

(Legislative Supplement No. 95)

LEGAL NOTICE NO. 164

THE CROPS ACT

(No. 16 of 2013)

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020

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THE CROPS ACT

(No. 16 of 2013)

IN EXERCISE of the powers conferred by section 40 of the Crops Act, 2013, the Cabinet Secretary for Agriculture, Livestock, Fisheries and Co-operatives, in consultation with the Agriculture and Food Authority and the County Governments, makes the following Regulations—

THE CROPS (NUTS AND OIL CROPS) REGULATIONS,
2020.

PART I—PRELIMINARY

1. These Regulations may be cited as the Crops (Nuts and Oil Crops) Regulations, 2020. Citation.
2. In these Regulations unless the context otherwise requires— Interpretation.
 - “Act” means the Crops Act 2013; No.16 of 2013.
 - “agent” means a dealer acting on behalf of a licensed player and can be a marketing agent or clearing agent;
 - “annual crop” means plants that complete their entire life cycle from seed to flower and to seed within a single growing season in this case includes rape seed, groundnuts, sesame, castor bean, sunflower, safflower, linseed, jojoba and any other similar nut and oil crop as may be scheduled;
 - “authorized agent” means a person appointed in writing by the Authority to carry out specific duties and functions in the nuts and oil crops subsector on behalf of the Authority;
 - “Authority” means the Agriculture and Food Authority established by section 3 of the Agriculture and Food Authority Act, 2013; No.13 of 2013.
 - “certificate” means a document issued by the Authority or the County Government for a specified purpose upon fulfilling certain requirements;
 - “collection center” means a designated site that is established for the purposes of storage and marketing of different nuts and oil crops produce and products;
 - “commercial nursery” means an approved site where nuts and oil crops seedlings are raised for sale;
 - “County Government” shall have the meaning assigned to it under Article 176 of the Constitution;
 - “crop inspectors” means persons appointed as inspectors in accordance with section 27 of the Act;
 - “dealer” includes a person engaged in either collecting, transporting, storing, distributing, or buying and selling nuts and oil crops produce, products or by-products and includes marketing agents, exporter, importer and ship chandler. For purposes of these regulations, a commercial nursery operator is also a dealer;

“Directorate” means the Directorate established under the Agriculture and Food Authority Act, 2013 for the time being responsible for matters related to scheduled nuts and oil crops;

“export” means to move or ship locally (Kenyan) produced nuts and oil crops produce or products to another country;

“grower” means any person who cultivates nuts and oil crops in Kenya and may be a small-holder or plantation grower;

“grower associations” means any association, common interest group, community-based group, co-operative, union or federation of nuts and oil crops growers or any other legal entity comprised of nuts and oil crops growers;

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

“licensee” means a person who holds a license granted under the Crops Act, 2013 or these Regulations;

“manufacture” means the processing of all nuts and oil crops produce and products and includes cracking, grading, packaging, labelling and distribution of nuts and oils crops products for sale; and does not include de-husking and drying;

“manufacturer” means a processing facility that transforms nuts and oil crops produce or products into various end use products;

“mother block” means an area set aside with selected plants for the purpose of obtaining clean planting, grafting and budding material;

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

“nuts and oil crops” means any of the crops listed under the First Schedule and includes such other crops that the Cabinet Secretary may on the advice of the Authority, *gazette* to be a scheduled crop under section 7 of the Crops Act, 2013;

“perennial crop” means plants that persist for many growing seasons and in this case includes macadamia, cashew, coconut, oil palm, and any other nuts and oil crop that may be scheduled from time to time;

“person” includes an individual, company, firm, co-operative society, association or a corporation;

“plantation grower” means a grower with fifty acres or more for perennial crops or ten acres or more for annual crops;

“raw macadamia nut” means unprocessed produce still in shell, whether wet or dry;

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

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

“rootstock” means the part of a plant which forms the root system of the plant, and into which a scion cultivar is grafted or budded;

“scion” means a detached shoot or bud used in vegetative propagation in the process of grafting or budding;

“ship chandler” means a person registered and authorized by the Authority to supply nuts and oil crops produce and products to a ship or an aircraft;

“single window system” means a platform hosted by a government agency responsible for trade facilitation for clearing exports and imports electronically;

“small-holder grower” means a grower with less than 50 acres under perennials or less than 10 acres under annuals for nuts or oil crop;

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

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

3. These Regulations shall apply to the nuts and oil crops set out in the First Schedule.

Application.

4. (1) The purpose of these Regulations is to guide the development, promotion, and regulation of scheduled nuts and oil crops for the benefit of the growers and other stakeholders in the nuts and oil crops industry.

Purpose of Regulations.

(2) Without prejudice to the generality of sub-regulation (1), the purpose of these Regulations is to provide for—

- (a) the production, harvesting, processing and marketing of nuts and oil crops;
- (b) promotion of best practices in the sub sector;
- (c) registration and licensing of all players along the value chain;
- (d) the recommendation of general industry agreements or contracts;
- (e) the development and enforcement of quality and safety standards for compliance;
- (f) the collection, collation, maintenance and management of statistical data related to the sub sector;
- (g) the imposition and administration of levies; and
- (h) regulation of the sub sector.

PART II—REGISTRATION AND LICENSING

5. (1) A small-holder grower may, for purposes of accessing economies of scale, register with an association, common interest groups, community based organizations and co-operatives registered by the respective County Government under these Regulations.

Registration of small-holder growers and grower associations.

(2) A small-holder grower association cultivating nuts and oil crops shall apply to the respective County Government for registration in Form A1 as set out in the Second Schedule.

(3) The respective County Government shall issue a certificate of

registration to small-holder grower associations in Form A2 as set out in the Second Schedule.

(4) All small-holder grower associations cultivating nuts and oil crops shall maintain a register of their members in the manner set out in Form A3 of the Second Schedule.

(5) The Authority shall, in consultation with the respective county government, using the information obtained from a duly filled Form A3 of the Second Schedule, maintain a register of all smallholder growers associations in the manner set out in Form A4 of the Second Schedule.

6. (1) A nuts and oil crops plantation grower may apply to the Authority for registration as set out in Form B1 of the Second Schedule.

Registration of
plantation growers.

(2) The Authority shall issue a Certificate of Registration to a registered plantation grower in Form B2 as set out in the Second Schedule.

7. (1) A person who intends to establish or operate a commercial nursery in any area shall register with the Authority and apply for a licence in Form C1 set out in the Second Schedule.

Commercial Nursery
registration and
licensing.

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

8. (1) The Authority shall issue a licence to a successful applicant in Form C2 set out in the Second Schedule within thirty days, upon payment of fee set out in Third Schedule.

Issuance of
commercial nursery
license.

(2) The Authority shall, before issuing the licence under sub regulation (1), satisfy itself that the applicant has met all the requirements as set out in the Part A of the Fourth Schedule.

(3) An unsuccessful applicant shall be notified in writing within seven days of the decision, of the reasons for the rejection of the application.

(4) The applicant under sub regulation (2) may re-apply for registration upon fulfilment of all the necessary requirements.

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

9. (1) A persons who intends to establish a nuts and oil crops mother plant and mother block for use as source of clean planting materials or scions for grafting or budding shall register the mother plant/mother block with government agencies responsible for national plant protection matters.

Mother plants/
mother block
registration

(2) The national plant protection agencies shall share the details of persons registered under sub regulation (1) with the Authority and with the respective County Government.

(3) A nursery operator shall only source their planting materials from mother plant /mother blocks registered under these Regulations.

10. (1) A person who intends to aggregate, trade, retail, transport, distribute or warehouse nuts and oil crops produce and products for commercial purposes shall make an application for

Registration and
licensing of traders,
retailers,
transporters,
marketing agents,

registration and licensing to the Authority in Form D1 as set out in the Second Schedule.

warehousemen and distributors.

(2) The Authority shall issue a licence to a successful applicant under sub regulation (1) in Form D2 set out in the Second Schedule upon payment of fees set out in the Third Schedule.

(3) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction, to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings, or to both.

11. (1) A person who intends to import or export nuts and oil crops produce or products shall make an application for registration and licensing to the Authority in Form E1 as set out in the Second Schedule and meet the requirements set out in Part C of the Fourth Schedule.

Registration and licensing of importers and exporters.

(2) The Authority shall, within fourteen days of the application, issue a successful applicant with a licence in Form E2 set out in the Second Schedule and upon payment of the fee set out in Third Schedule.

(3) A person who contravenes the provisions of this regulation commits an offence and shall upon conviction, be liable to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings, or to both.

12. (1) A person who intends to establish a new manufacturing facility shall, before establishing the manufacturing facility, apply for approval from the Authority using the application form set out in Form F1 in the Second Schedule.

Application for approval to establish a manufacturing facility.

(2) The Authority shall within thirty days of the application, verify that the applicant under sub regulation (1) has fulfilled all the requirements set out in Form F2 of the Second Schedule before issuing the applicant with a letter of interim authority.

(3) Upon completion of the facility, the applicant shall make a written application for inspection of the facility to the Authority and pay the inspection fee set out in Third Schedule.

(4) Upon receipt of the letter under sub regulation (3) the Authority shall conduct an inspection of the facility and issue the applicant with a letter indicating the outcome of inspection within thirty days of the inspection.

(5) The letter of interim authority issued under sub regulation (2) shall be valid for a period two years and shall be renewable once for a period of one year where the construction of the facility is not completed within the first two years.

13.(1) A person who intends to manufacture nuts and oil crops produce or products shall make an application for a licence to the Authority in Form G1 as set out in the Second Schedule.

Issuing of Manufacturing Licence.

(2) The Authority shall consider the application under paragraph (1) and notify the applicant of the decision on grant within thirty days.

(3) The Authority shall, at least thirty days before granting a licence under these Regulations, give notice of the proposed grant in the *Gazette*.

(4) Upon the expiry of the notice issued under sub regulation (3), and where no objections have been raised, the Authority shall issue a licence to a successful applicant in Form G2 set out in the Second Schedule upon payment of the fee set out in the Third Schedule.

(5) Where, upon the publication of the notice under sub regulation (3) an objection is raised, the aggrieved party may appeal to the Cabinet Secretary in the manner set out in regulation 18.

14. (1) Every licence granted under these Regulations shall expire on 30th of June following the date of issue unless otherwise stated or earlier cancelled.

Renewal of Licences.

(2) Applications for renewal shall be made to the Authority not later than the first day of the month of June in which the current licence is due to expire.

(3) Where the applicant fulfils all the requirements necessary for the renewal of the licence and pays the renewal fee set out in Third Schedule, the Authority shall renew the licence within fifteen days after the expiry of the current licence.

15. The Authority or the county government as the case may be, may require an applicant to supply such additional information as it may consider necessary in relation to the application for registration, licence or renewal of a licence or registration.

Additional information.

16. (1) The Authority or the county government as the case may be shall, when considering an application for new registration or renewal of registration, make a decision within fifteen days of the application.

Decision on registration, licensing and renewal.

(2) The Authority shall, when considering an application for a new licence under these Regulations, make a decision within thirty days upon receipt of a complete application and shall forward the details of successful applicants for publication in the *Gazette* for thirty days.

(3) The Authority shall, when considering an application for renewal of a licence under these Regulations, make a decision within thirty days upon receipt of an application

(4) In case of an unsuccessful application, the Authority shall review re-submitted application for consideration upon fulfilling the set requirements.

17. Every dealer and manufacturer shall pay the licensing fee set out in the Third Schedule.

Licensing fee.

18. (1) The Authority may revoke, suspend or vary a licence issued to a dealer or manufacturer if the person—

Revocation, suspension or varying of a licence

(a) fails to comply with these Regulations or the conditions set

out in the licence; or

- (b) commits an offence under the Act, these Regulations or any other written law in respect of the activity for which they have been licensed.

(2) An applicant for a licence who is aggrieved by the decision of the Authority in respect of the grant, refusal renewal, variation or revocation or the conditions imposed on the licence may appeal to the Cabinet Secretary for a review of the decision of the Authority in accordance with section 25 of the Act.

(3) The appeal shall be in writing and be delivered to the Cabinet Secretary within thirty days from the date of notification of the decision by the Authority.

(4) The Cabinet Secretary shall consider the appeal and give a written feedback to the affected party within forty five days of receipt of the appeal.

19. A certificate of registration, licence or permit issued under these Regulations shall not be transferrable to any other entity and shall only be applicable to the parcel of land, nursery or premise to which it has been issued.

Certificate of registration, license or permit not transferable.

PART III— PRODUCTION, PROCESSING AND MARKETING PROVISIONS

20. (1) A person growing nuts and oil crops shall procure seeds or planting materials or seedlings from sources approved by the government agencies responsible for inspection and certification of seeds and planting materials or seedlings.

Approved seed or planting material source.

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

21. (1) A mother plant and mother block for use as source of clean planting material shall be established in accordance with the guidelines issued by the relevant government agencies in consultation with the respective County Government from time to time.

Mother plants/ mother block and nursery establishment.

(2) A nursery shall be established in accordance with any guidelines issued by the Authority in consultation with the respective County Government from time to time.

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

22. (1) A registered dealer or manufacturer shall—

Contracts between grower or dealer or manufacturer.

- (a) sign a contract with the grower and register the contract with the respective County Government as set out in Part B of the Fifth Schedule;

- (b) notify the Authority and the relevant County Government of any breach to the contract within thirty days of the breach for purposes of initiating an arbitration process.

(2) A person who contravenes the provisions of these regulation commits an offence.

23. (1) Nuts and oil crops produce and products shall be produced, harvested, sorted, graded, packaged, transported and stored or warehoused in accordance with the guidelines set out in Part C of the Fifth Schedule and the applicable national, regional and international standards.

Production and processing.

(2) Every grower and dealer shall harvest, sort, grade, pack, transport and store or warehouse nuts and oil crops when the produce is physiologically mature for the intended use.

(3) Physiological maturity indicators vary from crop to crop and the intended use of the produce but shall include the following—

- (a) in the case of macadamia and cashew nut, fruit left to fall to the ground before being collected;
- (b) in the case of macadamia, float test;
- (c) in the case of macadamia and peanut, a chocolate brown inner side of husk or pod;
- (d) in the case of peanut, a mature pod that is hard to split;
- (e) in the case of sunflower, the flower head should turn light yellow or brown and the seeds shall be dry and protruding from flower head;
- (f) in the case of sesame, the plant and capsule shall be dry and the seed to have at least six percent moisture content.

(4) Notwithstanding the provisions of sub-regulation (3), the county government in consultation with relevant stakeholders may from time to time identify and enforce the maturity indicators applicable to the crops grown.

(5) All premises for storage and processing of nuts and oil crops produce and products shall comply with the provisions of these Regulations and the national, regional and international food safety and quality standards where applicable.

(6) A dealer who contravenes the provisions of this regulation commits an offence.

24. (1) The Authority may develop, implement and maintain a detailed traceability system to track and trace the history and location at all stages of production, processing and distribution of the nuts and oil crops produce and products and keep the records for at least two years

Traceability of produce and products.

(2) Every manufacturer or dealer shall develop and maintain records of who they buy from and who they sell to for the purpose of feeding into the traceability system of the Authority.

(3) Every grower shall develop and maintain production records for at least two years for annual crops and five years for perennial crops, setting out—

- (a) source of planting material;
- (b) planting date;

- (c) application rates and date of farm inputs use;
- (d) farm operations type and date done;
- (e) harvesting dates and quantities; and
- (f) post-harvest management records.

(4) A person who contravenes the provision of this regulation commits an offence.

25. The Authority shall conduct a bi-annual routine verification of the traceability of produce and products along the value chain.

Bi-annual verification of traceability.

26. (1) A person shall not manufacture or be in possession of a scheduled nuts and oil crop product for sale without a licence issued in accordance with these Regulations.

Manufacturing and being in possession of scheduled nuts and oil crops.

(2) A person who manufactures or is in possession of a scheduled nuts and oil crops produce or product in contravention to the provisions of these Regulations commits an offence and shall be liable, upon conviction, to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding five years, or both.

27. (1) For purposes of traceability, the buying and selling of nuts and oil crops produce and products from small-holder farmers for commercial purposes, may be done in collection centers.

Buying and selling of nuts and oil crops produce.

(2) Nuts and oil crops produce and products from plantation growers may be sold directly to the market as long as clear and verifiable traceability system is used.

28. (1) The Authority shall, in consultation with the respective County Government use guidelines as set out in Part A of the Fifth Schedule for the establishment and uses of collection centers.

Collection centers.

(2) The collection centers may be owned or managed by county governments, growers' associations, dealers or the manufacturers.

(3) The guidelines under sub regulation (1) may be reviewed from time to time as and when necessary.

29. (1) All nuts and oil crops produce and products shall be imported or exported through a customs port of entry or exit.

Importation and exportation of nuts and oil crops produce and products.

(2) A licensed importer or exporter of nuts and oil crops produce and products shall apply for an export or import permit electronically through single window system for each consignment of imported or exported nuts and oil crops produce or products.

(3) Each consignment of nuts and oil crops produce or products for import or export shall be declared at the port of entry or exit and may be physically verified by the Authority or its authorized agent.

(4) During the verification of a consignment under sub-regulation (3), a licensed importer or exporter shall provide, on request by the Authority or its authorized agent—

- (a) original copies of importation or exportation documentations;

(b) evidence of payment of duties and levies.

(5) Upon satisfying the conditions for import or export of nuts and oil crops produce and products under these Regulations, the Authority shall approve for release of the consignment to the consignee.

(6) The Authority shall, in collaboration with other government agencies detain, at the cost of the consignee, any consignment that is not accompanied by the documents required under paragraph (5) until the requisite documentation is availed for verification.

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

(8) The Authority shall together with other government agencies, at the cost of the owner, seize, or remove in an appropriate manner, any consignment of nuts and oil crops produce and products that does not conform to the quality standards set by the Authority.

30. (1) The Authority and county government together with other government agencies responsible for ensuring quality produce and products may conduct field inspection of nuts and oil crops grown to ascertain quality control during production.

Field and
Manufacturing
facility Inspection.

(2) The Authority shall conduct the first inspection of newly established manufacturing facility upon payment of fee as set out in Third schedule, to ensure compliance with national, regional and international standards on food safety and good manufacturing practices.

(3) The Authority shall conduct quarterly inspections, upon payment of fees as set out in Third schedule, on existing manufacturing plants to ensure conformity to standards

31. (1) The Authority shall conduct inspection of farms, nurseries, manufacturing facilities, stores and warehouses and transport vehicle for all scheduled nuts and oil crops produce and products to ascertain compliance with the requirements of the Act, these Regulations and other relevant regional and international standards.

Crop inspectors
appointment.

(2) For farm inspection the Authority may jointly conduct inspections in consultation with the County Executive Committee Members responsible for matters agriculture.

(3) The Authority shall gazette inspectors upon their appointment.

(4) A person appointed as an inspector under sub regulation (2) shall have the following minimum qualifications—

- (a) be a Kenyan citizen;
- (b) satisfy the requirements of Chapter Six of the Constitution;
- (c) be a holder of diploma in agriculture or related agricultural field from a recognized institution and a minimum of two years of relevant experience; or

- (d) be a bachelor's degree holder in agriculture or agriculture-related field from a recognized university; and
- (e) have basic training in any relevant course on crop inspection.

32. A crop inspector shall perform the following functions—

Functions of crop inspectors.

- (a) conduct inspection and compliance audit to growers, dealers and manufacturers from time to time to ensure compliance to these Regulations;
- (b) monitor activities associated with production, dealing, handling and processing of nuts and oil crops produce and product; and
- (c) undertake regular and periodic surveillance and audits to ensure adherence to the Act, these Regulations and any other laws.

33. In the exercise of the powers of entry and inspection, crop inspectors shall be guided by the provision of sections 28, 29 and 30 of the Act

Entry inspection and obstruction of crop inspectors.

34. All nuts and oil crops produce or products offered for sale shall comply with relevant national, regional and international standards and where applicable food safety and hygiene requirements and phytosanitary requirements.

Compliance with quality standards.

35. (1) The Authority in collaboration with other government agencies shall randomly sample, test and analyze different nuts and oil crops produce and products in collection centers, warehouses, markets and manufacturing facilities to ensure conformity to food safety and quality standards as provided for in national, regional, international and any other relevant laws.

Sampling and testing of produce and products

(2) The Authority shall issue an annual standards conformity certificate to a buyer, warehouseman, transporter, importer and exporter.

(3) The Authority shall seize or remove at the cost of the owner any produce or product that does not conform to food safety, quality and any other requirement in the Regulations.

(4) The Authority shall immediately liaise with other relevant government agencies for disposal or destruction of the seized or removed product or produce.

PART IV—GENERAL PROVISIONS

36. (1) An agreement to refer a dispute between a grower and a crop dealer for arbitration under this regulation may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

Dispute Resolution procedure.

(2) A dispute arising between a grower and other crop dealers may be notified in writing and presented by the aggrieved party or their advocate to an arbitrator that has been mutually agreed between the parties and shall have attached thereto copies of the relevant documents

relating to the dispute.

(3) The aggrieved parties are free to agree on the procedure to be followed by the arbitrator in the conduct of the proceedings.

(4) Failing an agreement under sub-regulation (3), the arbitrator may conduct the arbitration in the manner they consider appropriate, having regard to the desirability of avoiding unnecessary delay or expense while at the same time affording the parties a fair and reasonable opportunity to present their cases.

37. All licenses and annually renewed certificates of registration issued under these regulations shall remain in force until the thirtieth of June next following the date of issue, unless earlier cancelled.

Validity of licenses and certificates of registration.

38. (1) The Cabinet Secretary may charge fees for inspections and licenses for the dealers and manufacturers and impose levies on imports and exports as set out in the Third Schedule.

Fees and levies.

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

39. (1) Any person who registers small holder growers shall submit annual returns to the respective county government in Form H1 as set out in the Second Schedule by 30th of January every year.

Submission of returns.

(2) A plantation grower of nuts and oil crops produce and product shall submit annual returns to the Authority in Form H1 as set out in the Second Schedule by 30th of January every year.

(3) Every registered nursery operator shall not later than the fifteen day of the first month of every quarter of a financial year complete and submit to the respective county government, statistical returns in Form H2 as set out in the Second Schedule.

(4) Every dealer and manufacturer of nuts and oil crops produce and product shall fill quarterly returns to the respective county government in Form H3 as set out in the Second Schedule not later than the tenth day of the first month after the end of the quarter.

(5) An importer or exporter of nuts and oil crops produce and products shall submit annual returns of the imports or exports transactions to the Authority in Form H3 as set out in the Second Schedule.

40. A person who commits an offence under these Regulations, for which no penalty is provided, shall be liable upon conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding one year or to both in accordance with section 37 of the Act.

General penalty.

41. All licenses in respect of nuts and oil crops existing before the coming into operation of these Regulations shall remain valid until their expiry, and subsequent licenses shall be issued under these Regulations.

Transition.

FIRST SCHEDULE



NUTS AND OIL CROPS

(R.3)

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)
Ground nuts.....	<i>Arachis Hypogaea</i> L.
Castor beans.....	<i>Ricinus communis</i> L.
Sunflower.....	<i>Helianthus annuus</i> L
Oil Seed or Rapeseed.....	<i>Brassica napus var. oleifera</i> L
Jjoba.....	<i>Simmondsia Chinensis</i> (link) C.K Shneid
Safflower.....	<i>Carthamus tinctorius</i> L.
Sesame.....	<i>Sesamum Indicum</i> L
Linseed.....	<i>Linum usitatissium</i> L.
Oil Palm.....	<i>Elaeis guineensis</i> . Jacq.
Bambara nut.....	<i>Vigna subterranea</i> . (L.)Verdc.

All others except scheduled oil crops



SECOND SCHEDULE

COUNTY GOVERNMENT OF

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020

FORM A1

Serial No.; County code/commodity/000(serial per licensing period) (R.5(2))

APPLICATION FOR REGISTRATION OF SMALLHOLDER GROWERS AND
GROWERS ASSOCIATIONS.*(To be filled in triplicate)*

Full name of the entity.....

Postal Address.....

Registered Office.....

L. R. No. Street

Tel. No. Fax No.

E-mail Website

Location of premise /collection centre:

Village/area.....

Ward.....

Sub-County.....

County.....

Number of growers/traders in the group..... Acreage under production

Directors/Officials

<i>Name</i>	<i>Tel No.</i>	<i>ID/Passport No.</i>	<i>PIN No.</i>

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

Types of Produce/ Products

Declaration

I/ We declare that the information given above is accurate and complete.

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

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

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

FOR OFFICIAL USECounty Government Approval

Checked by: County Director of Agriculture/Authorized Officer

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

Approved by: CEC in charge of Agriculture

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

Official stamp/seal

Terms and Conditions

The smallholder growers and grower growers associations shall produce such documentary evidence on the collection Centre/premise, group membership and the volumes produced/ handled on quarterly basis.

COUNTY GOVERNMENT OF.....

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020

FORM A2

Serial No; County code/commodity/000(serial per licensing period) (R.5(3))

CERTIFICATE OF REGISTRATION OF GROWER ASSOCIATIONS

Name.....

Postal Address: Tel..... Email.....

L.R. No.

Street:

is hereby registered as a grower association under these Regulations for the following crops:

.....

Category:

- Grower Association
- Common Interest Group
- Community Based Organization
- Co-operative

Others (*Specify*).....

Registration number

Date of Registration

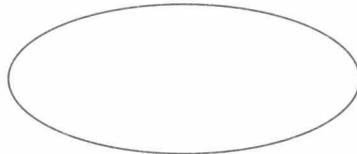
The registration expires on.....

Signed

Name

(CEC in charge of Agriculture)

Official stamp/seal



COUNTY GOVERNMENT OF.....
 THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020
 FORM A3

Serial No.; County code/commodity/000(serial per licensing period) (R.5(4))

REGISTER OF GROWERS ASSOCIATIONS.

1. Full name of the entity.....
2. Postal Address.....
3. Registered Office.....
 L. R. No. Street
- Tel. No..... Fax No.
- E-mail..... Website
4. Location of premise /collection centre:

Village/area.....

Ward.....

Sub-County.....

County.....

5. Membership

<i>Name of the Member</i>	<i>Date of Registration</i>	<i>Membership No.</i>	<i>ID/No.</i>	<i>Village/ Area</i>	<i>Telephone</i>	<i>Commodity</i>	<i>Acreage</i>	<i>Date of Exit</i>

6. Directors/Officials

<i>Name</i>	<i>Tel No.</i>	<i>ID/Passport No.</i>	<i>PIN No.</i>

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

Declaration

I/ We declare that the information given above is accurate and complete.

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

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

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



AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE

FORM A4
REGISTER OF GROWER ASSOCIATIONS

Serial No. AFA/NOCD/001

(r.5(5))

No.	Name of the Entity	Contact details	Location of entity	Number of Reg. growers	Type of crop grown	Area under crop	Date of submission of returns

Compiled by;

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

Verified by:

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



AGRICULTURE AND FOOD AUTHORITY
(NUTS AND OIL CROPS DIRECTORATE)

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020

FORM B1

Serial No.; AFA/NOCD/002

r.6(1))

APPLICATION/RENEWAL FOR REGISTRATION OF PLANTATION GROWER

(To be filled in triplicate)

Full name of the grower.....

Postal Address.....

Registered Office.....

L. R. No. Tel. No

E-mail.....Website.....

Location of plantation:

Village/area.....

Ward.....

Sub-County.....

County.....

Crop..... Acreage under production.....

Do you use irrigation?..... Source of water.....

Do you carry out processing/value addition (Yes/ No).....

If yes: state type of Produce/ Product.....

Directors/Officials

<i>Name</i>	<i>Tel No.</i>	<i>ID/Passport No.</i>	<i>PIN No.</i>

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

Declaration

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

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

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

FOR OFFICIAL USE:

<p>Authority Approval</p> <p>Checked by: Authorized Officer</p> <p>Name.....Signature.....Date</p> <p>Approved by: Director General Agriculture and Food Authority</p> <p>Name.....Signature.....Date</p> <p>Official stamp/seal</p>
--

Terms and Conditions:

The applicant shall meet all the prerequisite requirements



**AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE
FORM B2**

Serial No; AFA/NOCD/003

(r.6(2))

CERTIFICATE OF REGISTRATION OF A PLANTATION GROWER

Name.....

Postal Address:Tel.....Email.....

L.R. No.

Street:

is hereby registered as a Plantation Grower under this Regulation for the following crop(s):

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

Crop Acreage:

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

Registration number

Date of Registration

Signed
.....

Name

Director-General

Agriculture and Food Authority

This Licence is granted subject to the provisions of the Crops Act 2013 and is not transferable



AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE
FORM C1

Serial No.; AFA/NOCD/004

(r.7(1))

APPLICATION FOR COMMERCIAL NURSERY LICENSE

(To be filled in triplicate)

Part I

1. Full name of Applicant
2. PIN No.....ID No.....
3. Postal Address.....Tel.....Email.....
4. County.....Sub-County.....Ward.....Sub location.....
5. L.R. No/ Street Name
6. Type of planting material to be produced:

<i>Crop/variety</i>	<i>No. of Seedlings</i>	<i>Source of Seed</i>

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

PART II

FOR OFFICIAL USE

<p>Authority Approval</p> <p>Checked by: Authorized Officer</p> <p>Name.....Signature.....Date</p> <p>Approved by: Director General: Agriculture and Food Authority</p> <p>Name.....Signature.....Date</p> <p>Official stamp/seal</p>
--

Terms and conditions for registration

1. Application for licensing shall be made to the Authority.
2. The applicant shall demonstrate proof of adequate knowledge in nursery management.
3. The nursery operator shall submit quarterly returns to the Authority.
4. The nursery operator shall ensure all planting material has been inspected and approved by an officer from Kephis.
5. The nursery operator shall comply with the guidelines on nursery management as issued by the Authority from time to time.



AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE
FORM C2

Serial No.; AFA/NOCD/005

(r. 8(1))

COMMERCIAL NURSERY LICENSE

Name

Postal Address

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

Located at:

WardSub location..... Location.....

Sub County.....County

LR No/ Street Name

.....

The following planting materials will be produced:

<i>Types</i>	<i>Number of Planting Stock</i>

Registration No.

SignedDate:.....

(Director General Agriculture and Food Authority)

Official stamp/seal

Terms and Conditions:

1. This License is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled.
2. This Licence is not transferable.

3. All planting material shall be sourced from approved sources.
4. A nursery operator shall ensure that the planting material has been inspected and a phytosanitary certificate issued by the relevant government agency before sale of the planting material.
5. All certified planting materials not sold within six months of certification, will be subjected to re-certification.
6. Nursery operators shall remit statistical returns to the Authority on quarterly basis.



AGRICULTURE AND FOOD AUTHORITY
(NUTS AND OIL CROPS DIRECTORATE)

FORM D1

Serial No.; AFA/NOCD/006

(r.10(1))

APPLICATION FOR REGISTRATION AND LICENSING OF TRADERS,
RETAILERS, TRANSPORTERS AND DISTRIBUTORS
OF.....PRODUCE

(To be filled in triplicate)

Full name of Applicant

Postal Address.....PIN No / ID. No.

Registered Office.....

L. R. No. Street

Tel. No.Fax No.....

E-mailWebsite

.....

Place where the premise is located:

Ward.....

Sub-location.....Location.....

Sub County.....

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

Details of the Buying Centres/Warehouses

Buying Centre Name/No	Volume handled (metric tons)	Location	Street/Avenue / Village	Contact Person	Mobile No.

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

Type of dealership e.g. Trader/Retailer/ Transporter/Distributor

(Specify)

.....

Types of Produce/ Products

Sources of supply for Produce

Destination for Produce

Declaration

I declare that the information given above is accurate and complete.

Name.....

Signature

Date

FOR OFFICIAL USE

Registration number.....Date of Registration..... Authority Approval Checked by: Authorized Officer Name..... Signature.....Date Approved by: Director General: Agriculture and Food Authority Name.....Signature.....Date Official stamp/seal
--

Terms and Conditions:

1. When considering an application for registration as a dealer the Authority shall satisfy itself that the applicant has complied with requirements and conditions set out in

Part A,B and C of the Fourth schedule, applicable national & international Standards, Code of Practice and any other legal requirements.

2. The dealer shall produce such documentary evidence for the purchases and deliveries to support the statements made above.

3. The dealer shall provide a copy of the contract signed with the buyer/manufacturer/growers.



AGRICULTURE AND FOOD AUTHORITY
(NUTS AND OIL CROPS DIRECTORATE)

FORM D2

Serial No: AFA/NOCD/007

(r.10(2))

PRODUCE AND/OR PRODUCT DEALER LICENSE

Name
Postal Address: Tel..... Email.....
L.R. No.

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

Category:

- Trader
- Retailer
- Transporter
- Distributor
- Marketing Agent

Others (specify).....

License numberDate of Licensing

Signed

Name.....

(Director General Agriculture and Food Authority)

Official stamp/seal

Terms and Conditions

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





AGRICULTURE AND FOOD AUTHORITY
(NUTS AND OIL CROPS DIRECTORATE)

FORM E1

Serial No.; AFA/NOCD/008

(r.11(1))

APPLICATION/RENEWAL FOR AN IMPORTER/EXPORTER REGISTRATION
AND LICENSING

(To be filled in triplicate)

Full name of Applicant

Postal Address.....

Registered Office.....

L. R. No.Street

Tel. No. Fax No.

E-mailWebsite

Premise Location:

Town/Street.....

Ward.....

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

Directors:

Name	ID/Passport No	Citizenship	Shares

(Attach copies of certificate of registration/incorporation, ID/Passport of Directors, tax compliance certificate and current Single Business Permit)

Type of dealership: Exporter/Importer (specify).....

Types of Produce/Products

Sources of supply for Produce

Destination for Produce

Declaration

I declare that the information given above is accurate and complete.

Name.....

SignatureDate

FOR OFFICIAL USE

<p>Authority Approval</p> <p>Checked by: Authorized Officer</p> <p>Name.....Signature..... Date</p> <p>Approved by: Director General AFA</p> <p>Name.....Signature.....Date</p> <p>Official stamp/seal</p>
--

Terms and Conditions

1. When considering an application for registration and licensing as an importer/exporter the Authority shall satisfy itself that the applicant has complied with requirements and conditions set out in Part A, B and C of the Fourth schedule, applicable national & international Standards, Code of Practice and any other legal requirements

2. The importer/exporter shall produce such documentary evidence for the purchases and deliveries to support the statements made above.



AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE
FORM E2

Serial No.; AFA/NOCD/009

(r.11(2))

EXPORTER/IMPORTER LICENSE

Type of License.....

(Grant /renewal)

License No.....

This License is issued to

of Postal Address and authorizes the said entity to carry on

the business ofat the premise situated atfor

the period of beginning on theday of20.....and
ending on the 30th day of June 20..... (both days inclusive)

Issued on theday of20.....

Signed.....

Name

Director General
Agriculture and Food Authority

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

1. This License is not transferable
2. This License is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled
3. This License does not authorize the export of raw cashew nuts and raw macadamia nuts



AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE

FORM F1

Serial No.; AFA/NOCD/010

(r.12(1))

APPLICATION FOR LETTER OF INTERIM AUTHORITY

To

The Director General
Agriculture and Food Authority

1) I/We.....

(Director/directors/agent of.....)

(Name of business enterprise) apply for a Letter of Interim Authority for

(Name of Nuts and Oil Crops project).

2) The registered office of company will be situated

at.....

3) The intended location of the processing facility will be;

a) County..... b) Sub County.....c)

Ward.....d) Village/street.....

4) produce source

a) own farm.....Acres.....production (in Kg)

b) contracted.....Number of farmers.... Acres.....production(in Kg).....

5) Copies of the following documents are attached to this application —

- (a) project approval letter from the respective county
- (b) the Memorandum and Articles of Association or partnership agreement;
- (c) the Certificate of Incorporation/Registration;
- (d) the profiles of the investor(s), directors or principal officers;
- (e) a copy of the project profile or feasibility study showing the implementation period, program of implementation and operation dates; and
- (f) evidence of financing and land ownership for the project.

6) Declaration

I declare that the information given above is accurate and complete.

Name.....Signature.....Stamp.....

FOR OFFICIAL USE

Authority Approval		
Checked by: Authorized Officer		
Name.....	Signature.....	Date
Approved by: Director General AFA		
Name.....	Signature.....	Date
Official stamp/seal		



AGRICULTURE AND FOOD AUTHORITY
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020
FORM F2

Serial No.; AFA/NOCD/011
(Authority Letterhead)

(r.12(2))

.....

(Current Date)

.....

(Applicant's /Company (address))

Dear

RE: LETTER OF INTERIM AUTHORITY

.....(name of applicant entity) has demonstrated its commitment to the implementation of the project in County by meeting all the set pre-requirements.

The Authority is satisfied that applicant will: -

- (a) carry out a detailed project study to facilitate environmental impact assessment;
- (b) organize and contract (specify the nuts and oil crop) growers for raw material supply;
- (c) participate in growth and development to the industry;
- (d) install processing machinery and equipment that will match relevant quality and food safety standards;
- (e) apply for a manufacturing license after successful completion of the processing plant; and
- (f) execute the project within the next two years from the date of this letter after which this letter of interim authority shall be invalidated.

The Authority is satisfied with the intentions of (name of the company) in implementing the proposed project and is hereby issued with a Letter of Interim Authority valid up to.....(two years from the date of this letter)

Yours faithfully,

.....

Director-General
Agriculture and Food Authority

Note: - This letter of Interim Authority does not authorize the bearer to purchase, transport, process, export or import nuts and oil crops produce or products



AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE

FORM G1

Serial No.; AFA/NOCD/012

(r.13(1))

APPLICATION FOR GRANT/RENEWAL OF A MANUFACTURING LICENSE

(To be filled in triplicate)

Full name of Applicant

Postal Address.....

Registered Office.....

L. R. No. Street

Tel. No. Fax No.

E-mail Website

Place where the premise is located:

Town/Street.....

Ward.....

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

Directors:

<i>Name</i>	<i>ID/Passport No</i>	<i>Citizenship</i>	<i>Shares</i>

(Attach copies of certificate of registration/incorporation, ID/Passport of Directors, tax compliance certificate and current Single Business Permit)

Types of Produce/ Products

Sources of supply for Produce

Destination for Products

Declaration

I declare that the information given above is accurate and complete.

Name.....

Signature Date

FOR OFFICIAL USE

Authority Approval

Checked by: Authorized Officer

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

Approved by: Director General AFA

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

Official stamp/seal

Terms and Conditions

1. When considering an application for licensing as a manufacturer the Authority shall satisfy itself that the applicant has complied with requirements and in condition as set out in part A, B and C of the Fourth schedule, applicable national & international Standards, Code of Practice and any other legal requirements.
2. The manufacturer shall produce such documentary evidence for the purchases and deliveries to support the statements made above.
3. A manufacturer shall pay the prescribed registration fees to the Authority.
4. This certificate is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled



AGRICULTURE AND FOOD AUTHORITY
 NUTS AND OIL CROPS DIRECTORATE
 FORM G2

Serial No.; AFA/NOCD/013

(r.13(4))

MANUFACTURING LICENSE

Type of License.....

(Grant /renewal)

License No.....

This License is issued to

.....
 of Postal Address and authorizes the said entity to carry on the
 business ofat the premise situated atfor
 the period ofbeginning on theday of20.....and
 ending on the 30th day of June 20..... (Both days inclusive)

Issued on theday of20.....

Signed.....

Name

Director General

Agriculture and Food Authority

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

1. This License is not transferable
2. This license is not for export or import of raw materials or manufactured products
3. The Manufacturer shall pay the applicable fees
4. This license is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled
5. The license does not authorize the export of raw cashew nuts and raw macadamia nuts



AGRICULTURE AND FOOD AUTHORITY
 NUTS AND OIL CROPS DIRECTORATE
 and

COUNTY GOVERNMENT OF.....
 THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2020
 FORM H1

Serial No.; AFA/NOCD/014; County code/commodity/000(serial per licensing period)
 (R.39(1),(2))

GROWERS STATISTICAL RETURNS FORM

(To be completed in triplicate)

Name of the Growers Association/Plantation Grower.....

ID No/ Certificate No.
 PIN Certificate No.
 Telephone/ Mobile numberPostal AddressTown.....
 Location of the farm:
 Location Ward
 Sub County County.....
 Period (Year).....
 Declaration:

Crop	Quantity of produce/product harvested	Quantity of produce/product sold, distributed	Balance of produce/product	Average price of a produce/product sold per unit over the period (KES)

I declare that the information given above is accurate and complete.

Name.....

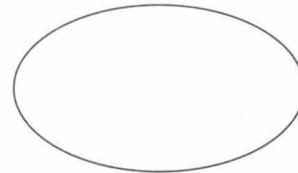
Signature Date

For official use only:

Name of the officer who verified the records :

DateSignature

Official Authority/CECM Agriculture Stamp



NB

This form must be filled and submitted to the Authority or county government as the case may be, not later than the fifteenth day of the first month of a new year



AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE
FORM H2

Serial No.; AFA/NOCD/015

(r.39(3))

NURSERY OPERATOR STATISTICAL RETURNS FORM

(To be completed in triplicate)

Name of the Nursery operator

ID No/ VAT Certificate No. PIN Certificate No.

Telephone/ Mobile number Postal Address

..... Town.....

Location of the nursery: Ward

Sub-location..... Location.....

Sub County County.....

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 declare that the information given above is accurate and complete.

Name.....

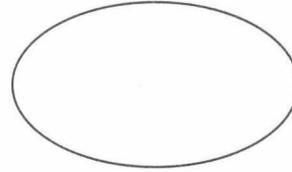
SignatureDate

For official use only:

Name of the officer who verified the records

DateSignature

Official Authority Stamp



NB

This form must be filled and submitted to the Authority, not later than the fifteenth day of the first month of every quarter of a financial year



AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2020
FORM H3

Serial No.; AFA/NOCD/016

(R.39(4),(5))

DEALER/MANUFACTURER STATISTICAL RETURN FORM

(To be completed in triplicate)

Return for the quarter..... Year

PART A

Name of Dealer/Manufacturer

Postal address:Code Town

Telephone No. Fax

Email..... Website

Company registration certificate No.

KRA PIN Certificate No.

Business Location (premise):

Street/Area..... Ward.....

Sub-locationLocation

Sub CountyCounty

Dealer/Manufacturer License or Certificate number.....

Category of Dealership/Manufacturer: specify).....

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 manufacturer)

Product/Produce	Unit of measure (Specify)	Quantity handled		Total value of produce/product (KES)		Quantity exported (if any)		Value of export (KES)		Export destination country	
		Raw material	Processed	Raw material	Processed	Raw material	Processed	Raw material	Processed	Raw material	Processed

NB: Attach copies of KRA export entries and bill of lading

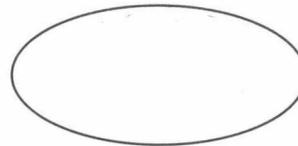
Declaration

I declare that the information given above is accurate and complete.

Name.....

SignatureDate

Official Company stamp/seal

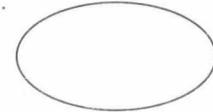


FOR OFFICIAL USE ONLY

Checked By.....Designation.....

SignatureDate.....

Official stamp



Terms and Conditions:

- (1) Those filling Part B (Local traders, distributors, transporters and marketing agents) shall file their returns to the Authority
- (2) Those filling Part C (importers and exporters) shall file their returns with the Authority.
- (3) Those filling Part D (manufacturer) shall file their returns to the Authority.
- (4) Every dealer/manufacturer shall, not later than the tenth day of the first month of every quarter of a financial year complete and submit statistical returns to the Authority.

THIRD SCHEDULE



AGRICULTURE AND FOOD AUTHORITY

NUTS AND OIL CROPS DIRECTORATE

R. 8(1), 10(2), 11(2), 12(5), 13(4), 14(3), 17, 29 (4)(b), 30(2)(3)

NUTS AND OIL CROPS INDUSTRY FEES AND LEVIES

REGISTRATION AND PERMIT/ LICENSES CATEGORIES	LICENCE FEES (KSH)	RENEWAL FEES (KES)
LICENSES		
Dealers (commercial nursery operators, transporters, distributors, marketing agents, ship chandlers, exporters and importers)	5,000	5,000
MANUFACTURERS		
Cottage Processors (Gross turnover of KES 5,000,000 and below per year) and new applicants	5,000	5,000
Established/Big Processors (Gross turnover of more than KES 5,000,000 per year)	25,000	25,000
INSPECTION FEES		
Commercial Nursery/mother block/farms (per visit)	1,000	
Processing facility inspection (per visit)		
Cottage Processors (Gross turnover of KES 5,000,000 and below per year) and new applicants	5,000	
Established/Big Processors (Gross turnover of more than KES 5,000,000 per year)	10,000	
LEVIES (per consignment)		

Export levy on raw produce, (except those prohibited under section 43 of Agriculture and Food Authority Act 2013)	Ksh 2 per Kg FOB	
Export levy – Finished products	0.25% of FOB	
Import levy – Finished products	4% of CIF	
Import levy – Raw materials	2% of CIF	

FOURTH SCHEDULE

AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE*(R.8(2))*PART AMINIMUM REQUIREMENTS APPLICABLE TO NURSERY REGISTRATION AND
LICENSING

1. High standards of field hygiene in the nursery
 - Disease free seedlings
 - Free from organic and inorganic litter
 - Clear separation of operation (soil mixing and potting, seeding area, grafting area, hardening area and dispatch)
 - Year round source of water
2. Soil media is treated (see evidence of treatment area)
3. Nursery layout is well secured from animals and other walking pests
4. Nursery layout is East to West orientation, gentle slope and allows for good drainage
5. structures are in place for the nursery operations (shade nets, polytunnels and insect proof net for passion fruit. For TC a lab and hardening off area)
6. Scion source if from registered mother block
7. Source of seeds/rootstock for each fruit type is from approved source
8. Nursery block with grafted seedlings is well labeled with the seedling type.
9. Seedlings ready for dispatch is tagged with the seedling variety
- 10 Distribution records of the nursery showing buyer's name, County, district, location, postal address and varieties purchased.
 - Nursery certificate is well displayed

FOURTH SCHEDULE

AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE*(R.13(4))*

PART B

MINIMUM LICENSING REQUIREMENTS APPLICABLE TO A
MANUFACTURING FACILITY

- (a) Duly filled application form (*Grant/Renewal*)
- (b) Copy of Certificate of Incorporation or Registration Certificate (*Grant*)
- (c) Copy of dully signed Articles and Memorandum of Association or CR 12 (*Grant*)
- (d) Copies of ID or Passports of Company Directors & Valid Work Permit where applicable (*Grant*)
- (e) Copy of valid County Government's Single Business Permit (*Grant/Renewal*)
- (f) Copy of KRA's PIN Certificate for the company (*Grant*)
- (g) Copy of valid KRA's Tax Compliance Certificate (*Grant/Renewal*)
- (h) Copy of valid NEMA's Environmental Impact Assessment or Environmental Audit Certificate where applicable (*Grant/Renewal*)
- (i) Copy of Public Health's Food Drugs and Chemical Substances License where applicable (*Grant/Renewal*)
- (j) Facility Inspection report (*Authority to inspect*)
- (k) Food Safety Certification (*where applicable*)

Note: In the event of change in directorship of a company, updated CR12 and Copies of ID'S or passport & valid work permit shall be submitted to the Directorate

FOURTH SCHEDULE



AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE

(r.11(2))

PART C

MINIMUM REGISTRATION AND LICENSING REQUIREMENTS APPLICABLE
TO AN EXPORTER/IMPORTER

1. Duly filled application form (Grant/Renewal)
2. Copies of ID'S or passport & valid work permit shall be submitted to the Directorate
3. Copy of Certificate of Incorporation or Registration Certificate (Grant)
4. Copy of dully signed Articles and Memorandum of Association or CR 12 (Grant)
5. Copies of ID or Passports of Company Directors & Valid Work Permit where applicable (Grant)
6. Copy of valid County Government's Single Business Permit (Grant/Renewal)
7. Copy of KRA's PIN Certificate for the company (Grant)
8. Copy of valid KRA's Tax Compliance Certificate (Grant/Renewal)
9. Warehouse Inspection report (Authority to inspect)

Note: In the event of change in directorship of a company, updated CR12 and Copies of ID'S or passport & valid work permit shall be submitted to the Directorate

FIFTH SCHEDULE

AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE*(r.28(1))*

PART A

GUIDELINES FOR ESTABLISHMENT, USES AND MANAGEMENT OF NUTS
AND OIL CROPS PRODUCE COLLECTION CENTRE

1. The collection center shall—

- (a) be accessible to both buyers and farmers;
- (b) be designed to allow for a store, an office, working area and an appropriate cooling facility where applicable;
- (c) have floors, doors, wall surfaces made of impervious, non-toxic, washable materials, which are easy to clean and disinfect;
- (d) be constructed to allow for adequate ventilation, lighting, effective produce inspection and made of acceptable materials
- (e) adequate water and toilet facilities;
- (f) have waste disposal facilities; and
- (g) have clear documentation procedures and document control systems

2. The collection centers may be used as –

- (a) sites for bulking and grading of nuts and oil crops produce and products to achieve marketable volumes;
- (b) collective bargaining and negotiations and signing of contractual agreements between producing clusters and traders;
- (c) points for lodging and arbitration of disputes between aggrieved parties;
- (d) centers of information dissemination on prices, markets and other technologies on nuts and oil crops industry improvement.

FIFTH SCHEDULE



AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE

(r.22 (1)(a))

PART B

GUIDELINES FOR CONTRACTUAL AGREEMENT BETWEEN A GROWER,
DEALER AND OR MANUFACTURER IN THE NUTS AND OIL CROPS
INDUSTRY:

AGREEMENT made thisDay of
two Thousand and
BETWEEN:

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

AND

.....of a GROWER
entity of nuts and Oil crops produce (Registration No.)
hereinafter called the “grower” which expression shall where the context so admits
include its successors and assignees) of the second part

WHEREAS

the dealer/manufacturer is duly registered under these regulations and the grower has
requested the dealer/manufacturer to provide services referred to below and the
dealer/manufacturer has agreed to provide such services to the grower upon the terms and
conditions appearing hereinafter.

IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:

AIMS AND OBJECTIVES OF CONTRACTS

The guidelines shall:

Act as a memorandum of understanding between the grower and dealer/ manufacturer of
..... produce.

Serve as a guideline for the grower and dealer/manufacturer in order to conduct good business practices, which will be mutually beneficial and help promote the well-being of the nuts and oil crops industry in Kenya.

Act as guideline or framework to development of a legally binding contract to be executed by the grower and dealer/manufacturer.

OBLIGATIONS OF THE GROWER AND DEALER/MANUFACTURER
TERMS AND CONDITIONS

THE ESSENTIAL ELEMENTS THAT A CONTRACT SHALL HAVE INCLUDE:

Quantity and quality of produce to be supplied at a particular time and contract prices:-

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

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

SIGNED for and on behalf of the

Dealer/Manufacturer.....Grower.....

Name:Name:

Date:Date:.....

Witness:Witness:.....

Date:Date:.....

Witnessed by County Government representative

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

Signature:Official stamp and Date.....

FIFTH SCHEDULE



AGRICULTURE AND FOOD AUTHORITY
NUTS AND OIL CROPS DIRECTORATE

(r.23(1))

PART C

GUIDELINES 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 physiological maturity for intended use.
3. Harvested produce shall be protected from adverse weather conditions
4. Appropriate harvesting equipment shall be used for each crop.
5. Produce unfit for marketing shall be separated from marketable produce at the field level.
6. All produce shall be sorted and graded as appropriate.
7. Physical handling of produce shall be minimized at all stages.
8. All harvested produce shall be aggregated at the collection centers before being sold to traders

PETER MUNYA,
*Cabinet Secretary for Agriculture, Livestock,
Fisheries and Co-operatives.*