

LEGAL NOTICE NO.....

THE CROPS ACT, 2013

(No 16 of 2013)

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2016

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products for resale in the local or export market and includes exporter, importer, processor, ship chandler and agent;

“Directorate” means the Nuts and Oil Crops Directorate established under the Agriculture and Food Authority Act, 2013.

No.13 of 2013.

“distributor” means a person that buys nuts and oil crops produce or products, warehouses them, and resells them to retailers or direct to the end users or customers.

“export” means to take nuts and oil crops produce and products to a place outside Kenya;

“grower” means a small or large scale nuts and oil crops farmer;

“inspector” means an officer of the Authority or a County agricultural officer appointed in writing by the Authority who derives power of entry from the Attorney General

“licensee” means a person who holds a licence granted under these regulations;

“import” means to bring into Kenya nuts and oil crops produce and products from another country;

“manufacture” means the processing of all nuts and oil crops produce and products and includes the packaging, labelling, distribution and importation of nuts and oils crops products for sale in Kenya;

“mother block” means selected plants established for the purpose of obtaining clean planting, grafting and budding material;

“mother plant” means a tree that has been identified and approved by the Authority as a source of planting, grafting or budding material;

“nursery” means a site approved by the Authority where seedlings are raised;

“package” means the container, receptacle or wrapper in which nuts and oil crops product is contained;

“person” includes an individual, company, firm, association or a corporation;

“raw cashew nut, , raw macadamia” means unprocessed produce still in shell;

“record” means a written or electronic data or information relating to a process or procedure;

“stakeholder” means any person involved directly or indirectly in the nuts and oil crops industry;

“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;

“small holder” means a person with less than ten acres under nuts or oil crop;

“plantation” means a person with ten acres or more under nuts or oil crop;

“traceability” means ability to track nuts and oil crops produce and products from production to the final consumer and vice versa;

“transporter” means a person who is engaged in transportation of nuts or oil crops produce and products;

“trader” means a person who transacts the business of nuts or oil crops produce or products;

“warehousing” means the process of storing nuts and oil crops produce and products from growers or dealers;

“warehouseman” means a company registered in Kenya and is in the business of storing nuts or oil crops produce and products from producers or dealers; and

“warehouse” means a building or premises intended for storage of nuts or oil crops produce and products.

Scope and
Purpose of the

3. The purpose of these Regulations is to provide guidelines to the nuts and oil crops industry and provide for—

regulations.

- (a) The application processing procedures and forms;
- (b) The conditions for registration and licencing of produce and product dealers and nursery operators;
- (c) The recommendation of general industry agreements or contracts between produce dealers and nuts and oil crops producers;
- (d) The compliance with quality and safety standards;
- (e) The harvesting, processing and marketing of nuts and oil crops;
- (f) The filing of statistical returns;
- (g) The imposition and administration of levies;
- (h) such other matters as may be deemed necessary for effecting these Regulations.

PART II: FUNCTIONS OF THE DIRECTORATE

Functions of the Directorate.

- 4.** (1) The Directorate shall, in consultation with the county governments, perform the following functions—
- (a) administer the Crops Act, in accordance with the provisions of the said Act, as it relates to nuts and oil crops industry;
 - (b) regulate the production, post-harvest handling and marketing of nuts and oil crops produce and its by-products;
 - (c) provide advisory and regulatory services on matters related to the industry to the Authority and government for planning purposes;
 - (d) collect, collate data and maintain a database on the industry;
 - (e) promote the production, processing, grading, storage, collection, transportation and warehousing of all produce and by-products destined for markets;
 - (f) recommend general industry agreements between grower associations and processors of scheduled crops;

- (g) appoint agents for the implementation or performance of any of the functions of the Directorate;
 - (h) mediate and arbitrate disputes arising between growers and/or other players in the industry;
 - (i) initiate, promote and enforce quality standards for products and by-products, during processing, labelling, grading, packaging, transport, and storage of produce and by-products.
- (2) In addition subsection (1), the Directorate shall—
- (a) regulate imports and exports of the produce and by-products for the efficient management of the nuts and oil crops industry;
 - (b) enhance technical capacity for the county government officers and other relevant stakeholders and provide technical materials;
 - (c) be responsible for advising on research priorities in nuts and oil crops industry;
 - (d) vet contracts entered into between growers and other players or among other players in the industry before they are executed
 - (e) collect and administer nuts and oil crops levies to enhance development and research in the sub sector;
 - (f) coordinate matters of international protocols and conventions
 - (g) perform such other functions that may be assigned to it by the Cabinet Secretary or the Authority.

PART III—REGISTRATION OF NURSERY OPERATORS

Nursery
registration.

- 5.** (1) A person shall not establish or operate a nursery or a mother block in any area unless the person is trained and registered with the relevant County Government.
- (2) In addition, he shall be registered with other relevant government agencies such as Kenya Plant Health Inspectorate Services in accordance with these Regulations.

Application for
registration or

- 6.** (1) A person who intends to operate a nursery or mother block shall make application for registration to the relevant County Government as

renewal.

set out in form A of the First Schedule.

- (2) The relevant County Government shall issue a certificate of registration to a successful applicant.
- (3) The certificate of registration of a nursery operator as set out in Form B in the First Schedule shall—
 - (a) be renewable after one year; and
 - (b) only applicable for a specified inspected area.
- (4) The operator of a nursery shall avail the certificate of registration for inspection when requested.

Conditions for granting nursery certificate.

- 7.** A person shall not be issued with a certificate of registration for a nursery, under regulation 6 unless a joint inspection team composed of relevant County Government and the Authority —
 - (a) has visited and inspected the site and is satisfied that the site is suitable for establishment of a nursery; and
 - (b) is satisfied that the nursery operator or the operator's agent has adequate knowledge of nursery management and production techniques.

Revocation of certificate registration.

- 8.** The relevant County Government may with the advise from the Authority revoke a certificate of registration issued to a nursery or a mother block operator if that operator fails to abide by the conditions set out in the certificate of registration.

Statistical returns.

- 9.** Every registered nursery operator shall, not later than the fifteenth day of the first month of every quarter of a financial year complete and submit to the relevant County Government and a copy to the Authority, statistical returns as set out in Form C of the First Schedule.

Approved planting material or seed source

- 10.** (1) Every person operating a nursery shall procure planting materials or seeds from sources approved by the Authority.
 - (2) In addition a nursery operator shall provide documentation upon request that the seeds or seedlings propagated are certified by a relevant Government Agency.

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

Mother plants,
mother block and
nursery
establishment.

11. A mother plant, mother block or nursery shall be established in accordance with the procedures recommended by the Authority in consultation with relevant County Government.

Good agricultural
practices.

12. Every grower shall comply with the guidelines for product processing set out in the Fourth Schedule and good agricultural practices in—

- (a) production;
- (b) site selection;
- (c) spacing;
- (d) soil and water analysis;
- (e) records and document control;
- (f) traceability;
- (g) hygiene and cleanliness; and
- (h) workers' welfare among others.

PART IV— REGISTRATION AND LICENSING

Registration of
traders, retailers,
transporters and
distributors.

13. (1) A person who intends to bulk, trade, retail, transport, distribute or warehouse nuts and oil crops products shall make an application for registration to the relevant County Government as set out in form D1 of the First Schedule.

(2) The relevant County Government shall issue a certificate of registration to successful applicants under paragraph (1) set out in Form E1 of the First Schedule.

(3) The certificate of registration shall be valid until the thirtieth of June next following the date of issue, unless earlier cancelled

Registration of growers and associations.

- 14.** (1) All small-holder growers, for purposes of accessing economies of scale, shall have the freedom to register with an association registered by the relevant County Government under these Regulations.
- (2) All Nuts and Oil Crops Associations, Common Interest Groups, Community Based Organizations and Co-operatives dealing with nuts and oil crops shall apply to the relevant County Government for a registration as set out in form D3 of the First Schedule.
- (3) The relevant County Government shall issue a certificate of Registration to Associations, Common Interest Groups, Community Based Organizations and Cooperatives as set out in Form E2 of the First Schedule
- (4) All Nuts and Oil crops plantation growers shall apply to the relevant County Government for a registration as set out in form D3 of the First Schedule
- (5) The relevant County Government in consultation with the Authority shall issue a certificate of Registration to plantation growers as set out in Form E3 of the First Schedule

Issue of License

- 15.** (1) A person who intends to process, import or export nuts and oil crops produce or products shall make an application for registration to the Authority for a licence as set out in form D2 of the First Schedule.
- (2) The Authority shall issue a licence to successful applicants under paragraph (1) set out in Form E4 of the First Schedule
- (3) The licence issued under this regulation shall remain in force until the thirtieth of June next following the date of issue, unless earlier cancelled.
- (4) The Authority shall, at least thirty days before granting a licence under these Regulations, give notice of the proposed grant in the Gazette and in such other manner as the Authority may determine.

Tree felling permit.

- 16.** (1) A person who intends to cut wood from nuts and oil tree crops shall make an application for a permit to the relevant County Government as set out in form D4 A of the First Schedule.
- (2) The relevant County Government shall issue a permit for the cutting of wood from nuts and oil tree crops as set out in Form E5 of the First Schedule.

- (3) The permit issued under this regulation shall expire at the specified dates indicated on the permit.

Permits for transportation of wood and raw nuts and oil crops produce

- 17.** (1) No person shall move or cause to be moved, any wood from nuts and oils tree crops; or any raw nuts and oil crops produce without an original movement permit issued by the relevant County Government.
- (2) A person who intends to transport wood from nuts and oil crops trees or raw nuts and oil crops produce shall make an application for a permit to the relevant County Government as set out in form D4 B of the First Schedule.
- (3) The relevant County Government shall issue a permit for the movement of wood from nuts and oil crops trees or raw nuts and oil crops produce as set out in Form E6 of the First Schedule.
- (4) Movement permit for wood from nuts and oil crops trees or raw nuts and oil crops produce shall be issued only once and at the County of origin
- (5) A person who contravenes any of the provisions of this regulation commits an offence.

Dealer statistical returns.

- 18.** (1) Every local trader, local processor, retailer, transporter, distributor and marketing agent of nuts and oil crops produce and products shall, not later than the tenth day of every month, complete and submit to the relevant County Government and copy to the Authority statistical returns in accordance with the provision of section 40 (2) (m) of the Crops Act and as set out in Form F of the First Schedule.
- (2) Every large scale processor, importer, and exporter of nuts and oil crops produce and products shall, not later than the tenth day of every month, complete and submit to the Authority statistical returns in accordance with the provision of section 40 (2) (m) of the Crops Act and as set out in Form F of the First Schedule

Renewal of registration.

- 19.** (1) Every annual registration granted under these Regulations shall expire on 30th of June following the date of issue unless earlier cancelled
- (2) Applications for renewal shall be made within three months before expiry but not later than one month before expiry of such renewal.
- (3) Late application shall attract a penalty of fifty per centum of the certificate or licence fee.

Dealer's annual renewal fee.

20. (1) Every local trader, local processor, retailer, transporter, distributor and marketing agent shall pay a dealer's annual renewal fee as set out in the Second Schedule.

(2) Every large scale processor, importer, and exporter shall pay a dealer's annual renewal fee as set out in the Second Schedule.

Revocation of a dealer's certificate.

21. (1) The relevant County Government or Authority shall revoke the certificate of registration or licence of a specific dealer if the certificate or license holder fails to abide with the provisions of these Regulations and any other written law.

(2) Before a certificate of registration or license is revoked under sub-regulation (1), the certificate or license holder shall be given—

(a) sufficient notice of the intention to revoke the certificate or license; and

(b) an opportunity to present their case.

(3) The notification referred to in sub-regulation (2) shall be sent to the certificate or license holder by registered post.

(4) Where a certificate of registration or license is revoked under these Regulations, the holder shall not be entitled to any claim from the relevant County Government or Authority or the National Government for any compensation or any damages occurring from such revocation.

Decision on registrations.

22. (1) The relevant County Government or Authority, in considering an application for any registration, licensing or, renewal under these Regulations, shall make a decision within thirty days after receipt of an application for registration or its renewal.

(2) Where an application for a renewal of registration or license is made, the registration certificate or license shall be deemed to continue in force until the application for renewal is determined and communicated to the applicant.

Additional information.

23. The relevant County Government or Authority may require an applicant for registration, licensing or renewal specified under these Regulations to supply such additional information as it considers necessary in relation to the application.

Imposition of further terms,

24. The Authority, in consultation with the Cabinet Secretary or the relevant

- conditions and restrictions.
- County Government may, at any time, by written notice to dealers vary any terms, conditions, restrictions; or impose further terms, conditions or restrictions.
- Certificate of registration not transferable.
- 25.** A certificate of registration, license or permit issued under these Regulations shall not be transferrable to another entity and shall be applicable only to a farm or premise which has been inspected.
- Compliance with quality standards.
- 26.** All nuts and oil crops produce or products offered for sale shall, where applicable, comply with relevant —
- (a) National, regional and international standards;
 - (b) food safety and hygiene requirements; and
 - (c) sanitary and phytosanitary requirements.
- Exports compliance with applicable laws and regulations.
- 27.** (1) Every exporter shall comply with the relevant laws and regulations of export of the Nuts and Oil crops products.
- (2) Every exporter shall, not later than the tenth day of every first month of the quarter of the year, complete and submit to the Authority statistical returns in accordance with the provision of section 40(2) (m) of the Crops Act and as set out in Form F of the First Schedule.
- Imports compliance with the standards.
- 28.** (1) A person importing nuts and oil crops produce or product into Kenya shall, where applicable, first clear with the following government agencies before being cleared by the Authority—
- (a) Kenya Bureau of Standards;
 - (b) Kenya Plant Health Inspectorate Services; and
 - (c) any other relevant government agency.
- (2) Every importer shall, not later than the tenth day of first month of the quarter of the year, complete and submit to the Authority statistical returns in accordance with the provision of Section 40(2) (m) of the Crops Act and as set out in Form F of the First Schedule.
- (3) A person who imports material contrary to these Regulations commits an offence and is liable on conviction to a fine two times the value of the material or imprisonment for a term not exceeding one year or both.
- (4) In addition to the penalty in sub regulation (3), the person may, have

their licence revoked.

Contracts
between two
parties.

29. (1) A registered dealer shall—

- (a) sign a contract with the producer and register such contract with the relevant County Government and the Authority as set in the Third Schedule;
- (b) indicate the contract price, quantity, quality requirements, the maximum payment period and delivery date;
- (c) notify the Authority, if any dealer or producer who contravenes any contract or order within thirty days after the date of the default;
- (d) Any person who contravenes the provisions of these Regulations commits an offence and is liable, on conviction to the penalties prescribed under the Crops Act 2013.

(2) The relevant County Government and the Authority shall set up a seven (7) member committee composed of the Authority, Relevant County Government, three (3) farmers, one (1) processor and one (1) trader to mediate and arbitrate disputes arising between growers and other players in the industry.

Compliance with
contracts between
two parties.

30. (1) A registered dealer shall not—

- (a) sponsor growing of nuts and oil crops for trading without informing the relevant County Government in writing, and any production scheme so sponsored shall be regulated by a contract as set out in the Third Schedule;
- (b) collect produce and products from sponsored production schemes unless authorized to do so by the sponsoring firm; or
- (c) return produce and product collected from the producer or supplier, contrary to the contract agreement

(2) A registered dealer shall pay for collected produce within the time stipulated on the contract agreement, failure to which he shall be required to pay the full amount of the produce plus interest accrued as per existing commercial rate

(3) A registered dealer shall be required to have in his possession, a copy of the contract which he shall produce upon demand by a person duly authorized in writing by the Authority or relevant County Government.

Traceability of produce and products.

31. Every producer and dealer shall develop, implement and monitor a precise and detailed traceability system to ensure that consumers are informed correctly on the nuts and oil crops produce and products.

Traceability records.

32. (1) Traceability records relating to the produce and products shall be kept and maintained by growers, manufacturers and dealers for at least two years.

(2) Traceability records relating to the seed and seedlings of nuts and oil crops shall be kept and maintained by growers and nursery operators for at least five years.

Contravention of this Part

(3) A person who contravenes the provisions of these Regulations commits an offence and is liable, on conviction, to the penalties prescribed under the Crops Act 2013.

PART V—HARVESTING, PROCESSING AND MARKETING PROVISIONS

General provisions.

33. (1) Harvesting of nuts and oil crops shall be done when the produce is physiologically mature for the intended use and during the harvesting seasons that shall be designated by the relevant County Government from time to time.

(2) Nuts and Oil Crops produce and products shall be harvested, sorted, graded, packaged, transported and stored in accordance with the guidelines set out in the Fourth Schedule and the specific National or International nuts and oil crops produce standards

(3) A person who deals with the processing and selling of nuts and oil produce and products shall, not later than the tenth day of the first month of the quarter of the year, complete and submit to the Authority and copy to the relevant County Government statistical returns as set out in Form F of the First Schedule.

(4) All premises for storage and processing of Nuts and Oil crops produce and products shall be built and maintained in accordance with the hygienic conditions stipulated in the Public Health Act and should ensure conformity to food safety and quality standards in accordance to national and International regulations

(5) Any person who contravenes these regulations shall be guilty of an offence and liable to the penalties prescribed under section 37 of the Crops Act 2013.

Marketing
through collection
centres.

- 34.** (1) The growers shall market their produce through collection centres. The collection centres shall be used as—
- (a) sites for grading and bulking 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) centres of information dissemination on prices, markets and other technologies on nuts and oil crops industry improvement; and
 - (e) collective acquisition and distribution of agricultural inputs, provision of advisory services, credit and other agricultural services
- (2) The Authority in consultation with the relevant County Government shall, from time to time issue guidelines on the establishment and management of nuts and oil crops produce and products collection centres.

Inspectors.

- 35.** (1) There shall be Inspectors who shall be appointed and their names published in the *Kenya Gazette* by the Authority in accordance with section 27 of the Crops Act 2013.
- (2) A person appointed as an inspector under sub regulation (1) shall-
- (a) be persons that hold a minimum of a degree in agriculture or related field from a recognized Institution; and
 - (b) have the relevant expertise and experience in agriculture.
- (3) A person appointed as an inspector shall declare interest and step aside for inspection to be done in business where he has interest.
- (4) In the exercise of their powers of entry and inspection, the inspectors shall be guided by the provision of section 28 and 29 of the Crops Act 2013
- (5) Without prejudice to the generality of regulation 23, inspectors shall monitor activities associated with nuts and oil crops produce and

products.

- (a) inputs, production, dealing, and processing to ensure compliance with these regulations;
- (b) regularly undertake surveillance and inspections to ensure that-
 - (i) production, distribution and use of inputs for food crop production conform to provisions of these regulations;
 - (ii) growers of nuts and oil crops produce and products apply good agricultural practices to ensure quality and safety of the produce;
 - (iii) dealers and processors in nuts and oil crops produce and products adhere to the terms and conditions of registration, licensing and guidelines set out in schedule 4.
- (6) The inspectors shall work in collaboration with the County Executive Committee member in charge of Agriculture in discharge of their functions.

Inspector's entry.

- 36.** (1) An inspector shall, upon availing an identification from the Authority, be allowed at all reasonable times to access any farm, land or premises on which nuts and oil crops produce or products are grown, stored, warehoused, processed or reasonably suspected to be grown, stored, warehoused or processed.
- (2) An inspector shall upon entry on a farm, land or premises ascertain whether the provisions of the Crops Act 2013 and these regulations are being complied with.
- (3) Where an inspector has reasonable grounds to suspect that any provision of the Crops Act 2013 or these regulations is being flouted, the inspector may require the owner, occupier or agent present to furnish any required information or material relating to the matter under inspection.
- (4) Any person who prevents, hinders or obstructs an inspector in performance of their functions and duties commits an offence
- (5) A person convicted of an offence under these regulations is liable to

the penalties prescribed under the Crops Act 2013.

- (6) In addition to the penalty referred to in sub-regulation (5) a convicted person shall, where applicable, have their registration certificate revoked.

PART VI—FINANCIAL PROVISIONS

General power to impose a levy on nuts and oil crops produce and products.

- 37.**(1) The Cabinet Secretary with the approval of Parliament, hereby imposes a levy to be levied on all nuts and oil crops produce and products at the point of import or export as set out in the Second Schedule of these regulations and in accordance with section 32 of the Crops Act 2013.

- (2) Different rates of levy may be imposed for different types of nuts and oil produce and products.

Offence.

- 38.** (1) A person who fails to pay the amount due in respect of any levy imposed under these Regulations commits an offence.

- (2) 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.

- (3) Any levy that remains unpaid for a period of thirty days or more shall attract interest at commercial bank rates until it is fully paid.

- (4) Import and export levy on nuts and oil crops produce and products shall be charged as follows—

- (a) four percent of cost insurance and freight of imported finished products;
- (b) two percent of cost insurance and freight of imported raw material;
- (c) Kenya shillings two per kilogram of freight on board value of exported raw produce except those prohibited from export under section 43 of the Agriculture and Food Authority Act 2013; and
- (d) zero point two five percent of freight on board value of exported finished product

- (5) An exporter of nuts and oil crops produce and products shall register

the exports made and make a return of all transactions to the Authority in Form F set out in the First Schedule.

- (6) Any importer or exporter who provides false information required under these regulations shall be guilty of an offence and liable to the penalties prescribed under section 37 of the Crops Act 2013.
- (7) All exporters and importers shall provide documentary evidence to the Authority or its collection agents of having paid the applicable levy
- (8) The Authority or its authorized agent shall have the power to verify customs documentation on exports and imports of any nuts and oil crops produce and products consignments and issue an import or export release order in the manner prescribed in Form G under the First Schedule.
- (9) The Authority shall not issue a release order if an exporter or importer is in contravention of the provisions of the Crops Act or any regulations made there under.
- (10) The Authority may cancel the export or import release order if an exporter or importer contravenes the provisions of the crops act or any regulations made thereunder
- (11) An importer of nuts and oil crops produce and products shall register the imports made and make a return of all transactions to the Authority in Form F set out in the First Schedule.

Logging of nuts
and oil crop trees.

- 39** (1) A nuts and oil crop tree shall not be cut except in the following instances and only after an inspection has been carried out and a permit issued by relevant County Government—
- (a) where the tree is no longer economically productive;
 - (b) where the tree is disease-infested;
 - (c) where the tree is damaged by natural calamities;
 - (d) when the agricultural land devoted to production is to be converted, according to the law, into residential, commercial or industrial use;
 - (e) when the land devoted to production is to be converted into other

agricultural uses or other agriculture-related activities in pursuance to conversion duly applied for by the owner and approved by the proper authorities; or

- (f) where the tree would cause hazard to life or property.
- (2) Despite sub-regulation (1), no conversion shall be allowed by the relevant County Government until after it has been certified that for a period of at least three years the—
 - (a) majority of nut and oil crop trees have become senile and economically unproductive; and
 - (b) nut and oil crops farm is not adaptable to sound management practices on account of—
 - (i) the geographical location;
 - (ii) topography;
 - (iii) drainage; and any other condition rendering the farm economically unproductive.
- (3) A permit to cut a tree or plant shall not be granted unless the applicant, in consultation with relevant County Government agricultural officer, has planted three seedlings to replace the tree or plant cut.
- (4) Despite sub regulation (4), the replanting shall not apply to areas converted into industrial, commercial or residential sites or land transformed in accordance with the law into other agricultural purposes.
- (5) The relevant County Government shall confirm whether replanting was done and oversee the planting, fertilization and care of the newly planted nuts and oil crop trees.
- (6) In the implementation of sub regulation (5), the relevant County Government agricultural officers shall conduct, from time to time, on-the-spot inspections of the sites where nuts and oil crop trees have been replanted.
- (7) A person convicted of an offence under this regulation is liable to the penalties prescribed under section 37 of the Crops Act 2013.

PART VII—MISCELLANEOUS PROVISIONS

- Protection from personal liability. **40.** An action shall not lie against the Authority, Directorate or relevant County Government or any of its officers or other persons appointed or authorized to perform any function under these Regulations in respect of anything done or omitted to be done by them in good faith in the exercise of or performance of any power, authority or duty conferred or imposed by them under these Regulations.
- General penalty. **41.** A person who contravenes any provision of these Regulations for which no specific penalty is prescribed, commits an offence and is liable, on conviction, to the penalties prescribed under section 37 of the Crops Act 2013.
- Repeal. **42.** Legal Notice No 165 of 2007 which established Kenya Coconut Development Authority is revoked.

FIRST SCHEDULE

COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2016

FORM A

Serial No.; County code/commodity/000(serial per licensing period)

Regulation 6(1)

APPLICATION FOR REGISTRATION OF A CROPS NURSERY OR MOTHERBLOCK

(To be filled in triplicate)

1. Full name of Applicant

.....

2. PIN No.....ID No.....

3. Postal Address.....Tel.....Email.....

4. County.....Sub-County.....WardLocation
Sub location.....

5. L.R. No.

6. Type of material to be produced:

| Crop/variety | No. of Seedlings | Source of Seed |
|--------------|------------------|----------------|
| | | |
| | | |

I confirm that I shall abide by the regulations and ensure that all seed material for planting has been inspected and approved by County inspectors.

Applicant's signature

.....Date.....

PART II

| <u>FOR OFFICIAL USE</u> | |
|---|--------------------------|
| Inspector | Remarks |
| | |
| ... | |
| Recommended /Not recommended | |
| Inspector name | Signature..... |
| Date..... | |
| Approved/Not Approved by: County Executive Committee in charge of Agriculture | |
| Name | Signature.....Date |

Additional information

1. Application for License/ registration should be sent to the County where the nursery/mother block is located
2. Successful applicants shall be required to pay prescribed fees and submitted to the County government.

COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2016

FORM B

Serial No.; County code/commodity/000(serial per licensing period)

Regulation 6(3)

CERTIFICATE OF REGISTRATION OF A NURSERY

Name

P. O. Box

Is/are registered to operate a.....Crop nursery for the
year

Located at:

WardSub location.....

Location.....Sub County.....

County

LR No

The following planting materials will be produced:

| <u>Types</u> | <u>number of planting stock</u> |
|--------------|---------------------------------|
| | |
| | |
| | |

Registration No.

SignedDate:.....

CEC in charge of Agriculture

Conditions:

1. This certificate is valid until the thirtieth of June next following the date of issue, unless earlier cancelled

2. This certificate is not transferable to any other person, or nursery site
3. All planting material must be sourced from approved sources
4. No sale of planting material before final inspection and approval by the County Government.
5. All approved planting materials which are not distributed during the approved season will be subject to re-approval before distribution.
6. All certified materials which cannot be sold during the certification season will be subjected to certification after (6) six months.
7. Nursery operators shall remit statistical returns to the County Government and a copy to the Authority on quarterly basis.

COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2016

FORM C

Serial No.; County code/commodity/000(serial per licensing period)

Regulation 9

NURSERY OPERATOR STATISTICAL RETURNS FORM

(To be completed in triplicate)

1. Name of the Nursery operator
2. ID No/ VAT Certificate No. PIN Certificate No.
3. Telephone/ Mobile number P.O. Box Town
4. Location of the nursery: Ward
- Sub-location Location.....
- Sub County County.....
5. Period of 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 solemnly declare that the information I have given above, to the best of my knowledge, is true and complete.

Name of the Nursery Operator

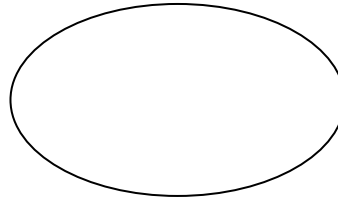
Signature Date

6. For official use only:

Name of the officer who verified the records

Date Signature

Official Authority/County Government Rubber stamp



NB

This form must be filled and submitted to the County Government and copy to the Authority, not later than the fifteenth day of January and fifteenth day of July of every year

**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2016**

FORM D1

Serial No.; County code/commodity/000(serial per licensing period)

Regulation 13(1)

**APPLICATION FOR REGISTRATION AS A TRANSPORTERS/ MARKETING
AGENT/WAREHOUSING / DISTRIBUTOR OF.....PRODUCE**

(To be filled in triplicate)

1. Full name of Applicant
2. Postal Address.....
PIN No / ID. No.
3. Registered
Office.....
L. R. No. Street
- Tel. No. Fax No.
E-mail Website
4. Place where the premise is located:
WardSub location.....
Location.....Sub County.....

The dealer (agent) should declare all premises (buying centres)

Details of the Buying Centres/Warehouses

| Buying Centre Name/No | Capacity (Sq.ft) | Location | Street/Avenue/ Village | Contact Person | Mobile No. |
|-----------------------|------------------|----------|------------------------|----------------|------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Please note that new buying centre(s) established by the Company have to be notified to the Authority in writing within 7 days.

1. Type of dealership e.g. Distributor/Transporter/ Marketing Agent/
(Specify)
2. Types of Produce/ Products

3. Sources of supply for Produce
4. Destination for Produce

Declaration

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

Applicant Signature..... Date

FOR OFFICIAL USE

County Government Approval

Checked by: Sub County Agricultural Officer

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

Approved by: CEC in charge of Agriculture

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

Official stamp/seal

TERMS AND CONDITIONS

1. This application will only be considered after the Licencing Authority is satisfied that the applicant has complied with Kenyan Standards, Code of Practice and 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 Licencing Authority before his application can be considered.
4. In case of macadamia produce the marketing agent shall provide the particulars of the contract signed between them and the sponsoring processor. For traceability purposes, the dealer shall provide a signed contract with his/her suppliers (eg farmers)

5. A registration certificate issued shall be valid up to the following 30th June..
6. The Licencing Authority has the right to approve or reject this application. In case of rejection, reasons will be given and the applicant can reapply after meeting all requirements

COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2016

FORM D3

Serial No.; County code/commodity/000(serial per licensing period)

Regulation 14(4)

APPLICATION/RENEWAL FOR REGISTRATION OF GROWERS' ASSOCIATIONS, COMMON INTEREST GROUPS, COMMUNITY BASED ORGANIZATIONS, CO-OPERATIVE SOCIETIES AND PLANTATION GROWER
(To be filled in triplicate)

- 1. Full name of the entity
- 2. Postal Address.....
- 3. Registered Office.....
 - L. R. No. Street
 - Tel. No. Fax No.
 - E-mail Website
- 4. Place where the premise /collection centre is located:
 - Village/area..... Ward.....
 - Sub-County..... County.....
- 5. Number of growers/traders in the group..... Acreage under production
- 6. Directors/Officials

| Name | ID/Passport No | PIN No | Tel No |
|-------|----------------|--------|--------|
| | | | |
| | | | |
| | | | |

Attach copies of registration certificate, ID/Passport of officials/Directors and tax compliance certificate

- 7. Types of Produce/ Products

Declaration

We hereby declare that the particulars which we have given are true and accurate to the best of our knowledge and information.

Chairman/Director.....Signature..... Date

Secretary.....Signature..... Date

Treasurer.....Signature..... Date

FOR OFFICIAL USE

County Government Approval

Checked by: Sub County Agricultural Officer

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

Approved by: CEC in charge of Agriculture

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

Official stamp/seal

TERMS AND CONDITIONS

- 1 The applicant shall produce such documentary evidence as requested to support the statements made above.
2. The applicant shall pay all dues to the relevant County Government before the application can be considered.
3. All registration certificates issued shall be valid until the thirtieth of June next following the date of issue, unless earlier cancelled
4. The relevant County Government has the right to approve or reject this application. In case of rejection, reasons will be given and the applicant can reapply after meeting the requirements.



**AGRICULTURE AND FOOD AUTHORITY
(NUTS AND OIL CROPS DIRECTORATE)**

FORM D2

Serial No.; AFA/NOCD/000 -

Regulation 15(1)

**APPLICATION/RENEWAL FOR A PROCESSOR/EXPORTER/IMPORTER
LICENSE**

(To be filled in triplicate)

1. Full name of Applicant
2. Postal Address.....
3. Registered Office.....
- L. R. No. Street
- Tel. No. Fax No.
- E-mail Website
4. Place where the premise is located:
Town/Street..... Ward.....
Sub-County..... County.....

5. 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)

6. Type of dealership e.g. Processor/Exporter/Importer/ (specify)
.....
7. Types of Produce/ Products
8. Sources of supply for Produce
9. Destination for Produce

Declaration

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

Applicant Signature..... Date

FOR OFFICIAL USE

| |
|---|
| <p>Authority Approval</p> <p>Checked by: Authority's Manager/Officer</p> <p>Name..... Signature..... Date</p> <p>Approved by: Authority's Director</p> <p>Name..... Signature..... Date</p> <p>Official stamp/seal</p> |
|---|

TERMS AND CONDITIONS

1. This application will only be considered after the Authority is satisfied that the applicant has complied with relevant Local and International Standards, Code of Practice and other legal requirements.
2. The applicant shall produce such documentary evidence as requested to support the statements made above.
3. Applicant shall pay all dues to the Authority before his application can be considered.
4. The licence issued shall be valid until 30th June next following the date of issue
5. The Authority has the right to approve or reject this application. In case of rejection, reasons will be given and the applicant can reapply after meeting the requirements.

**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2016**

FORM D4 A

Serial No; County code/commodity/000(serial per licensing period)

Regulation 16(1)

**APPLICATION FOR WOOD FELLING PERMIT OF NUTS AND OIL CROPS
TREES**

PART A: TO BE FILLED BY APPLICANT

Name ID. No.....
Plot No..... Village.....Sub location.....
Ward.....Constituency.....Sub County..... County.....

CATEGORY: (tick appropriately) Cutting Transporting

No. of trees/plants, requested to be Cut/transported Variety.....
Average Age (Yrs)

Reason or purpose of cutting/transporting
.....
.....

Balance of trees/plants (Number): Young Mature.....

Planting configuration (Tick):
Orchard Line/ Boundary Random

No. of seedlings to be planted

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

Official Rubber Stamp

PART B: TO BE FILLED BY WARD AGRICULTURAL OFFICER

I confirm that I have visited the said site and have found the following conditions to be correct:

(Tick where appropriate)

- a) The trees(s) is/are senile/ past productive age
- b) The orchard is overcrowded and thinning is necessary for improved productivity
- c) I have given the applicant technical advice on Good Agricultural Practices on how to take care of the remaining trees and/or seedlings to be planted
- d) The applicant will plant at least three (3) quality seedlings for every tree cut and I will ensure that he/she does that

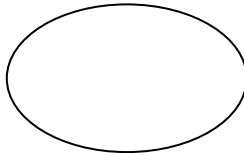
Approved/Not approved.....

Reasons/Recommendations

.....
.....

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

Official Rubber Stamp



PART C: TO BE FILLED BY SUB COUNTY AGRICULTURAL OFFICER

Based on the information given above on PART A, and B, I approve/dis-approve the issue of the permit to fell (number) trees.

Fees charged*.....

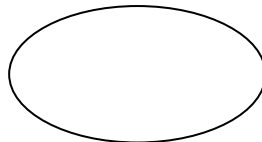
(Kenya shillings five hundred per tree)

Authority Officer's Name

.....

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

Official Rubber Stamp



**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2016**

FORM D4 B

Serial No; County code/commodity/000(serial per licensing period)

Regulation 17(2)

APPLICATION FOR A PERMIT TO MOVE WOOD FROM NUTS AND OIL CROPS TREES/RAW NUTS AND OIL CROPS

PART A: TO BE FILLED BY APPLICANT

Name ID. No.....

Plot No..... WardSub location.....

Location.....Sub County.....County.....

Applicant Registration Status (Tick as appropriate)

Wood Raw produce

CATEGORY TYPE OF ITEM : (tick appropriately)

Wood Raw Produce

Reason or purpose of transporting

.....
.....

Source of produce

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

Destination

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

TO BE FILLED BY THE SUB COUNTY AGRICULTURAL OFFICER

Based on the information given above, I approve/dis-approve the issue of the permit to move

Wood Raw produce

Fees charged*.....

(Kenya shillings one thousand per 5-ton consignment, minimum, 5 tons)



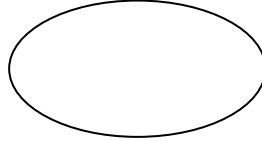
County Government Agricultural Officer's Name

.....

Signature.....

Date.....

Official Rubber Stamp



**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2016**

FORM E1

Serial No; County code/commodity/000(serial per licensing period)

Regulation 13(2)

CERTIFICATE OF REGISTRATION OF PRODUCE AND/OR PRODUCT DEALER

Name

Address:Tel.....

L.R. No.

Street:

is hereby registered as a dealer of Nuts and Oil Crops produce and products under these Regulations for the following products:

.....
.....

Category:

Trader

Retailer

Transporter

Distributor

Marketing Agent

If not please specify.....

Registration number

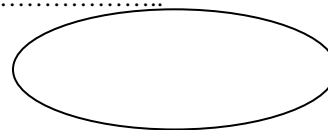
Date of Registration

The registration expires on

Signed

Name

(CEC in charge of Agriculture)



Official rubber stamp/seal

Terms and conditions

This Certificate is issued subject to compliance with the provisions of the Crops Act 2013,

In case of macadamia produce the marketing agent shall only sell produce to the sponsoring processor as indicated at the time of application. Any changes in the particulars of the sponsoring processor shall be notified to the Authority by the marketing agent within 14 days.

**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2016**

FORM E2

Serial No; County code/commodity/000(serial per licensing period)

Regulation 14(3)

**CERTIFICATE OF REGISTRATION OF GROWERS' ASSOCIATIONS,
COMMON INTEREST GROUPS, COMMUNITY BASED ORGANISATIONS AND
CO-OPERATIVE SOCIETIES**

Name

Address:Tel.....

L.R. No.

Street:

is hereby registered as an entity registering smallholder growers under these Regulations for the following crops:

.....
.....
.....
.....

Category:

Association

Common Interest Groups

Community Based Organisations

Co-operative

If not please specify.....

Registration number

Date of Registration

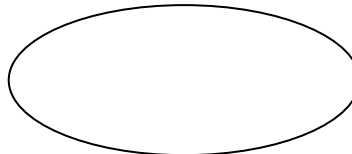
The registration expires on

Signed

Name

(CEC in charge of Agriculture)

Official rubber stamp/seal



COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2016

FORM E3

CERTIFICATE OF REGISTRATION OF A PLANTATION GROWER

Name

Address: Tel.....

L.R. No.

Street:

is hereby registered as a PLANTATION GROWER under this Regulation for the following crop:

| Crop | Acreage |
|-------|---------|
| | |
| | |
| | |
| | |

Registration number

Date of Registration

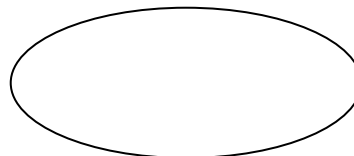
The registration expires on

Signed

Name

(CEC in charge of Agriculture)

Official rubber stamp/seal





**AGRICULTURE AND FOOD AUTHORITY
(NUTS AND OIL CROPS DIRECTORATE)**

FORM E4

Serial No.; AFA/NOCD/000 -

Regulation 15(2)

**PROCESSOR/EXPORTER/IMPORTER OF NUTS AND OIL CROPS PRODUCE
AND PRODUCTS**

Type of License.....
(Grant /renewal)

License No.....

This License is issued to

.....

of Postal Address and authorises the said entity to carry on the business of

.....at the premise situated atfor the period of

..... beginning on theday of20.....and ending on the 30th day of

June 20..... (Both days inclusive)

Fees paid (KES).....

Issued on theday of20.....

Signed.....

Name

Director, Nuts and Oil Crops Directorate

This License is granted subject to the provisions of the Crops Act 2013 and to the conditions below:

- i) This License is not transferable and is applicable only to the inspected premises
- ii) All importers/exporters shall pay the applicable levies

- iii) The licence issued shall be valid until 30th June next following the date of issue.
- iv) The License does not authorize the export of raw cashew nuts and raw macadamia nuts

**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2016**

FORM E5

Serial No; County code/commodity/000(serial per licensing period)

Regulation 16(2)

PERMIT FOR CUTTING NUTS AND OIL CROP TREES

Name of permit holder

Address.

Type of tree crop.....

Number of trees to be cut

Date of cutting/harvesting

Village

Location.....

Sub county

County

L.R. No.

Date of issue.

Signed

.....
Sub County Agricultural Officer

Conditions

This permit is valid for only the specified number of trees applied for and the date(s) of harvesting

**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2016**

FORM E6

Serial No; County code/commodity/000(serial per licensing period)

Regulation 17(3)

**MOVEMENT PERMIT FOR WOOD FROM NUTS AND OIL CROP TREES /RAW
NUTS AND OIL CROPS PRODUCE**

Name

Address

Type of wood/Type of nut/oil crop.....

Wood Quantity/Weight of Nuts.....

Place of origin:

Village/Area Location Sub-county

County.....

Destination

Village..... Location.....Sub-county.....County.....

Vehicle registration number

Date of movement

Date of issue.

Signed

Sub County Agricultural Officer

Conditions

This permit is valid for only the specified quantity of wood/nut/oil crop and the date of movement



**AGRICULTURE AND FOOD AUTHORITY
(Nuts and Oil Crops Directorate)
And
COUNTY GOVERNMENT OF.....**

FORM F

(Regulation 18)

PRODUCE AND PRODUCT DEALER STATISTICAL RETURN FORM

(To be completed in triplicate)

Return for the Month of..... Year

PART A

1. Name of Dealer
2. Postal address:Code Town
3. Telephone No. Fax
4. Email..... Website
5. Company registration certificate No.
6. VAT certificate No.
7. Location of the business (premise):
Street/Area..... Ward.....
Sub-locationLocation
- Sub countyCounty
8. Authority Dealer license or Certificate number.....
9. License or Certificate expiry date
10. Category of Dealership :(specify).....

11. PART B (to be filled by local traders, transporters, distributors)

| Product/Produce | Unit of measure (Specify) | Quantity traded/handled | Total value of produce/product (KES) |
|-----------------|------------------------------|----------------------------|--|
| | | | |
| | | | |
| | | | |

PART C (To be filled by exporters/importers)

| 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 processors)

| Product/ Produce | Unit of measure (Specify) | Quantity handled | | Total value of produce/product (KES) | |
|---------------------|-------------------------------------|------------------|-----------|--------------------------------------|-----------|
| | | Raw material | Processed | Raw material | Processed |
| | | | | | |
| | | | | | |
| | | | | | |

NB: For local processors

| Product/ Produce | Unit of mea sure (Spe cify) | Quantity handled | | Total value of produce/product (KES) | | Quantity exported (if any) | | Value of export (KES) | | Export destination country | |
|---------------------|--|---------------------|---------------|--|---------------|----------------------------------|---------------|--------------------------|---------------|----------------------------------|---------------|
| | | Raw mater ial | Proces sed | Raw mater ial | Proces sed | Raw mater ial | Proces sed | Raw mater ial | Proces sed | Raw mater ial | Proces sed |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |

NB: For large scale processors, attach copies of KRA export entries and bill of lading

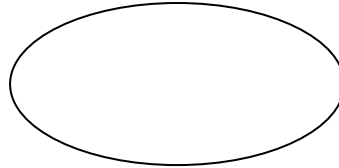
12. Declaration:

I solemnly declare that the information I have given above, to the best of my knowledge, is true and complete.

Name:.....

Date Signature

Official Company rubber stamp

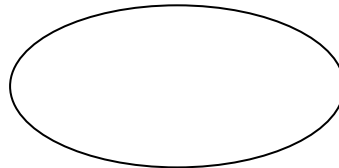


13. For official use only

Name of officer who verified the records

Date Signature

Official rubber stamp



Conditions

- *Those filling part B(Local traders, distributors, transporters and marketing agents) should file their returns to the respective County Governments*
- *Those filling part C (importers and exporters) and D (processors) should file their returns with the Authority, small scale processors should file their returns with the relevant County Government*
- *All products should conform to respective national/regional standard.*
- *This form, after it has been duly filled and signed, should reach the relevant offices on or before 10th of the month following the month for which the declaration is made*



**AGRICULTURE AND FOOD AUTHORITY
(Nuts and Oil Crops Directorate)**

FORM G

(Regulation 38(8))

(CONFIDENTIAL)

NUTS AND OIL PRODUCE/PRODUCTS EXPORT/IMPORT RELEASE ORDER

Name of Exporter/Importer.....
 Postal Address.....
 Contact Person and Designation.....
 Telephone/Mobile No/Fax.....
 E-mail Address.....
 Export/Import Registration No.....

| Physical location of consignment | Country of destination / origin. | Type of product | Custom entry no | Quantity of product | Value of consignment | Levy applicable |
|----------------------------------|----------------------------------|-----------------|-----------------|---------------------|----------------------|-----------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |

Please attach certified copies of the following documents for verification.

Commercial invoice showing (unit price, terms of payment, port and country of destination);

Custom entry form; and

Bank Pay in slip/advice for levy

.....

Signature of Exporter/Importer or Authorized Agent

Date

FOR OFFICIAL USE ONLY

“Release”/”Stop” Authority Stamp

Amount of levy paid.....

Name Signature Date

For and on behalf of the Nuts and Oil Crops Directorate

SECOND SCHEDULE



**AGRICULTURE AND FOOD AUTHORITY
(Nuts and Oil Crops Directorate)
And
COUNTY GOVERNMENT**

(Regulation 20)

NUTS AND OIL CROPS INDUSTRY LEVIES

| REGISTRATION AND PERMIT/LICENSES CATEGORIES | REGISTRATION FEES (KSH) | RENEWAL FEES (KES) | VALIDITY PERIOD |
|--|--------------------------------|---------------------------|---|
| REGISTRATION CERTIFICATES | | | |
| Nursery Operators | | | |
| Associations, Cooperative societies, Community Based Organizations, Common Interest Groups | 2,000 | 1,000 | 1 year |
| Plantation Growers | 3,000 | 2,000 | 1 year |
| Produce/Product Traders | | | |
| Traders/Retailers/Marketing Agents/Warehouseman | 5,000 | 5,000 | 1 year |
| Transporters/Distributors | 3,000 | 3,000 | 1 year |
| PERMITS | | | |
| Movement permit: Wood, raw nuts and oil crop produce | 1,000 | - | For every 5 tons, min 5 ton consignment |
| Permit for felling tree crops | 500 | - | Per tree |
| LICENSES | | | |
| Processors/manufacturers | | | |
| Cottage Processors (Gross turnover of KES 4,999,999 and below per year) and new applicants | 5,000 | 5,000 | Annual |
| Established/Big Processors (Gross turnover of more than KES 5,000,000 per year) | 25,000 | 25,000 | Annual |
| Importers | | | |
| Exporters | 5,000 | 5,000 | Annual |
| | 4,000 | 4,000 | Annual |

The Crops (Nuts and Oil Crops) Regulations, 2016

| | | | |
|---|--------------|--|--|
| | | | |
| LEVIES | | | |
| Export levy on raw produce, (except those prohibited under section 43 of Agriculture and Food Authority Act 2013) | 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 | | |

THIRD SCHEDULE



Regulation 29(1)(a)

GUIDELINES FOR CONTRACTUAL AGREEMENT BETWEEN THE GROWERS' ASSOCIATION AND TRADER IN THE NUTS AND OIL CROPS INDUSTRY: CONTRACT FORMAT GROWERS' ASSOCIATION OR TRADER'S AGREEMENT

AGREEMENT made this Day of two
Thousand and

BETWEEN:

..... of a registered GROWERS' ASSOCIATION trader (Registration No.) hereinafter called "trader" which expression shall where the context so admits include its successors and assignees of the First part:

AND

..... of a growers' association entity of nuts and Oil crops produce (Registration No.) hereinafter called the "growers' association" which expression shall where the context so admits include its successors and assignees) of the second part

WHEREAS

- (a) the dealer is duly registered under these regulations and

- (b) the growers association has requested the trader to provide services referred to below and the trader has agreed to provide such services to the growers' association upon the terms and conditions appearing hereinafter.

NOW IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS;

AIMS AND OBJECTIVES OF CONTRACTS

The guidelines shall:

- (i) Act as a memorandum of understanding between the growers' association and trader of produce.

- (ii) Serve as a guideline for the growers' association and trader 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.

- (iii) Act as guideline or framework to development of a legally binding contract to be executed by the growers' association and trader.

OBLIGATIONS OF THE GROWERS' ASSOCIATION AND TRADER

TERMS AND CONDITIONS

THE ESSENTIAL ELEMENTS THAT A CONTRACT SHALL HAVE INCLUDE:

- (a) **Quantity and quality of produce to be supplied at a particular time and contract prices:-**
- (b) **Seed and other Inputs:-**
- (c) **General Accepted Production Practices:-**
- (d) **Record Keeping:-**
- (e) **Field support and Training:-**
- (f) **Harvesting and Post-Harvest Practices:-**
- (g) **Inspection and Grading:-**
- (h) **Packaging Supply and Procedures:-**
- (i) **Conditions of Collection or Delivery:-**
- (j) **Rejected Produce:-**
- (k) **Payment terms including maximum payment period and Mechanism:-**
- (l) **Penalties**
- (m) **Termination Clause:**
- (n) **Natural Calamities and No-Commercial Risks (Force majeure):-**

IN WITNESS WHEREOF the parties have hereunto executed this Agreement on the day and date hereinbefore mentioned.

SIGNED for and on behalf of the

Trader

Growers' association

Name:

Name:

Date:

Date:

Witness:

Witness:

Date:

Date:

Witness:

Witness:

Date:

Date:

THIRD SCHEDULE



Regulation 29 (1)(a)

GUIDELINES FOR CONTRACTUAL AGREEMENT BETWEEN THE GROWER AND TRADER IN THE NUTS AND OIL CROPS INDUSTRY: CONTRACT FORMAT GROWER OR TRADER AGREEMENT

AGREEMENT made this Day of two
Thousand and

BETWEEN:

..... of a registered trader
(Registration No.) hereinafter called “trader” which expression shall where the
context so admits include its successors and assignees of the First part:

AND

..... of a grower 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

- (a) the dealer is duly registered under these regulations and

- (b) the grower has requested the trader to provide services referred to below and the trader 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;

AIMS AND OBJECTIVES OF CONTRACTS

The guidelines shall:

- (i) act as a memorandum of understanding between the grower and trader of
produce.

- (ii) Serve as a guideline for the grower and trader 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.

- (iii) Act as guideline or framework to development of a legally binding contract to be executed by the grower and trader.

OBLIGATIONS OF THE GROWER AND TRADER

TERMS AND CONDITIONS

THE ESSENTIAL ELEMENTS THAT A CONTRACT SHALL HAVE INCLUDE:

- (o) **Quantity and quality of produce to be supplied at a particular time and contract prices:-**
 - (a) **Seed and other Inputs:-**
 - (b) **General Accepted Production Practices:-**
 - (c) **Record Keeping:-**
 - (d) **Field support and Training:-**
 - (e) **Harvesting and Post-Harvest Practices:-**
 - (f) **Inspection and Grading:-**
 - (g) **Packaging Supply and Procedures:-**
 - (h) **Conditions of Collection or Delivery:-**
 - (i) **Rejected Produce:-**
 - (j) **Payment terms including maximum payment period and Mechanism:-**
 - (k) **Penalties**
 - (l) **Termination Clause:**
 - (m) **Natural Calamities and No-Commercial Risks (Force majeure):-**

IN WITNESS WHEREOF the parties have hereunto executed this Agreement on the day and date hereinbefore mentioned.

SIGNED for and on behalf of the

Trader

Grower

Name:

Name:

Date:

Date:

Witness:

Witness:

Date:

Date:

Witness:

Witness:

Date:

Date:

FOURTH SCHEDULE



AGRICULTURE AND FOOD AUTHORITY (Nuts and Oil Crops Directorate)

(Regulation 33 (2))

PART A

MINIMUM REQUIREMENTS FOR FIELD HANDLING AND GRADING OF NUTS AND OIL CROPS PRODUCE

1. High standards of field hygiene shall be maintained during harvesting operations.
2. All harvested produce SHALL be at the right stage of 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 bulked at the growers collection centres before being sold to traders
9. The collection centre 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.



**AGRICULTURE AND FOOD AUTHORITY
(Nuts and Oil Crops Directorate)**

PART B

MINIMUM CONDITIONS APPLICABLE TO PROCESSING FACILITY

1. All processing and packaging must be carried out in a clean, hygienic and safe conditions as set out under the provisions of the Public Health Act, Cap. 242 and the Occupational Safety and Health Act, No. 15 of 2007.
2. The working areas and premises shall be kept free of waste materials.
3. Any person in the processing facility shall wear protective clothing at all times
4. All hand used equipment and grading tables shall be rust proof and easily cleaned.
5. The floor layout shall allow for smooth flow of produce with adequate separation of raw materials and finished products
6. The floors, doors and wall surfaces shall be made of impervious, non- absorbent, non-toxic washable materials which are easy to clean and disinfect.
7. The processing facility shall have adequate ventilation, temperature control and lighting.
8. All machinery used in the processing facility shall conform to the provisions of the Public Health Act, Cap. 242 and Occupational Safety and Health Act, No. 15 of 2007.
9. The processing facility shall be designed and constructed to prevent entry of domestic animals, rodents, insects, birds, dust and any other unwanted animals.
10. Prominent signs shall be displayed forbidding smoking, eating or drinking within the facility.
11. All packaging materials shall be kept off the floor in clean dry storage areas free from risk of contamination.
12. The traceability of all produce shall be documented throughout the process chain.



**AGRICULTURE AND FOOD AUTHORITY
(Nuts and Oil Crops Directorate)**

PART C

MINIMUM REQUIREMENTS FOR PACKAGING, TRANSPORTATION AND STORAGE

1. The packaging shall protect the produce and products from mechanical and physiological damages to minimize loss of quality.
2. The packaging shall be designed to suit the transport handling system and have capacity to meet market requirements.
3. The packaging material used shall be able to contain the produce and products, enabling the required quantity to be handled as one unit.
4. Nuts and Oil crop produce and products shall during storage and transport be kept at the prescribed temperature and humidity levels for each produce and product.
5. Nuts and Oil Crop produce and products shall not be stored or transported together with other produce and products, which may contaminate them or otherwise adversely affect their quality.
6. Vehicles for transport shall be built and equipped to ensure maintenance of optimal temperatures to prevent damage and spoilage of produce and products.
7. Persons handling the produce and products must be healthy, protected and trained on produce and product handling.

FIFTH SCHEDULE



MINIMUM LICENSING REQUIREMENTS

1. Duly filled application form
2. Copy of Certificate of Incorporation or Registration Certificate
3. Copy of dully signed Articles and Memorandum of Association
4. Copies of ID or Passports of Company Directors
5. Copy of valid County Government's Single Business Permit
6. Copy of KRA's PIN Certificate for the company
7. Copy of valid KRA's Tax Compliance Certificate
8. Copy of valid NEMA's Environmental Impact Assessment or Environmental Audit Certificate where applicable
9. Copy of Public Health's Food Drugs and Chemical Substances License where applicable

SIXTH SCHEDULE



SCHEDULE OF NUTS AND OIL CROPS

| | |
|--------------------|---|
| Coconut..... | <i>Cocos nucifera</i> L. |
| Cashew nut..... | <i>Anacardium occidentale</i> L. |
| Macadamia nut..... | <i>Macadamia tetraphylla</i> (L.Johnson) |
| Macadamia nut..... | <i>Macadamia integrifolia</i> (Maiden & Betche) |
| Pistachio nut..... | <i>Pistachio vera</i> L. |
| Oyster nut..... | <i>Tefairia pedata</i> (Sim exsims) Hook.F. |
| Oil Palm..... | <i>Elaeis guineensis</i> Jacq. |
| Ground nuts..... | <i>Arachis Hypogaea</i> L. |
| Bambara Nuts..... | <i>Vigna subterranean</i> (L) Verdc |
| Castor beans..... | <i>Ricinus communis</i> L. |
| Sunflower..... | <i>Helianthus annuus</i> L |
| Rapeseed..... | <i>Brassica napus var. oleifera</i> L |
| Jojoba..... | <i>Simmondsia Chinensis</i> (link) C.K Shneid |
| Saffower..... | <i>Carthamus tinctorius</i> L. |
| Sesame..... | <i>Sesamum Indicum</i> L |
| Linseed..... | <i>Linum usitatissium</i> L. |

All others except scheduled oil crops

Dated.....2015

WILLY K. BETT,
Cabinet Secretary Ministry of Agriculture Livestock and Fisheries.