

LEGAL NOTICE NO.....

THE CROPS ACT, 2013

(No 16 of 2013)

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2019

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THE CROPS ACT, 2013

(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 Irrigation makes the following Regulations—

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2019

PART I—PRELIMINARY

- Citation and commencement. **1.** These Regulations may be cited as the Crop (Nuts and Oil Crops) Regulations, 2019 and shall come into operation on the date of gazzement.
- Interpretation. **2.** In these Regulations unless the context otherwise requires—
- “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
- No. 13 of 2013. “Authority” means the Agriculture and Food Authority established by section 3 of the Agriculture and Food Authority Act, 2013;
- “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to Agriculture,
- “certificate” means a document issued by the Authority for a specified purpose;
- “certificate of origin” means a document issued by a competent authority from a country of origin confirming the origin of the nuts and oil crops produce or product;
- “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;
- “County Government” means the government provided for under Article 176 of the Constitution
- “dealer” means a person, company, co-operative society, association of persons or firm engaged in collecting, transporting, storing, distributing, processing, buying or selling nuts and oil crops produce, products or by-products and includes exporter, importer, processor, ship chandler and agent;

No. 13 of 2013.

“de-husking” means the removal of the green/greyish green pericarp (outer cover from the mature nut fruit

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

“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;

“Crops inspector” means a person appointed as an inspector in accordance with section 27 of the Crops Act, 2013

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

“licensing Authority” means the official body that registers, grants licenses, and issue permits and is AFA and/or County Government,

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

“kernel” means a nut that has been shelled;

“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 dehusking and drying.

“manufacturer” means a processing firm that transforms nuts and oil crops produce/products to various end use products.

“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 Licensing 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;

“processed cashew and macadamia nuts” means nuts that have been shelled to a product called a kernel;

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

“cashew nut” 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 grower with less than ten acres under nuts or oil crop;

“plantation” means a grower 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 or product

Scope and Purpose of the regulations.

3. The purpose of these Regulations is to provide guidelines in the development and promotion of the nuts and oil crops industry and in particular to provide for—
 - (a) The conditions for registration and/or licensing of nursery operators, growers, dealers and manufacturers;
 - (b) Application forms and procedures for registration and licensing
 - (c) The recommendation of general industry agreements or contracts;
 - (d) The compliance with quality and safety standards;
 - (e) The production, harvesting, processing and marketing;
 - (f) The filing of statistical returns;
 - (g) The imposition and administration of levies;
 - (h) Such other matters as may be deemed necessary for the better carrying into effect of the provisions of these Regulations.

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 and transportation of all produce and products destined for markets;
 - (f) recommend general industry agreements and contracts;
 - (g) vet contracts entered into between growers and other stakeholders or among other stakeholders in the industry;

- (h) mediate and arbitrate disputes arising between growers and/or other 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 to subsection (1), the Directorate shall—
- (a) regulate imports and exports of the produce and 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;
 - (c) be responsible for advising on research priorities in nuts and oil crops industry;
 - (d) collect and administer nuts and oil crops levies and fees to enhance development and research in the sub sector;
 - (e) coordinate in consultation with the Ministry responsible for international trade, matters of international protocols and conventions;
 - (f) appoint agents for the implementation or performance of any of the functions of the Directorate;
 - (g) perform such other functions as may be assigned 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 has adequate knowledge and registered with the relevant County Government.
- (2) A nursery operator shall register with the relevant government agencies dealing with sanitary and phytosanitary matters.
- Application for registration or renewal.
6. (1) A person who intends to operate a nursery or mother block shall make an application for registration to the relevant County Government as 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) Remain in force until the 30th of June following the date of issue unless earlier cancelled;
- (b) only be applicable for a specified inspected area; and
- (c) Not be transferable to any other person.
- (4) The nursery operator shall avail the certificate of registration to the Authority for verification whenever requested.
- Conditions for granting nursery certificate.
7. A person shall be issued with a certificate of registration for a nursery, under regulation 6 upon the inspector —
- (a) Visiting the site and being satisfied that the site is suitable for establishment of a nursery; and
- (b) Being satisfied that the nursery operator or the operator’s agent has adequate knowledge of nursery management and production techniques.
- Revocation of certificate of registration.
8. The relevant County Government may revoke, suspend or vary a certificate of registration issued to a nursery or a mother block operator if that operator-
- a) fails to comply with these regulations or the conditions set out in the certificate of registration.

- b) Commits an offence under the act or any other written law in respect of the activity for which they have been registered.

Nursery operator's 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 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 relevant government agencies.

(2) 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 such guidelines as shall be issued by the Authority in consultation with the relevant County Government from time to time.

Good agricultural practices.

- 1.** Every grower shall comply with the guidelines for good agricultural practices and product processing as set out in the Fourth Schedule and 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) as set out in Form E1 of the First Schedule.
- (3) A person who intends to import or export nuts and oil crops produce or products shall make an application for registration to the Authority as set out in Form D2 of the First Schedule
- (4) 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 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 (A) 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.
- (6) All Associations, Common Interest Groups, Community Based Organizations and Co-operatives dealing with nuts and oil crops shall maintain a register in such a format as prescribed by the Authority in Form D3 (B) of the First Schedule.
- (7) All entities registering small holder growers shall forward annual returns to the Authority, registers in such a manner as the licensing

Authority may prescribe and submitted by 30th of January every year.

Issuing of Licenses

- 15.** (1) A person who intends to process nuts and oil crops produce or products shall make an application for a license to the Authority as set out in Form D5 of the First Schedule.
- (2) The Authority shall issue a license to successful applicants under paragraph (1) as set out in Form E4 of the First Schedule
- (3) The license 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 license 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 fell a nuts or oil crop tree 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 felling of a nuts or oil crop tree 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 or raw nuts and oil crops produce

- 17.** (1) 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.
- (2) 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 a movement permit issued by the relevant County Government.
- (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 by the County of origin
- (5) A person who contravenes any of the provisions of this regulation commits an offence.

Dealer/Manufacturer statistical returns.

- 18.** (1) Every dealer and manufacturer of nuts and oil crops produce shall file quarterly returns to the relevant County Government and to the Authority as set out in Form F of the First Schedule not later than the tenth day of the first month after the end of the quarter.

Renewal of certificate of registration or Licenses.

- 19.** (1) Every annual certificate of registration or license 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 to the Licensing Authority not later than the first day of the month of June in which the current certificate of registration or license is due to expire.
- (3) Notwithstanding the provision of sub regulations (2) above a late application may be made upon payment of a penalty of fifty per centum of the registration or license fee.

Licensing and registration fee.

- 20.** Every dealer or manufacturer shall pay a licensing or registration fee as prescribed in the Second Schedule.

Revocation, suspension or varying of certificate of registration or license or permit.

- 21.** (1) The Licensing Authority may revoke, suspend or vary a certificate of registration or license or a permit issued to a dealer or manufacturer if they—
- a) fail to comply with these regulations or the conditions set out in the certificate of registration or license or permit.
 - b) Commit an offence under the act or any other written law in respect of the activity for which they have been registered or licensed or permitted.
- (2) Before a certificate of registration or license or a permit is revoked, suspended or varied under sub-regulation (1), the certificate or license or permit holder shall be given—
- (a) notice of the intention to revoke, suspend or vary the certificate or license or permit.
- (3) The notification referred to in sub-regulation (2) shall be sent to the registered entity or licensee or a permit holder by registered post.
- (4) Where a certificate of registration or license or permit is revoked, suspended or varied 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 accruing from such revocation.

Decision on registrations.

- 22.** (1) The Licensing Authority in considering an application for any registration, licensing or, renewal under these Regulations, shall make a decision within ninety days after receipt of an application for registration, licensing or 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.

Additional information.

- 23.** The Licensing Authority may require an applicant to supply such additional information as it may consider necessary in relation to the application for registration, license or renewal

Imposition of further terms, conditions and restrictions.

- 24.** The Authority, in consultation with the Cabinet Secretary or the relevant 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, nursery or premise which has been inspected.

Compliance with quality standards.

26. 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 sanitary and phytosanitary requirements.

Imports or Exports compliance with the standards.

27. (1) An importer shall, where applicable, furnish the Authority with clearance documents from the relevant government agencies responsible for standards, biosafety and sanitary & phytosanitary, before making an application for clearance.

(2) Every exporter shall comply with the relevant laws, regulations and standards of the Nuts and Oil crops products.

(3) 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.

(4) 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.

(5) 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 manually or electronically in the manner prescribed in the single window system.

(6) 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 thereunder.

(7) 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.

(8) 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.

Penalties on illegal imports and exports

28. (1) A person who imports or exports nuts and oil crops produce or products contrary to the provisions of the Crops Act and these Regulations commits an offence.

(2) A person who contravenes subsection (1) commits an offence and shall on conviction be liable for a fine not exceeding ten million shillings, or to imprisonment for a period not exceeding five years, or to both.

Contracts between grower or dealer or manufacturer.

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

(a) sign a contract with the grower and register such contract with the relevant County Government and the Authority as set in the Third Schedule;

(b) notify the relevant County Government and the Authority of any dealer or manufacturer or grower who breaches any contract within thirty days;

(c) Any person who contravenes the provisions of these Regulations commits an offence.

(3) There is hereby established a committee to mediate disputes arising between growers, dealers and manufacturers.

(a) The committee shall comprise of;

(i) one person representing the Ministry for the time being in charge of Agriculture

(ii) two persons representing Agriculture and Food Authority.

(iii) two persons representing the relevant County government.

(iv) one official of the relevant commodity apex body nominated in writing

(b) The committee may co-opt not more than two other members nominated by the Authority in writing who in their opinion possess knowledge and experience likely to be beneficial to the committee.

Compliance with contracts between two parties.

30. A registered dealer may be required to furnish the Authority with a copy of the contract signed between the dealer, grower or manufacturer upon being required to do so by a person duly authorized in writing by the Authority or relevant County Government.

Traceability of produce and products.

31. Every grower, manufacturer and dealer shall develop, implement and monitor 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.

- Traceability records. **32.** (1) Every grower, manufacturer or dealer shall maintain traceability records relating to the produce and products for at least two years.
- (2) Every grower, manufacturer or dealer shall maintain traceability records relating to the seed and seedlings of nuts and oil crops for at least five years.
- Contravention of this Part **33.** A person who contravenes the provisions of these Regulations commits an offence

PART V— HARVESTING, PROCESSING AND MARKETING PROVISIONS

- General provisions **34.** (1) 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.
- (2) Every grower and dealer shall harvest nuts and oil crops when the produce is physiologically mature for the intended use.
- (3) The Authority and the respective county governments shall prescribe the harvesting seasons for the different Nuts and Oil crops produce for various regions.
- (4) Every grower and dealer shall harvest their nuts and oil crops within the prescribed harvesting seasons.
- (5) All premises for storage and processing of Nuts and Oil crops produce and products shall comply with the provisions of the Public Health Act and national, regional and international food safety and quality standards where applicable.
- (6) A person who contravenes the provisions of sub regulation (1), (3) and (5) above commits an offence.
- Marketing through collection centres **35.** (1) The growers may market their produce through collection centres established in accordance with the guidelines issued by the Authority in consultation with the relevant County Government from time to time.
- (2) The collection centres 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) centres of information dissemination on prices, markets and other technologies on nuts and oil crops industry improvement; and
- (e) acquisition and distribution of agricultural inputs, provision of advisory services, credit and other agricultural services.

Inspectors

36. (1) The Authority may appoint crop inspectors for the scheduled nuts and oil crops in accordance with section 27 of the Crops Act 2013.

(2) A person appointed as an inspector under sub regulation (1) shall-

- (a) Be a Kenyan citizen.
- (b) meet the requirements of Article 10 and Chapter 6 of the Constitution.
- (c) be persons who holds a minimum degree in agriculture, business management, criminology or a related field from a recognized Institution; and
- (d) have the relevant expertise and a minimum experience of 3 years' in an agriculture related field.

(3) In the exercise of their powers of entry and inspection, the inspectors shall be guided by the provision of section 28, 29 and 30 of the Crops Act 2013.

Felling (Logging)
of nuts and oil
crops

37 (1) A nuts and oil crop tree shall not be felled 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 after the owner has applied and gotten approval by the 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 fell 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 to be felled.
- (4) Despite sub regulation (3), the replanting shall not apply to areas converted into industrial, commercial or residential sites or land use changed, 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 VI—MISCELLANEOUS PROVISIONS

Protection from
personal liability.

38. An action shall not lie against the Authority and the 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.

39. 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 a fine not exceeding twenty thousand shillings or to imprisonment for a period not exceeding six months or to both.

Repeal.

40. Legal Notice No 165 of 2007 of Kenya Coconut Development order is hereby revoked.

FIRST SCHEDULE

COUNTY GOVERNMENT OF.....

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2019

FORM A

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

Regulation 6(1)

APPLICATION FOR REGISTRATION OF A NURSERY OR MOTHERBLOCK

(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:

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

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

PART II

<u>FOR OFFICIAL USE</u>		
Inspector's Remarks		
.....		
Recommended /Not recommended		
Inspector's name.....	Signature.....	Date.....
Approved/Not Approved by: CEC in charge of Agriculture		
Name	Signature.....	Date
		

Terms and conditions for registration

1. Application for registration shall be made to the County government where the nursery/mother block is located.
2. Successful applicants shall pay prescribed fees to the County government.
3. The applicant shall demonstrate proof of adequate knowledge in nursery management.
4. The nursery operator shall submit quarterly returns to the Licensing Authority.
5. The nursery operator shall ensure all planting material has been inspected and approved by an officer from the respective County government.
6. The nursery operator shall comply with the guidelines on nursery management as issued by the Licensing Authority from time to time.

COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2019

FORM B

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

Regulation 6(3)

CERTIFICATE OF REGISTRATION OF A NURSERY

Name

Postal Address

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

Located at:

Ward Sub location..... Location.....

Sub County.....County

LR No/ Street Name

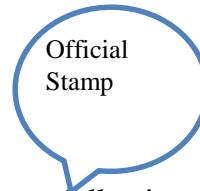
The following planting materials will be produced:

<u>Types</u>	<u>number of planting stock</u>
.....
.....
.....

Registration No.

Signed Date:.....

CEC in charge of Agriculture



Terms and Conditions:

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

3. All planting material shall be sourced from approved sources.
4. Planting material shall not be sold before inspection and approval by the County Government.
5. 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.
6. All certified planting materials not sold within six months of certification, will be subjected to re-certification.
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, 2019

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 Postal Address 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)

6. Declaration:

Crop	Variety	Number of seedlings raised within the period	Number of seedlings issued/sold,/ distributed	Balance of seedlings	Average price of a seedling sold over the period (KES)

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

Name.....

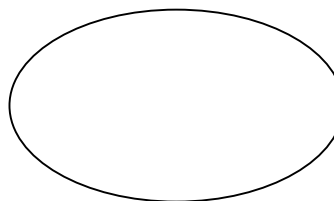
Signature Date

8. For official use only:

Name of the officer who verified the records

Date Signature

Official Authority/County Government 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 the first month of every quarter of a financial year.

**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2019**

FORM D1

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

Regulation 13(1)

APPLICATION FOR REGISTRATION OF TRADERS, RETAILERS, TRANSPORTERS AND DISTRIBUTORS 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:
- 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 Licensing Authority in writing within 7 days.

1. Type of dealership e.g. Trader/Retailer/ Transporter/Distributor
(Specify)
2. Types of Produce/ Products
3. Sources of supply for Produce
4. Destination for Produce

Declaration

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

Name.....

Signature Date

FOR OFFICIAL USE

<u>County Government Approval</u>		
Checked by: Sub County Agricultural Officer /Authorized Officer		
Name.....	Signature.....	Date
Approved by: CEC in charge of Agriculture		
Name.....	Signature.....	Date
Official stamp/seal		

Terms and Conditions

1. When considering an application for registration as a dealer the Licencing 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 dealer shall produce such documentary evidence for the purchases and deliveries to support the statements made above.
3. A dealer shall pay the prescribed registration fees to the Licencing Authority.
4. The dealer shall provide a copy of the contract signed with the buyer/ processor.
5. The dealer shall provide a copy of signed contract with the growers.
6. 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 D2

Serial No.; AFA/NOCD/000 -

Regulation 13(3)

APPLICATION/RENEWAL FOR AN IMPORTER/EXPORTER REGISTRATION

(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. Premise Location:

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 declare that the information given above is accurate and complete.

Name.....

Signature Date

FOR OFFICIAL USE

<p>Authority Approval</p> <p>Checked by: Authorized Officer</p> <p>Name..... Signature..... Date</p> <p>Approved by: Head of Directorate</p> <p>Name..... Signature..... Date</p> <p>Official stamp/seal</p>

Terms and Conditions

1. When considering an application for registration as an importer/exporter 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 importer/exporter shall produce such documentary evidence for the purchases and deliveries to support the statements made above.
3. An importer/exporter 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.

COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2019

FORM D3 (A)

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

Regulation 14(2)

APPLICATION/RENEWAL FOR REGISTRATION OF GROWERS AND ASSOCIATIONS.

(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. Location of premise /collection centre:
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

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

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

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

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

FOR OFFICIAL USE

<p><u>County Government Approval</u></p> <p>Checked by: County Director of Agriculture/Authorized Officer</p> <p>Name..... Signature..... Date</p> <p>Approved by: CEC in charge of Agriculture</p> <p>Name..... Signature..... Date</p> <p>Official stamp/seal</p>
--

Terms and Conditions

1. The growers or associations shall produce such documentary evidence on the collection centre/premise, group membership and the volumes produced/ handled on quarterly basis.
2. The Growers or associations shall pay the prescribed registration fees to the Licensing Authority.
3. This certificate is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled.

**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2019**

FORM D3 (B)

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

Regulation 14(6)

REGISTER OF GROWERS AND ASSOCIATIONS.

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

5. Membership

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

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

Declaration

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

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

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

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

**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2019**

FORM D4 A

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

Regulation 16(1)

APPLICATION FOR TREE FELLING PERMIT OF NUTS AND OIL CROPS

PART A: TO BE FILLED BY APPLICANT

Name ID. No.....

Plot No..... Village.....Sub location.....

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

No. of trees requested to be felledVariety.....

Average Age (Yrs.)

Reason or purpose of felling.....

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

Planting configuration (Tick):

Orchard

Line/ Boundary

Random

No. of seedlings to be planted

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

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 tree(s) is/are senile/ past productive age/disease-infested/damaged by calamity/change of use/cause hazard to life or property.
- 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 felled and I will ensure that he/she does that

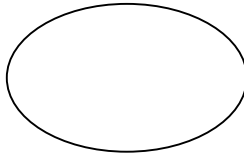
Approved/Not approved.....

Reasons/Recommendations

.....
.....

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

Official 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.

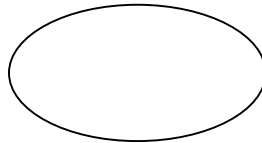
Fees charged*.....

(Kenya shillings five hundred per tree)

Name

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

Official Stamp



**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2019**

FORM D4 B

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

Regulation 17(1)

APPLICATION FOR A MOVEMENT PERMIT FOR WOOD OR RAW NUTS

PART A: TO BE FILLED BY APPLICANT

Name ID. No.....

Plot No..... Ward Sub location.....

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

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

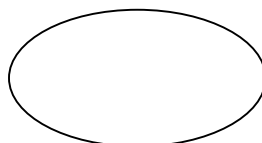
Fees charged*.....

(Kenya shillings two hundred per ton)

Name

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

Official Stamp





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

FORM D5

Serial No.; AFA/NOCD/000 -

Regulation 15(1)

APPLICATION FOR GRANT/RENEWAL OF A MANUFACTURING 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.Types of Produce/ Products
- 7.Sources of supply for Produce
- 8.Destination for Products

Declaration

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

Name.....

Signature Date

FOR OFFICIAL USE

<p>Authority Approval</p> <p>Checked by: Authorized Officer</p> <p>Name..... Signature..... Date</p> <p>Approved by: Head of Directorate</p> <p>Name..... Signature..... Date</p> <p>Official stamp/seal</p>

Terms and Conditions

1. When considering an application for registration as a manufacturer the Licensing 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 Licensing Authority.
4. This certificate is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled

**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2019**

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

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

L.R. No.

Street:

is hereby registered 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).....

Registration number

Date of Registration

The registration expires on

Signed

Name

(CEC in charge of Agriculture)



Official stamp/seal

Terms and Conditions

- 1. This Certificate is issued subject to compliance with the provisions of the Crops Act 2013.

**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2019**

FORM E2

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

Regulation 14(3)

CERTIFICATE OF REGISTRATION OF GROWERS OR ASSOCIATIONS

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

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

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

Category:

- Grower
- Association
- Common Interest Groups
- Community Based Organisations
- Co-operative

Others (specify).....

Registration number

Date of Registration

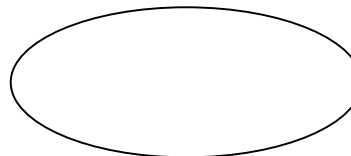
The registration expires on

Signed

Name

(CEC in charge of Agriculture)

Official stamp/seal



**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2019**

FORM E3

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

Regulation 14(5)

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

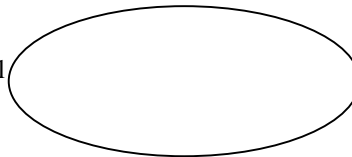
The registration expires on

Signed

Name

(CEC in charge of Agriculture)

Official stamp/seal





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

FORM E4

Serial No.; AFA/NOCD/000 -

Regulation 15(2)

LICENSE FOR A MANUFACTURER/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 authorizes 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)

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 transferrable.
- ii) Manufacturers/importers/exporters shall pay the applicable fees.
- iii) This license is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled .
- 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, 2019**

FORM E5

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

Regulation 16(2)

PERMIT FOR FELLING OF NUTS AND OIL CROP TREES

Name of permit holder

Postal Address. Tel.....

Type of tree crop.....

Number of trees to be felled

Date of felling/harvesting

Village

Location.....

Sub county

County

L.R. No.

Date of issue.

Signed

.....
County Director of Agriculture/ Authorized Officer

Terms and Conditions

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

**COUNTY GOVERNMENT OF.....
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2019**

FORM E6

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

Regulation 17(3)

MOVEMENT PERMIT FOR WOOD OR RAW NUTS

Name

Postal AddressTel.....

Type of wood/raw nuts.....

Wood Quantity/Weight of Nuts(tons).....

Place of origin:

Village/Area Location Sub-county

County.....

Destination

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

Mode of transport.....Registration number.....

Date of movement

Date of issue.

Signed

County Director of Agriculture/ Authorized Officer

Terms and Conditions

This permit is valid for the specified quantity and date(s)



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

THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2019

FORM F

(Regulation 18)

DEALER/MANUFACTURER STATISTICAL RETURN FORM

(To be completed in triplicate)

Return for the quarter..... Year

PART A

1. Name of Dealer/Manufacturer
2. Postal address:Code Town
3. Telephone No. Fax
4. Email..... Website
5. Company registration certificate No.
6. VAT certificate No.
7. Business Location (premise):

 Street/Area..... Ward.....
 Sub-locationLocation
- Sub CountyCounty

8. Dealer/Manufacturer License or Certificate number.....
9. License or Certificate expiry date
10. Category of Dealership/Manufacturer:. (specify).....

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

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

PART C (To be filled by exporters/importers)

Product/Produce	Country of origin	Country of Destination	Unit of meas- ure (Specify)	Quantity han- dled 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 meas- ure (Spe- cify)	Quantity han- dled		Total value of produce/product (KES)		Quantity ex- ported (if any)		Value of export (KES)		Export destina- tion country	
		Raw mate- rial	Pro- cessed	Raw mate- rial	Pro- cessed	Raw mate- rial	Pro- cessed	Raw mate- rial	Pro- cessed	Raw mate- rial	Pro- cessed

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

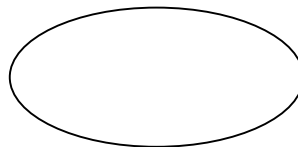
Declaration

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

Name.....

Signature Date

Official Company stamp/seal

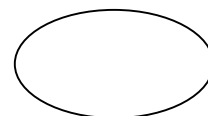


12. For official use only

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

SignatureDate.....

Official stamp



Terms and 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 part D (manufacturer) should file their returns with the Authority.
- 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 Licensing Authority.

SECOND SCHEDULE



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

(Regulation 20)

NUTS AND OIL CROPS INDUSTRY FEES AND 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 dealers			
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	200	-	For every ton,
Permit for felling tree crops	500	-	Per tree

LICENSES			
Manufacturers			
Cottage Processors (Gross turnover of KES 5,000,000 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	5,000	5,000	Annual
Exporters	5,000	5,000	Annual
LEVIES			
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		

THIRD SCHEDULE



Regulation 29(1)(a)

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

AGREEMENT made this Day of two
Thousand and

BETWEEN:

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

AND

..... of 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

- (a) the dealer/manufacturer is duly registered under these regulations and
- (b) 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.

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 dealer/ manufacturer of produce.
- (ii) 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.

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

(iv)

OBLIGATIONS OF THE GROWER AND DEALER/MANUFACTURER

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 herein before mentioned.

SIGNED for and on behalf of the

Dealer/Manufacturer

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 31)

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 centers before being sold to traders
9. 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.



**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 (Grant/Renewal)
2. Copy of Certificate of Incorporation or Registration Certificate (Grant)
3. Copy of dully signed Articles and Memorandum of Association or CR 12 (Grant)
4. Copies of ID or Passports of Company Directors & Valid Work Permit where applicable (Grant)
5. Copy of valid County Government's Single Business Permit (Grant/Renewal)
6. Copy of KRA's PIN Certificate for the company (Grant)
7. Copy of valid KRA's Tax Compliance Certificate (Grant/Renewal)
8. Copy of valid NEMA's Environmental Impact Assessment or Environmental Audit Certificate where applicable (Grant/Renewal)
9. Copy of Public Health's Food Drugs and Chemical Substances License where applicable (Grant/Renewal)
10. Facility Inspection report (NOCD)
11. 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

SIXTH SCHEDULE



SCHEDULED 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)
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.

All others except scheduled oil crops

Dated.....2019

HON. MWANGI KIUNJURI, EGH, MGH
Cabinet Secretary Ministry of Agriculture Livestock Fisheries and Irrigation.