

LEGAL NOTICE No 78.(Amendment)

THE STANDARDS ACT

(Cap. 496)

IN EXERCISE of the powers conferred by Section 20 of the Standards Act, the Cabinet Secretary for Industrialization, Trade and Enterprise Development in consultation with the National Standards Council, makes the following Order –

THE STANDARDS (VERIFICATION OF CONFORMITY TO STANDARDS AND OTHER APPLICABLE REGULATIONS OF IMPORTS) (AMENDMENT) ORDER, 2021

1. This Order may be cited as the Standards (Verification of Conformity to Standards and other Applicable Regulations) (Amendment) Order, 2021.

Citation

2. The Standards (Verification of Conformity to Standards and other Applicable Regulations) Order 2020, hereinafter referred to as the "principal Regulations" is amended by inserting the following new Regulation immediately after Regulation 2–

Amendment of the Standards (Verification of Conformity to Standards and other Applicable Regulations) Order 2020

2A. In this Order, unless the context otherwise Requires–

“Act” means the Standards Act;

“Approved warehouse” means a premise approved by the Bureau for storage of goods other than a designated customs area.

3. The Principal Regulations is amended is amended in Regulation 7 by inserting the following new sub-Regulation immediately after sub-Regulation (2)

Amendment of Regulation 7

(3) Provided where there is a conflict between the Verification of conformity to Kenya Standard conducted under 7(1) above and the re-inspection conducted under 7(2) the re-inspection under 7(2) shall prevail.

4. The Principal Regulations is amended in Regulation 9 by:

Amendment of Regulation 9

(1) Deleting sub-regulation (2) and substituting therefore the following new sub-regulation (2)

(2) The importer of a product which is the subject of this Order which arrives at a port of entry without a certificate of conformity, certificate of inspection or certificate of roadworthiness and which is kept in an approved warehouse pursuant to sub paragraph (3) shall, in addition to the fee specified in subparagraph (1), execute a security bond in

favour of the Bureau equal to five per cent of the approved customs value of the product.

(2) Inserting the following new sub-regulations immediately after sub-Regulation (4) --

(5) A product imported by a consolidator registered pursuant to Section 14C of the Standards Act which is the subject of this Order which arrives at a port of entry without a certificate of conformity or certificate of inspection shall be subjected to destination inspection at a fee equal to zero point six (0.6%) per cent of the approved customs value of the product.

(6) Notwithstanding the provision of sub paragraph (1) A product registered by KEBS on the basis of a valid certification recognized by KEBS shall be subjected to destination inspection at the importer's expense at the rate that would be applicable if inspection had been undertaken in the exporting country by an inspection body appointed by the Bureau provided that such registration is obtained before importation.

Dated the....

BETTY C. MAINA,

Cabinet Secretary for Industrialization, Trade and Enterprise Development.