

CHAPTER 338

THE NATIONAL CEREALS AND PRODUCE BOARD ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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**THE NATIONAL CEREALS AND PRODUCE BOARD
(MOVEMENT OF MAIZE, WHEAT AND SCHEDULED
AGRICULTURAL PRODUCE) REGULATIONS**

[Legal Notice 198 of 1987, Legal Notice 130 of 1989,
Legal Notice 144 of 1991, Legal Notice 412 of 1993]

1. These Regulations may be cited as the National Cereals Produce Board (Movement of Maize, Wheat and Scheduled Agricultural Produce) Regulations and shall be deemed to have come into operation on the 28th November, 1986.

2. In these Regulations, "movement", in relation to maize, wheat or scheduled agricultural produce, includes drive or be in charge of any pack of animal, vehicle, train or vessel on or in which the maize, wheat or scheduled agricultural produce is being transported.

3. (1) Subject to subparagraph (2), no person shall move any maize, wheat scheduled agricultural produce or any product produced therefrom, maize or wheat flour or any other maize or wheat product as a head load or by pack animal, vehicle, train or vessel and no owner of any maize, wheat scheduled agricultural produce or any product produced therefrom, maize or wheat flour or any other maize or wheat product shall cause or permit the same to be moved except under and in accordance with a permit issued by the Board in writing (whether named or specified by reference to his office or to his duties or functions in a particular place) for the purpose.

(2) The provisions of subparagraph (1) shall not apply to—

- (a) the movement of maize, wheat or scheduled agricultural produce within boundaries of the farm on which the maize, wheat or scheduled farm produce was produced;
- (b) *deleted by L.N. 412/1993, r. 2;*
- (bb) the movement of maize or wheat flour not exceeding ninety kilograms in weight and accompanied by the owner;
- (c) the movement of certified seed maize, certified seed wheat or scheduled agricultural produce.

[L.N. 130/1989, rr. 2, 3, L.N. 508/1990, Corr. No.
4/1991, L.N. 144/1991, L.N. 80/1992, L.N. 412/1993.]

4. (1) Any person moving any maize, wheat scheduled agricultural produce or any product produced therefrom, maize or wheat flour or any other maize or wheat product under authority of a permit granted under these Regulations shall carry the permit with the maize, wheat scheduled agricultural produce or any product produced therefrom, maize or wheat flour or any other maize or wheat product and shall produce the same on request of any public officer or authorized officer.

(2) A permit issued in respect of maize, wheat scheduled agricultural produce or any product produced therefrom, maize or wheat flour or any other maize or wheat product to be transported by the Kenya Railways Corporation shall be handed by the permit holder to the station master at the forwarding station and shall be retained by the station master.

[L.N. 130/1989, r. 2.]

5. No maize, wheat scheduled agricultural produce or any product produced therefrom, maize or wheat flour or any other maize or wheat product shall be moved between the hours of half-past six in the evening and half-past six the following morning except by train operated by the Kenya Railways Corporation, or the permit issued by the Board specifically for and limited to such movement.

[L.N. 130/1989, r. 2(a).]

6. Any person who contravenes any of these Regulations shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to an imprisonment for a term not exceeding two years or to both.

[Subsidiary]

7. The National Cereals and Produce Board (Movement of Maize, Wheat and Scheduled Agricultural Produce) Regulations, 1986 (L.N. 288/1986) are repealed.

**THE NATIONAL CEREALS AND PRODUCE BOARD
(FEES, LICENCES AND PERMITS) REGULATIONS, 1989**

[Legal Notice 75 of 1989, Legal Notice 92 of 1990]

1. These Regulations may be cited as the National Cereals and Produce Board (Fees, Licences and Permits) Regulations.
2. (1) Every application for registration or renewal of registration as a maize miller under section 19(3) of the Act shall be in Form A set out in the First Schedule.
 (2) Every application for registration or renewal of registration as a wheat miller under section 19(3) of the Act shall be in Form B set out in the First Schedule.
 (3) Every miller's licence issued pursuant to section 20 of the Act shall be in Form C set out in the First Schedule.
3. (1) Every application for permission to make any addition to, or replacement or substitution of, machinery in a registered mill under section 21 of the Act shall be in Form D set out in the First Schedule.
 (2) Every permit or authorization issued in response to such application shall be in Form E set out in the First Schedule.
4. Every permit issued under regulation 3(1) of the National Cereals and Produce Board (Movement of Maize, Wheat and Scheduled Agricultural Produce) Regulations, 1987 (L.N. 198/1987) shall be in Form F set out in the First Schedule.
5. The fees charged under the Act shall be those specified in the Second Schedule.

FIRST SCHEDULE

[r. 29]

Form A

NATIONAL CEREALS AND PRODUCE BOARD ACT

[Cap. 338]

NATIONAL CEREALS AND PRODUCE BOARD

P.O. BOX 30586, NAIROBI

**APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION AS A
MAIZE MILLER**

1. Name of Applicant
2. Name of Applicant's Firm
3. Names of Partners or Directors*
4. Situation of mill: District
- Location
- Town
- Estate
- Street
- Postal Address
5. My/our mill is licensed by the Local Authority and I append the licence.
6. Class of mill—State whether:
 - (i) Water.
 - (ii) Roller.

[Subsidiary]

- (iii) Hammer.
- (iv) Other (specify).

7. Type of mill—State whether:

- (i) General.
- (ii) Provender (for animal feed).

8. State whether you/your firm intend to:

- (i) Mill maize for a fee
- (ii) Mill maize and retain part of the maize or maize products in consideration of a fee
- (iii) Carry on business of milling for resale

9. State—

- (i) The amount of maize purchased by you/your firm from National Cereals and Produce Board during the year ended 31st July, 20 (previous year)
- (ii) Storage capacity of your mill in bags
- (iii) Output capacity of your mill in bags per month

10. Estimated requirements in bags per month

11. State if you/your partner/either/any of your partners were previously registered as a miller, and if so give particulars

12. State if you/your partner/either/any of your partners is a producer of maize

13. State whether licensed by the local Authority for the area in which the mill is situated under the Trade Licensing Act, (Cap. 497)

14. State mode of transport from the N.C.P.B. depots:

- (i) Road
- (ii) Railway
- (iii) Other (specify)

I (Name of applicant*)

hereby apply for registration as a miller under Part V, Section 19(1) of the National Cereals and Produce Board Act (Cap. 338), and declare that all particulars given herein are true and correct.

Date Signature

Administration official of the area in which the mill is situated:

I certify that the particulars given herein are true and correct.

Date Signature

Designation

National Cereals and Produce Board's official of the area in which the mill is situated:

Signature

Designation

* If non-Kenyan state nationality.

* Delete as necessary.

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NATIONAL CEREALS AND PRODUCE BOARD
P.O. BOX 30586, NAIROBI

**APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION AS A
WHEAT MILLER**

1. Name of Applicant
2. Name of Applicant's Firm
3. Names of Partners or Directors*
4. Situation of mill: District
- Location
- Town
- Estate
- Street
- Postal Address
5. My/our mill is licensed by the Local Authority and I append the licence.
6. Type of mill—State whether:
 - (i) General.
 - (ii) Provender (animal feed).
 - (iii) Other (specify).
7. State:
 - (i) Storage capacity of your mill in bags (90 kgs)
 - (ii) Output capacity of your mill in bags per month
 - (iii) Estimated requirements (in 90 kg bags) per month
8. State if you or your partner/either/any of your partners were previously registered as a miller, and if so give particulars
9. State if you or your partner/either/any of your partners is a producer of wheat
.....
10. State whether licensed by the Local Authority for the area in which the mill is situated under the Trade Licensing Act (Cap. 497)
11. State mode of transport from the N.C.P.B. depot:
 - (i) Road
 - (ii) Railway
 - (iii) Other (specify)

I (Name of applicant*)

hereby apply for registration as a miller under Part V, Section 19(1) of the National Cereals and Produce Board Act, and declare that all the particulars given herein are true and correct.

Date Signature

Administration official of the area in which the mill is situated:

I certify that the particulars stated herein are true and correct.

Date Signature

Designation

[Subsidiary]

National Cereals and Produce Board's official of the area in which the mill is situated.

Date Signature

Designation

* If non-Kenyan state nationality.

Form C [r. 2(3)]

NATIONAL CEREALS AND PRODUCE BOARD ACT

[Cap. 338]

NATIONAL CEREALS AND PRODUCE BOARD

P.O. BOX 30586, NAIROBI

MILLER'S LICENCE

Page 1

Licence No.:

Messrs/Mr.

of

are/is hereby licensed as a miller of maize/wheat under Part V, section 19(1) of the National Cereals and Produce Board Act, in respect of his mill situated at

and having a rated capacity of tons per day.

This licence is issued subject to the limitation and condition imposed by the National Cereals and Produce Board Regulations.

This Licence shall expire on, 20

Fee paid: Receipt No.:

Date of issue: Signed:

(Designation)

for National Cereals and Produce Board

Page 2

Miller's Licence Renewal

The Licence on page 1 hereof is renewed for a period of twelve months expiring on, 20

Fee paid: Receipt No.:

Date of issue: Signed:

(Designation)

for National Cereals and Produce Board

(Add five further forms of renewal on subsequent pages.)

Form D [r. 3(1)]

NATIONAL CEREALS AND PRODUCE BOARD ACT

[Cap. 338]

NATIONAL CEREALS AND PRODUCE BOARD

P.O. BOX 30586, NAIROBI

APPLICATION FOR PERMISSION TO MAKE ADDITION TO OR REPLACEMENT OR SUBSTITUTION OF MACHINERY IN A LICENSED MILL

1. Name and full address of applicant
 2. Miller's licence No.:
 3. Full description of the addition, replacement or substitution of machinery proposed
 4. Estimated increase in the capacity of the mill to produce flour which will result from the addition or replacement or substitution proposed
 5. Full reasons for the proposed addition, replacement or substitution
- I/We certify that all the particulars given in this application are correct and true.
- Date Signature of Applicant
- Name of Applicant

Form E _____ [r. 3(2)]

NATIONAL CEREALS AND PRODUCE BOARD ACT

[Cap. 338]

NATIONAL CEREALS AND PRODUCE BOARD

P.O. BOX 30586, NAIROBI

PERMIT TO AUTHORIZE ADDITION TO, OR REPLACEMENT OR SUBSTITUTION OF MACHINERY IN A LICENSED MILL

Name

Address

Miller's licence No.

A licensed miller under section 20 of the Act is hereby authorized to make the following additions to/replacement of/substitution of/the machinery of the mill under Miller's Licence No.

Dated this day of, 20

Signed

(Designation)

for National Cereals and Produce Board

[Subsidiary]

(r-4)

FORM F NATIONAL CEREALS AND PRODUCE BOARD EX-DEPOT MOVEMENT PERMIT NCPB 2/1 No.

THIS PERMIT IS VALID FOR ONE MOVEMENT FROM																				ONLY				
DATE																								
TIME ISSUED.....A.M./P.M										EXPIRES 18.30 hours														
NAME OF TRANSPORTER ADDRESS.....																								
IS HEREBY AUTHORIZED TO MOVE THE UNDERMENTIONED GOODS																								
FROM MARKET		CODE					TO: NCPB STORE		CODE															
FARM		CODE					DEPOT		CODE															
DISTRICT		CODE					DISTRICT		CODE															
BY RAIL/ROAD A DISTANCE OFKILOMETRES																								
LORRY REG. NO																								
DESCRIPTION OF GOODS										PRODUCT CODE		QUANTITY IN WORDS								IN FIGURES				
DRIVER'S NAME										ID/														
THIS PERMIT IS NOT VALID BETWEEN 6.30 P.M AND 6.30 A.M.																								
PLACE OF ISSUE															DISTRICT					For: NATIONAL CEREALS AND PRODUCE BOARD				
SIGNATURE															DESIGNATION									

**NATIONAL CEREALS AND PRODUCE BOARD
EX-DEPOT MOVEMENT PERMIT NCPB 2/2** No. _____

THIS PERMIT IS VALID FOR ONE MOVEMENT FROM _____ TO _____ ONLY

DATE _____ TIME ISSUED.....A.M./P.M _____ EXPIRES 18.30 hours

NAME OF TRANSPORTER ADDRESS.....

IS HEREBY AUTHORIZED TO MOVE THE UNDERMENTIONED GOODS

FROM DISTRICT	CODE	TO:							
DEPOT	CODE								
STORE	CODE								CODE

BY RAIL/ROAD A DISTANCE OFKILOMETRES LORRY REG. NO

DESCRIPTION OF GOODS	PRODUCT CODE	QUANTITY IN WORDS	IN FIGURES	DRIVER'S NAME	ID/
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THIS PERMIT IS NOT VALID BETWEEN 6.30 P.M AND 6.30 A.M.

PLACE OF ISSUE _____ DISTRICT _____

SALES ORDER/TRANSFER ORDER NO. _____

DATE _____

DELETE AS NECESSARY

For: NATIONAL CEREALS AND PRODUCE BOARD
SIGNATURE
DESIGNATION

[Subsidiary]

FORM F (r.4)
NATIONAL CEREALS AND PRODUCE BOARD
EX-DEPOT MOVEMENT PERMIT NCPB 2/2 No.

THIS PERMIT IS VALID FOR ONE MOVEMENT FROM		TO	ONLY
DATE	TIME ISSUED.....A.M./P.M	EXPIRES 18.30 hours	
NAME OF TRANSPORTER..... ADDRESS.....			
IS HEREBY AUTHORIZED TO MOVE THE UNDERMENTIONED GOODS			
FROM		TO	
CODE	CODE	LORRY REG. NO	
BY RAIL/ROAD A DISTANCE OFKILOMETRES			
DESCRIPTION OF GOODS		PRODUCT CODE	QUANTITY IN WORDS
		IN FIGURES
		DRIVER'S NAME	
THIS PERMIT IS NOT VALID BETWEEN 6.30 P.M AND 6.30 A.M.			
OFFICE OF ISSUE		DISTRICT	
For: NATIONAL CEREALS AND PRODUCE BOARD			
OFFICE CHARGED		SIGNATURE	
.....Shs.Cts.		DESIGNATION	
DELETE AS NECESSARY			

SECOND SCHEDULE

[r. 5]

FEEES

[L.N. 92/1990.]

Sh.

(a) On the appointment of an agent under section 12 (1) of the Act 500

(b) On the application for registration of a mill under Section 19 of the Act—
Milling capacity of mill per 24 hours (in bags of 90 kilos)
 0 – 100
 100

National Cereals and Produce Board

[Subsidiary]

101 – 500	100
501 – 1,000	500
1,001 and over	1,000

(c) On the issue or renewal of a miller's licence—

Milling capacity of mill per 24 hours (in bags of 90 kilos):

0 –	100
100	
101 –	500
500	
501 – 1,000	1,000
1,001 and over	5,000

(d) On the issue of a general movement permit under regulation 3 (1) of the National Cereals and Produce Board (Movement of Maize, Wheat and Scheduled Agricultural Produce) Regulations, 1987 (L.N. 197/1987). Sh. 20 per permit to move maize and wheat. Sh. 2 per bag for Scheduled Agricultural Produce.

THE NATIONAL CEREALS AND PRODUCE BOARD REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation

PART II – APPOINTMENT OF AGENTS

2. Certificate of appointment

PART III – CONDITIONS FOR REGISTRATION OF MILLERS

3. Conditions for registration
4. Registered millers to keep records

PART IV – IMPORT AND EXPORT

5. Authority for import or export
6. Imported maize, wheat or scheduled agricultural produce subject to regulations
7. Maize, etc. in transit through Kenya

PART V – RETURNS, REPORTS AND ESTIMATES

8. Returns by producers, etc.
9. Returns by licensed millers
10. Manner of dealing with maize, wheat or scheduled agricultural produce
11. Offence and general penalty
12. Revocation

SCHEDULES

THE NATIONAL CEREALS AND PRODUCE BOARD REGULATIONS

[Legal Notice 131 of 1989, Legal Notice 220 of 1989,
Legal Notice 274 of 1989, Legal Notice 277 of 1990]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the National Cereals and Produce Board Regulations, and shall be deemed to have come into operation on the 26th March, 1989.

PART II – APPOINTMENT OF AGENTS

2. Certificate of appointment

(1) Every agent appointed by the Board under section 12 of the Act shall be issued with a certificate of appointment which shall be in Form A set out in the Schedule.

(2) The Board may from time to time attach conditions or additional conditions to the appointment of any person as an agent under section 12 of the Act or delete conditions therefrom and may enter the same in the certificate of appointment issued under paragraph (1).

(3) For the purpose of making an entry under paragraph (2) or for the purpose of cancelling the certificate when the appointment has been revoked, the Board may, by notice in writing, require the holder of a certificate of appointment within a specified reasonable time to surrender the certificate to the Board for the entry to be made thereon, or for cancellation, as the case may be.

(4) Any person who without reasonable excuse fails to surrender a certificate of appointment when required to do so under paragraph (3) within the time allowed shall be guilty of an offence and liable to a fine not exceeding five thousand shillings.

PART III – CONDITIONS FOR REGISTRATION OF MILLERS

3. Conditions for registration

The limitations and conditions subject to which a person may be registered as a miller under section 19(3) of the Act shall be—

- (a) that he shall purchase all his maize, wheat or agricultural produce from the Board or from persons authorized by the Board;
- (aa) that he shall collect any maize, wheat or scheduled agricultural produce purchased from the Board from the nearest depot of the Board or such collection centres as may be specified by the Board;
- (b) that he will, if so required by the Board—
 - (i) store on behalf of the Board or its agents any quantity of maize, wheat or scheduled agricultural produce up to the capacity of his storage accommodation, at such remuneration as the Board may determine;
 - (ii) on behalf of the Board or its agents store any maize, wheat or scheduled agricultural produce in such mixtures and quantities, and at such times, as the Board may direct, and at such remuneration as the Board may determine;
 - (iii) deal with and dispose of the maize, wheat and scheduled agricultural produce which are the property of the Board in such manner as the Board may direct;
- (c) that he shall pay cash for the maize, wheat or scheduled total produce purchased by him from the Board:

Provided that a miller to whom a licence has been issued prior to the commencement of these Regulations shall be to pay to the Board any outstanding amount for the maize,

[Subsidiary]

wheat or scheduled agricultural produce previously by him within seven days of such commencement.

[L.N. 220/1989.]

4. Registered millers to keep records

(1) Every miller registered under section 19(3) of the Act, shall maintain adequate records of all purchases, acquisitions, millings, sales and disposals by him of maize, wheat or scheduled agricultural produce and shall retain for a period of five years, so as to be available for inspection or production at all reasonable times, all accounts, books, documents, registers, invoices and cash sales relating to such transactions.

(2) All records required to be kept under paragraph (1) shall be made in such a way as to distinguish between dealings with maize, wheat and scheduled agricultural produce and dealings with other goods.

PART IV – IMPORT AND EXPORT

5. Authority for import or export

(1) The written authority without which, by virtue of subsection (1) of section 18 of the Act, no person may import or export any maize, wheat or scheduled agricultural produce shall be in the permit in Form B set out in the schedule or of a permit in form C set out in the Schedule, as the case may be.

(2) Every person requiring the authority to export or import maize, wheat or scheduled agricultural produce shall make application therefore in Form D or E set out in the Schedule, as the case may require.

(3) The fees payable on the issue or renewal of an import or export permit shall be 10 per cent of the declared C & F value or 10 per cent of the FOB value respectively.

[L.N. 220/1989, L.N. 274/1989, L.N. 277/1990.]

6. Imported maize, wheat or scheduled agricultural produce subject to regulations

Where any maize, wheat or scheduled agricultural produce have been imported into Kenya the same shall be subject to these Regulations to the same extent as if they have been produced in Kenya.

7. Maize, etc. in transit through Kenya

(1) Every person requiring authority to import maize, wheat or scheduled agricultural produce for the purpose only of immediately exporting the same shall make application to the Board in Form F set out in the Schedule.

(2) Every authority issued pursuant to paragraph (1) shall be in Form G set out in the Schedule and shall be issued subject to the directions issued by the Board that the maize, wheat or scheduled agricultural produce shall be exported within the stipulated time.

PART V – RETURNS, REPORTS AND ESTIMATES

8. Returns by producers, etc.

Every producer, distributor and retailer shall, when required by the Board render to the Board such returns, reports and estimates and shall thereafter supply such further particulars as may be required either by specific direction or by a subsequent request by the Board.

9. Returns by licensed millers

(1) A licensed miller to whom an allocation of maize or wheat has been made under section 22 of the Act shall, within seven days of each month, submit to the Board a return containing the following particulars—

- (a) the number of bags of imported maize or wheat in stock as at the date of the return;

- (b) the number of bags of local maize or wheat in stock as at the date of the return;
- (c) the number of bags of wheat flour from imported and locally grown wheat in stock as at the date of the return;
- (d) the number of bags of maize flour from imported and locally grown maize in stock as at the date of the return; and
- (e) the number of bags or bales of imported maize or wheat flour in stock as at the date of the return.

(2) The number of bags or bales of maize flour (locally processes or imported) sold during the month shall be recorded in Form H set out in the Schedule; and

(3) The number of bags or bales of wheat flour (locally processed or imported) sold during the month shall be recorded in Form I set out in the Schedule.

10. Manner of dealing with maize, wheat or scheduled agricultural produce

Every agent to whom maize, wheat or scheduled agricultural produce is delivered under the Act shall deal with the same in accordance with the conditions of his appointment.

11. Offence and general penalty

Any person who contravenes the provisions of these Regulations shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

12. Revocation

The Maize Marketing Regulations made under the Maize Marketing Act (now repealed) and the Wheat Industry (Imports and Exports) Rules made under the Wheat Industry Act (now repealed) are revoked.

SCHEDULE

Form A

NATIONAL CEREALS AND PRODUCE BOARD ACT

[Cap. 338]

NATIONAL CEREALS AND PRODUCE BOARD

P.O. BOX 30586 NAIROBI

CERTIFICATE OF APPOINTMENT OF AGENT

I CERTIFY that when on the 20, appointed under section 12 of the National Cereals and Produce Board Act (Cap. 388) to be an agent of the Board for the buying, storing and disposal of maize, wheat or scheduled agricultural produce on the following terms and conditions—

1. The agent shall act only within the following area—

.....

and shall, unless the Board otherwise directs, deliver all the maize, wheat or scheduled agricultural produce handled by him to—

..... Depot

..... Depot

..... Depot

2. The agent shall be remunerated in such manner as may be agreed between the Board and the agent.

3. The agent shall comply at the times with the orders and directions of the Board.

Date Signed

[Subsidiary]

Designation

for National Cereals and Produce Board

Note—1. This appointment does not entitle the agent to export from Kenya any maize, wheat or scheduled agricultural produce.

Form B

[r. 5(1)]

NATIONAL CEREALS AND PRODUCE BOARD ACT

[Cap. 338]

NATIONAL CEREALS AND PRODUCE BOARD

P.O. BOX 30586 NAIROBI

NO OBJECTION PERMIT FOR IMPORT

Ref. Permit No.

Name

Address

is authorized to import

for movement by only.

This permit expires on and is granted subject to the following conditions:

(1) that the commodity in respect of which this permit issued shall be used for consumption in Kenya only.

(2) that the commodity shall not be imported until the authorities have granted any export licence which is required by the laws of that country.

(insert any special conditions)

Date Signed

Designation

for National Cereals and Produce Board

Form C

[r. 5(1)]

NATIONAL CEREALS AND PRODUCE BOARD ACT

[Cap. 338]

NATIONAL CEREALS AND PRODUCE BOARD

P.O. BOX 30586 NAIROBI

NO OBJECTION PERMIT FOR EXPORT

No.

Name

Address

is authorized to import

from (port or booking point)

This permit expires on and is subject to the condition that the commodity in respect of which it is issued is accompanied by Export Licence No.

issued by the Department of Internal Trade.

Date Signed

Designation

for National Cereals and Produce Board

Form D _____ [r. 5(2)]

NATIONAL CEREALS AND PRODUCE BOARD ACT

[Cap. 338]

NATIONAL CEREALS AND PRODUCE BOARD

P.O. BOX 30586 NAIROBI

APPLICATION FOR NO OBJECTION PERMIT TO IMPORT

(to be completed and submitted in quadruplicate)

I/We

of

hereby apply for permission to import maize/wheat/scheduled agricultural produce* as follows—

Commodity to be imported

Number of bags/balers of kg. net each.

To be landed at cost per bag/baler

Imported from (country or territory)

Exporter's name and address

Approximate date of dispatch by exporter

Date Signed

* Delete as necessary.

Form E _____ [r. 5(2)]

NATIONAL CEREALS AND PRODUCE BOARD ACT

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NATIONAL CEREALS AND PRODUCE BOARD

P.O. BOX 30586 NAIROBI

APPLICATION FOR NO OBJECTION PERMIT TO EXPORT

(to be completed and submitted in quadruplicate)

I/We

of

hereby apply for permission to export maize/wheat/scheduled agricultural produce* as follows—

Commodity to be exported

Number of bags/balers of kg. net each.

From (port or booking point)

To (country or territory)

Importer's name and address

Prospective date of export

• Delete as necessary.

[Subsidiary]

Form F [r. 7(1)]

NATIONAL CEREALS AND PRODUCE BOARD ACT

[Cap. 338]

NATIONAL CEREALS AND PRODUCE BOARD

P.O. BOX 30586 NAIROBI

APPLICATION FOR MAIZE, WHEAT OR SCHEDULED AGRICULTURAL PRODUCE TRANSIT PERMIT

I/We

of

hereby apply for permission—

(a) to import at on or about the, 20, and

(b) to move through Kenya by road/rail to (place of export), and

(c) to export at on or about the, 20, the following—

Commodity

Quantity

Date Signed

Name of Applicant

Form G [r. 7(2)]

NATIONAL CEREALS AND PRODUCE BOARD ACT

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NATIONAL CEREALS AND PRODUCE BOARD

P.O. BOX 30586 NAIROBI

TRANSIT PERMIT

No.

Name

Address

is hereby authorized—

(a) to import at on or about the, 20 and

(b) to move through Kenya by road/rail to by the most direct route, and

(c) to export at on or about the, 20

Commodity

Quantity

The said

is hereby directed on importation of the commodity stated, forthwith to move and export the same in the manner and at the place and time herein before specified.

Date

Signed

.....

Designation

for National Cereals and Produce Board

Form H

NATIONAL CEREALS AND PRODUCE BOARD

WEEKLY CONSOLIDATED RETURN OF TRANSACTIONS IN MAIZE

MILLER NUMBER DISTRICT WEEK ENDING

A. RAW Local Imported

PRODUCT

Opening Balance for the week

+ Receipts from

N.C.P.B.

+ Receipts from other

Sources (identify)

Transfers to work

in progress

Closing Balance Unmilled

Maize

B. WORK

IN PROCESS

Opening Inventory for the week

+ Receipts from

Raw Maize

Transfers to Milled Maize

Gristing Losses (Milling

Losses)

Closing Stock partly Milled

Maize

Closing Balance Unmilled

and partly Milled Maize

C. FINISHED GOODS

(MAIZE FLOUR)

Opening Balance for the week

Receipts from Processing

Sales

Other Disposals (Identify)

Closing Balance (Maize

Flour)

I/WE (Block letters

here by certify that this consolidated returns reflect true information of all transaction in the commodity enumerated above carried on by me/us during the week ending, 20

Signature Designation

Date Official Stamp

[Subsidiary]

Form I

**NATIONAL CEREALS AND PRODUCE BOARD
WEEKLY CONSOLIDATED RETURN OF TRANSACTION IN LOCAL WHEAT
IN 90 KGS BAGS**

Miller Number District

WEEEK

A. RAW Total	Group 1	Group 2	Group 3	Group 4	Non	Imported	
PRODUCT					Graded	Soft	Hard

Opening
Inventory

+

Receipts
from

NCPB

+

Receipts
from

KGGCU

+ Other

Receipts
(Specify)

- Sales

-

Transfers
to

Processing

=

Closing
Inventory

B.

WORK

IN

PROCESS

Opening
Inventory

+

Receipts
from

Raw

Products

+

Receipts
from

other

Sources

-

Transfers
to

Finished
Goods

-
 Gristing
 Losses
 =
 Closing
 Inventory
 C. Total Wheat Wheat Wheat Stock Others.
 FINISHED Flour Bran Pollard Feed (Specify)
 GOODS
 Opening
 Inventory
 + Receipts
 from
 Processing
 + Receipts
 from other
 sources
 - Sales
 (per
 attached
 form)
 - Other
 Disposals
 = Closing
 Inventory
 I/WE (Block
 letters)
 hereby certify this consolidated
 return reflect true information of
 all transactions in the commodity enumerated above carried on by me/us during
 the month of
 20
 Designation
 Signature Date.....

Form I(a)
 NATIONAL CEREALS AND PRODUCE BOARD
**WEEKLY CONSOLIDATED RETURN OF TRANSACTION IN LOCAL WHEAT
 IN 90 KGS BAGS**
 Miller Number District WEEK ENDING
 A. RAW Group 1 Group 2 Group 3 Group 4 Group 5 Total
 PRODUCT
 Opening
 Balance
 + Receipts
 from
 NCPB
 +Receipts
 from
 KGGCU

[Subsidiary]

- Transfers
to
Processing
Closing
Balance—
Unmilled
Wheat
II. WORK
IN
PROCESS
Opening
Balance
for the
week
+ Receipts
from Raw
Wheat
- Transfers
to Milled
Wheat
- Gristing
Losses
(Milling
Losses)
Closing
Stock—
Partly
Milled
Wheat
Closing
Balance—
Unmilled
and partly
milled
Wheat
B.
FINISHED
GOODS
(WHEAT
FLOUR)
Opening
Balance
for the
week
+ Receipts
from
Processing
- Sales
- Other
Disposals
(Identify)

Closing
Balance;
Wheat
flour

I/WE (Block letters) hereby certify that this consolidated return reflect true information of all transactions in the commodity enumerated above carried on by me/us during the week ending20

Designation Signature

Date

Official Stamp

Form I(b)

A. RAW PRODUCT PL 480	Commercial	Total
Opening Inventory		
+ Receipts from NCPB		
+ Receipts from other Sources (Identify)		
- Transfers to Processing		
Closing Balance—Unmilled Wheat		
B. WORK IN PROCESS		
Opening Inventory		
+ Receipts from Raw Product		
- Transfers to Finished Product		
- Gristing Losses		
Closing Stock		
Closing Balance—Unmilled and Partly Milled Wheat		
C. FINISHED GOODS		
Opening Inventory		
+ Receipts from other Sources		
- Sales		
PL 480	Commercial	Total
- Other Disposals (Identify)		
Closing Balance—Milled Wheat Four		

I/WE (Block letters) hereby certify that this consolidated return reflect true information of all transactions in the commodity enumerated above carried on by me/us during the week ending ,

[Subsidiary]

..... , 20.....

Designation Signature

Date

Official Stamp

Form I(c)

NATIONAL CEREALS AND PRODUCE BOARD

WEEKLY CONSOLIDATED RETURN OF TRANSACTION IN IMPORTED WHEAT IN BAGS

Miller Number District Week Ending

WEEEEK

Opening Stock Bales Bags

Wheat Flour—(Local and Imported)

+ Receipts from Mills

- Disposals to:

(1)

(2)

(3)

Opening Stock Bales Bags

(4)

(5)

(6)

(7)

(8)

(9)

(10)

(11)

(12)

(13)

(14)

(15)

Closing Stock Wheat Flour—Local and Imported

I/WE

here by certify that this consolidated returns reflect true information of all transaction in the commodity enumerated above carried on by me/us during the week ending , 20

Signature Designation

Date Official Stamp

Form I(d)

NATIONAL CEREALS AND PRODUCE BOARD

WEEKLY CONSOLIDATED RETURN OF TRANSACTIONS IN MAIZE FLOUR

MILLER NUMBER

..... DISTRICT WEEK ENDING

WEEEEK

A. Opening Balance Bales Bags

[Subsidiary]

Maize Flour (Bales/Bags)

—(Local and Imported)

+ Receipts from Mills

- Disposals to:

(1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10)

(11)

(12)

(13)

A. Opening Balance Bales Bags

(14)

(15)

Closing balance—Local
and imported

I/WE

I/WE

here by certify that this consolidated returns reflect true information of all transaction in
the commodity enumerated above carried on by me/us during the week ending,
20

Signature Designation

Date Official Stamp

**THE NATIONAL CEREALS AND PRODUCE
BOARD (GRADING OF WHEAT) REGULATIONS**

ARRANGEMENT OF REGULATIONS

Regulation

TABLE 1 – PERMITTED DEFECTS IN WHEAT GRAIN

*TABLE 2 – PERMITTED DEFECTS IN
WHEAT GRAIN INCURRING PENALTY*

TABLE 3 – WHEAT GRADE LIMITS

SCHEDULES

SAMPLING OF WHEAT GRAINS IN BAGS

SAMPLING OF WHEAT GRAINS IN BULK

MECHANICAL SAMPLE DIVIDER

QUARTERING

DETERMINATION OF GRADE MASS FROM THE SAMPLE

MOISTURE DETERMINATION APPARATUS

THE SIEVE AND METHOD FOR DETERMINING PERCENTAGE OF BROKEN
GRAINS

WEIGHING BALANCES

GRADING SAMPLE

RECOGNITION OF WEATHER DAMAGED AND HEAT DAMAGED WHEAT

THE NATIONAL CEREALS AND PRODUCE BOARD (GRADING OF WHEAT) REGULATIONS

[Legal Notice 214 of 1989, Legal Notice 363 of 1989]

1. (1) These Regulations may be cited as the National Cereals and Produce Board (Grading of Wheat) Regulations and shall come into operation on the 1st July, 1989.

(2) These Regulations shall apply to specifications and the method of sampling and determining grades of wheat grain belonging to the species *Triticum aestivum* and *Triticum durum* which are purchased for human consumption in Kenya.

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

"broken grains" means shrivelled grains and pieces of wheat grain that will pass readily through a sieve in the manner described in the Seventh Schedule;

"Datura" means that the seeds of the plant *Datura stramonium*;

"foreign matter" means any material which is not wheat grain or fragments of wheat grains other than noxious weed seeds, earth, sand and stones;

"grader" means a person in possession of a valid wheat grader's certificate issued by the Kenya Bureau of Standards;

"noxious weed" means any weed declared under the Agriculture and Food Authority Act (Cap. 317);

"reject wheat" means wheat which is or has been mouldy, musty or otherwise commercially objectionable, being unfit for human consumption;

"shrivelled grain" means grain which is undeveloped, thin and papery in appearance;

"treated wheat" means wheat which has been treated in such manner that the true quality is not reflected or has made the grain unfit for human consumption;

"undergrade wheat" means wheat which can be brought back into grade;

"wheat group" means wheat varieties which have been approved suitable to bulk or store together because of their similar baking characteristics as approved by the National Plant Breeding Station at Njoro.

(2) For the purposes of these Regulations, the following shall be considered to be defective grains—

- (a) "germinated wheat", that is, wheat in which the pericarp covering the embryo has been ruptured;
- (b) "infested wheat", that is wheat grains containing in or amongst the grain any form of living insect, mite or other organism known to be capable of causing damage or spoilage to the grain;
- (c) "insect damaged wheat", that is, wheat grains which have been damaged by any insect or any other pest;
- (d) "immature wheat", that is, wheat which is not fully developed and the grains of which are distinctly green in colour;
- (e) "heat damaged wheat" that is, wheat damaged by applied external heat or as a result of natural heating caused by fermentation due to initial high moisture as described in the Tenth Schedule; and
- (f) "weather damaged wheat" that is wheat grain of which one-third or more of its dorsal surface is damaged as described in the Tenth Schedule.

3. (1) Wheat grains shall have a moisture content of not more than 14.4 per cent calculated on the total mass of a sample of wheat grain as determined according to the Sixth Schedule.

[Subsidiary]

(2) The maximum permitted physical defects in all grades of wheat grain shall be as shown in the following Table 1.

TABLE 1 – PERMITTED DEFECTS IN WHEAT GRAIN

Infested	Maximum Limits
Wheat	Nil
Foreign Matter	2 per cent by mass
Earth, Sand and Stones	1 per cent by mass
Broken Grains	2 per cent by mass
Germinated Wheat	5 per cent by mass
Insect Damaged Wheat	2 per cent by mass
Heat Damaged Wheat	3 per cent by mass
Weather Damaged Wheat	10 per cent by mass
Immature Wheat	10 per cent by mass
Total Defects	20 percent by mass
Wild Oats	3 seeds per 0.5 litre
Datura	2 seeds per 0.5 litre
Dame	0.5 per cent by mass
Mixed Groups—Triticum aestivum	10 per cent by count on any other groups
Triticum durum	5 per cent by count on other wheat.

(3) Any sample exceeding the limits set out in Table 1 for heat damaged wheat, weather damaged wheat, immature wheat, Datura and total defects shall be classified as reject.

- (i) A sample exceeding the limits specified in Table 1 but not exceeding the limits set out in Table 2 and having a mass of less than 67 kg/100 litres or 335 g/0.5 litres shall be classified as undergrade and shall be subject to a mass deduction penalty of 16 per cent of Fair Average Quality, the percentage being the difference between the sum total of the minimum permitted defects as outlined in Table 2.
- (ii) Any wheat samples with defects exceeding the maximum limits specified in Table 2 shall be classified as reject.

TABLE 2 – PERMITTED DEFECTS IN WHEAT GRAIN INCURRING PENALTY

Defects	Limits
Foreign Matter	2–5 per cent by mass
Earth, Sand and Stones	1–2 per cent by mass
Broken Grains	2–6 per cent by mass
Germinated Wheat	5–10 per cent by mass
Insect Damaged	2–5 per cent by mass

(5) The Cabinet Secretary may, on the advice of the National Cereals and Produce Board, by notice in the *Gazette*, vary the limits set out in this regulation for certain wheat harvest seasons in specified areas of Kenya.

[L.N. 363/1989, s. 2.]

4. GRADES

(1) Wheat shall be graded on the 'basis of mass of 100 litres as shown in Table 3 or regulation 4(2)(a)(ii), and determined in the manner provided in the Fifth Schedule.

TABLE 3 – WHEAT GRADE LIMITS

Grade	Mass in Kilograms per 100	Equivalent Mass in g/0.5
	litres	litres
1	79 or over	395 or over
2	75—79	375—395

3	70—75	350—375
4	65—70	325—350
Undergrade	Less than 6	Less than 325

(2) FAIR AVERAGE QUALITY GRADES

- (a) Fair Average Quality wheat shall mean—
- (i) wheat which does not have physical defects in excess of those permitted in Table 1 (Table 2 shall not apply); and
 - (ii) wheat which has a minimum mass of 67 kg per NO litres or 335 g per 0.5 litre.
- (b) Undergrade wheat in relation to Fair Average Quality wheat shall mean wheat which does not meet the requirements of Table 1 and is not reject.

[L.N. 363/1989, r. 2(c).]

5. Wheat samples shall be drawn by appointed graders at point of sale unless otherwise agreed in accordance with the procedures described in the Ninth Schedule.

6. The following instruments, equipment and methods shall be used for the purposes of grading wheat in accordance with the provisions of these Regulations—

- (a) the sampling of wheat grains in bags shall be carried out in the manner provided for in the First Schedule;
- (b) the sampling of wheat grains in bulk shall be carried out in the manner provided for in the Second Schedule;
- (c) the mechanical sample divider shall conform to the provisions of the Third Schedule;
- (d) the dividing of samples which have been mixed and evenly spread over a flat surface or "quartering" shall be in accordance with the Fourth Schedule;
- (e) the apparatus to be used for the determination of grade mass from a sample shall conform to the specifications set out in the Fifth Schedule;
- (f) the apparatus to be used for the determination of moisture shall conform to the specifications set out in the Sixth Schedule;
- (g) the method for determining the percentage of broken grains shall be as set out in the Seventh Schedule;
- (h) the weighing instrument for determining the mass of wheat grains contained in a measure shall be as set out in the Eighth Schedule;
- (i) the grading of samples shall be in the manner specified in the Ninth Schedule; and
- (j) the method for the recognition of weather damaged and heat damaged wheat grains shall be as set out in the Tenth Schedule.

7. The National Cereals and Produce Board (Grading of Wheat) Regulations, 1988 (L.N. 301/1988), are revoked.

FIRST SCHEDULE

[r. 6(a)]

SAMPLING OF WHEAT GRAINS IN BAGS

1. The standard sack sampler shall be a tapered steel tube capable of drawing representative samples when inserted through a gunny bag filled with wheat grains, and of a type approved by the Kenya Bureau of Standards.

2. Primary samples shall be drawn from different parts of the bag (for example, top, middle and bottom) by means of a standard sack sampler. The sampler shall be put into each sack towards the centre and to the full extent on the inverted slotted opening and then turned

[Subsidiary]

through 180 degrees. The sample shall then be withdrawn and the contents emptied into a container. The quantity of the grading sample drawn from a specific consignment shall not be less than two litres in volume. The contents of any bag which differs in any respect from this sample, shall be graded separately.

SECOND SCHEDULE

[r. 6(b)]

SAMPLING OF WHEAT GRAINS IN BULK

1. A bulk sampler shall be a type of device capable of drawing a representative sample from a bulk wagon, lorry or moving stream of wheat grains, and be of a type approved by the Kenya Bureau of Standards. The method of obtaining samples from the above containers shall be as follows—

- (i) probe in the centre of the container;
- (ii) probe from 1 to 2 metres back from the door-post towards the end of the container and 60 cm from one side of the container;
- (iii) probe from 1 to 2 metres from the same end of the container and approximately 60 cm from the opposite side of the container as in (ii);
- (iv) probe same as in (ii) and (iii) except in opposite end and sides of the container;
- (v) a sample may 'be taken after direct transfer or "drop-back", or by binning run method at the time of loading, or unloading as mentioned above.

2. Each probed sample of the grain shall be examined for uniformity in respect of group odour, moisture content, weather damage, heat damage and infestation with insects or other pests. If all portions are found to be uniform they shall be composited into one sample representing the entire consignment. If any portion is found to differ in grades or in quality characteristics, further sampling shall be done to establish the fractional part of the entire consignment that is different and the result shall be indicated.

THIRD SCHEDULE

[r. 6(c)]

MECHANICAL SAMPLE DIVIDER

1. The mechanical sample divider shall be the apparatus used for randomly dividing a sample of wheat grains into equal separate portions, and be of a type approved by the Kenya Bureau of Standards.

2. The usage of this apparatus shall be according to the manufacturers' instructions.

FOURTH SCHEDULE

[r. 6(d)]

QUARTERING

1. The quartering apparatus is constructed of two pieces of rigid material measuring approximately 45 cm. x 3 cm. each. They are joined at their centres to intersect at right angles in one plane.

2. The sample shall be thoroughly mixed and spread evenly in layers over a flat surface and divided into four approximately equal quarters by placing the quartering apparatus over the sample. Two quarters situated diagonally across the dividing line shall be combined

together to constitute the sample. Further operation of the quartering apparatus using the above method shall be done where the original quartered sample is too large.

FIFTH SCHEDULE

[r. 4]

DETERMINATION OF GRADE MASS FROM THE SAMPLE

1. (1) The apparatus consists of four different pieces of equipment, as described below.

If other apparatus to that described proves to be accurate in determining grade mass, then, with Kenya Bureau of Standards approval, this apparatus can be authorized for use in the industry.

(2) The funnel.—This shall be a metal funnel and shall conform to the following dimensions—

top diameter (internal) 21.5 cm. \pm 0.5 cm.

bottom diameter 3.3 cm. \pm 0.2 cm.

perpendicular height between top and bottom openings 16.5 cm. \pm 0.5 cm.

The funnel shall be supported on three fixed metal legs and the lower aperture shall be closed by means of a metal slide capable of being freely withdrawn. The legs shall be adapted to support the funnel on the rim of the measure so that the vertical distance between the underside of the slide and the top of the brass measure is 3.8 cm. \pm 0.2 cm.

(3) The Metal Measure.—This shall be a cylindrical measure of rigid construction with the seam soldered so that it retains water. It shall have the following internal dimensions—

capacity shall be between 500 and 502 millilitres, diameter 7.2 cm. \pm 0.3 cm.

depth 12.3 cm. \pm 1.0 cm.

(4) The weighing balance shall be as described in the Eight Schedule.

(5) The Stroker—Shall be a cylindrical piece of wood having a length of approximately 15 cm and diameter of approximately 2.5 cm.

2. All relevant provisions of the Weights and Measures Act (Cap. 513) and the Rules thereunder shall be applicable to the weighing instruments and the other apparatus described above.

3. (1) The metal measure shall be first filled to over-flowing capacity with the sample of wheat grain to be measured by using a scoop or other suitable means. The over-flowing measure of wheat grain shall then be transferred to the funnel with the slide previously closed. The measure shall be stood on a firm level surface free from any vibration. The funnel containing the sample shall be placed on top of the measure. The slide shall then be withdrawn fully and smartly. After the funnel has been emptied it shall be removed from the measure without jarring the measure. The measure shall then be struck by placing the stoker horizontally on the edge of the measure and sweeping it across the top in one light semi-circular movement.

(2) The contents of the metal measure shall then be transferred to the pan of the weighing instrument and the mass read. The mass shall be read to the nearest 5 gram division. The mass of the grain must be determined twice on each sample; if the two weightings do not agree the test must be repeated:

Provided that the mass of grain ascertained by the above procedure can be converted to the hectolitre mass, as set out in Table 3.

[Subsidiary]

SIXTH SCHEDULE

[r. 3(1), 6(f)]

MOISTURE DETERMINATION APPARATUS

1. The electronic moisture meter shall be of a type approved by the Kenya Bureau of Standards.

(2) It shall be used in the manner laid down by the manufacturers subject to the standards of the Kenya Bureau of Standards which may require changes in procedure to ensure that readings are consistent with the standard air-oven method.

The performance of each meter shall be checked at least biannually, to ensure that it reads correctly, against the oven method.

2. The formula used for computing percentage loss in mass is as follows—

$$100. \times (M1 - M2)$$

$$100. - M2$$

Where M1 = Initial percentage moisture content

and M2 = Final percentage moisture content

SEVENTH SCHEDULE

[r. 6(g)]

THE SIEVE AND METHOD FOR DETERMINING PERCENTAGE OF BROKEN GRAINS

1. Apparatus—the sieve shall measure internally approximately 25 cm square by 5 cm. deep. The sieve shall be perforated with slots 1.6 mm wide and 9.5 mm long. In use it shall be fitted to a catch-box below and with a suitable lid on top to avoid spillage of any fraction being tested.

2. Description of the Sieving Test.—(1) A sample shall be made up of half a litre wheat grain already weighed for the hectolitre mass test which shall be used for determining shrivelled and broken grain.

(2) The sieve shall be held level in both hands directly in front of the body with the elbows close to the sides. It shall be held so that the grain moves lengthwise with the perforation. The sieve shall be moved approximately 25 cm from right to left and returned from left to right to complete an operation, while maintaining the horizontal place.

(3) The complete operation shall be repeated thirty times at the above rate and the shaking shall continue for approximately 15 seconds, after which the sieve shall be given two taps on the side of the box to clear the perforations.

(4) The broken grains, as defined under regulation 2(1) which have passed through the screen and are found in the sieve box, shall be weighed. This mass divided by the original mass of the half litre of grain and multiplied by 100. shall be reported as the

"percentage of broken grains".

EIGHTH SCHEDULE

[r. 6(h)]

WEIGHING BALANCES

1. The weighing instrument used for determining the mass of wheat grains containing in the measure shall be of a self-indicating pattern which is acceptable by the Weights and Measures Department and the Kenya Bureau of Standards. For the purposes of assizing

and stamping, the chart of the weighing instrument shall be graduated to a weighing capacity of 500 grams by 5 grams subdivisions, which shall be less than 2 mm apart. The weighing instrument shall be provided with a detachable goods pan in the form of a scoop.

2. The balance for assessing defects in wheat grain, as set out in Tables 1 and 2, shall have a capacity of 50 grams, with a minimum accuracy of 0.1 gram and of a type approved by the Kenya Bureau of Standards.

3. All relevant provisions of the Weights and Measures Act (Cap. 513) and the rules made thereunder, shall apply to the weighing instruments.

NINTH SCHEDULE

[r. 5, 6(i)]

GRADING SAMPLE

1. The grading sample, with a minimum volume of 2 litres, shall be obtained as set in the First and Second Schedules.

2. (1) The sequence of determining factors to reach the final wheat grade, shall be as follows

- (a) infested wheat;
- (b) moisture content;
- (c) quartering method—retain two quarters separately for analysis;
- (d) use first quarter to determine the following—
 - (i) grade maw;
 - (ii) broken grains;
 - (iii) datura;
- (e) express the results as a percentage of the grade mass.

(2) Use the second quarter to repeat determination of grade mass. Then, weigh two samples of 25 grams each from this quarter—

- (i) Use the first of these samples to determine the following defects as set out below—
 - (a) foreign matter;
 - (b) earth, sand and stones;
 - (c) heat damaged wheat;
 - (d) germinated wheat;
 - (e) insect-damaged wheat;
 - (f) immature wheat;
 - (g) mixed groups.
 - (ii) The percentage of these defects be determined by hand picking from the sample in the order above and separated from each other. The defective materials separated are then weighed to a tolerance of 0.1 gram and the defects calculated and expressed as a percentage of the total mass of the 25 gram sample.
 - (iii) Use the second of these samples to determine weather damage percentage as set out in the Tenth Schedule.
-

[Subsidiary]

TENTH SCHEDULE

[r. 2(2)]

RECOGNITION OF WEATHER DAMAGED AND HEAT DAMAGED WHEAT

1. Weather Damaged Wheat.—Take the sample referred to in the Ninth Schedule and spread this out on a light-green tile. Examine every grain on its dorsal surface only (each grain has a ventral surface, sides and dorsal, or back, surface). Separate weather damaged grain consisting of the following types of discolouration, physical damage and mould infection, provided that 1/3 or more of the dorsal surface of the grain is affected.

2. Type of Discolouration—

- (i) Parts of the grain near the brush end are grey, greyish black or dark brown.
- (ii) Parts of the grain are distinctly yellow.
- (iii) Parts of the grain are orange red.

Grains which are bleached or pale but otherwise sound are not considered to be discoloured. The condition known as black point, which is a brown, dark brown or almost black disc at the embryo end of the grain is not considered to be discolouration due to weather damage.

3. Physical Damage—

- (i) Badly distorted grains (except shrivelled grain).
- (ii) Grains in which part of the seed coat covering the endosperm is actually torn or peeled off. (The condition in which the seed coat appears loose and often bubbly, but is not actually torn, must be considered to be physically damaged.)

4. Mould Infection—

- (i) Small separate black spots scattered over the surface of the grain due to leaf blight (*pyronophora trichostome*).
- (ii) Greyish black discolouration of the brush end of the grain due to black mould (*Cladosporium herborum*).
- (iii) Pinkish red areas due to scab (*Fusarium graminearum*).

In cases where mould infection appears as spots on the grain, the total area in which the spots are spread shall be considered.

5. Heat Damage:

Heat damaged wheat displays the following defects, odour, colour, texture and chemical change.

- (i) Odour.—A typical characteristic smell akin to that of roasted wheat.
- (ii) Colour.—The surface colour, depending on the extent of heat damage, varies from reddish brown to black. The endosperm colour is not normal white or opaque, but is brownish.
- (iii) Texture.—The affected grain is cut by a blade, or preferably by a grain cutter, and the cut surface may display a crumbly and brittle texture depending on the extent of heat damage.
- (iv) The protein and starch has been denatured and this can be verified through rheological tests.

**THE NATIONAL CEREALS AND PRODUCE
BOARD (IMPORTATION OF MAIZE) REGULATIONS**

[Legal Notice 335 of 1993]

1. These Regulations may be cited as the National Cereals and Produce Board (Importation of Maize) Regulations.
 2. Notwithstanding the provisions of the National Cereals and Produce Board Regulations, 1989 (L.N. 131/1989), any person may import any quantity of maize.
 3. Paragraph 2 of the National Cereals and Produce (Movement of Maize, Wheat and Scheduled Agricultural Produce) (Amendment) Regulations, 1992 (L.N. 80/1992), shall not apply to the movement of maize imported under Regulation 2.
-

REVOCATION

[Legal Notice 413 of 1993]

IN EXERCISE of the powers conferred by section 15 (1) of the National Cereals and Produce Board Act, the Cabinet Secretary for Agriculture, Livestock Development and Marketing, after consultation with the Board and such bodies or persons as appear to him to represent the interests of producers generally and after consultation with the Cabinet Secretary for Finance, revokes the prices at which the Board may purchase, wheat, maize and seed maize from producers, specified in Legal Notice 104 of 1992.

**THE NATIONAL CEREALS AND PRODUCE BOARD
(EXPORTATION OF MAIZE) REGULATIONS**

[Legal Notice 123 of 2008]

1. These Regulations may be cited as the National Cereals and Produce Board(Exportation of Maize) Regulations.
 2. No person shall export any quantity of maize, with effect from the date of publication of these Regulations until such a time when these Regulations shall be amended or revoked.
-

**THE NATIONAL CEREALS AND PRODUCE BOARD
(EXPORTATION OF MAIZE PRODUCTS) REGULATIONS**

[Legal Notice 166 of 2008]

1. These Regulations may be cited as the National Cereals and Produce Board (Exportation of Maize Products) Regulations.
 2. No person shall export any part or product of maize, whether or not it has been ground or sifted into flour or otherwise treated, to any country.
-

**THE NATIONAL CEREALS AND PRODUCE BOARD
(NATIONAL STRATEGIC RESERVE) REGULATIONS, 2023**

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation
2. Interpretation
3. Purpose

PART II – NATIONAL STRATEGIC RESERVE

4. Content of the Reserve
5. Base stock
6. Price stabilisation of stock

PART III – FOOD BALANCE SHEET COMMITTEE

7. Appointment of the Committee
8. Membership of the Committee
9. Functions of the Committee
10. Operational expenses of the Committee

SCHEDULES

CONDUCT OF AFFAIRS OF THE COMMITTEE

**THE NATIONAL CEREALS AND PRODUCE BOARD
(NATIONAL STRATEGIC RESERVE) REGULATIONS, 2023**

[Legal Notice 25 of 2023]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the National Cereals and Produce Board (National Strategic Reserve) Regulations, 2023.

2. Interpretation

“**base stock**” means the stock of the Reserve the quantity of which is determined in accordance with regulation 6;

“**Committee**” means the Food Balance Sheet Committee established under regulation 9;

“**digital food balance sheet**” means a tool for monitoring and evaluating national food patterns to inform food security policy interventions;

“**food-insecure population**” means the number of people in the country who are not able to meet their daily food needs for an extended period of time due to social, natural or economic conditions;

“**maize consumption equivalent**” means the financial value of food commodities which is equated to the financial value of maize;

“**price stabilisation**” means the sale and purchase of scheduled agricultural produce from and into the Reserve;

“**Reserve**” has the national strategic reserve maintained under section 13 of the Act;

“**scheduled agricultural produce**” has the meaning assigned to it in section 2 of the Act; and

“**warehouse receipt system**” has the meaning assigned to it under section 2 of the Warehouse Receipt System Act (Cap. 350).

3. Purpose

The purpose of these Regulations shall be the management of the Reserve.

PART II – NATIONAL STRATEGIC RESERVE

4. Content of the Reserve

(1) The Reserve shall consist of —

- (a) base stock and the monetary equivalent thereof; and
- (b) stock that has undergone price stabilisation.

(2) The quantity of the stock referred to in sub-regulation (1) shall be determined by the Committee based on the prevailing market demand and supply conditions as communicated to the Board.

5. Base stock

(1) The quantity of base stock shall be the greater of ninety thousand metric tons; or three-months’ national food requirement of, scheduled agricultural produce.

(2) Base stock shall be held in form of warehouse receipts

6. Price stabilisation of stock

The quantity of the three-months’ national food requirement of scheduled agricultural produce in regulation 5(1) shall be-

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- (a) calculated based on maize consumption equivalent, and
- (b) determined by the conduct of price stabilisation.

PART III – FOOD BALANCE SHEET COMMITTEE

7. Appointment of the Committee

(1) Pursuant to section 6 of the Act, there shall be a Food Balance Sheet Committee which shall be a committee of the Board.

(2) The conduct of the affairs of the Committee shall be as set out in the First Schedule.

(3) Except as provided in the First Schedule, the Committee may regulate its own procedure.

8. Membership of the Committee

The Committee shall consist of the following members appointed by the Board—

- (a) a chairperson who shall possess a degree from a University recognized in Kenya and at least ten years' experience in matters related to food security;
- (b) the Principal Secretary of the state department responsible for crop development or a person nominated by the Principal Secretary in writing;
- (c) the Principal Secretary of the state department responsible for livestock production or a person nominated by the Principal Secretary in writing;
- (d) the Principal Secretary of the state department responsible for fisheries or a person nominated by the Principal Secretary in writing;
- (e) the chairperson of the Council of County Governors or a person nominated by the Council;
- (f) the chairperson of the Board of Directors of the Kenya National Bureau of Statistics or a person nominated by the Board in writing;
- (g) the Principal Secretary of the state department responsible for internal trade or a person nominated by the Principal Secretary in writing;
- (h) the Principal Secretary responsible for the Kenya Meteorological Department or a person nominated by the Principal Secretary in writing;
- (i) the chairperson of the Board of Directors of the Agriculture Sector Network or a person nominated by the Board in writing; and
- (j) the Managing Director of the Board who shall be the secretary of the Committee.

9. Functions of the Committee

(1) The functions of the Committee shall be to—

- (a) generate, analyse and submit the information required to determine the quantities referred to under regulation 5(2) and 6(3);
- (b) advise the Board on the supply, utilisation, distribution and intervention measures to improve availability and affordability of scheduled agricultural produce;
- (c) manage the digital food balance sheet;
- (d) collect data and undertake market intelligence and price monitoring of scheduled agricultural produce; and
- (e) advise the Board on price stabilisation of scheduled agricultural produce.

(2) In advising on price stabilisation, the Committee shall consider the following parameters—

- (a) consumer purchasing power,
- (b) cost of production of scheduled agricultural produce;
- (c) international price fluctuations;

- (d) seasonal price movements;
- (e) changes in the exchange rates; and
- (f) market forces.

(3) The Committee may recommend that scheduled agricultural produce for price stabilisation be drawn into and out of the Reserve in accordance with regulation 5 (2).

(4) The Board shall notify the Committee when the physical stock of the Reserve reduces to the level of base stock.

(5) The Committee shall, on its own motion or on the notice issued under sub-regulation (4), advise on replenishment of the Reserve.

(6) The Committee shall submit reports to the Board on the functions outlined in sub-regulation (1).

10. Operational expenses of the Committee

The operational expenses of the Committee shall be paid in the manner specified in section 11 of the Act.

SCHEDULE

[r. 7(2)]

CONDUCT OF AFFAIRS OF THE COMMITTEE

1. Meetings

- (1) The Committee shall meet at least once a month and not more than thirty days shall elapse between the date of one meeting and the date of the next meeting.
- (2) On requisition in writing by at least six members, the chairperson may convene a meeting of the Committee at any time.
- (3) Unless three-quarters of the members of the Committee otherwise agree, at least fourteen days' written notice of every meeting of the Committee shall be given to every member of the Committee.
- (4) The chairperson shall preside at every meeting of the Committee but in the absence of the chairperson, the members present shall elect one of themselves, who shall perform the function of the chairperson at that meeting.
- (5) Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by a majority of votes and, in the case of an equality of votes, the chairperson shall have a casting vote.

2. Quorum

- (1) The quorum for the conduct a meeting of the Committee shall be six members and shall include the chairperson.
- (2) Despite sub-paragraph (1), no proceedings of the Committee shall be invalid by reason only of a vacancy among the members thereof.

3. Conflict of interest

- (1) If a member is directly or indirectly interested in any matter, before the Committee and is present at a meeting of the Committee at which the matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement of the meeting, disclose the interest in the matter and shall not take part in the consideration of or vote on the matter, or be counted in the quorum of the meeting during consideration of the matter:

Provided that, if the majority of the members present deem that the experience or expertise of the member is vital to the deliberations of the matter, the Committee may permit the member to participate in the deliberations subject to such restrictions as the Committee may impose but the member shall not vote on the matter.

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- (2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.
- (3) A member of the Committee who contravenes sub-paragraph (1) commits an offence and is liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year, or to both.

4. Minutes

The Committee shall cause minutes and resolutions of all meetings of the Committee to be entered in books kept for that purpose.
