND LICENSING

5. Registration of small-holder growers and grower associations
6. Registration of plantation growers
7. Commercial Nursery registration and licensing.
8. Issuance of commercial nursery license.
9. Mother plants/ mother block registration
10. Registration and licensing of traders, retailers, transporters, marketing agents, warehousemen and distributors
11. Registration and licensing of importers and exporters
12. Application for approval to establish a manufacturing facility
13. Issuing of Manufacturing Licence
14. Renewal of Licences
15. Additional information
16. Decision on registration, licensing and renewal
17. Licensing fee.
18. Revocation, suspension or varying of a licence
19. Certificate of registration, license or permit not transferable

## PART III – PRODUCTION, PROCESSING AND MARKETING PROVISIONS

20. Approved seed or planting material source
21. Mother plants/ mother block and nursery establishment.
22. Contracts between grower or dealer or manufacturer.
23. Production and processing
24. Traceability of produce and products.
25. Bi-annual verification of traceability
26. Manufacturing and being in possession of scheduled nuts and oil crops
27. Buying and selling of nuts and oil crops produce
28. Collection centers
29. Importation and exportation of nuts and oil crops produce and products
30. Field and Manufacturing facility Inspection
31. Crop inspectors appointment
32. Functions of crop inspectors
33. Entry inspection and obstruction of crop inspectors.
34. Compliance with quality standards.
35. Sampling and testing of produce and products

## PART IV – GENERAL PROVISIONS

36. Dispute Resolution procedure
37. Validity of licenses and certificates of registration
38. Fees and levies

[Subsidiary]

- 39. Submission of returns
- 40. General penalty
- 41. Transition

SCHEDULES

FIRST SCHEDULE —	SCHEDULED NUTS AND OIL CROPS
SECOND SCHEDULE —	FORMS
THIRD SCHEDULE —	FEES AND LEVIES
FOURTH SCHEDULE —	MINIMUM REQUIREMENTS
FIFTH SCHEDULE —	GUIDELINES

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**THE CROPS (NUTS AND OIL CROPS) REGULATIONS**

[Legal Notice 164 of 2020]

**PART I – PRELIMINARY****1. Citation**

These Regulations may be cited as the Crops (Nuts and Oil Crops) Regulations.

**2. Interpretation**

In these Regulations unless the context otherwise requires—

"Act" means the Crops Act (Cap. 318);

"agent" means a dealer acting on behalf of a licensed player and can be a marketing agent or clearing agent;

"annual crop" means plants that complete their entire life cycle from seed to flower and to seed within a single growing season in this case includes rape seed, groundnuts, sesame, castor bean, sunflower, safflower, linseed, jojoba and any other similar nut and oil crop as may be scheduled;

"authorized agent" means a person appointed in writing by the Authority to carry out specific duties and functions in the nuts and oil crops subsector on behalf of the Authority;

"Authority" means the Agriculture and Food Authority established by section 3 of the Agriculture and Food Authority Act (Cap. 317);

"certificate" means a document issued by the Authority or the County Government for a specified purpose upon fulfilling certain requirements;

"collection center" means a designated site that is established for the purposes of storage and marketing of different nuts and oil crops produce and products;

"commercial nursery" means an approved site where nuts and oil crops seedlings are raised for sale;

"County Government" shall have the meaning assigned to it under Article 176 of the Constitution;

"crop inspectors" means persons appointed as inspectors in accordance with section 27 of the Act;

"dealer" includes a person engaged in either collecting, transporting, storing, distributing, or buying and selling nuts and oil crops produce, products or by-products and includes marketing agents, exporter, importer and ship chandler. For purposes of these regulations, a commercial nursery operator is also a dealer;

"Directorate" means the Directorate established under the Agriculture and Food Authority Act (Cap. 317) for the time being responsible for matters related to scheduled nuts and oil crops;

"export" means to move or ship locally (Kenyan) produced nuts and oil crops produce or products to another country;

"grower" means any person who cultivates nuts and oil crops in Kenya and may be a small-holder or plantation grower;

"grower associations" means any association, common interest group, community-based group, co-operative, union or federation of nuts and oil crops growers or any other legal entity comprised of nuts and oil crops growers;

"import" means to bring into Kenya, nuts and oil crops produce or products from another country;

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[Subsidiary]

"licensee" means a person who holds a license granted under the Crops Act (Cap. 318) or these Regulations;

"manufacture" means the processing of all nuts and oil crops produce and products and includes cracking, grading, packaging, labelling and distribution of nuts and oils crops products for sale; and does not include de-husking and drying;

"manufacturer" means a processing facility that transforms nuts and oil crops produce or products into various end use products;

"mother block" means an area set aside with selected plants for the purpose of obtaining clean planting, grafting and budding material;

"mother plant" means a tree that has been identified and approved by the relevant authority as a source of planting, grafting or budding material;

"nuts and oil crops" means any of the crops listed under the First Schedule and includes such other crops that the Cabinet Secretary may on the advice of the Authority, gazette to be a scheduled crop under section 7 of the Crops Act (Cap. 318);

"perennial crop" means plants that persist for many growing seasons and in this case includes macadamia, cashew, coconut, oil palm, and any other nuts and oil crop that may be scheduled from time to time;

"person" includes an individual, company, firm, co-operative society, association or a corporation;

"plantation grower" means a grower with fifty acres or more for perennial crops or ten acres or more for annual crops;

"raw macadamia nut" means unprocessed produce still in shell, whether wet or dry;

"raw cashew nut" means unprocessed produce still in shell;

"record" means a written or electronic data or information relating to a process or procedure;

"rootstock" means the part of a plant which forms the root system of the plant, and into which a scion cultivar is grafted or budded;

"scion" means a detached shoot or bud used in vegetative propagation in the process of grafting or budding;

"ship chandler" means a person registered and authorized by the Authority to supply nuts and oil crops produce and products to a ship or an aircraft;

"single window system" means a platform hosted by a government agency responsible for trade facilitation for clearing exports and imports electronically;

"small-holder grower" means a grower with less than 50 acres under perennials or less than 10 acres under annuals for nuts or oil crop;

"stakeholder" means any person involved directly or indirectly in the nuts and oil crops industry; and

"traceability" means ability to track nuts and oil crops produce and products from production to the final consumer and vice versa.

### **3. Application**

These Regulations shall apply to the nuts and oil crops set out in the First Schedule.

### **4. Purpose of Regulations**

(1) The purpose of these Regulations is to guide the development, promotion, and regulation of scheduled nuts and oil crops for the benefit of the growers and other stakeholders in the nuts and oil crops industry.



(2) Without prejudice to the generality of subregulation (1), the purpose of these Regulations is to provide for—

- (a) the production, harvesting, processing and marketing of nuts and oil crops;
- (b) promotion of best practices in the sub sector;
- (c) registration and licensing of all players along the value chain;
- (d) the recommendation of general industry agreements or contracts;
- (e) the development and enforcement of quality and safety standards for compliance;
- (f) the collection, collation, maintenance and management of statistical data related to the sub sector;
- (g) the imposition and administration of levies; and
- (h) regulation of the sub sector.

#### PART II – REGISTRATION AND LICENSING

### 5. Registration of small-holder growers and grower associations

(1) A small-holder grower may, for purposes of accessing economies of scale, register with an association, common interest groups, community based organizations and co-operatives registered by the respective County Government under these Regulations.

(2) A small-holder grower association cultivating nuts and oil crops shall apply to the respective County Government for registration in Form A1 as set out in the Second Schedule.

(3) The respective County Government shall issue a certificate of registration to small-holder grower associations in Form A2 as set out in the Second Schedule.

(4) All small-holder grower associations cultivating nuts and oil crops shall maintain a register of their members in the manner set out in Form A3 of the Second Schedule.

(5) The Authority shall, in consultation with the respective county government, using the information obtained from a duly filled Form A3 of the Second Schedule, maintain a register of all smallholder growers associations in the manner set out in Form A4 of the Second Schedule.

### 6. Registration of plantation growers

(1) A nuts and oil crops plantation grower may apply to the Authority for registration as set out in Form B1 of the Second Schedule.

(2) The Authority shall issue a Certificate of Registration to a registered plantation grower in Form B2 as set out in the Second Schedule.

### 7. Commercial Nursery registration and licensing.

(1) A person who intends to establish or operate a commercial nursery in any area shall register with the Authority and apply for a licence in Form C1 set out in the Second Schedule.

(2) A person who contravenes the provisions of this regulation commits an offence.

### 8. Issuance of commercial nursery license.

(1) The Authority shall issue a licence to a successful applicant in Form C2 set out in the Second Schedule within thirty days, upon payment of fee set out in Third Schedule.

(2) The Authority shall, before issuing the licence under sub regulation (1), satisfy itself that the applicant has met all the requirements as set out in the Part A of the Fourth Schedule.

(3) An unsuccessful applicant shall be notified in writing within seven days of the decision, of the reasons for the rejection of the application.

(4) The applicant under sub regulation (2) may re-apply for registration upon fulfilment of all the necessary requirements.

(5) A person who contravenes the provisions of this regulation commits an offence.

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[Subsidiary]

### **9. Mother plants/ mother block registration**

(1) A persons who intends to establish a nuts and oil crops mother plant and mother block for use as source of clean planting materials or scions for grafting or budding shall register the mother plant/mother block with government agencies responsible for national plant protection matters.

(2) The national plant protection agencies shall share the details of persons registered under sub regulation (1) with the Authority and with the respective County Government.

(3) A nursery operator shall only source their planting materials from mother plant / mother blocks registered under these Regulations.

### **10. Registration and licensing of traders, retailers, transporters, marketing agents, warehousemen and distributors**

(1) A person who intends to aggregate, trade, retail, transport, distribute or warehouse nuts and oil crops produce and products for commercial purposes shall make an application for registration and licensing to the Authority in Form DI as set out in the Second Schedule.

(2) The Authority shall issue a licence to a successful applicant under sub regulation (1) in Form D2 set out in the Second Schedule upon payment of fees set out in the Third Schedule.

(3) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction, to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings, or to both.

### **11. Registration and licensing of importers and exporters**

(1) A person who intends to import or export nuts and oil crops produce or products shall make an application for registration and licensing to the Authority in Form E1 as set out in the Second Schedule and meet the requirements set out in Part C of the Fourth Schedule.

(2) The Authority shall, within fourteen days of the application, issue a successful applicant with a licence in Form E2 set out in the Second Schedule and upon payment of the fee set out in Third Schedule.

(3) A person who contravenes the provisions of this regulation commits an offence and shall upon conviction, be liable to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings, or to both.

### **12. Application for approval to establish a manufacturing facility**

(1) A person who intends to establish a new manufacturing facility shall, before establishing the manufacturing facility, apply for approval from the Authority using the application form set out in Form F1 in the Second Schedule.

(2) The Authority shall within thirty days of the application, verify that the applicant under sub regulation (1) has fulfilled all the requirements set out in Form F2 of the Second Schedule before issuing the applicant with a letter of interim authority.

(3) Upon completion of the facility, the applicant shall make a written application for inspection of the facility to the Authority and pay the inspection fee set out in Third Schedule.

(4) Upon receipt of the letter under sub regulation (3) the Authority shall conduct an inspection of the facility and issue the applicant with a letter indicating the outcome of inspection within thirty days of the inspection.

(5) The letter of interim authority issued under sub regulation (2) shall be valid for a period two years and shall be renewable once for a period of one year where the construction of the facility is not completed within the first two years.

### **13. Issuing of Manufacturing Licence**

(1) A person who intends to manufacture nuts and oil crops produce or products shall make an application for a licence to the Authority in Form G1 as set out in the Second Schedule.

(2) The Authority shall consider the application under paragraph (1) and notify the applicant of the decision on grant within thirty days.

(3) The Authority shall, at least thirty days before granting a licence under these Regulations, give notice of the proposed grant in the *Gazette*.

(4) Upon the expiry of the notice issued under sub regulation (3), and where no objections have been raised, the Authority shall issue a licence to a successful applicant in Form G2 set out in the Second Schedule upon payment of the fee set out in the Third Schedule.

(5) Where, upon the publication of the notice under sub regulation (3) an objection is raised, the aggrieved party may appeal to the Cabinet Secretary in the manner set out in regulation 18.

#### **14. Renewal of Licences**

(1) Every licence granted under these Regulations shall expire on 30th of June following the date of issue unless otherwise stated or earlier cancelled.

(2) Applications for renewal shall be made to the Authority not later than the first day of the month of June in which the current license is due to expire.

(3) Where the applicant fulfils all the requirements necessary for the renewal of the licence and pays the renewal fee set out in Third Schedule, the Authority shall renew the licence within fifteen days after the expiry of the current licence.

#### **15. Additional information**

The Authority or the county government as the case may be, may require an applicant to supply such additional information as it may consider necessary in relation to the application for registration, licence or renewal of a licence or registration.

#### **16. Decision on registration, licensing and renewal**

(1) The Authority or the county government as the case may be shall, when considering an application for new registration or renewal of registration, make a decision within fifteen days of the application.

(2) The Authority shall, when considering an application for a new licence under these Regulations, make a decision within thirty days upon receipt of a complete application and shall forward the details of successful applicants for publication in the *Gazette* for thirty days.

(3) The Authority shall, when considering an application for renewal of a licence under these Regulations, make a decision within thirty days upon receipt of an application

(4) In case of an unsuccessful application, the Authority shall review re-submitted application for consideration upon fulfilling the set requirements.

#### **17. Licensing fee.**

Every dealer and manufacturer shall pay the licensing fee set out in the Third Schedule.

#### **18. Revocation, suspension or varying of a licence**

(1) The Authority may revoke, suspend or vary a licence issued to a dealer or manufacturer if the person—

- (a) fails to comply with these Regulations or the conditions set out in the licence; or
- (b) commits an offence under the Act, these Regulations or any other written law in respect of the activity for which they have been licensed.

(2) An applicant for a licence who is aggrieved by the decision of the Authority in respect of the grant, refusal, renewal, variation or revocation or the conditions imposed on the licence may appeal to the Cabinet Secretary for a review of the decision of the Authority in accordance with section 25 of the Act.

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[Subsidiary]

(3) The appeal shall be in writing and be delivered to the Cabinet Secretary within thirty days from the date of notification of the decision by the Authority.

(4) The Cabinet Secretary shall consider the appeal and give a written feedback to the affected party within forty five days of receipt of the appeal.

### **19. Certificate of registration, licence or permit not transferable**

A certificate of registration, licence or permit issued under these Regulations shall not be transferrable to any other entity and shall only be applicable to the parcel of land, nursery or premise to which it has been issued.

#### PART III – PRODUCTION, PROCESSING AND MARKETING PROVISIONS

### **20. Approved seed or planting material source**

(1) A person growing nuts and oil crops shall procure seeds or planting materials or seedlings from sources approved by the government agencies responsible for inspection and certification of seeds and planting materials or seedlings.

(2) A person who contravenes the provisions of this regulation commits an offence.

### **21. Mother plants/ mother block and nursery establishment.**

(1) A mother plant and mother block for use as source of clean planting material shall be established in accordance with the guidelines issued by the relevant government agencies in consultation with the respective County Government from time to time.

(2) A nursery shall be established in accordance with any guidelines issued by the Authority in consultation with the respective County Government from time to time.

(3) A person who contravenes the provisions of this regulation commits an offence.

### **22. Contracts between grower or dealer or manufacturer.**

(1) A registered dealer or manufacturer shall—

- (a) sign a contract with the grower and register the contract with the respective County Government as set out in Part B of the Fifth Schedule;
- (b) notify the Authority and the relevant County Government of any breach to the contract within thirty days of the breach for purposes of initiating an arbitration process.

(2) A person who contravenes the provisions of these regulation commits an offence.

### **23. Production and processing**

(1) Nuts and oil crops produce and products shall be produced, harvested, sorted, graded, packaged, transported and stored or warehoused in accordance with the guidelines set out in Part C of the Fifth Schedule and the applicable national, regional and international standards.

(2) Every grower and dealer shall harvest, sort, grade, pack, transport and store or warehouse nuts and oil crops when the produce is physiologically mature for the intended use.

(3) Physiological maturity indicators vary from crop to crop and the intended use of the produce but shall include the following—

- (a) in the case of macadamia and cashew nut, fruit left to fall to the ground before being collected;
- (b) in the case of macadamia, float test;
- (c) in the case of macadamia and peanut, a chocolate brown inner side of husk or pod;
- (d) in the case of peanut, a mature pod that is hard to split;
- (e) in the case of sunflower, the flower head should turn light yellow or brown and the seeds shall be dry and protruding from flower head;

- (f) in the case of sesame, the plant and capsule shall be dry and the seed to have at least six percent moisture content.

(4) Notwithstanding the provisions of sub-regulation (3), the county government in consultation with relevant stakeholders may from time to time identify and enforce the maturity indicators applicable to the crops grown.

(5) All premises for storage and processing of nuts and oil crops produce and products shall comply with the provisions of these Regulations and the national, regional and international food safety and quality standards where applicable.

- (6) A dealer who contravenes the provisions of this regulation commits an offence.

#### **24. Traceability of produce and products.**

(1) The Authority may develop, implement and maintain a detailed traceability system to track and trace the history and location at all stages of production, processing and distribution of the nuts and oil crops produce and products and keep the records for at least two years

(2) Every manufacturer or dealer shall develop and maintain records of who they buy from and who they sell to for the purpose of feeding into the traceability system of the Authority.

(3) Every grower shall develop and maintain production records for at least two years for annual crops and five years for perennial crops, setting out—

- (a) source of planting material;
- (b) planting date;
- (c) application rates and date of farm inputs use;
- (d) farm operations type and date done;
- (e) harvesting dates and quantities; and
- (f) post-harvest management records.

- (4) A person who contravenes the provision of this regulation commits an offence.

#### **25. Bi-annual verification of traceability**

The Authority shall conduct a bi-annual routine verification of the traceability of produce and products along the value chain.

#### **26. Manufacturing and being in possession of scheduled nuts and oil crops**

(1) A person shall not manufacture or be in possession of a scheduled nuts and oil crop product for sale without a licence issued in accordance with these Regulations.

(2) A person who manufactures or is in possession of a scheduled nuts and oil crops produce or product in contravention to the provisions of these Regulations commits an offence and shall be liable, upon conviction, to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding five years, or both.

#### **27. Buying and selling of nuts and oil crops produce**

(1) For purposes of traceability, the buying and selling of nuts and oil crops produce and products from small-holder farmers for commercial purposes, may be done in collection centers.

(2) Nuts and oil crops produce and products from plantation growers may be sold directly to the market as long as clear and verifiable traceability system is used.

#### **28. Collection centers**

(1) The Authority shall, in consultation with the respective County Government use guidelines as set out in Part A of the Fifth Schedule for the establishment and uses of collection centers.

(2) The collection centers may be owned or managed by county governments, growers' associations, dealers or the manufacturers.

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[Subsidiary]

(3) The guidelines under sub regulation (1) may be reviewed from time to time as and when necessary.

### **29. Importation and exportation of nuts and oil crops produce and products**

(1) All nuts and oil crops produce and products shall be imported or exported through a customs port of entry or exit.

(2) A licensed importer or exporter of nuts and oil crops produce and products shall apply for an export or import permit electronically through single window system for each consignment of imported or exported nuts and oil crops produce or products.

(3) Each consignment of nuts and oil crops produce or products for import or export shall be declared at the port of entry or exit and may be physically verified by the Authority or its authorized agent.

(4) During the verification of a consignment under sub-regulation (3) , a licensed importer or exporter shall provide, on request by the Authority or its authorized agent—

- (a) original copies of importation or exportation documentations;
- (b) evidence of payment of duties and levies.

(5) Upon satisfying the conditions for import or export of nuts and oil crops produce and products under these Regulations, the Authority shall approve for release of the consignment to the consignee.

(6) The Authority shall, in collaboration with other government agencies detain, at the cost of the consignee, any consignment that is not accompanied by the documents required under paragraph (5) until the requisite documentation is availed for verification.

(7) A consignment whether repacked or in the original package shall bear, in bold print, the name and contact details of the consignor, consignee and the country of origin.

(8) The Authority shall together with other government agencies, at the cost of the owner, seize, or remove in an appropriate manner, any consignment of nuts and oil crops produce and products that does not conform to the quality standards set by the Authority.

### **30. Field and Manufacturing facility Inspection**

(1) The Authority and county government together with other government agencies responsible for ensuring quality produce and products may conduct field inspection of nuts and oil crops grown to ascertain quality control during production.

(2) The Authority shall conduct the first inspection of newly established manufacturing facility upon payment of fee as set out in Third schedule, to ensure compliance with national, regional and international standards on food safety and good manufacturing practices.

(3) The Authority shall conduct quarterly inspections, upon payment of fees as set out in Third schedule, on existing manufacturing plants to ensure conformity to standards.

### **31. Crop inspectors appointment**

(1) The Authority shall conduct inspection of farms, nurseries, manufacturing facilities, stores and warehouses and transport vehicle for all scheduled nuts and oil crops produce and products to ascertain compliance with the requirements of the Act, these Regulations and other relevant regional and international standards.

(2) For farm inspection the Authority may jointly conduct inspections in consultation with the County Executive Committee Members responsible for matters agriculture.

(3) The Authority shall gazette inspectors upon their appointment.

(4) A person appointed as an inspector under sub regulation (2) shall have the following minimum qualifications—

- (a) be a Kenyan citizen;
- (b) satisfy the requirements of Chapter Six of the Constitution;
- (c) be a holder of diploma in agriculture or related agricultural field from a recognized institution and a minimum of two years of relevant experience; or

- (d) be a bachelor's degree holder in agriculture or agriculture- related field from a recognized university; and
- (e) have basic training in any relevant course on crop inspection.

### 32. Functions of crop inspectors

A crop inspector shall perform the following functions—

- (a) conduct inspection and compliance audit to growers, dealers and manufacturers from time to time to ensure compliance to these Regulations;
- (b) monitor activities associated with production, dealing, handling and processing of nuts and oil crops produce and product; and
- (c) undertake regular and periodic surveillance and audits to ensure adherence to the Act, these Regulations and any other laws.

### 33. Entry inspection and obstruction of crop inspectors.

In the exercise of the powers of entry and inspection, crop inspectors shall be guided by the provision of sections 28, 29 and 30 of the Act.

### 34. Compliance with quality standards.

All nuts and oil crops produce or products offered for sale shall comply with relevant national, regional and international standards and where applicable food safety and hygiene requirements and phytosanitary requirements.

### 35. Sampling and testing of produce and products

(1) The Authority in collaboration with other government agencies shall randomly sample, test and analyze different nuts and oil crops produce and products in collection centers, warehouses, markets and manufacturing facilities to ensure conformity to food safety and quality standards as provided for in national, regional, international and any other relevant laws.

(2) The Authority shall issue an annual standards conformity certificate to a buyer, warehouseman, transporter, importer and exporter.

(3) The Authority shall seize or remove at the cost of the owner any produce or product that does not conform to food safety, quality and any other requirement in the Regulations.

(4) The Authority shall immediately liaise with other relevant government agencies for disposal or destruction of the seized or removed product or produce.

## PART IV – GENERAL PROVISIONS

### 36. Dispute Resolution procedure

(1) An agreement to refer a dispute between a grower and a crop dealer for arbitration under this regulation may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

(2) A dispute arising between a grower and other crop dealers may be notified in writing and presented by the aggrieved party or their advocate to an arbitrator that has been mutually agreed between the parties and shall have attached thereto copies of the relevant documents relating to the dispute.

(3) The aggrieved parties are free to agree on the procedure to be followed by the arbitrator in the conduct of the proceedings.

(4) Failing an agreement under sub-regulation (3), the arbitrator may conduct the arbitration in the manner they consider appropriate, having regard to the desirability of avoiding unnecessary delay or expense while at the same time affording the parties a fair and reasonable opportunity to present their cases.

[Subsidiary]

**37. Validity of licenses and certificates of registration**

All licenses and annually renewed certificates of registration issued under these regulations shall remain in force until the thirtieth of June next following the date of issue, unless earlier cancelled.

**38. Fees and levies**

(1) The Cabinet Secretary may charge fees for inspections and licenses for the dealers and manufacturers and impose levies on imports and exports as set out in the Third Schedule.

(2) Neither the Authority nor the county governments shall charge any registration fee.

**39. Submission of returns**

(1) Any person who registers small holder growers shall submit annual returns to the respective county government in Form H1 as set out in the Second Schedule by 30th of January every year.

(2) A plantation grower of nuts and oil crops produce and product shall submit annual returns to the Authority in Form H1 as set out in the Second Schedule by 30th of January every year.

(3) Every registered nursery operator shall not later than the fifteen day of the first month of every quarter of a financial year complete and submit to the respective county government, statistical returns in Form H2 as set out in the Second Schedule.

(4) Every dealer and manufacturer of nuts and oil crops produce and product shall fill quarterly returns to the respective county government in Form H3 as set out in the Second Schedule not later than the tenth day of the first month after the end of the quarter.

(5) An importer or exporter of nuts and oil crops produce and products shall submit annual returns of the imports or exports transactions to the Authority in Form H3 as set out in the Second Schedule.

**40. General penalty**

A person who commits an offence under these Regulations, for which no penalty is provided, shall be liable upon conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding one year or to both in accordance with section 37 of the Act.

**41. Transition**

All licenses in respect of nuts and oil crops existing before the coming into operation of these Regulations shall remain valid until their expiry, and subsequent licenses shall be issued under these Regulations.

## FIRST SCHEDULE

## SCHEDULED NUTS AND OIL CROPS



## NUTS AND OILS CROPS

(r. 3)

Coconut .....

*Cocos nucifera L.*

Cashew nut .....

*Anacardium occidentale L.*

Macadamia nut .....

*Macadamia tetraphylla*

(L.Johnson)



Macadamia nut .....	<i>Macadamia integrifolia</i> (Maiden & Betche)
Ground nuts .....	<i>Arachis Hypogaea</i> L.
Castor beans .....	<i>Ricinus communis</i> L.
Sunflower .....	<i>Helianthus annuus</i> L.
Oil Seed or Rapeseed .....	<i>Brassica napus</i> var. <i>oleifera</i> L.
Jojoba .....	<i>Simmondsia Chinensis</i> (link) C.K Shneid
Safflower .....	<i>Carthamus tinctorius</i> L.
Sesame .....	<i>Sesamum Indicum</i> L.
Linseed .....	<i>Linum usitatissium</i> L.
Oil Palm .....	<i>Elaeis guineensis</i> . Jacq.
Bambara nut .....	<i>Vigna subterranea</i> . (L.) Verdc.

All others except scheduled oil crops

SECOND SCHEDULE

FORMS



COUNTY GOVERNMENT OF .....  
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020  
FORM A1

Serial No.; County code/commodity/000(serial per (r. 5(2))  
licensing period)

APPLICATION FOR REGISTRATION OF SMALLHOLDER GROWERS AND  
GROWERS ASSOCIATIONS

(To be filled in triplicate)

Full name of the entity .....

Postal Address .....

Registered Office .....

L. R. No. .... Street .....

Tel. No. .... Fax No. ....

E-mail ..... Website .....

Location of premise /collection centre:

Village/area .....

Ward .....

Sub-County .....

County .....

Number of growers/traders in the group ..... Acreage under  
production .....

[Subsidiary]

Directors/Officials  
Name Tel No. ID/Passport No. PIN No.

Attach copies of registration certificate, ID/Passport of officials/Directors and tax compliance certificate

Types of Produce/ Products .....

Declaration

I/ We declare that the information given above is accurate and complete.

Chairman/Director ..... Signature ..... Date .....

Secretary ..... Signature ..... Date.....

Treasurer ..... Signature ..... Date .....

FOR OFFICIAL USE

County Government Approval

Checked by: County Director of Agriculture/Authorized Officer

Name ..... Signature.....

Date.....

Approved by: CEC in charge of Agriculture

Name..... Signature.....

Date.....

Official stamp/seal.....

Terms and Conditions

The smallholder growers and grower growers associations shall produce such documentary evidence on the collection Centre/premise, group membership and the volumes produced/ handled on quarterly basis.

COUNTY GOVERNMENT OF .....  
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020  
FORM A2

Serial No.; County code/commodity/000(serial per (r. 5(3))  
licensing period)

CERTIFICATE OF REGISTRATION OF GROWER ASSOCIATIONS

Name .....

Postal Address: ..... Tel. .... Email.....

L.R. No. ....

Street: .....

is hereby registered as a grower association under these Regulations for the following crops:

.....  
.....

Category:

- Grower Association #
- Common Interest Group #
- Community Based #
- Organization #
- Co-operative #

Others (Specify).....

Registration number.....

Date of Registration.....

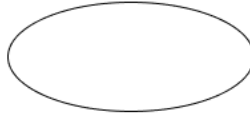
The registration expires on.....

Signed.....

Name.....

(CEC in charge of  
Agriculture)

Official stamp/seal



COUNTY GOVERNMENT OF .....  
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020  
FORM A3

Serial No.; County code/commodity/000 (serial per (r. 5(4))  
licensing period)

REGISTER OF GROWERS ASSOCIATIONS

- 1. Full name of the entity.....
- 2. Postal Address.....
- 3. Registered Office.....
  - L. R. No..... Street.....
  - Tel. No..... Fax No.....
  - E-mail..... Website.....

- 4. Location of premise /collection centre:
  - Village/area.....
  - Ward.....
  - Sub-County.....
  - County.....

5. Membership

Name of the Member	Date of Registration	Membership No.	Village Area	Telephone	Commodity	Age	Date of Exit
--------------------	----------------------	----------------	--------------	-----------	-----------	-----	--------------

6. Directors/Officials

Name	Tel No.	ID/Passport No.	PIN No.
------	---------	-----------------	---------

Attach copies of registration certificate, ID/Passport of officials/Directors and tax compliance certificate

**Declaration**

I/ We declare that the information given above is accurate and complete.

Chairman/Director ..... Signature ..... Date .....

Secretary ..... Signature ..... Date .....

[Subsidiary]

Treasurer ..... Signature ..... Date .....



AGRICULTURE AND FOOD AUTHORITY  
 NUTS AND OIL CROPS DIRECTORATE  
 FORM A4  
 REGISTER OF GROWER ASSOCIATIONS

Serial No. AFA/NOCD/001 (r. 5(5))

No.	Name of the Entity	Contact details	Location of entity	Number of growers	Type of crop grown	Area under crop	Date of submission of returns
-----	--------------------	-----------------	--------------------	-------------------	--------------------	-----------------	-------------------------------

Compiled by;

Name ..... Signature ..... Date .....

Verified by:

Name ..... Signature ..... Date .....



AGRICULTURE AND FOOD AUTHORITY  
 NUTS AND OIL CROPS DIRECTORATE  
 THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020  
 FORM B1

Serial No. AFA/NOCD/002 r. 6(1)

APPLICATION/RENEWAL FOR REGISTRATION OF PLANTATION GROWER

(To be filled in triplicate)

Full name of the grower .....

Postal Address .....

Registered Office .....

L. R. No. .... Tel. No. ....

E-mail..... Website.....

Location of plantation:

Village/area .....

Ward .....

Sub-County .....

County .....

Crop ..... Acreage under production .....

Do you use irrigation? ..... Source of water .....

Do you carry out processing/value addition (Yes/ No) .....

If yes: state type of Produce/ Product .....

Directors/Officials

Name Tel No. ID/Passport No. PIN No.

Attach copies of certificate of registration or incorporation, ID/Passport of officials/ Directors and tax compliance certificate

Declaration

Chairman/Director ..... Signature ..... Date .....

Secretary ..... Signature ..... Date.....

Treasurer ..... Signature ..... Date .....

FOR OFFICIAL USE

Authority Approval

Checked by: Authorized Officer

Name..... Signature.....

Date.....

Approved by: Director General Agriculture and Food Authority

Name..... Signature.....

Date.....

Official stamp/seal.....

Terms and Conditions

The applicant shall meet all the prerequisite requirements



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE  
FORM B2

Serial No. AFA/NOCD/003 (r. 6(2))

**CERTIFICATE OF REGISTRATION OF A PLANTATION GROWER**

Name .....

Postal Address: ..... Tel. .... Email .....

L.R. No. ....

Street:.....

is hereby registered as a Plantation Grower under this Regulation for the following crop(s):

.....

.....

Crop Acreage:

.....

.....

Registration number .....

Date of Registration .....

[Subsidiary]

Signed .....

Name .....

Director-General

Agriculture and Food Authority

*This Licence is granted subject to the provisions of the Crops Act (Cap. 318) and is not transferable*



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE  
FORM C1

Serial No. AFA/NOCD/004 (r. 7(1))

APPLICATION FOR COMMERCIAL NURSERY LICENSE  
(To be filled in triplicate)

Part I

1. Full name of the Applicant.....
  2. PIN No..... ID No.....
  3. Postal Address..... Tel..... Email.....
  4. County..... Sub-County..... Ward..... Sub location.....
  5. L. R. No/Street Name.....
  6. Type of planting material to be produced:  

<i>Crop/variety</i>	<i>No. of Seedlings</i>	<i>Source of Seed</i>
---------------------	-------------------------	-----------------------
- Applicant's signature..... Date.....

PART II

FOR OFFICIAL USE

**Authority Approval**

Checked by: Authorized Officer

Name ..... Signature .....

Date .....

Approved by: Director General: Agriculture and Food Authority

Name..... Signature .....

Date .....

Official stamp/seal .....

Terms and conditions for registration

1. Application for licensing shall be made to the Authority.
2. The applicant shall demonstrate proof of adequate knowledge in nursery management.
3. The nursery operator shall submit quarterly returns to the Authority.
4. The nursery operator shall ensure all planting material has been inspected and approved by an officer from Kephis.
5. The nursery operator shall comply with the guidelines on nursery management as issued by the Authority from time to time.



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE  
FORM C2

Serial No. AFA/NOCD/005 (r. 8(1))  
COMMERCIAL NURSERY LICENSE

Name .....

Postal Address.....

Is/are registered to operate a..... Crop nursery for the year.....

Located at:

Ward..... Sub location..... Location.....

Sub-County..... County.....

L. R. No/Street Name.....

The following planting materials will be produced:

*Types* *Number of Planting Stock*

Registration No.....

Signed..... Date:.....

(Director General Agriculture and Food Authority)

Official stamp/seal

Terms and Conditions:

1. This License is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled.
2. This Licence is not transferable.
3. All planting material shall be sourced from approved sources.
4. A nursery operator shall ensure that the planting material has been inspected and a phytosanitary certificate issued by the relevant government agency before sale of the planting material.
5. All certified planting materials not sold within six months of certification, will be subjected to re-certification.
6. Nursery operators shall remit statistical returns to the Authority on quarterly basis.



AGRICULTURE AND FOOD AUTHORITY  
(NUTS AND OIL CROPS DIRECTORATE)  
FORM D1

Serial No. AFA/NOCD/006 (r. 10(1))

[Subsidiary]

APPLICATION FOR REGISTRATION AND LICENSING OF TRADERS, RETAILERS, TRANSPORTERS AND DISTRIBUTORS OF ..... PRODUCE

(To be filled in triplicate)

Full name of the Applicant.....

Postal Address..... PIN No/ID No.....

Registered Office.....

L. R. No..... Street.....

Tel No..... Fax No.....

E-mail..... Website.....

Place where the premise is located:

Ward.....

Sub-location..... Location.....

Sub County.....

*The dealer (agent) should declare all premises (buying centres)*

Details of the Buying Centres/Warehouses

Buying Centre Name/No	Volume handled (metric tons)	Location	Stree/ Avenue/ Village	Contact Person	Mobile No.

Please note that new buying centre(s) established by the dealer have to be notified to the county government in writing within 7 days.

Type of dealership e.g. Trader/Retailer/ Transporter/Distributor

(Specify)

.....

Types of Produce/ Products.....

Sources of supply for Produce.....

Destination for Produce

.....

Declaration

I declare that the information given above is accurate and complete.

Name.....

Signature.....

Date.....

FOR OFFICIAL USE

Registration number..... Date of Registration.....

Authority Approval

Checked by: Authorized Officer

Name..... Signature.....

Date.....

Approved by: Director General: Agriculture and Food Authority

Name..... Signature.....

Date.....



Official stamp/seal.....

Terms and Conditions:

1. When considering an application for registration as a dealer the Authority shall satisfy itself that the applicant has complied with requirements and conditions set out in Part A,B and C of the Fourth schedule, applicable national & international Standards, Code of Practice and any other legal requirements.
2. The dealer shall produce such documentary evidence for the purchases and deliveries to support the statements made above.
3. The dealer shall provide a copy of the contract signed with the buyer/manufacturer/ growers.



AGRICULTURE AND FOOD AUTHORITY  
(NUTS AND OIL CROPS DIRECTORATE)

**FORM D2**

Serial No. AFA/NOCD/007 (r. 10(2))

**PRODUCE AND/OR PRODUCT DEALER LICENSE**

Name.....

Postal Address:..... Tel..... Email.....

L.R. No.....

Street:.....

is hereby licensed as a dealer of Nuts and Oil Crops produce and products under these Regulations for the following:

.....  
.....

Category:

- |                 |   |
|-----------------|---|
| Trader          | # |
| Retailer        | # |
| Transporter     | # |
| Distributor     | # |
| Marketing Agent | # |

Others (specify)

License number..... Date of Licensing.....

Signed.....

Name.....

(Director General Agriculture And Food Authority)  
Official Stamp/seal



Terms and Conditions

This License is issued subject to compliance with the provisions of the Crops Act (Cap. 318)

[Subsidiary]



AGRICULTURE AND FOOD AUTHORITY  
(NUTS AND OIL CROPS DIRECTORATE)

**FORM E1**

Serial No. AFA/NOCD/008 (r. 11(1))  
APPLICATION/RENEWAL FOR AN IMPORTER/EXPORTER REGISTRATION  
AND LICENSING  
(To be filled in triplicate)

Full name of the Applicant .....  
Postal Address .....  
Registered Office .....  
L. R. No. .... Street .....  
Tel No. .... Fax No. ....  
E-mail..... Website.....  
Premise Location:  
Town/Street.....  
Ward.....  
Sub-County..... County.....

Directors:  
Name ID/Passport No Citizenship Shares  
*(Attach copies of certificate of registration/incorporation, ID/Passport of Directors, tax compliance certificate and current Single Business Permit)*

Type of dealership: Exporter/Importer (*specify*).....  
Types of Produce/Products.....  
Sources of supply for Produce.....  
Destination for Produce.....

Declaration  
I declare that the information given above is accurate and complete.  
Name.....  
Signature..... Date.....

FOR OFFICIAL USE  
Authority Approval  
Checked by: Authorized Officer  
Name..... Signature.....  
Date.....  
Approved by: Director General: AFA  
Name..... Signature.....  
Date.....  
Official stamp/seal.....

Terms and Conditions

1. When considering an application for registration and licensing as an importer/exporter the Authority shall satisfy itself that the applicant has complied with requirements and conditions set out in Part A, B and C of the Fourth schedule, applicable national & international Standards, Code of Practice and any other legal requirements
2. The importer/exporter shall produce such documentary evidence for the purchases and deliveries to support the statements made above.



AGRICULTURE AND FOOD AUTHORITY  
(NUTS AND OIL CROPS DIRECTORATE)

**FORM E2**

Serial No. AFA/NOCD/009 (r. 11(2))  
EXPORTER/IMPORTER LICENSE

Type of License .....  
(Grant /renewal)

License No.....

This License is issued to.....

of Postal Address..... and authorizes the said entity to carry on the business of..... at the premise situated at..... for the period of..... beginning on the..... day of..... 20..... and ending on the 30<sup>th</sup> day of June 20..... (both days inclusive)

Issued on the ..... day of ..... 20 .....

Signed .....

Name .....

Director General

Agriculture and Food Authority

*This License is granted subject to the provisions of the Crops Act 2013 and to the conditions below:*

1. This License is not transferable.
2. This License is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled.
3. This License does not authorize the export of raw cashew nuts and raw macadamia nuts.



AGRICULTURE AND FOOD AUTHORITY  
(NUTS AND OIL CROPS DIRECTORATE)

**FORM F1**

Serial No. AFA/NOCD/010 (r. 12(1))

[Subsidiary]

APPLICATION FOR LETTER OF INTERIM AUTHORITY

To

The Director General

Agriculture and Food Authority

1) I/We .....

(Director/directors/agent of.....)

(Name of business enterprise) apply for a Letter of Interim Authority for.....

(Name of Nuts and Oil Crops project).

2) The registered office of company will be situated

at.....

3) The intended location of the processing facility will be;

a) County..... b) Sub County..... c) Ward..... d)

Village/street.....

4) produce source

a) own farm..... Acres..... production (in Kg).....

b) contracted..... Number of farmers..... Acres..... production (in Kg) .....

5) Copies of the following documents are attached to this application—

(a) project approval letter from the respective county

(b) the Memorandum and Articles of Association or partnership agreement;

(c) the Certificate of Incorporation/Registration;

(d) the profiles of the investor(s), directors or principal officers;

(e) a copy of the project profile or feasibility study showing the implementation period, program of implementation and operation dates; and

(f) evidence of financing and land ownership for the project.

6) Declaration

I declare that the information given above is accurate and complete.

Name..... Signature..... Stamp.....

FOR OFFICIAL USE

Authority Approval

Checked by: Authorized Officer

Name..... Signature.....

Date.....

Approved by: Director General: AFA

Name..... Signature.....

Date.....

Official stamp/seal.....



AGRICULTURE AND FOOD AUTHORITY  
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020  
**FORM F2**

Serial No. AFA/NOCD/011 (r. 12(2))  
(Authority Letterhead)

.....  
(Current Date)

.....  
(Applicant's /Company (address)

Dear .....  
RE: LETTER OF INTERIM AUTHORITY

..... (name of applicant entity) has demonstrated its commitment to the implementation of the..... project in..... County by meeting all the set pre-requirements.

The Authority is satisfied that applicant will:—

- (a) carry out a detailed project study to facilitate environmental impact assessment;
- (b) organize and contract..... (specify the nuts and oil crop) growers for raw material supply;
- (c) participate in growth and development to the industry;
- (d) install processing machinery and equipment that will match relevant quality and food safety standards;
- (e) apply for a manufacturing license after successful completion of the processing plant; and
- (f) execute the project within the next two years from the date of this letter after which this letter of interim authority shall be invalidated.

The Authority is satisfied with the intentions of..... (name of the company) in implementing the proposed project and is hereby issued with a Letter of Interim Authority valid up to..... (two years from the date of this letter)

Yours faithfully,

.....

Director-General

Agriculture and Food Authority

*Note: - This letter of Interim Authority does not authorize the bearer to purchase, transport, process, export or import nuts and oil crops produce or products*



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE  
**FORM G1**

Serial No.: AFA/NOCD/012 (r. 13(1))  
APPLICATION FOR GRANT/RENEWAL OF A MANUFACTURING LICENSE  
(To be filled in triplicate)

Full name of the Applicant.....

[Subsidiary]

Postal Address.....

Registered Office.....

L. R. No..... Street.....

Tel No..... Fax No.....

E-mail..... Website.....

Place where the premise is located:

Town/Street .....

Ward.....

Sub-location..... County.....

Directors:

Name	ID/Passport No	Citizenship	Shares
------	----------------	-------------	--------

*(Attach copies of certificate of registration incorporation, ID/Passport of Directors, tax compliance certificate and current Single Business Permit)*

Types of Produce/ Products.....

Sources of supply for Produce.....

Destination for Products.....

Declaration

I declare that the information given above is accurate and complete.

Name.....

Signature..... Date.....

FOR OFFICIAL USE

Authority Approval

Checked by: Authorized Officer

Name..... Signature.....

Date.....

Approved by: Director General: AFA

Name..... Signature.....

Date.....

Official stamp/seal.....

Terms and Conditions

1. When considering an application for licensing as a manufacturer the Authority shall satisfy itself that the applicant has complied with requirements and in condition as set out in part A, B and C of the Fourth schedule, applicable national & international Standards, Code of Practice and any other legal requirements.
2. The manufacturer shall produce such documentary evidence for the purchases and deliveries to support the statements made above.
3. A manufacturer shall pay the prescribed registration fees to the Authority.
4. This certificate is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE  
**FORM G2**

Serial No.: AFA/NOCD/013 (r. 13(4))

**MANUFACTURING LICENCE**

Type of License .....  
(Grant/renewal)

Licence No. ....

This License is issued to ..... of Postal Address..... and authorizes the said entity to carry on the business of..... at the premise situated at ..... for the period of..... beginning on the..... day of ..... 20 ..... and ending on the 30th day of June 20..... (Both days inclusive)

Issued on the..... day of..... 20.....

Signed.....

Name.....

Director General

Agriculture and Food Authority

*This License is granted subject to the provisions of the Crops Act 2013 and to the conditions below:*

1. This License is not transferable
2. This license is not for export or import of raw materials or manufactured products
3. The Manufacturer shall pay the applicable fees
4. This license is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled
5. The license does not authorize the export of raw cashew nuts and raw macadamia nuts



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE  
and  
COUNTY GOVERNMENT OF .....  
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2020

**FORM H1**

Serial No. AFA/NOCD/014 County code/ (r. 39(1), (2))  
commodity/000(serial per licensing period)

GROWERS STATISTICAL RETURNS FORM  
(To be filled in triplicate)

[Subsidiary]

Name of the Growers Association/Plantation Grower .....  
 ID No/ Certificate No. ....  
 PIN Certificate No. ....  
 Telephone/ Mobile number ..... Postal Address ..... Town .....  
 Location of the farm:  
 Location..... Ward.....  
 Sub County..... County.....  
 Period (Year).....

Declaration:

Crop	Quantity of produce/ product harvested	Quantity of produce/ product sold, / distributed	Balance of produce/ product	Average price of a produce/ product sold per unit over the period (KES)
------	--	--	-----------------------------	---

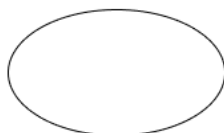
I declare that the information given above is accurate and complete.

Name.....  
 Signature..... Date.....

For official use only:

Name of the officer who verified the records.....  
 Date..... Signature.....

Official Authority/CECM Agriculture Stamp



**NB**

This form must be filled and submitted to the Authority or county government as the case may be, not later than the fifteenth day of the first month of a new year



**AGRICULTURE AND FOOD AUTHORITY  
 NUTS AND OIL CROPS DIRECTORATE  
 FORM H2**

Serial No. AFA/NOCD/015 (r. 39(3))  
**NURSERY OPERATOR STATISTICAL RETURNS FORM**  
*To be completed in triplicate*

Name of the Nursery operator .....  
 ID No/ VAT Certificate No. .... PIN Certificate No. ....



Crops

[Subsidiary]

Telephone/ Mobile number ..... Postal Address ..... Town .....  
 Location of the nursery: Ward .....  
 Sub-location ..... Location.....  
 Sub County ..... County .....

Period returns: July —September # October —December # January - March # April - June #

(Tick where applicable)

Declaration:

Crop	Variety	Number of seedlings raised within the period	Number of seedlings issued/sold, / distributed	Balance of seedlings	Average price of a seedling sold over the period (KES)
------	---------	--	--	----------------------	--

I declare that the information given above is accurate and complete.

Name.....

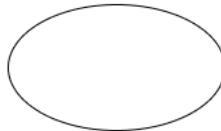
Signature..... Date.....

For official use only:

Name of the officer who verified the records.....

Date..... Signature.....

Official authority stamp



**NB**

This form must be filled and submitted to the Authority, not later than the fifteenth day of the first month of every quarter of a financial year



AGRICULTURE AND FOOD AUTHORITY  
 NUTS AND OIL CROPS DIRECTORATE  
 THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2020  
**FORM H3**

Serial No. AFA/NOCD/016 (r. 39(4), (5))

DEALER/MANUFACTURER STATISTICAL RETURN FORM

*To be completed in triplicate*

Return for the quarter ..... Year .....

PART A

Name of Dealer/Manufacturer

Postal address: ..... Code ..... Town .....

Telephone No. .... Fax .....

[Subsidiary]

Email..... Website .....

Company registration certificate No. ....

KRA PIN Certificate No. ....

Business Location (premise):

Street/ Area ..... Ward.....
Sub-location..... Location.....
Sub County.....
County.....

Dealer/Manufacturer License or Certificate number.....

Category of Dealership/Manufacturer: specify).....

PART B (to be filled by local traders, transporters, distributors)

Table with 4 columns: Product/Produce, Unit of measure (Specify), Quantity traded/handled, Total value of produce/product (KES)

PART C (To be filled by exporters/importers)

Table with 6 columns: Product/Produce, Country of origin, Country of Destination, Unit of measure (Specify), Quantity handled during the month, Total value of produce/product handled (KES)

NB: Attach copies of KRA export/import entries and bill of lading

PART D (To be filled by manufacturer)

Table with 7 columns: Product/Produce, Unit of measure (Specify), Quantity handled, Total value of produce/product (KES), Quantity exported (if any), Value of export (KES), Export destination country

Raw materialised, Processed materialised, Raw materialised, Processed materialised, Raw materialised, Processed materialised, Raw materialised, Processed materialised

NB: Attach copies of KRA export entries and bill of lading

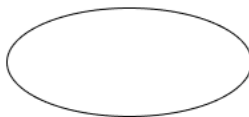
Declaration

I declare that the information given above is accurate and complete.

Name .....

Signature ..... Date .....

Official company stamp/seal

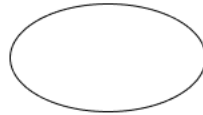


FOR OFFICIAL USE ONLY

Checked By ..... Designation .....

Signature ..... Date .....

Official stamp



## Terms and Conditions:

- (1) Those filling Part B (Local traders, distributors, transporters and marketing agents) shall file their returns to the Authority
- (2) Those filling Part C (importers and exporters) shall file their returns with the Authority.
- (3) Those filling Part D (manufacturer) shall file their returns to the Authority.
- (4) Every dealer/manufacturer shall, not later than the tenth day of the first month of every quarter of a financial year complete and submit statistical returns to the Authority.

THIRD SCHEDULE  
FEES AND LEVIES



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE

REGISTRATION AND PERMIT/ LICENSES CATEGORIES LICENSES	LICENCE FEES (KSH)	RENEWAL FEES (KES)
Dealers (commercial nursery operators, transporters, distributors, marketing agents, ship chandlers, exporters and importers)	5,000	5,000
<b>MANUFACTURERS</b> Cottage Processors (Gross turnover of KES 5,000,000 and below per year) and new applicants	5,000	5,000
Established/Big Processors (Gross turnover of more than KES 5,000,000 per year)	25,000	25,000
<b>INSPECTION FEES</b> Commercial Nursery/ mother block/farms (per visit)	1,000	

(r. 8(1), 10(2), 11(2), 12(5),  
13(4), 14(3), 17, 29 (4)(b),  
30(2)(3))

[Subsidiary]

Processing facility inspection (per visit)	
Cottage Processors (Gross turnover of KES 5,000,000 and below per year) and new applicants	5,000
Established/Big Processors (Gross turnover of more than KES 5,000,000 per year)	10,000
LEVIES ( per consignment)	
Export levy on raw produce, (except those prohibited under section 43 of Agriculture and Food Authority Act (Cap. 317)	Ksh 2 per Kg FOB
Export levy — Finished products	0.25% of FOB
Import levy — Finished products	4% of CIF
Import levy — Raw materials	2% of CIF

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FOURTH SCHEDULE  
MINIMUM REQUIREMENTS



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE

(r. 8(2))

PART A – MINIMUM REQUIREMENTS APPLICABLE  
TO NURSERY REGISTRATION AND LICENSING

1. High standards of field hygiene in the nursery
  - Disease free seedlings
  - Free from organic and inorganic litter
  - Clear separation of operation (soil mixing and potting, seeding area, grafting area, hardening area and dispatch)
  - Year round source of water
2. Soil media is treated (see evidence of treatment area)
3. Nursery layout is well secured from animals and other walking pests
4. Nursery layout is East to West orientation, gentle slope and allows for good drainage
5. structures are in place for the nursery operations (shade nets, polytunnels and insect proof net for passion fruit. For TC a lab and hardening off area)

6. Scion source if from registered mother block
7. Source of seeds/rootstock for each fruit type is from approved source
8. Nursery block with grafted seedlings is well labeled with the seedling type.
9. Seedlings ready for dispatch is tagged with the seedling variety
- 10 Distribution records of the nursery showing buyer's name, County, district, location, postal address and varieties purchased.
  - Nursery certificate is well displayed



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE

(r. 13(4))

PART B  
MINIMUM LICENSING REQUIREMENTS APPLICABLE TO A  
MANUFACTURING FACILITY

- (a) Duly filled application form (Grant/Renewal)
- (b) Copy of Certificate of Incorporation or Registration Certificate (Grant)
- (c) Copy of dully signed Articles and Memorandum of Association or CR 12 (Grant)
- (d) Copies of ID or Passports of Company Directors & Valid Work Permit where applicable (Grant)
- (e) Copy of valid County Government's Single Business Permit (Grant/Renewal)
- (f) Copy of KRA's PIN Certificate for the company (Grant)
- (g) Copy of valid KRA's Tax Compliance Certificate (Grant/Renewal)
- (h) Copy of valid NEMA's Environmental Impact Assessment or Environmental Audit Certificate where applicable (Grant/Renewal)
- (i) Copy of Public Health's Food Drugs and Chemical Substances License where applicable (Grant/Renewal)
- (j) Facility Inspection report (Authority to inspect)
- (k) Food Safety Certification (where applicable)

*Note: In the event of change in directorship of a company, updated CR12 and Copies of ID'S or passport & valid work permit shall be submitted to the Directorate*

MINIMUM REGISTRATION AND LICENSING REQUIREMENTS  
APPLICABLE TO AN EXPORTER/IMPORTER



**AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE**

**(r. 11(2))**

**PART C**

1. Duly filled application form (Grant/Renewal)
2. Copies of ID'S or passport & valid work permit shall be submitted to the Directorate
3. Copy of Certificate of Incorporation or Registration Certificate (Grant)
4. Copy of dully signed Articles and Memorandum of Association or CR 12 (Grant)
5. Copies of ID or Passports of Company Directors & Valid Work Permit where applicable (Grant)
6. Copy of valid County Government's Single Business Permit (Grant/Renewal)
7. Copy of KRA's PIN Certificate for the company (Grant)
8. Copy of valid KRA's Tax Compliance Certificate (Grant/Renewal)
9. Warehouse Inspection report (Authority to inspect)

*Note:* In the event of change in directorship of a company, updated CR12 and Copies of ID'S or passport & valid work permit shall be submitted to the Directorate

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FIFTH SCHEDULE

GUIDELINES

**GUIDELINES FOR ESTABLISHMENT, USES AND MANAGEMENT  
OF NUTS AND OIL CROPS PRODUCE COLLECTION CENTRE**



**AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE**

**(r. 28(1))**

**PART A**

1. The collection center shall—
  - (a) be accessible to both buyers and farmers;
  - (b) be designed to allow for a store, an office, working area and an appropriate cooling facility where applicable;
  - (c) have floors, doors, wall surfaces made of impervious, non-toxic, washable materials, which are easy to clean and disinfect;
  - (d) be constructed to allow for adequate ventilation, lighting, effective produce inspection and made of acceptable materials
  - (e) adequate water and toilet facilities;
  - (f) have waste disposal facilities; and
  - (g) have clear documentation procedures and document control systems
2. The collection centers may be used as —

- (a) sites for bulking and grading of nuts and oil crops produce and products to achieve marketable volumes;
- (b) collective bargaining and negotiations and signing of contractual agreements between producing clusters and traders;
- (c) points for lodging and arbitration of disputes between aggrieved parties;
- (d) centers of information dissemination on prices, markets and other technologies on nuts and oil crops industry improvement.

**GUIDELINES FOR CONTRACTUAL AGREEMENT BETWEEN A GROWER, DEALER AND OR MANUFACTURER IN THE NUTS AND OIL CROPS INDUSTRY:**



**AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE**

**(r. 22(1)(a))**

**PART B**

AGREEMENT made this ..... day of ..... two Thousand and .....

BETWEEN:

..... of ..... a registered DEALER OR MANUFACTURER (Registration No.....) hereinafter called "dealer" which expression shall where the context so admits include its successors and assignees of the First part:

AND

..... of ..... GROWER

entity of nuts and Oil crops produce (Registration No. ....) hereinafter called the "grower" which expression shall where the context so admits include its successors and assignees) of the second part

WHEREAS

the dealer/manufacturer is duly registered under these regulations and the grower has requested the dealer/manufacturer to provide services referred to below and the dealer/ manufacturer has agreed to provide such services to the grower upon the terms and conditions appearing hereinafter.

IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:

**AIMS AND OBJECTIVES OF CONTRACTS**

The guidelines shall:

Act as a memorandum of understanding between the grower and dealer/ manufacturer of..... produce.

Serve as a guideline for the grower and dealer/manufacturer in order to conduct good business practices, which will be mutually beneficial and help promote the well-being of the nuts and oil crops industry in Kenya.

Act as guideline or framework to development of a legally binding contract to be executed by the grower and dealer/manufacturer.

**OBLIGATIONS OF THE GROWER AND DEALER/MANUFACTURER**

**TERMS AND CONDITIONS**

[Subsidiary]

THE ESSENTIAL ELEMENTS THAT A CONTRACT SHALL HAVE INCLUDE:

Quantity and quality of produce to be supplied at a particular time and contract prices:—

( ) Seed and other Inputs:—

(a) General Accepted Production Practices:—

(b) Record Keeping:—

(c) Field support and Training:—

(d) Harvesting and Post-Harvest Practices:—

(e) Inspection and Grading:—

(f) Packaging Supply and Procedures:—

(g) Conditions of Collection or Delivery:—

(h) Rejected Produce:—

(i) Payment terms including maximum payment period and Mechanism:—

(j) Penalties

(k) Termination Clause:

(l) Natural Calamities and No-Commercial Risks (Force majeure):—

IN WITNESS WHEREOF the parties have hereunto executed this Agreement on the day and date herein before mentioned.

SIGNED for and on behalf of the

Dealer/Manufacturer..... Grower.....

Name:..... Name:.....

Date:..... Date:.....

Witness:..... Witness:.....

Date:..... Date:.....

Witnessed by County Government representative

Name..... Designation.....

Signature:..... Official stamp and Date.....

GUIDELINES FOR FIELD HANDLING AND GRADING OF NUTS AND OIL CROPS PRODUCE



AGRICULTURE AND FOOD AUTHORITY

NUTS AND OIL CROPS DIRECTORATE

(r. 23(1))

PART C

1. High standards of field hygiene shall be maintained during harvesting operations.
2. All harvested produce SHALL be at the right stage of physiological maturity for intended use.
3. Harvested produce shall be protected from adverse weather conditions



4. Appropriate harvesting equipment shall be used for each crop.
  5. Produce unfit for marketing shall be separated from marketable produce at the field level.
  6. All produce shall be sorted and graded as appropriate.
  7. Physical handling of produce shall be minimized at all stages.
  8. All harvested produce shall be aggregated at the collection centers before being sold to traders.
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**UNTITLED**

[Legal Notice 214 of 2020]

[This is a stub. Please see the publication document for the original content.]



**THE CROPS (MIRAA) REGULATIONS**

## ARRANGEMENT OF REGULATIONS

## PART I – PRELIMINARY

*Regulation*

1. Citation
2. Interpretation
3. Objects of the Regulations

PART II – REGISTRATION AND LICENSING  
OF MIRAA GROWERS AND DEALERS

4. Licensing of commercial miraa nursery operators
5. Registration of growers associations
6. Registration of miraa aggregators
7. Licensing of miraa aggregators
8. Registration of commercial miraa transporters
9. Licensing of commercial miraa transporters
10. Licensing of miraa vendors
11. Registration of miraa exporters and importers
12. Licensing of miraa exporters
13. Licensing of miraa importers
14. Issuance of miraa export permits
15. Issuance of miraa import permits
16. Revocation or suspension of licences
17. Revocation of certificates of registration
18. Transferability of registration certificate or licence
19. Renewal of licences

## PART III – PRODUCTION AND QUALITY ASSESSMENT OF MIRAA

20. Quality of planting materials
21. Irrigation water for production
22. Quality assurance harvesting and postharvest hand of miraa
23. Traceability
24. Appointment of inspectors
25. Functions of an inspector
26. Compliance to standards

## PART IV – GENERAL PROVISIONS

27. The Miraa Pricing Formula Committee
28. Units of measurement
29. *[Deleted by L.N. 126/2022, r. 2]*
30. Fees
31. General penalty

## SCHEDULES

FIRST SCHEDULE —

FORMS



**THE CROPS (MIRAA) REGULATIONS**

[Legal Notice 101 of 2022, Legal Notice 126 of 2022]

## PART I – PRELIMINARY

**1. Citation**

These Regulations may be cited as the Crops (Miraa) Regulations.

**2. Interpretation**

In these Regulations unless the context otherwise requires—

"Act" means the Crops Act (Cap. 318)

"aggregator" means a person who buys, collects and bulks miraa and miraa products for purposes of collective marketing;

"Authority" means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act (Cap. 496);

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to agriculture;

"Code of practice" means the Miraa (khat) Industry- Code of Practice - KNWA 2940: 2021 as provided in the Standards Act;

"commercial nursery operator" means a person who propagates miraa planting material for sale;

"commercial transporter" means a person who transports miraa at a fee;

"Committee" means the Miraa Pricing Formula Committee established under regulation 27;

"county government" shall have the meaning assigned to it under Article 176 of the Constitution;

"crop inspector" means an inspector appointed under section 27 of the Act;

"dealer" includes an aggregator, commercial transporter, vendor, holding facility owner, exporter or importer of miraa;

"designated point" means an area set aside for the sale of miraa by the respective county government;

"Directorate" means the directorate of the Authority established under section 11 of the Agriculture and Food Authority Act to deal with matters relating to miraa;

"exporter" means a person licensed by the Authority to export miraa or miraa products;

"export consignment" means the quantity of miraa that an exporter intends to export as declared by the applicant of an export permit;

"field holding facility" means an area designated for the bulking, handling, storage, stock control and packaging of miraa;

"financial year" means the period from the first July in any year to the thirtieth June in the immediately succeeding year, both days inclusive;

"grower" means a person who cultivates miraa and includes a person who enters into an agreement with the owner of the farm to harvest miraa at a consideration;

"grower association" means a group of miraa growers who come together for purposes of marketing their produce under a common quality management system and are registered by the Authority;

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[Subsidiary]

"importer" means a person licensed by the Authority to import miraa or miraa products;

"import consignment" means the quantity of miraa that an importer seeks to import as declared by the applicant of an import permit;

"miraa" means the plant or part of the plant of *Cathus* genus known botanically as *Catha edulis* or of any inter-specific hybrid involving this species or of any progeny of such hybrid;

"miraa product" means any part of the miraa plant, whether whole or broken, including its leaf, bud or twig that has been dried;

"potable water" means water which meets the quality standards of drinking water as specified in Kenya standards;

"traceability" means the ability to trace a miraa from any given point in the value chain back through all stages to its origin; and

"vendor" means a person who sells miraa at a designated point for consumption.

### 3. Objects of the Regulations

The objects of these Regulations are to—

- (a) facilitate the growth and development of the miraa industry;
- (b) enhance productivity and income of miraa farmers and other value chain actors;
- (c) organize and coordinate partners and stakeholders in the miraa industry;
- (d) attract investment opportunities and improve the efficiency of agribusiness services in the miraa industry;
- (e) facilitate the export of miraa and miraa products to augment the foreign exchange earnings of the country; and
- (f) safeguard food safety and quality standards of miraa.

#### PART II – REGISTRATION AND LICENSING OF MIRAA GROWERS AND DEALERS

### 4. Licensing of commercial miraa nursery operators

(1) A person shall not establish or operate a commercial miraa nursery unless the person has a valid licence issued by the respective county government.

(2) A person who seeks to establish or operate a commercial miraa nursery shall apply to the respective county government for a licence in Form Mr1 set out in the First Schedule.

(3) The county government shall not issue a licence unless an inspector has visited and inspected the site and has confirmed that the applicant complies with the following requirements—

- (a) the land is suitable for propagating miraa seedlings;
- (b) the site is well served with a reliable irrigation quality water source;
- (c) the site is accessible for inspections and collection of planting material;
- (d) the applicant has clearance from an accredited source of mother plants;
- (e) the land is gently sloping and the soil type is of good drainage and does not allow water logging; and
- (f) the applicant has adequate relevant knowledge in nursery management.

(4) The county government shall, if satisfied that the applicant meets the requirements in paragraph (3), issue a licence in Form Mr 2 set out in the First Schedule to the applicant in respect of the inspected site.

(5) Where the applicant does not meet the requirements in paragraph (3), the county government shall reject the application and notify the applicant of the reasons for the rejection.

(6) Where the requirements in paragraph (3) have been addressed, the applicant whose application is rejected under paragraph (5) may resubmit the application for consideration.



(7) A licence for a commercial miraa nursery operator shall not be transferrable and shall remain in force until the thirtieth of June next following the date of issue, unless earlier cancelled.

(8) An application for renewal of a licence shall be made to the respective county government at least three months before the expiry date of the licence.

(9) A commercial nursery operator shall submit annual returns to the County Government in Form Mr3 set out in the First Schedule not later than the tenth day of the first month after the end of the financial year.

(10) The County Government shall, annually, share with the Authority a list of all licensed commercial miraa nursery operators.

(11) A person who contravenes paragraph (1) or (9) commits an offence.

## 5. Registration of growers associations

(1) Smallholder miraa growers may, for purposes of accessing economies of scale, form a growers association and apply to the Authority for registration of the association.

(2) An application for registration under paragraph (1) shall be made to the Authority in Form Mr4 as set out in the First Schedule.

(3) The Authority shall, at no fee, issue a certificate of registration to a growers association in Form Mr5 set out in the First Schedule.

(4) Every grower association shall submit updated particulars of its members to the Authority annually before the thirty first day of the first month of the financial year.

## 6. Registration of miraa aggregators

(1) A person shall not carry on business as a miraa aggregator unless the person is registered as such by the Authority and has been issued with a registration certificate by the Authority.

(2) A person who intends to be a miraa aggregator shall apply to the Authority for registration in Form Mr 6 a set out in the First Schedule.

(3) The Authority shall, within seven days of the application and at no fee, issue, a certificate of registration to a successful applicant in Form Mr7 set out in the First Schedule.

(4) A person who contravenes paragraph (1) commits an offence and shall, on conviction, be liable to the penalty specified in section 16(4) of the Act.

## 7. Licensing of miraa aggregators

(1) A person shall not carry on business without a licence issued by the respective county government.

(2) A miraa aggregator who is registered under regulation 6 shall apply for a licence to the respective county government in Form Mr8 set out in the First Schedule.

(3) The county government shall not issue a licence unless a the applicant complies with the following requirements—

- (a) the applicant has a field holding facility at his disposal;
- (b) the field holding facility is serviced with a reliable source of potable water for use;
- (c) the area has a well demarcated waste disposal area; and
- (d) all staff have appropriate personal protective equipment.

(4) The county government shall, if satisfied that the applicant meets the requirements in paragraph (3), issue, within ten days of receiving the application, a licence to a successful applicant in Form Mr9 set out in the First Schedule.

(5) Where the applicant does not meet the requirements in paragraph (3), the county government shall, within ten days from the receipt of the application, reject the application and notify the applicant of the reasons for the rejection.

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[Subsidiary]

(6) Where the requirements in paragraph (3) have been addressed, the applicant whose application is rejected under paragraph (5) may resubmit the application for consideration.

(7) A miraa aggregator shall submit annual returns to the respective county government in Form Mr10 set out in the First Schedule not later than the tenth day of the first month after the end of the financial year.

(8) The county government shall, annually, share with the Authority a list of all licensed aggregators.

(9) A person who contravenes paragraph (1) or (7) commits an offence.

### **8. Registration of commercial miraa transporters**

(1) A person shall not carry on business as a miraa commercial transporter unless the person is registered as such by the Authority and has been issued with a registration certificate by the Authority.

(2) An application for registration under paragraph (1) shall be made to the Authority in Form Mr11 set out in the First Schedule.

(3) The Authority shall, within five days of receipt of the application and at no fee, issue a certificate of registration to a successful applicant in Form Mr12 set out in the First Schedule.

(4) The Authority shall, within five days from the receipt of the application, notify an unsuccessful applicant indicating the reasons for the rejection.

(5) Where the reasons for rejection have been addressed, the applicant whose application is rejected under paragraph (4) may resubmit the application for consideration.

(6) A person who contravenes paragraph (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding five million shillings or both.

### **9. Licensing of commercial miraa transporters**

(1) A person shall not carry out business as a commercial miraa transporter without a licence issued by the Authority.

(2) A commercial miraa transporter who is registered under regulation 8 shall apply to the Authority for a licence in Form Mr 13 set out in the First Schedule.

(3) The Authority shall not issue a licence to the applicant unless the applicant complies with the following requirements—

- (a) the vessel used is well aerated to prevent chilling or scorching effect on the produce;
- (b) the applicant exclusively transports miraa in the vessel;
- (c) the packaging material used during transportation is made of food grade quality; and
- (d) the applicant has paid the fee set out in the Third Schedule.

(4) The Authority shall, if satisfied that the applicant meets the requirements in paragraph (3), issue, within thirty days of receiving the application, a licence to a successful applicant in Form Mr 14 set out in the First Schedule.

(5) Where the applicant does not meet the requirements in paragraph (3), the Authority shall, within thirty days from the receipt of the application, reject the application and notify the applicant of the reasons for the rejection.

(6) Where the requirements in paragraph (3) have been addressed, the applicant whose application is rejected under paragraph (5) may resubmit the application for consideration.

(7) A licensed commercial miraa transporter shall display the licence on the front windscreen of the vehicle while transporting miraa.

(8) A commercial miraa transporter shall submit semi-annual returns to the Authority in Form Mr15 as set out in the First Schedule not later than the fifth day of January and the fifth day of July.

(9) A person who contravenes paragraph (1) or (7) commits an offence.

#### 10. Licensing of miraa vendors

(1) A person shall not carry out business as a miraa vendor without a licence issued by the respective county government.

(2) An applicant for a miraa vending licence shall apply to the respective county government in Form Mr16 set out in the First Schedule.

(3) The county government shall before issuing a licence to a miraa vendor, satisfy itself that the applicant has complied with the following requirements—

- (a) the miraa vendor intends to sell miraa or miraa products at a designated point; and
- (b) the designated point where the miraa vendor seeks to sell miraa is—
  - (i) well marked;
  - (ii) one hundred metres away from any learning institution;
  - (iii) kept free of and from waste material; and
  - (iv) used exclusively for the sale of miraa.

(4) The county government shall, if satisfied that the applicant meets the requirements in paragraph (3) issue, within seven days, a licence to the applicant in Form Mr17 set out in the First Schedule.

(5) Where the applicant does not meet the requirements in paragraph (3), the county government shall, within seven days from the receipt of the application, reject the application and notify the applicant of the reasons for the rejection.

(6) Where the requirements in paragraph (3) have been addressed, the applicant whose application is rejected under paragraph(5) may resubmit the application for consideration.

(7) Each county government shall, annually, share with the Authority a list of all licensed miraa vendors.

(8) Every miraa vendor shall sell miraa or miraa products at a designated point.

(9) The county government shall designate areas for the sale of miraa.

(10) Miraa shall not be sold to a person below the age of eighteen years.

(11) A person who contravenes paragraph (1), (2), (8) or (10) commits an offence.

#### 11. Registration of miraa exporters and importers

(1) A person shall not carry out business as a miraa exporter or importer without a registration certificate from the Authority.

(2) A person who intends to carry out the business as a miraa exporter or importer shall apply to the Authority for registration in Registration of miraa exporters a importers.

(3) The Authority shall, within seven days from the receipt of the application and at no fee, issue a certificate of registration to a successful applicant in Form Mr19 set out in the First Schedule.

(4) The Authority shall, within seven days from the receipt of the application, notify an unsuccessful applicant indicating the reasons for the rejection.

(5) Where the reasons for rejection have been addressed, the applicant whose application is rejected under paragraph (4) may resubmit the application for consideration.

(6) A person who contravenes paragraph (1) commits an offence and shall be upon conviction be liable to imprisonment for term not exceeding three years or a fine not exceeding five million shillings or both.

#### 12. Licensing of miraa exporters

(1) A person shall not carry out business as a miraa exporter unless he has been issued with an export licence by the Authority.

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[Subsidiary]

(2) A miraa exporter who has been registered under regulation 11 shall apply to the Authority for a licence in Form Mr20 set out in the First Schedule.

(3) The Authority shall, within thirty days from the receipt of the application and upon payment of the fee set out in the Second Schedule, issue a licence to a successful applicant in Form Mr21 set out in the First Schedule.

(4) The Authority shall, within thirty days from the receipt of the application, notify an unsuccessful applicant indicating the reasons for the rejection.

(5) Where the reasons for rejection have been addressed, the applicant whose application is rejected under paragraph (4) may resubmit the application for consideration.

(6) Every miraa exporter shall submit quarterly returns to the Authority in Form Mr28 as set out in the First Schedule.

(7) A person who contravenes paragraph (1) commits an offence.

### **13. Licensing of miraa importers**

(1) A person shall not carry out business as a miraa importer unless he has been issued with an import licence by the Authority.

(2) A miraa importer who has been registered under regulation 11 shall apply to the Authority for a licence in Form Mr22 set out in the First Schedule.

(3) The Authority shall, within thirty days from the receipt of the application and upon payment of the fee set out in the Second Schedule, issue a licence to a successful applicant in Form Mr23 set out in the First Schedule.

(4) The Authority shall, within thirty days from the receipt of the application, notify an unsuccessful applicant indicating the reasons for the rejection.

(5) Where the reasons for rejection have been addressed, the applicant whose application is rejected under paragraph (4) may resubmit the application for consideration.

(6) Every miraa importer shall submit quarterly returns to the Authority in Form Mr28 as set out in the First Schedule.

(7) A person who contravenes paragraph (1) commits an offence.

### **14. Issuance of miraa export permits**

(1) A miraa exporter shall not export miraa or miraa products unless he has a valid export permit issued by the Authority for each export consignment.

(2) An exporter of miraa or miraa products shall apply to the Authority for an export permit for each export consignment in Form Mr24 set out in the First Schedule.

(3) The Authority shall within two days after receiving an application for an export permit, consider the application and upon satisfying itself the requirements have been met and payment of the prescribed fee in the Second Schedule issue an export permit in Form Mr25 set out in the First Schedule.

(4) The Authority shall not issue a permit if an exporter is in contravention of the provisions of the Act or these Regulations.

(5) An exporter who contravenes paragraph (1) commits an offence.

### **15. Issuance of miraa import permits**

(1) A miraa importer shall not import miraa or miraa products unless the importer has a valid import permit issued by the Authority for each import consignment.

(2) An importer of miraa or miraa products shall apply to the Authority for an import permit for each consignment in Form Mr26 as set out in the First Schedule.

(3) The Authority shall within two days after receipt of an application in 16 (2), consider the application and upon satisfying itself the requirements have been met and payment of the prescribed fee in the Second Schedule issue an import permit in Form Mr27 as set out in the First Schedule.

(4) The importation of miraa or miraa products shall be through designated port of entry by a licensed importer.

(5) The Authority shall not issue a permit if an importer is in contravention of the provisions of the Act or these Regulations.

(6) An importer who contravenes paragraph (1) commits an offence.

#### **16. Revocation or suspension of licences**

(1) The licensing authority may revoke or suspend a licence issued under these Regulations if—

- (a) the conditions of issuance of the licence are contravened; or
- (b) the holder of the licence or an employee of the holder Revocation or suspension of licences.

(2) The licensing authority shall, before revoking or suspending a licence give the holder of the licence an opportunity to be heard and to make representations in that regard.

(3) Upon revocation under paragraph (1) the holder shall immediately surrender the licence to the licensing authority as the case maybe, and the licence shall cease to have effect forthwith.

#### **17. Revocation of certificates of registration**

A certificate of registration under these regulations shall be issued once but maybe revoked if the holder of the certificate does not apply or renew his licence for three consecutive years.

#### **18. Transferability of registration certificate or licence**

(1) A registration certificate or licence issued under these Regulations shall not be transferable to another person.

(2) A person who contravenes paragraph (1) commits an offence.

#### **19. Renewal of licences**

(1) Any licences issued under these Regulations shall remain in force until the thirtieth of June next following the date of issue unless earlier cancelled.

(2) An application for renewal of a licence under these Regulations shall be made to the licensing authority not later than the first day of the month of June in which the current licence is due to expire.

(3) An application for a licence under these Regulations shall be accompanied by the appropriate fee set out in the Second Schedule.

### **PART III – PRODUCTION AND QUALITY ASSESSMENT OF MIRAA**

#### **20. Quality of planting materials**

(1) A commercial nursery operator shall—

- (a) supply quality planting material in accordance with the Code of Practice; and
- (b) keep accurate records of distributed planting material and shall produce such records on demand for purposes of inspection.

(2) A person who contravenes paragraph (1) commits an offence.

#### **21. Irrigation water for production**

In the case of irrigation in miraa production, the water used shall be as specified in the Code of Practice.

#### **22. Quality assurance harvesting and postharvest hand of miraa**

(1) Water used for postharvest handling of miraa shall be potable water.

(2) Any produce handling facility such as a pack house, store, collection centre, working area or designated point shall be kept free of waste material.

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[Subsidiary]

(3) The packaging for miraa shall be designed to suit the transport handling system and shall—

- (a) provide aeration to the produce so as to maintain optimum temperatures and humidity;
- (b) maintain produce integrity by protecting them from physical damage; and
- (c) protect the produce against contamination.

(4) Miraa shall not be stored or transported together with other produce which may contaminate it or otherwise adversely affect its quality.

(5) A vessel used for transportation of miraa shall be built and equipped to ensure maintenance of optimal temperatures and hygiene to prevent damage, contamination and spoilage of produce.

(6) Quality assurance for the handling, packaging, transportation harvesting and postharvest handling produce under this section shall be in accordance with the Code of Practice.

(7) A person who contravenes any provision of this section commits an offence.

### **23. Traceability**

(1) Every miraa dealer shall put in place and implement a traceability system.

(2) A miraa dealer shall—

- (a) be responsible for the safety of the miraa produce;
- (b) ensure that miraa is labelled at source;
- (c) miraa produce has a code indicating the country code, county code, farm name and location;
- (d) be able to identify the sources from whom he obtained miraa and the clients he has supplied;
- (e) dispose miraa which is considered unsafe for human health; and
- (f) recall unsafe miraa from sale or the distribution chain.

(3) A person who contravenes paragraph (2) commits an offence.

### **24. Appointment of inspectors**

(1) The Authority shall, by notice in the Gazette, appoint inspectors to carry out inspections of miraa and miraa products.

(2) A county government may nominate county inspectors for appointment by the Authority.

(3) A person qualifies to be appointed as an inspector under these Regulations if he possesses the following minimum qualifications—

- (a) a bachelors degree in agriculture or related field from a university or institution recognised in Kenya; or
- (b) a diploma in agriculture from an institution recognised in Kenya and two years' experience in agriculture extension service work; and
- (c) comply with the provisions of the Public Officer's Ethics Appointment of inspectors.

(4) The Authority shall train prospective inspectors before appointing them under paragraph (1).

(5) The Authority shall develop a training curriculum and offer regular trainings to the inspectors.

(6) A person who purports to carry out the functions of an inspector without having been duly appointed in accordance with these Regulations commits an offence.

### **25. Functions of an inspector**

An inspector shall —

- (a) monitor activities associated with miraa production, dealing, handling and processing;
- (b) regularly undertake surveillance and inspection to verify that growers and dealers of miraa and miraa products adhere to the Act and these regulation;.
- (c) carry out periodic auditing of adherence to food safety requirements; and
- (d) provide feedback to the industry players on non-conformity.

## 26. Compliance to standards

(1) Miraa and miraa products may be randomly sampled, tested and analysed by the Authority from time to time to verify conformity to the Code of Practice.

(2) The Authority shall, from time to time, inspect the field holding facilities, commercial transporters' vessels, pack houses and designated points to verify conformity to food safety and quality standards as prescribed in the Code of Practice.

(3) Any miraa or miraa product that does not conform to the code of practice shall be dealt with as follows—

- (a) non-compliant produce due to food safety reasons shall be seized, detained and destroyed at the cost of the offender;
- (b) miraa or miraa product presented using forged registration certificates, licences or permits shall be destroyed upon interception and the dealer suspended from operating for one year.

## PART IV – GENERAL PROVISIONS

### 27. The Miraa Pricing Formula Committee

(1) There shall be a Miraa Pricing Formula Committee to determine the pricing formula of miraa and miraa products comprising of the following members appointed by the Cabinet Secretary—

- (a) one representative from the ministry responsible for matters relating to agriculture;
- (b) one representative from the ministry for the time being responsible for matters relating to trade;
- (c) one representatives from the Authority;
- (d) one County Executive Committee Member for agriculture nominated by the Council of Governors;
- (e) three representatives of growers nominated by the apex body of growers associations; and
- (f) two representatives of traders nominated by the apex body of traders associations.

(2) The members of the Committee shall, at its first meeting, elect the chairperson from the members appointed under paragraph (e) or (f) of paragraph (1) and set the procedures for conducting meetings of the Committee.

(3) The Committee shall consider the following parameters in formulating the miraa pricing formula —

- (a) the supply and demand forces;
- (b) the cost of production;
- (c) prevailing weather conditions; and
- (d) any other prevailing factors.

(4) The Authority shall provide secretariat services to the Committee.

(5) The Committee may whenever necessary co-opt experts to provide technical advice.

[Subsidiary]

**28. Units of measurement**

(1) The kilogram shall be the base unit of measurement of mass by reference to which any measurement of weight shall be made in Kenya for miraa and miraa products.

(2) A single package of miraa or miraa products shall not exceed fifty kilogrammes.

(3) A dealer shall ensure that any weighing machine used by the dealer is well maintained and is in a serviceable condition at all times.

(4) A person who contravenes paragraph (2) or (3) commits an offence.

**29.**

[Deleted by L.N. 126/2022, r. 2]

**30. Fees**

(1) The fees payable for licenses and permits issued under these Regulations shall be as set out in the Second Schedule.

(2) Any charges on traded produce on transit shall be charged once at the point of exit in the County of origin and no other charge shall be instituted on the same consignment as it traverses across counties.

**31. General penalty**

A person who commits an offence under these Regulations for which no penalty is prescribed shall, upon conviction, be liable to a fine not exceeding five hundred thousand shillings, or to a term of imprisonment for a period not exceeding one year or to both in accordance with section 37 of the Act.

FIRST SCHEDULE

FORMS

**FORM Mr1**

(r. 4(2))

County Government of .....

Serial No. County code/Miraa/

Application for a Miraa Commercial Nursery Operator Licence  
new [ ] / renewal [ ]

Name of Applicant: .....

Address:

Postal .....

Email.....

Telephone:.....

Attach;

(a) A copy of certificate of incorporation or Copies of IDs/Passports

(b) KRA pin certificate

(c) Copy of title deed / lease hold/ contract

**1. Nursery Location**

i) Sub-County ..... Ward .....

L.R No or Plot No .....

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.



Signature:..... Date:.....

**FORM Mr2** \_\_\_\_\_ (r. 4(3))

Miraa Commercial Nursery Operator's  
Licence

County Government of .....

Serial No. county code/Miraa/ .....

This is to certify that ..... of postal address .....  
from ..... Sub-county, ..... ward, LR No. .... has been duly  
licensed to operate a commercial nursery.

This licence is valid from ..... to .....

Terms and Conditions:

A Commercial Nursery Operator shall—

- a) Propagate planting material from accredited source
- b) Demonstrate the source of planting material
- c) Comply with the code of practice
- d) Maintain an up to date record of all sales.
- e) File annual returns to the County Government

ISSUED on this ..... Day of ..... 20.....

Name ..... Signed: .....

County Executive Committee Member (CECM)

Official Stamp .....

**FORM Mr3** \_\_\_\_\_ (r. 4(7))

Commercial Nursery Annual Returns

Commercial Nursery Operator: .....

Postal

Address .....

County ..... Sub-County ..... Ward .....

Telephone: .....

E-mail: .....

Crop Year: ..... Period: .....

Variety/Clone ..... Balance brought forward .....

Quantity of planting material Available (No): .....

Quantity sold during the period (No) .....

Prepared by: ..... Signature: .....

Designation: ..... Date: .....

Official Stamp

**FORM Mr4** \_\_\_\_\_ (r. 5(2))

[Subsidiary]



**AGRICULTURE AND FOOD AUTHORITY  
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE  
Application for Registration of Miraa Growers' Association**

A – Particulars of Applicant

1. Name of applicant .....
2. Registration No. ....
3. Address .....
4. Telephone No .....
5. County ..... Sub-County ..... Ward .....

B. Particulars of Members in the Association (attach list)

This shall include;

Name	ID	Tel. No.	Age	Sex	LR. No	Owner ship	Geo- location (XY)	Farm area (Ha)	Farming system (Rainfed/Irrigated)	Crop	Variety	Certification
------	----	----------	-----	-----	--------	------------	--------------------	----------------	------------------------------------	------	---------	---------------

Date ..... Signature .....

Applicant or it's duly authorized agent I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature: ..... Date: .....

**FORM Mr5**

(r. 5(3))



**AGRICULTURE AND FOOD AUTHORITY  
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE  
Growers' Association Registration Certificate**

Certificate No: County code/ .....

Grower Association Registration No. ....

This Certificate of registration is granted to ..... of P.O. Box ..... in ..... building/street ..... Ward ..... Sub-County ..... County in the Republic of Kenya.

ISSUED this ..... Day of ..... 20 .....

Signed .....

Director General  
Agriculture and Food Authority

FORM Mr6

(r. 6(2))



**AGRICULTURE AND FOOD AUTHORITY**

**MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**Application for Registration of Miraa Aggregator**

Serial No: MPICD/MIRAA/ .....

..... hereby applies for registration.

Ward ..... Sub-County ..... County .....

Physical location of the business premise ..... Postal  
Address ..... Telephone ..... E-mail .....

Attach:—

- (a) A copy of certificate of incorporation or copies of IDs/Passports
- (b) KRA pin certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature: ..... Date: .....

FORM Mr7

(r. 6(3))



**AGRICULTURE AND FOOD AUTHORITY**

**MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**Certificate of Registration of Miraa Aggregator**

Certificate No:.....

This Certificate of registration is granted to ..... of P.O.  
Box ..... in ..... building/street ..... Ward..... Sub-  
County ..... County in the Republic of Kenya.

ISSUED this ..... Day of ..... 20 .....

Signed .....

Director General  
Agriculture and Food Authority

[Subsidiary]

**FORM Mr8**

(r. 6(6))

Application for Miraa Aggregator's Licence  
new [ ] / renewal [ ]

County Government of .....

Name of Applicant: ..... hereby applies for aggregator's licence.

Address:

Postal .....

Email .....

Telephone: .....

**3. Physical location of the business premise:—**

i) Sub-County .....

ii) Ward .....

Attach;

i. A copy of registration certificate from the Authority

ii. A copy of certificate of incorporation or copies of IDs/Passports

iii. KRA pin certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature: ..... Date: .....

**FORM Mr9**

(r. 6(7))

County Government of .....

Miraa Aggregator's  
Licence

Certificate No. ....

This is to certify that ..... of postal address ..... has been  
duly licensed as a Miraa Aggregator.

This licence is valid from ..... to .....

Conditions:

An aggregator shall—

**(a)** File annual returns to the respective County Government.

**(b)** Comply with the Miraa (Khat) code of practice

ISSUED this ..... Day of ..... 20 .....

Name ..... Signed .....

County Executive Committee Member (CECM)

Official Stamp.....

**FORM Mr10**

(r. 6(10))

County Government of .....

Licence Number .....  
 Miraa Aggregator's Annual  
 Returns

Name .....  
 Postal Address .....  
 Physical Location .....  
 Telephone .....  
 E-mail .....  
 Financial Year .....

Source	Agent/Farmers	Quantity(kg)	Estimated	Agent
Location			Value	(exporter,
(Sub-county)				

Prepared by: ..... Signature: ..... Date: .....

Official Stamp:

**FORM Mr11**

\_\_\_\_\_ (r. 7(2))



**AGRICULTURE AND FOOD AUTHORITY**

**MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**Application for Registration of Miraa Commercial Transporter**

Name: ..... hereby applies for registration as a miraa commercial transporter.

Postal ..... E-mail .....

Telephone .....

County..... Sub-County ..... Ward .....

Town ..... Building/Street .....

Attach:—

**(a)** A copy of certificate of incorporation or copies of IDs/Passports

**(b)** KRA pin certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature: ..... Date: .....

**FORM Mr12**

\_\_\_\_\_ (r. 7(3))

[Subsidiary]



**AGRICULTURE AND FOOD AUTHORITY  
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE  
Certificate of Registration for a Commercial Transporter**

Certificate No: .....

This Certificate of registration is granted to ..... of P.O. Box .....  
in ..... Town ..... building/street ..... Ward ..... Sub-  
County ..... County in the Republic of Kenya.

ISSUED this ..... Day of ..... 20 .....

Signed .....

*Director General*

*Agriculture and Food Authority*

Official Stamp

**FORM Mr13**

(r. 7(8))



**AGRICULTURE AND FOOD AUTHORITY  
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Serial No. AFA/Miraa/ .....

Application for a Miraa Commercial Transporter's Licence

Name ..... hereby applies for a licence as a miraa commercial transporter.

Postal address ..... Email .....

Telephone ..... Registration Certificate Number .....

1. Vehicle(s) registration number .....

2. Vehicle(s) Model/Type .....

Attach:—

i. A copy of registration certificate from the Authority

ii. A copy of logbook

iii. Evidence for meeting requirements to transport miraa (Inspection report)

I/We hereby certify that the above information is true and accurate to the best of my or  
our knowledge and belief.

Signature: ..... Date: .....

**FORM Mr14**

(r. 7(10))



**AGRICULTURE AND FOOD AUTHORITY**

**MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Miraa Commercial Transporters Licence

Licence No:.....

This Licence is granted to..... and authorizes vehicle(s) reg. no..... to transport miraa in the Republic of Kenya.

This Licence is valid from ..... to .....

ISSUED this ..... Day of ..... 20 .....

Conditions:

A commercial transporter shall—

- a) Comply with the code of practice;
- b) Obtain and keep a receipt showing the source of produce, quantity and destination;
- c) Submit annual returns.

Signed.....

*Director General*

*Agriculture and Food Authority*

Official Stamp

**FORM Mr15**

(r. 7(14))

Licence Number.....

Miraa Commercial Transporter Quarterly Returns

Name.....

Postal

Address.....

Physical

Location.....

Telephone.....

E-mail.....

Financial Year..... Q1..... Q2..... Q3..... Q4.....

Source Location	Agent/ Farmers	Quantity(kg)	Estimated Value	Destination Agent (exporter, vendor)	Location
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[Subsidiary]

Prepared by: ..... Signature: .....  
Date:.....

Official Stamp:

**FORM Mr16** ..... (r. 8(2))

The County Government of.....  
Application for a Miraa Vendor's Licence

Applicant .....  
Postal address..... Email.....  
Telephone..... Sub-County ..... Ward ..... town .....  
Street/building.....

I hereby certify that the premise is within a designated point and that the above information is true and accurate to the best of my knowledge and belief.

Signature:..... Date:.....

**FORM Mr17** ..... (r. 8(4))

The County Government of.....  
Vendor's Licence

Licence No.....

This is certify that..... of postal address.....

Telephone:..... Sub-county..... Ward.....  
town..... Street/building..... has been duly licensed to be a miraa vendor.

This Licence is valid from..... to.....

Conditions:

A vendor shall—

- a) Sell at a designated point.
- b) Comply with the code of practice

ISSUED this..... Day of..... 20.....

Name..... Signed.....

County Executive Committee Member (CECM)

Official Stamp.....

**FORM Mr18** ..... (r. 11(2))





AGRICULTURE AND FOOD AUTHORITY

MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Application for Registration of Miraa Exporter/ Importer

..... hereby applies for registration as a miraa Exporter [ ] Importer [ ]  
( Tick as appropriately)

County..... Sub-County..... Ward.....  
Town ..... Street/building ..... Postal  
Address..... Telephone..... E-mail.....

Attach:—

A copy of certificate of incorporation or copies of IDs/Passports

a copy of CR12

KRA pin certificate

I/We hereby certify that the above information is true and accurate to the best of my or  
our knowledge and belief.

Signature:..... Date:.....

FORM Mr19

(r. 11(3))



AGRICULTURE AND FOOD AUTHORITY

MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Certificate of Registration for Miraa Exporter/ Importer

Certificate No:.....

This Certificate of registration is granted to..... of P.O. Box.....  
in..... building/street ..... Ward..... Sub-County.....  
County in the Republic of Kenya as miraa importer/exporter(delete as appropriate).

ISSUED this..... Day of..... 20.....

Signed.....

*Director General*

*Agriculture and Food Authority*

FORM Mr20

(r. 12(2))



[Subsidiary]

**AGRICULTURE AND FOOD AUTHORITY  
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**Application for Miraa Export Licence**

..... hereby applies for Miraa Export Licence  
County ..... Sub-County ..... Ward .....  
Town ..... Street/building ..... Postal Address .....  
Telephone ..... E-mail ..... Pack House Location. ....

Attach:—

- i. A copy of certificate of incorporation or copy of IDs/Passport
- ii. Copy of CR12
- iii. A copy of registration certificate from the Authority
- iv. A copy of single business permit from the County Government
- v. A copy of tax compliance certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature:..... Date:.....

**FORM Mr21**

(r. 12(2))



**AGRICULTURE AND FOOD AUTHORITY**

**MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Miraa Export Licence

License No.....

This Licence is granted to ..... of P.O. Box .....  
in ..... County ..... Sub-County ..... Ward .....  
Town ..... Street/building .....

This licence is valid from ..... to .....

Conditions:

An exporter shall—

- a) Maintain a record of all exports i.e. volumes, destination.
- b) Submit quarterly returns to the Authority.

ISSUED this ..... Day of ..... 20 .....

Signed .....

*Director General*

*Agriculture and Food Authority*

FORM Mr22

(r. 13(1))



**AGRICULTURE AND FOOD AUTHORITY**

**MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**Application for Miraa Import Licence**

Personal Information

..... hereby applies for Miraa Import Licence.

County..... Sub-County..... Ward.....  
Town ..... Street/building ..... Postal  
Address..... Telephone..... E-mail.....

Attach:—

- i. A copy of certificate of incorporation or copy of IDs/Passport
- ii. Copy of CR12
- iii. A copy of registration certificate from the Authority
- iv. A copy of single business permit from the County Government
- v. A copy of tax compliance certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature:..... Date:.....

FORM Mr23

(r. 13(2))



**AGRICULTURE AND FOOD AUTHORITY**

**MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**Miraa Import Licence**

License No.....

This Licence is granted to..... of P.O. Box.....  
in..... County..... Sub-County..... Ward.....  
Town ..... Street/building .....

This licence is valid from..... to.....

Conditions:

An importer shall—

- a) Maintain a record of all imports i.e. volumes, destination.

[Subsidiary]

b) Submit quarterly returns to the Authority.

ISSUED this..... Day of..... 20.....

Signed.....

*Director General*

*Agriculture and Food Authority*

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**THE CROPS (MIRAA) REGULATIONS, 2023**

## ARRANGEMENT OF REGULATIONS

## PART I – PRELIMINARY

*Regulation*

1. Citation
2. Interpretation
3. Objects of the Regulations

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OF MIRAA GROWERS AND DEALERS

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5. Registration of growers' associations
6. Registration of miraa aggregators
7. Licensing of miraa aggregators
8. Registration of commercial miraa transporters
9. Licensing of commercial miraa transporters
10. Registration of Miraa Vendors
11. Licensing of miraa vendors
12. Registration of miraa exporters and importers
13. Licensing of miraa exporters
14. Licensing of miraa importers
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17. Revocation or suspension of licences
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22. Quality of planting materials
23. Irrigation and potable water for production
24. Quality assurance for harvesting and postharvest handling of miraa
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27. Functions of an inspector
28. Compliance to standards

## PART IV – GENERAL PROVISIONS

29. The Miraa Pricing Formula Committee
30. Units of measurement
31. Imposition of miraa levy
32. Fees
33. General penalty
34. Revocation of L.N. No. 101 of 2022

## SCHEDULES

FIRST SCHEDULE —

FORMS



## THE CROPS (MIRAA) REGULATIONS, 2023

[Legal Notice 41 of 2023]

### PART I – PRELIMINARY

#### 1. Citation

These Regulations may be cited as the Crops (Miraa) Regulations, 2023.

#### 2. Interpretation

In these Regulations unless the context otherwise requires—

**"Act"** means the Crops Act (Cap. 318);

**"aggregator"** means a person who buys, collects and bulks miraa and miraa products for purposes of collective marketing;

**"Authority"** means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act (Cap. 317);

**"Cabinet Secretary"** means the Cabinet Secretary for the time being responsible for matters relating to agriculture;

**"Code of practice"** means the Miraa (khat) Industry - Code of Practice - KNWA 2940: 2021 as provided in the Standards Act (Cap. 496);

**"commercial nursery operator"** means a person who propagates miraa planting material for sale;

**"commercial transporter"** means a person who transports miraa at a fee;

**"Committee"** means the Miraa Pricing Formula Committee established under regulation 29;

**"county government"** has the meaning assigned to it under Article 176 of the Constitution;

**"crop inspector"** means an inspector appointed under section 27 of the Act;

**"dealer"** includes an aggregator, commercial transporter, vendor, holding facility owner, exporter or importer of miraa;

**"designated point"** means an area set aside for the sale of miraa by the respective county government;

**"Directorate"** means the directorate of the Authority established under section 11 of the Agriculture and Food Authority Act (Cap. 317) to deal with matters relating to miraa;

**"exporter"** means a person licensed by the Authority to export miraa or miraa products;

**"export consignment"** means the quantity of miraa that an exporter intends to export as declared by the applicant of an export permit;

**"field holding facility"** means an area designated for the bulking, handling, storage, stock control and packaging of miraa;

**"financial year"** means the period from the first July in any year to the thirtieth June in the immediately succeeding year, both days inclusive;

**"grower"** means a person who cultivates miraa and includes a person who enters into an agreement with the owner of the farm to harvest miraa at a consideration;

**"grower association"** means a group of miraa growers who come together for purposes of marketing their produce under a common quality management system and are registered by the Authority;

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[Subsidiary]

**"importer"** means a person licensed by the Authority to import miraa or miraa products;

**"import consignment"** means the quantity of miraa that an importer seeks to import as declared by the applicant of an import permit;

**"miraa"** means the plant or part of the plant of *Cathus* genus known botanically as *Catha edulis* specified in the first schedule to the Act or of any inter-specific hybrid involving this species or of any progeny of such hybrid and includes the variety locally referred to as muguka;

**"miraa product"** means any part of the miraa plant, whether whole or broken, including its leaf, bud or twig that has been dried;

**"potable water"** means water which meets the quality standards of drinking water as specified in Kenya standards;

**"traceability"** means the ability to trace a miraa from any given point in the value chain back through all stages to its origin; and

**"vendor"** means a person who sells miraa at a designated point for consumption.

### 3. Objects of the Regulations

The objects of these Regulations are to—

- (a) facilitate the growth and development of the miraa industry;
- (b) enhance productivity and income of miraa farmers and other value chain actors;
- (c) organize and coordinate partners and stakeholders in the miraa industry;
- (d) attract investment opportunities and improve the efficiency of agribusiness services in the miraa industry;
- (e) facilitate the export of miraa and miraa products to augment foreign exchange earnings of the country;
- (f) safeguard food safety and quality standards of miraa;
- (g) promote best practices in the production, processing, marketing, grading, storage, collection, transportation and warehousing of miraa;
- (h) collect and collate data, maintain a database on miraa and miraa growers, dealers, associations and transporters; and
- (i) facilitate research in miraa.

#### PART II – REGISTRATION AND LICENSING OF MIRAA GROWERS AND DEALERS

### 4. Licensing of commercial miraa nursery operators

(1) A person shall not establish or operate a commercial miraa nursery unless the person has a valid licence issued by the respective county government.

(2) A person who seeks to establish or operate a commercial miraa nursery shall apply to the respective county government for a licence in Form Mrl set out in the First Schedule.

(3) The county government shall not issue a licence unless an inspector has visited and inspected the site and has confirmed that the applicant complies with the following requirements—

- (a) the land is suitable for propagating miraa seedlings;
- (b) the site is well served with a reliable irrigation quality water source;
- (c) the site is accessible for inspection and collection of planting material;
- (d) the applicant has clearance from an accredited source of mother plants;
- (e) the land is gently sloping and the soil type is of good drainage and does not allow water logging; and
- (f) the applicant has adequate relevant knowledge in nursery management.



(4) The county government shall, if satisfied that the applicant meets the requirements in paragraph (3), issue to the applicant a licence in Form Mr2 set out in the First Schedule in respect of the inspected site.

(5) Where the applicant does not meet the requirements in paragraph (3), the county government shall reject the application and notify the applicant of the reasons for the rejection.

(6) Where the requirements in paragraph (3) have been met, the applicant whose application is rejected under paragraph (5) may resubmit the application for consideration.

(7) A licence for a commercial miraa nursery operator shall not be transferrable and shall remain in force until the thirtieth of June next following the date of issue, unless earlier cancelled.

(8) A commercial nursery operator shall submit annual returns to the county government in Form Mr3 set out in the First Schedule not later than the tenth day of the first month after the end of the financial year.

(9) Every county government shall, annually, share with the Authority a list of all licensed commercial miraa nursery operators.

(10) A person who contravenes paragraph (1) or (9) commits an offence.

### **5. Registration of growers' associations**

(1) Smallholder miraa growers may, for purposes of accessing economies of scale, form a growers' association and apply to the Authority for registration of the association.

(2) An application for registration under paragraph (1) shall be made to the Authority in Form Mr4 as set out in the First Schedule.

(3) The Authority shall, at no fee, issue a certificate of registration to a growers' association in Form Mr5 set out in the First Schedule.

(4) Every growers' association shall submit updated particulars of its members to the Authority annually before the thirty first day of the first month of the financial year.

### **6. Registration of miraa aggregators**

(1) A person shall not carry on business as a miraa aggregator unless the person is registered as such by the Authority and has been issued with a registration certificate by the Authority.

(2) A person who intends to carry on business as a miraa aggregator shall apply to the Authority for registration in Form Mr6 set out in the First Schedule.

(3) The Authority shall, within seven days of the application and at no fee, issue a certificate of registration to a successful applicant in Form Mr7 set out in the First Schedule.

(4) A person who contravenes paragraph (1) commits an offence and shall, on conviction, be liable to the penalty specified in section 16(4) of the Act.

### **7. Licensing of miraa aggregators**

(1) A person shall not carry on business as a miraa aggregator without a licence issued by the respective county government.

(2) A miraa aggregator who is registered under regulation 6 shall apply for a licence to the respective county government in Form Mr8 set out in the First Schedule.

(3) The county government shall not issue a licence unless the applicant complies with the following requirements—

- (a) the applicant has a field holding facility at his disposal;
- (b) the field holding facility is serviced with a reliable source of potable water for use;
- (c) the area has a well demarcated waste disposal area; and Registration of growers' associations.
- (d) all staff have appropriate personal protective equipment.

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[Subsidiary]

(4) The county government shall, if satisfied that the applicant meets the requirements in paragraph (3), issue, within ten days of receiving the application, a licence to a successful applicant in Form Mr9 set out in the First Schedule.

(5) Where the applicant does not meet the requirements in paragraph (3), the county government shall, within ten days from the receipt of the application, reject the application and notify the applicant of the reasons for the rejection.

(6) Where the requirements set out in paragraph (3) have been met, the applicant whose application is rejected under paragraph (5) may resubmit the application for consideration.

(7) A miraa aggregator shall submit annual returns to the respective county government in Form Mr10 set out in the First Schedule not later than the tenth day of the first month after the end of the financial year.

(8) The county government shall, annually, share with the Authority a list of all licensed miraa aggregators.

(9) A person who contravenes paragraph (1) or (7) commits an offence.

### **8. Registration of commercial miraa transporters**

(1) A person shall not carry on business as a miraa commercial transporter unless the person is registered as such by the Authority and has been issued with a registration certificate by the Authority.

(2) An application for registration under paragraph (1) shall be made to the Authority in Form Mr11 set out in the First Schedule.

(3) The Authority shall, within five days of receipt of the application and at no fee, issue a certificate of registration to a successful applicant in Form Mr12 set out in the First Schedule.

(4) The Authority shall, within five days from the receipt of the application, notify an unsuccessful applicant indicating the reasons for the rejection.

(5) Where the reasons for rejection have been addressed, the applicant whose application is rejected under paragraph (4) may resubmit the application for consideration.

(6) A person who contravenes paragraph (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding five million shillings or both.

### **9. Licensing of commercial miraa transporters**

(1) A person shall not carry on business as a commercial miraa transporter without a licence issued by the Authority.

(2) A commercial miraa transporter who is registered under regulation 8 shall apply to the Authority for a licence in Form Mr13 set out in the First Schedule.

(3) The Authority shall not issue a licence to an applicant unless the applicant demonstrates that—

- (a) the vessel used for transportation of miraa is well aerated to prevent chilling or scorching effect on the produce;
- (b) the vessel used for transportation is exclusively for miraa at any given time;
- (c) the packaging material used during transportation is made of food grade quality; and
- (d) the applicant has paid the fee set out in the Second Schedule.

(4) The Authority shall, if satisfied that the applicant meets the requirements in paragraph (3), issue, within thirty days of receiving the application, a licence to a successful applicant in Form Mr14 set out in the First Schedule.

(5) Where the applicant does not meet the requirements in paragraph (3), the Authority shall, within thirty days from the receipt of the application, reject the application and notify the applicant of the reasons for the rejection.

(6) Where the requirements in paragraph (3) have been met, the applicant whose application is rejected under paragraph (5) may resubmit the application for consideration.

(7) A licensed commercial miraa transporter shall display the licence on the front windscreen of the vehicle while transporting miraa.

(8) A commercial miraa transporter shall submit semi-annual returns to the Authority in Form Mr 15 set out in the First Schedule not later than the fifth day of January and the fifth day of July.

(9) A person who contravenes paragraph (1) or (7) commits an offence.

#### **10. Registration of Miraa Vendors**

(1) A person shall not carry on business as a miraa vendor unless the person is registered by the Authority.

(2) An applicant for registration shall apply to the Authority in Form Mr16 set out in the First Schedule and shall provide the following information—

- (a) a copy of National identity card or Certificate of incorporation;
- (b) KRA PIN;
- (c) physical address; and
- (d) telephone number.

(3) The Authority shall, if satisfied that the applicant has provided the information required in paragraph (2) issue a registration certificate in Form Mr17 set out in the First Schedule.

(4) A person who contravenes paragraph (1) commits an offence.

#### **11. Licensing of miraa vendors**

(1) A person shall not carry out business as a miraa vendor without a licence issued by the respective county government.

(2) An applicant for a miraa vending licence shall apply to the respective county government in Form Mr18 set out in the First Schedule.

(3) The county government shall, before issuing the licence in Form Mr19 set out in the First Schedule satisfy itself that the applicant has been registered by the Authority.

(4) Where the applicant does not meet the requirement in paragraph (3) or does not provide the information required in the application form, the county government shall, within seven days from the receipt of the application, reject the application and notify the applicant in writing of the reasons for the rejection.

(5) Where the reasons for the rejection of the application have been addressed, the applicant may resubmit the application for consideration.

(6) Each county government shall, annually, share with the Authority a list of all licensed miraa vendors.

(7) Every miraa vendor shall sell miraa or miraa products at a designated point.

(8) The county government shall designate areas for the sale of miraa which shall be—

- (a) well marked;
- (b) kept free of and from waste material; and
- (c) used exclusively for the sale of miraa.

(9) Miraa shall not be sold to a person below the age of eighteen years.

(10) A person who contravenes paragraph (1), (7) or (9) commits an offence.

#### **12. Registration of miraa exporters and importers**

(1) A person shall not carry on business as a miraa exporter or importer unless the person is registered by the Authority.

(2) A person who intends to carry on business as a miraa exporter or importer shall apply to the Authority for registration in Form Mr20 set out in the First Schedule.

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[Subsidiary]

(3) The Authority shall, within seven days from the receipt of the application and at no fee, issue a certificate of registration to a successful applicant in Form Mr21 set out in the First Schedule.

(4) The Authority shall, within seven days from the receipt of the application, notify an unsuccessful applicant indicating the reasons for the rejection.

(5) Where the reasons for rejection have been addressed, the applicant whose application is rejected under paragraph (4) may resubmit the application for consideration.

(6) A person who contravenes paragraph (1) commits an offence and shall be upon conviction be liable to the penalty prescribed under section 16(4) of the Act.

### **13. Licensing of miraa exporters**

(1) A person shall not carry on business as a miraa exporter unless he has been issued with an export licence by the Authority.

(2) A miraa exporter who has been registered under regulation 12 shall apply to the Authority for a licence in Form Mr22 set out in the First Schedule.

(3) The Authority shall, within thirty days from the receipt of the application and upon payment of the fee set out in the Second Schedule, issue a licence to a successful applicant in Form Mr23 set out in the First Schedule.

(4) The Authority shall, within thirty days from the receipt of the application, notify an unsuccessful applicant indicating the reasons for the rejection.

(5) Where the reasons for rejection have been addressed, the applicant whose application is rejected under paragraph (4) may resubmit the application for consideration.

(6) Every miraa exporter shall submit quarterly returns to the Authority in Form Mr24 as set out in the First Schedule.

(7) A person who contravenes paragraph (1) or (6) commits an offence.

### **14. Licensing of miraa importers**

(1) A person shall not carry out business as a miraa importer unless he has been issued with an import licence by the Authority.

(2) A miraa importer who has been registered under regulation 12 shall apply to the Authority for a licence in Form Mr25 set out in the First Schedule.

(3) The Authority shall, within thirty days from the receipt of the application and upon payment of the fee set out in the Second Schedule, issue a licence to a successful applicant in Form Mr26 set out in the First Schedule.

(4) The Authority shall, within thirty days from the receipt of the application, notify an unsuccessful applicant indicating the reasons for the rejection.

(5) Where the reasons for rejection have been addressed, the applicant whose application is rejected under paragraph (4) may resubmit the application for consideration.

(6) Every miraa importer shall submit quarterly returns to the Authority in Form Mr27 as set out in the First Schedule.

(7) A person who contravenes paragraph (1) commits an offence.

### **15. Issuance of miraa export permits**

(1) A miraa exporter shall not export miraa or miraa products unless he has a valid export permit issued by the Authority for each export consignment.

(2) An exporter of miraa or miraa products shall apply to the Authority for an export permit for each export consignment in Form Mr28 set out in the First Schedule.

(3) The Authority shall within two days after receiving an application for an export permit, consider the application and upon satisfying itself the requirements in the application form have been met and the fee set out in the Second Schedule has been paid, issue an export permit in Form Mr29 set out in the First Schedule.

(4) The Authority shall not issue a permit if an exporter is in contravention of the provisions of the Act or these Regulations.

(5) The exportation of miraa or miraa products shall be through designated port of exit by a licensed importer.

(6) An export consignment shall not exceed one thousand kilogrammes.

(7) An exporter who contravenes paragraph (1) or (5) commits an offence.

#### **16. Issuance of miraa import permits**

(1) A miraa importer shall not import miraa or miraa products unless the importer has a valid import permit issued by the Authority for each import consignment.

(2) An importer of miraa or miraa products shall apply to the Authority for an import permit for each consignment in Form Mr30 as set out in the First Schedule.

(3) The Authority shall, within two days after receipt of an application under paragraph (2), consider the application and upon satisfying itself that the requirements in the application form have been met and the fee set out in the Second Schedule has been paid, issue an import permit in Form Mr31 as set out in the First Schedule.

(4) The importation of miraa or miraa products shall be through designated port of entry by a licensed importer.

(5) The Authority shall not issue a permit if an importer is in contravention of the provisions of the Act or these Regulations.

(6) An import consignment shall not exceed one thousand kilogrammes.

(7) An importer who contravenes paragraph (1) or (4) commits an offence.

#### **17. Revocation or suspension of licences**

(1) A licensing authority may revoke or suspend a licence issued under these Regulations if—

- (a) the conditions of issuance of the licence are contravened; or
- (b) the holder of the licence or an employee of the holder commits an offence under the Act or these Regulations.

(2) The licensing authority shall, before revoking or suspending a licence give the holder of the licence an opportunity to be heard and to make representations in that regard.

(3) Upon revocation under paragraph (1) the holder of a licence shall immediately surrender the licence to the licensing authority and the licence shall immediately cease to have effect.

#### **18. Revocation of certificates of registration**

A certificate of registration under these Regulations shall be issued once but maybe revoked if the holder of the certificate does not apply for or renew his licence for three consecutive years.

#### **19. Transferability of registration certificate or licence**

(1) A licence or certificate of registration issued under these Regulations shall not be transferable to another person.

(2) A person who contravenes paragraph (1) commits an offence.

#### **20. Renewal of licences**

(1) Any licence issued under these Regulations shall remain in force until the thirtieth of June next following the date of issue unless earlier cancelled.

(2) An application for renewal of a licence under these Regulations shall be made to the licensing authority not later than the first day of the month of June in which the current licence is due to expire.

[Subsidiary]

(3) An application for a licence under these Regulations shall be accompanied by the appropriate fee set out in the Second Schedule.

### **21. Applications may be made electronically**

An application for registration or a licence and the submission of returns under this part may be made in electronic format.

#### **PART III – PRODUCTION AND QUALITY ASSESSMENT OF MIRAA**

### **22. Quality of planting materials**

- (1) A commercial nursery operator shall—
  - (a) supply quality planting material in accordance with the Code of Practice; and
  - (b) keep accurate records of distributed planting material and shall produce such records on demand for purposes of inspection.
- (2) A person who contravenes paragraph (1) commits an offence.

### **23. Irrigation and potable water for production**

Any person who deals in or in any way handles miraa shall—

- (a) in the case of irrigation production, use water free of contaminants as specified in the Code of Practice; and
- (b) in case of postharvest handling at designated areas and consumer markets, use potable water.

### **24. Quality assurance for harvesting and postharvest handling of miraa**

- (1) Water used for postharvest handling of miraa shall be potable water.
- (2) Any produce handling facility such as a pack house, store, collection centre, working area or designated point shall be kept free of waste material.
- (3) The packaging for miraa shall be designed to suit the transport handling system and shall—
  - (a) provide aeration to the produce so as to maintain optimum temperatures and humidity;
  - (b) maintain produce integrity by protecting them from physical damage;
  - (c) protect the produce against contamination.
- (4) Miraa shall not be stored or transported together with other produce which may contaminate it or otherwise adversely affect its quality.
- (5) A vessel used for transportation of miraa shall be built and equipped to ensure maintenance of optimal temperatures and hygiene to prevent damage, contamination and spoilage of produce.
- (6) Quality assurance for the handling, packaging, transportation harvesting and postharvest handling produce under this section shall be in accordance with the Code of Practice.
- (7) A person who contravenes any provision of this regulation commits an offence.

### **25. Traceability**

- (1) The Authority shall, in consultation with stakeholders, develop and build capacity for implementation of a traceability system for both export and locally consumed miraa produce.
- (2) A miraa dealer shall—
  - (a) be responsible for the safety of the miraa produce;
  - (b) ensure that miraa is labelled at source;
  - (c) ensure that miraa produce is labelled with a code indicating the country code, county code, farm name and location of the farm;
  - (d) dispose of any miraa that is considered unsafe for human health;

- (e) withdraw unsafe miraa from sale or the distribution chain;
  - (f) keep records of the source miraa and to whom it is sold for a period not less than three months and in consideration of its shelf life; and
  - (g) be responsible for withdrawing or recalling miraa from the market.
- (3) A person who contravenes paragraph (2) commits an offence.

## 26. Appointment of inspectors

(1) The Authority shall, by notice in the *Gazette*, appoint inspectors to carry out inspection of miraa and miraa products.

(2) A county government may nominate county inspectors for appointment by the Authority.

(3) A person qualifies to be appointed as an inspector under these Regulations if he possesses the following minimum qualifications—

- (a) holds a bachelor's degree in food science and technology, agriculture or a related field from a university or institution recognised in Kenya; or
- (b) holds a diploma in food science and technology, agriculture or a related field from an institution recognised in Kenya and two years' experience in agriculture extension service work; and
- (c) complies with the provisions of the Public Officer's Ethics Act and Chapter 6 and Article 232 of the Constitution of Kenya.

(4) The Authority shall train prospective inspectors before appointing them under paragraph (1).

(5) The Authority shall develop a training curriculum and offer regular trainings to the inspectors.

(6) A person who purports to carry out the functions of an inspector without having been duly appointed in accordance with these Regulations commits an offence.

## 27. Functions of an inspector

An inspector shall—

- (a) monitor activities associated with miraa production, dealing, handling and processing;
- (b) regularly undertake surveillance and inspection to verify that growers and dealers of miraa and miraa products adhere to the Act and these Regulations; and
- (c) carry out periodic auditing of adherence to food safety requirements.

## 28. Compliance to standards

(1) Miraa and Miraa products may be randomly sampled, tested and analysed by the Authority from time to time to verify conformity to the Code of Practice.

(2) The Authority may, from time to time, inspect the field holding facilities, commercial transporters' vessels, pack houses and designated points to verify conformity to food safety and quality standards as prescribed in the Code of Practice.

(3) Any miraa or miraa product that does not conform to the code of practice shall be dealt with as follows—

- (a) non-compliant produce due to food safety reasons shall be seized, detained and destroyed at the cost of the offender;
- (b) miraa or miraa product presented using a forged certificate of registration, licence or permit shall be destroyed upon interception and the dealer suspended from operating for one year.

[Subsidiary]

## PART IV – GENERAL PROVISIONS

**29. The Miraa Pricing Formula Committee**

(1) There shall be a Miraa Pricing Formula Committee to determine the formula of miraa and miraa products comprising of the following members appointed by the Cabinet Secretary

- (a) one representative from the ministry responsible for matters relating to agriculture;
- (b) one representative from the ministry responsible for matters relating to trade;
- (c) one representative from the Authority;
- (d) one County Executive Committee Member for agriculture nominated by the Council of Governors;
- (e) one representative of miraa growers nominated by the apex body of growers' associations;
- (f) one representative of muguka growers nominated by the apex body of growers' associations; and
- (g) three representatives of dealers nominated by the apex body of dealers' associations.

(2) The members of the Committee shall, at its first meeting, elect the chairperson from the members appointed under paragraph (e), (f) or (g) of paragraph (1) and set the procedures for conducting meetings of the Committee.

(3) The Committee shall consider the following parameters in formulating the miraa pricing formula—

- (a) the supply and demand forces;
- (b) the cost of production;
- (c) prevailing weather conditions; and
- (d) any other prevailing factors.

(4) The Authority shall provide secretariat services to the Committee.

(5) The Committee may whenever necessary co-opt experts to provide technical advice.

**30. Units of measurement**

(1) The unit of measurement for miraa or miraa products offered for sale shall be the kilogramme.

(2) A single package of miraa or miraa products shall not exceed fifty kilogrammes.

(3) A dealer shall ensure that any weighing machine used by the dealer is well maintained and is in a serviceable condition at all times.

(4) A person who contravenes paragraph (2) or (3) commits an offence.

**31. Imposition of miraa levy**

(1) There shall be imposed a miraa levy on exported and imported miraa and miraa products.

(2) The levy imposed under paragraph (1) shall be charged at the rate of—

- (a) three shillings per kilogramme of miraa or miraa products for export; and
- (b) six shillings per kilogramme of imported miraa or miraa products.

(3) Any levy imposed under this regulation shall be paid to the Authority and any levy which remains unpaid shall be recovered by the Authority as a civil debt due to it from the person by whom it is payable.

(4) A person who fails to pay or remit on time any levy imposed under this regulation when directed by the Authority in writing shall, in addition to paying the levy, have a sum equal to five per cent of the amount added to the amount due for each month or part thereof during which the amount due remains unpaid.



**32. Fees**

(1) The fees payable for licenses and permits issued under these Regulations shall be as set out in the Second Schedule.

(2) Any charges on miraa produce on transit shall be charged once at the point of exit in the county of origin.

**33. General penalty**

A person who commits an offence under these Regulations for which no penalty is prescribed shall, upon conviction, be liable to the penalty as prescribed under section 37 of the Act.

**34. Revocation of L.N. No. 101 of 2022**

The Crops (Miraa) Regulations, 2022 are revoked.

FIRST SCHEDULE

FORMS

(r. 5(2))

FORM Mr1

County Government of .....

Serial No. County code/Miraa/

Application for a Miraa Commercial Nursery Operator Licence  
new [ ]/renewal[ ]

Name of Applicant : .....

Address:

Postal .....

Email .....

Telephone: .....

Attach;

(a) A copy of certificate of incorporation or Copies of IDs/Passports

(b) KRA pin certificate

(c) Copy of title deed / lease hold/ contract

1. Nursery Location

i) Sub-County ..... Ward ..... L.R No. or Plot No. ....

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature: ..... Date .....

FORM Mr2

(r. 5(4))

Miraa Commercial Nursery Operator's Licence

County Government of .....

Serial No. county code/Miraa/.....

This is to certify that ..... of postal address ..... from ..... Sub-county,..... ward, LR No. .... has been duly licensed to operate a commercial nursery.

This licence is valid from ..... to .....

[Subsidiary]

Terms and Conditions:

A Commercial Nursery Operator shall —

- (a) Propagate planting material from accredited source
- (b) Demonstrate the source of planting material
- (c) Comply with the code of practice
- (d) Maintain an up to date record of all sales.
- (e) File annual returns to the County Government

ISSUED on ..... this Day of ..... 20.....

Name ..... Signed: .....

County Executive Committee Member (CECM)

Official Stamp .....

FORM Mr3 (r. 5(9))

Commercial Nursery Annual Returns

Commercial Nursery Operator: .....

PostalAddress .....

County ..... Sub-County ..... Ward .....

Telephone: .....

E-mail: .....

E-mail .....

Crop Year ..... Period .....

Variety/Clone ..... Balance brought forward .....

Quantity of planting material Available (No): .....

Quantity sold during the period (No) .....

Prepared by: ..... Signature: .....

Designation: ..... Date: .....

Official Stamp

FORM Mr4 (r. 6(2))

INSERT IMAGE hereby

AGRICULTURE AND FOOD AUTHORITY MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Application for Registration of Miraa Growers' Association

A — Particulars of Applicant

Name of applicant .....

Registration No. ....

Address .....

Telephone No. ....

County ..... Sub-County ..... Ward .....

B. Particulars of Members in the Association (attach list)

This shall include;

Name	ID	Tel. No.	Age	Sex	LR. No.	Owner/ship	(XY)	Farmer/area	Farming System	Crop	Variety	Certification
									Irrigated/- Rainfed			

Date .....Signature .....

Applicant or it's duly authorized agent

I/We hereby certify that the above information is true and accurate to the best of my our knowledge and belief.

Signature: ..... Date: .....

FORM Mr5 (r. 6(3))

INSERT IMAGE hereby  
 AGRICULTURE AND FOOD AUTHORITY MIRAA, PYRETHRUM AND OTHER  
 INDUSTRIAL CROPS DIRECTORATE  
 Growers' Association Registration Certificate

Certificate No: County code/ .....

Grower Association Registration No. ....

This Certificate of registration is granted to ..... of P.O. Box ..... in .....  
 building/street ..... Ward ..... Sub-County County in the Republic of Kenya.

ISSUED this ..... Day of ..... 20 .....

Signed .....

Director General

Agriculture and Food Authority

FORM Mr6 (r. 7(2))

INSERT IMAGE  
 AGRICULTURE AND FOOD AUTHORITY MIRAA, PYRETHRUM AND OTHER  
 INDUSTRIAL CROPS DIRECTORATE  
 Application for Registration of Miraa Aggregator

Serial No: MPICD/MIRAA/ .....

..... hereby applies for registration.

Ward ..... Sub-County ..... County .....

Physical location of the business premise ..... Postal Address .....

Telephone ..... E-mail .....

Attach:-

(a) A copy of certificate of incorporation or copies of IDs/Passports

(b) KRA pin certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature: ..... Date: .....

[Subsidiary]

FORM Mr7 (r. 7(3))

INSERT IMAGE  
AGRICULTURE AND FOOD AUTHORITY MIRAA, PYRETHRUM AND OTHER  
INDUSTRIAL CROPS DIRECTORATE

Certificate of Registration of Miraa Aggregator

Certificate No. ....

This Certificate of registration is granted to ..... of P.O. Box .....in .....  
building/street ..... Ward ..... Sub-County ..... County in the Republic of Kenya.

ISSUED this ..... Day of ..... 20 .....

Signed .....

Director General

Agriculture and Food Authority

FORM Mr8 (r.8(2))

Application for Miraa Aggregator's Licence  
new ]/renewal[ ]

County Government of .....

Name of Applicant: ..... hereby applies for aggregator's licence.

Address:

Postal .....

Email .....

Telephone: .....

3. Physical location of the business premise: -

# Sub-County .....

# Ward .....

Attach;

- i. A copy of registration certificate from the Authority
- ii. A copy of certificate of incorporation or copies of IDs/Passports
- iii. KRA pin certificate

I/We hereby certify that the above information is true and accurate to the best of my or  
our knowledge and belief.

Signature: ..... Date: .....

ISSUED this ..... Day of ..... 20.....

FORM Mr9 (r. 8(4))

County Government of .....  
Miraa Aggregator's Licence

Certificate No. ....

This is to certify that ..... of postal address.....has been duly  
licensed as a Miraa Aggregator.

Crops

[Subsidiary]

This licence is valid from .....to .....

Conditions:

An aggregator shall —

- (a) File annual returns to the respective County Government.
- (b) Comply with the Miraa (Khat) code of practice

ISSUED this ..... Day of .....20.....

Name ..... Signed: .....

County Executive Committee Member (CECM)

Official Stamp.....

ORM Mr10 (r. 8(7))

County Government of .....

Lincence Number .....

Miraa Aggregator's Licence

Name .....

Postal Address.....

Physical Location.....

Telephone.....

E-mail.....

Financial Year .....

Source		Quantity(kg)		Destination	
Location	Agent/ (Sub-county) Farmers		Estimated Value	Agent(exporter,processor)	Location

Prepared by: .....Signature:.....Date:.....

Official Stamp:.....

FORM Mr11 (r. 9(2))

INSERT IMAGE

AGRICULTURE AND FOOD AUTHORITY MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Application for Registration of a Miraa Commercial Transporter

Name: ..... hereby applies for registration as a miraa commercial transporter.

Address:

Postal ..... Email .....

Telephone: .....

County ..... Sub-County ..... Ward .....

Town.....

Building/Street .....

Attach: -

- i. A copy of certificate of incorporation or copies of IDs/Passports

[Subsidiary]

ii. KRA pin certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature: ..... Date: .....

FORM Mr12

(r. 9(3))

INSERT IMAGE

AGRICULTURE AND FOOD AUTHORITY MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Certificate of Registration for a Commercial Transport

Certificate No .....

This certificate of registration is granted to ..... of P.O. Box ..... in ..... Town..... buildin/street..... Ward ..... Sub-County ..... County in public of Kenya.

ISSUED this ..... Day of ..... .20 .....

Signed.....

Director General .....

Agriculture and Food Authority

Official Stamp

FORM Mr13

(r. 10(2))

INSERT IMAGE

AGRICULTURE AND FOOD AUTHORITY MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Serial No. AFA/Miraa/.....

Application for a Miraa Commercial Transporter's Licence

Name ..... hereby applies for a licence as a miraa commercial transporter.

Postal address ..... Email .....

Telephone ..... Registration Certificate Number .....

1. Vehicle(s) registration number .....

2. Vehicle(s) Model/Type .....

Attach:-

- i. A copy of registration certificate from the Authority
- ii. A copy of logbook
- iii. Evidence for meeting requirements to transport miraa (Inspection report)

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature: ..... Date .....

