IN EXERCISE of the powers conferred by section 40 of the Crops Act, 2013 the Cabinet Secretary makes the following Regulations—

**PART I—PRELIMINARY**

| Citation and commencement | 1. (1) These regulations may be cited as the Crops (Horticultural Crops) Regulations, 2019 and shall come into force on such date as the Cabinet Secretary may, by notice in the Gazette, appoint.

(2) For purposes of paragraph (1), different dates may be appointed for different provisions of the Regulations. |

| Interpretation | 2. In these regulations—

“Authority” means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act, 2016;

“When Directorate” means the horticultural crops directorate established by the Authority under section 11 of the AFA Act, 201;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to agriculture and food;

“dealer” means a person, a company or a firm engaged in producing, buying or handling horticultural produce for sale or resale in the local or export market and includes a ship chandler, an exporter, an importer, processor, seedling nursery operator, marketing agent or customs clearing agent.

“industry” means the horticulture industry in Kenya;
“mother block” means selected plants established for the purpose of obtaining clean grafting or budding material;

“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 horticultural produce to a ship or an aircraft;

“traceability” means ability to track horticultural produce and process owner from production to the final consumer and vice versa.;

“County Governments” means the County Government provided for under Article 176 of the constitution;

“horticultural crops” means crops listed under the first schedule that are produced for commercial purposes;

“licensing authority” means the Authority of the county government as the case may be;

“producer” means a person or a group of persons who commercially cultivates horticultural crops in Kenya and includes both smallholder and plantation producer;

"inspector” means an officer of the Authority or a County Agricultural officer appointed in writing by the Authority under section 27 of the Crops Act by a notice in the Gazette,

“Produce handling facility” means an area where produce assembled for purposes of grading, sorting, packaging or storage. It includes collection centers, pack house, cold stores, supermarkets, retail and wholesale markets and grading sheds,

“Consultant” means an individual, groups of individuals or organization offering technical support services in horticulture to producers and dealers and

“Horticulture Association” means a voluntary organization bringing together dealers with common interest.
3. The purpose of these regulations is to give guidelines to the Horticulture industry and provide for the—

(a) Application, processing procedures and forms;

(b) conditions for registration of produce dealers and horticulture nursery operators;

(c) contracts between produce dealers and horticulture producers; and

(d) such other matters as may be deemed necessary for effecting these Regulations.

### PART II—REGISTRATION, LICENSING AND QUALITY ASSURANCE

4. (1) A person shall not establish or operate a horticultural crop nursery or a mother block in any area for the horticultural crops specified in the First Schedule unless that crop nursery or mother block is registered by the respective County Government or the Authority.

(2) A person who intends to operate a nursery or a mother block for supply to the domestic market shall make an application for registration to the respective County government as set out in Form A of the Second Schedule. (4) The County shall issue a certificate of registration to a successful applicant.

(3) A person intending to operate a nursery or mother block for supply to the export market shall make an application to the Authority as an exporter and will be treated as such.

(4) The certificate of registration for a nursery or a mother block shall be as set out in Form B of the Second Schedule, renewable annually and shall only be applicable to the site inspected.

5. (1) A person shall not be issued with a certificate of registration as a nursery or a mother block operator unless an inspector—

(a) has visited and inspected the site and confirmed that it complies with the minimum requirements for a horticultural crop nursery; and

(b) Is satisfied that the operator or the operator’s agent has adequate knowledge of nursery management and horticultural techniques in respect of horticultural crops to be grown as set out in the horticultural nursery requirements.

(2) Copies of the horticultural nursery requirements referred to in paragraph (1) shall be supplied to the applicant.
| Display of certificate | 6. | (1) An operator of a horticultural crop nursery shall display the certificate of registration for inspection at all times.  
(2) An operator who fails to display the certificate of registration commits an offence. |
| Certificate not transferable | 7. | (1) A person to whom a certificate of registration is issued shall not sell, lend, transfer or otherwise dispose the certificate without the prior written permission from the Authority.  
(2) A person who contravenes this regulation commits an offence. |
| Restriction on transfer or distribution of planting materials | 8. | (1) A person shall not transfer or distribute horticultural planting materials from one part of the country to another unless that person has an accompanying plant health certificate from the Kenya Plant Health Inspectorate Service and a plant movement permit as set out in Form C in the Second Schedule.  
(2) A plant movement permit will be issued by the County government from which the planting material is originating in consultation with the Authority  
(3) A person who contravenes this regulation commits an offence. |
| Approved source of planting materials | 9. | A nursery operator shall not procure rootstock, scion, or seed planting material from sources not approved by the Licensing Authority.  
(2) A person who contravenes this regulation commits an offence. |
| Certification and re-certification of planting material | 10. | A nursery operator who has certified planting material in their nursery which has not been distributed during the certification season shall ensure that the undistributed planting material is re-certified after every six months.  
(2) A person who contravenes this regulation commits an offence. |
| Revocation of certificate of registration | 11. | (1) The Licensing Authority may revoke a certificate of registration issued to a nursery or a mother block operator if that operator contravenes the provisions of the Crops Act or any regulations issued thereunder.  
(2) The operator of a horticultural crops nursery or mother block whose certificate of registration is revoked under paragraph (1) may re-apply for registration after a period of six months. |
| Nursery records | 12. | (1) A nursery operator shall keep accurate records of distributed planting materials and shall produce these records on demand for inspection purposes. |

**FIRST SCHEDULE**

(r4)
(2) The records referred to in paragraph (1) shall indicate the varieties purchased and the buyer’s—

(a) name;
(b) county;
(c) location;
(d) sub-location; and
(e) postal address.

(3) A nursery operator shall submit annual statistical returns to the Authority and the County government as outlined in the second schedule form D.

<table>
<thead>
<tr>
<th>Offences and penalty</th>
<th>13. A person who contravenes the provisions of regulations 6, 7, 8, 9 and 10 commits an offence and is liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment to a term not exceeding six months or both.</th>
</tr>
</thead>
</table>

| Production, produce handling, pack houses and processing facilities, transportation and storage facilities | 14. Unless otherwise provided for in these regulations—

(a) the production sites, produce traceability, produce handling, the minimum conditions applicable to produce handling facilities and waste disposal shall be done in accordance with the national horticulture standard applicable to ensure food safety as set out in the third schedule;

(b) the minimum conditions applicable to produce handling and processing facilities shall be as set out in the Fourth Schedule in addition to those applicable in Kenya or as provided for in the relevant part of KS1758, Public Health Act and Occupation, safety and health Act; and

(c) The minimum conditions applicable for transportation, packaging and storage shall be as set out in the fifth schedule. |

<table>
<thead>
<tr>
<th>Safe use of pesticides</th>
<th>15. (1) All procurement, distribution, safe storage, usage and disposal of agrochemicals shall be done in accordance with the provisions of the Pest Control Products Act.</th>
</tr>
</thead>
</table>

(2) A producer shall ensure production of safe and quality produce and use only the agrochemical recommended by the national institution responsible for pest control products at all times.
| Registration for produce dealers | **16.** (1) A dealer shall not handle, process, export, or import, horticultural produce unless that dealer is registered or licensed by the Authority. Dealers handling produce to the domestic market shall be registered by the respective County Government.

(2) An application for a certificate of registration shall be made using Form A of the Sixth Schedule and shall be accompanied by the prescribed fee.

(3) A certificate of registration issued under this regulation shall be as set out in Form B of the Sixth Schedule.

(4) A license issued under this part shall be valid from first July up to thirtieth of June of the calendar year unless earlier cancelled.

(5) The Authority may revoke the certificate of registration if a person contravenes the provisions of these regulations.

(6) A person who contravenes paragraph (1) commits an offence. |

| Cancellation of License or Certificates | **17.** (1) The Authority may, cancel, suspend or vary the terms and conditions of a license or certificate of registration if the holder fails to comply with the terms and conditions of the license or certificate of registration.

(2) A person who is aggrieved by the decision of the Authority in respect of a grant, refusal, renewal or variation of a license may appeal to the Cabinet Secretary within 30 days from the date on which the applicant received notice of the decision.

(3) Before the Authority cancels, suspends or varies a license, it shall give the person to be affected by such action an opportunity to be heard. |

<p>| Traceability of produce | <strong>18.</strong> (1) A dealer handling horticultural produce for the domestic or export market shall ensure that the— |</p>
<table>
<thead>
<tr>
<th>Restrictions on contract farming</th>
<th>19. (1) A registered dealer shall not—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) sponsor the growing of horticultural crops for trading without informing the Authority in writing and any production schemes so sponsored shall be regulated by a contract;</td>
</tr>
<tr>
<td></td>
<td>(b) collect produce from sponsored production schemes unless authorized in writing to do so by the sponsoring firm; or</td>
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<tr>
<td></td>
<td>(c) return produce collected from the js or suppliers contrary to the contract; and</td>
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<tr>
<td></td>
<td>(d) conduct contractual relationships with farmers in a manner which complies with the Horticultural code of conduct outlined in the seventh schedule</td>
</tr>
<tr>
<td></td>
<td>(2) A registered dealer shall—</td>
</tr>
<tr>
<td></td>
<td>(a) ensure conformity to food safety and quality standards in accordance to national and international regulations and as prescribed by KS 1758 prevailing edition or any other recognized standards;</td>
</tr>
<tr>
<td></td>
<td>(b) sign a contract with the producer and register the contract with the Authority and county government;</td>
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<td></td>
<td>(c) indicate in the contract the—</td>
</tr>
<tr>
<td></td>
<td>(i) produce price which shall be set above the cost of production as shall be guided by the Authority;</td>
</tr>
<tr>
<td></td>
<td>(ii) quantity;</td>
</tr>
<tr>
<td></td>
<td>(iii) quality requirements; and</td>
</tr>
<tr>
<td></td>
<td>(iv) strive to attain the highest produce quality standards and ensure that all produce for market shall be pre-cooled;</td>
</tr>
</tbody>
</table>
(d) ensure payment for all produce graded and collected from the collection point by their agents or employees.

(e) adopt and use the specified national horticulture logo prescribed by the Authority on packaging as set out in the Eighth Schedule;

(f) notify the Authority of any dealer or contracted farmer who contravenes any contract or regulation within thirty days after the date of default;

(g) establish and maintain a distinct traceability code generated by the national traceability system for produce every;

(h) furnish the Authority with quarterly import or export returns by fifteenth of the month following the end of the quarter as prescribed in Form C of the sixth schedule; and

(i) allow an inspector, at all reasonable times, to enter a premise where horticultural produce is under cultivation, processing, warehousing, storage, collection or transportation.

(2) A contracted producer shall—

(a) Strive to produce products that meet the quality requirements specified under the contract
(b) Enter into a contractual engagement with a dealer before engaging in production activities according to the Horticultural code of conduct outlined in the seventh schedule
(c) Not deliver contracted produce to a non-contracted exporter without notifying the Directorate

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

General provisions on conformity for produce

20. (1) Horticultural produce shall be harvested, sorted, graded, packaged, transported, and stored in accordance with guidelines set out by the Directorate, specific national, international horticulture produce standards and phytosanitary requirements.

21. Horticultural Produce for the local market, export, import or export shall conform to the national and international horticulture standard where applicable.

(ii) The County government shall in collaboration with the Authority to ensure that produce and products for the domestic market conform to quality standards in line with the provisions of these regulations.

(iii) The directorate shall provide the national standards on horticulture to the county governments who shall be responsible for enforcement of the standard on Produce and handling facilities at the local market.
(iv) Horticultural Produce that does not conform to the set national and international standards or has not met phytosanitary requirements and has been declared so by the relevant agency, shall be dealt with as follow—

a. Non-compliant products due to Food safety reasons shall be seized, detained and destroyed at the cost of the offender;
b. Produce exported using forged phytosanitary certificate, export certificate and any compliance certificate shall be destroyed upon interception and the company disqualified from export dealership for two years;
c. Produce established by an inspector to contain pest and diseases listed as quarantine by the importing country shall be marked not for export and escorted to the farm source at the cost of the offender; and
d. A surcharge shall be placed on non-compliance due to erroneous documentation. The surcharge will be based on the value of the product.

(v) The Authority shall verify imported produce quality, traceability and safety before being issuance of an import release set out in the ninth Schedule.

(vi) All scheduled export produce shall be accompanied by an Export certificate issued by the Authority and a Phytosanitary certificate issued by KEPHIS

(vii) The guidelines to govern contracts for dealers in the Horticulture industry are outlined in the seventh schedule.

(viii) All persons intending to engage or act in the capacity of horticulture consultant to producers or dealer shall apply to the Authority for a permit prescribed by the Authority. The person shall have the following minimum qualifications;

a. diploma in agriculture related course;
b. certificate of good conduct;
c. three years’ experience in the horticulture industry;
d. demonstrate knowledge in Good agricultural practices standards, Food safety standards and the national standard for horticulture; and
e. referred by a recognised professional body.

<table>
<thead>
<tr>
<th>Penalty</th>
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<tbody>
<tr>
<td>21. A person who contravenes the provisions 16,18,19 and 20 of these regulations is liable, on conviction, to a fine not exceeding Twenty</td>
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<tr>
<td>Submission of returns</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>Appointment of inspectors</td>
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<tr>
<td>Appointment of inspectors</td>
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<td>Appointment of inspectors</td>
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<tr>
<td>Appointment of inspectors</td>
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<tr>
<td>Powers of entry by inspectors</td>
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<td>Powers of entry by inspectors</td>
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<td>Powers of entry by inspectors</td>
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<td>Powers of entry by inspectors</td>
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<tr>
<td>Powers of entry by inspectors</td>
</tr>
</tbody>
</table>
(g) undertake any activity necessary for the fulfilment of any of the inspector’s functions.

(2) The owner or occupier of or any person on land or in premises or a vehicle which is entered under paragraph (1) shall render such reasonable assistance as may be required by the inspector.

### Offence and penalty

25. (1) A person who refuses, unreasonably delays or fails to comply with a requirement under regulation 24 or hinders or obstructs any person exercising or attempting to exercise any of the powers conferred by this regulations, or who fails to give any information reasonably required commits an offence and is liable, on conviction, to a fine not exceeding Twenty thousand shillings, or to imprisonment for a term not exceeding three years, or both.

(2) If a person is convicted of an offence under this section, the court shall order that any scheduled crop and any vehicle, vessel or other conveyance in relation to which an offence has been committed shall be forfeited to the Government unless, in the case of a vehicle, vessel or other conveyance, the court sees good reason, to be recorded by it in writing, not to do so.

### PART III—FINANCIAL PROVISIONS

#### Imposition of levy

26. (1) There shall be a levy based on F.O.B value imposed as per the tenth Schedule on all horticultural crops destined for export other than those canned, bottled, preserved, dehydrated or delivered to operators for canning and processing factories at the rate of two per cent of their customs value.

(2) The levy imposed under paragraph (1) shall be—

(a) payable at the point of exit; and

(b) collected by the Directorate on behalf of the Authority.

(c) apportioned as follows;

(i) 1 percent shall be applied to the Horticulture Authority in the manner provided under these regulations;

(ii) 0.75 percent towards priority Horticulture research programs in liaison with relevant institutions; and

(iii) 0.25 percent to support horticulture at the county level.

(3) There shall be a levy imposed on all horticultural crops—
(a) Imported as finished products at the rate of four percent of the import value; and imported as finished products at the rate of four percent of the import value and
(b) as fresh products or raw materials at a rate of two percent of the import value. (5) One per cent of the import levies collected under paragraph (3a) and paragraph (3b) of this regulation shall be applied towards addressing emerging issues in the industry.

(4) The levy due under paragraph 3 shall be remitted to the Authority not later than the tenth day of the month following the month during which the levy was due.

(5) One per cent of the import levies collected under paragraph 3 of this regulation shall be applied towards addressing emerging issues in the industry.

(6) Any levy under this regulation, unless the manner of remitting is specifically provided for, shall be payable to the Authority on behalf of the Authority or its agents by a dealer on whom it is imposed in such a manner and within such time as the Authority may direct.

(7) Any levy imposed under this regulation which remains unpaid shall be recovered by the Authority, as a civil debt due to it from the person by whom it is payable.

(8) Despite the provisions of paragraph (1), all levies imposed under the Act on scheduled crops, shall be administered on behalf of the Authority by the respective Directorate, responsible for the scheduled crop and applied towards the—
(a) sustenance;
(b) development;
(c) regulatory work
(d) promotion; and
(e) for the benefit of the crop or sector in respect of which the levies are imposed.

PART IV—MISCELLANEOUS PROVISIONS

| Protection from personal liability | 27. An action shall not lie against the Authority 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 | 28. A person who contravenes the provisions of these regulations for which no specific penalty is provided for, commits an offence and is liable, on conviction, to |
a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or both.

<table>
<thead>
<tr>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>29. (1) The Authority may prescribe fees for—</td>
</tr>
<tr>
<td>(a) the receipt and processing of applications;</td>
</tr>
<tr>
<td>(b) the issuance of a licence or certificate; or</td>
</tr>
<tr>
<td>(c) any other matter arising under these regulations.</td>
</tr>
<tr>
<td>(2) The applicable fees for services rendered under these regulations areas set out in the tenth Schedule.</td>
</tr>
</tbody>
</table>

30. (1) The Directorate shall provide capacity building to county government officers and other stakeholders on—

(a) new technologies across the value chain;
(b) agricultural policies, national legislations, regional and international protocols to facilitate alignment of county bills and legislation in the sector;
(c) national food safety and quality standards in production, post-harvest handling, transportation, storage and processing;
(d) guidelines on contractual agreements and fair pricing for farmers
(e) data collection, validation, processing, storage and management;
(f) horticultural infrastructure development; and
(g) other relevant emerging issues

(2) The Directorate shall in liaison with the County Governments shall set the research priorities and establish linkages with international and regional research organizations.

AGRICULTURE AND FOOD AUTHORITY
THE CROPS (HORTICULTURE CROPS) REGULATIONS, 2019

List of Horticultural Crops

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. FRUIT TREES</td>
<td></td>
</tr>
<tr>
<td>Apple</td>
<td>Pyrus malus L.</td>
</tr>
<tr>
<td>Fruit</td>
<td>Scientific Name</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Pear</td>
<td>Pyrus communis L.</td>
</tr>
<tr>
<td>Peach</td>
<td>Prunus persica L.</td>
</tr>
<tr>
<td>Nectarine</td>
<td>Prunus sp. L.</td>
</tr>
<tr>
<td>Quince</td>
<td>Cydonia oblonga</td>
</tr>
<tr>
<td>Plum</td>
<td>Prunus salicina L</td>
</tr>
<tr>
<td>Plum</td>
<td>Prunus domestica L</td>
</tr>
<tr>
<td>Apricot</td>
<td>Prunus armeniaca</td>
</tr>
<tr>
<td>Citrus</td>
<td>All citrus species</td>
</tr>
<tr>
<td>Avocado</td>
<td>Persea spp</td>
</tr>
<tr>
<td>Pawpaw</td>
<td>Carica papaya</td>
</tr>
<tr>
<td>Mountain Pawpaw</td>
<td>Carica candanacensis</td>
</tr>
<tr>
<td>Guava</td>
<td>Psidium guajava</td>
</tr>
<tr>
<td>Mango</td>
<td>Mangifera indica</td>
</tr>
<tr>
<td>Loquat</td>
<td>Eriobotrya indica</td>
</tr>
<tr>
<td>White sapote</td>
<td>Casimiroa edulis</td>
</tr>
<tr>
<td>Litchi</td>
<td>Litchi chinensis</td>
</tr>
<tr>
<td>Litchi</td>
<td>Litchi chinensis</td>
</tr>
<tr>
<td>Sweet Orange</td>
<td>Citrus Sinensis</td>
</tr>
<tr>
<td>Sour Orange</td>
<td>Citrus aurantium</td>
</tr>
<tr>
<td>Satsuma/King orange</td>
<td>Citrus nobilis</td>
</tr>
<tr>
<td>Lemon</td>
<td>Citrus limon</td>
</tr>
<tr>
<td>Lime</td>
<td>Citrus aurantifolia</td>
</tr>
<tr>
<td>Mandarin/Tangerine</td>
<td>Citrus reticulate</td>
</tr>
<tr>
<td>Grape fruit</td>
<td>Citrus paradise</td>
</tr>
<tr>
<td>Colamondin</td>
<td>Citrus mitis</td>
</tr>
<tr>
<td>Citrus</td>
<td>All other citrus species</td>
</tr>
<tr>
<td>Chinese pear</td>
<td>Pyrus prunifolia</td>
</tr>
<tr>
<td>Passion fruits (purple)</td>
<td>Passiflora edulis</td>
</tr>
<tr>
<td>Passion fruit (yellow)</td>
<td>Passiflora edulis var flavicarpa</td>
</tr>
<tr>
<td>Passion fruit (giant)</td>
<td>Passiflora quadrangularis</td>
</tr>
<tr>
<td>Passion fruit (banana)</td>
<td>Passiflora mollisima</td>
</tr>
<tr>
<td>Bananas and plantains</td>
<td>Musa sp</td>
</tr>
<tr>
<td>Strawberries</td>
<td>Fragaria vesca</td>
</tr>
<tr>
<td>Strawberries</td>
<td>Fragaria chiloensis</td>
</tr>
<tr>
<td>Sweet granadilla</td>
<td>Passiflora ligularis</td>
</tr>
<tr>
<td>Giant granadilla</td>
<td>Passiflora quadrangularis</td>
</tr>
<tr>
<td>Pomagranate</td>
<td>Punica granatum</td>
</tr>
<tr>
<td>Cape Gooseberry</td>
<td>Physalis peruviana</td>
</tr>
<tr>
<td>Pineapple</td>
<td>Ananas comosus</td>
</tr>
<tr>
<td>Mulberries</td>
<td>Morus sp</td>
</tr>
<tr>
<td>Berries</td>
<td>Rubus sp.</td>
</tr>
<tr>
<td>Date palm</td>
<td>Phoenix dactylifera</td>
</tr>
<tr>
<td>Custard apple</td>
<td>Annona sp.</td>
</tr>
<tr>
<td>Goose berries</td>
<td>Other species eg Act chinensis, Dovyalisheb.</td>
</tr>
<tr>
<td>Melons</td>
<td>Cucumis melo</td>
</tr>
<tr>
<td>Water melon</td>
<td>Citrullus lanatus</td>
</tr>
<tr>
<td>Grapes</td>
<td>Viti ssp</td>
</tr>
<tr>
<td>Jackfruit</td>
<td>Artocarpus heterophyllus</td>
</tr>
<tr>
<td>Bread fruit</td>
<td>Artocarpus altitlis</td>
</tr>
<tr>
<td>Cherimoya</td>
<td>Annonacherimola</td>
</tr>
<tr>
<td>Sweettop (Sugar apple)</td>
<td>Annonas quamosa</td>
</tr>
</tbody>
</table>
Carambola………………………………. Averrhoa carambola
Any other fruits of economic value

C. MEDICINAL AND AROMATIC PLANTS
Artemesia………………………………. Artemesia annua
Aloe……………………………………….. Aloe vera
Salvia……………………………………… Salvia solarea
All other medicinal and aromatic plants of commercial value

D. VEGETABLES
Amaranth ........................................ Amaranthus spp.
Artichoke .......................... Cynara cardunculus var. scolymus
Asparagus ............................ Asparagus officinalis
Sugar beet.......................... Beta vulgaris
Broccoli/cauliflower ........ Brassica oleracea var. botrytis
Brussels sprouts .... Brassica oleracea var. gemmifera
Cabbage .................. Brassica oleracea .var. capitata
Canteloupe/ Muskmelon................. Cucumis melo
Carrot ............................... Daucus carota
Celery / Celeriac ............................ Apium graveolens
Chicory ............................. Cichorium intybus
Chinese cabbage ........ Brassica chinensis
Chervil ............................. Anthricus cerefolium
Collards / Kale .......................... Brassica oleracea var ancephala
Coriander ................................ Coriandrum sativa
Cucumber .................................. Cucumis sativa
Dill ......................................... Arethum graveolens
Eggplants .................................. Solanum melongena
Endive .................................. Cichorium endivia
Garden cress .......................... Lespidium sativa
Karella .................................. Mormodica charantia
Kohlrabi ............................ Brassica oleracea var. gongylodes
Leek .................................. Allium porrum
Lettuce .................................. Lactuca sativa
Okra .................................. Hibiscus esculentus
Onion/ garlic .......................... Allium cepa
Parsley .................................. Petroselinum crispum
 Parsnip .................................. Pastina sativa
 Pea .................................. Pisum sativum
 Pepper .................................. Capsicum spp.
 Pumpkin/Squash/Courgette ............... Cucurbita pepo
 Radish .................................. Raphanus sativus
 Rhubarb .................................. Rheum rhaeticum
 Rutabaga ........................ Brassica napus var. napobrassica
 Spinach .................................. Spinacea oleracea
 Swiss chard ........................... Beta vulgaris
 Tomato .................................. Solanum lycopersicon
 Turnip .................................. Brassica rapa
 Chillies (green) .................. Capsicum frutescens
 Chillies (dried) .................. Capsicum frutescens
Pumpkins………………………………… Cucurbita sp.
Cowpeas (leafy) chora………………… Vigna unguiculata
Cluster bean (green)…………………... Cyamopsis tetragonoloba
Dioscorea ……………………………... Dioscorea sp.
Dudhi (kaddu)………………………… Lagenaria siceraria
Globe artichoke……………………... Cynarcardunculus var. scolymus
Horseradish…………………………... Armoracia rusticana
Artichokes…………………………… Helianthus tuberosus
Loofah………………………………... Luffa cylindrica
Mushroom…………………………….. Agaricus bisporus
New Zealand spinach………………... Tetragonia expansa
Green maize………………………….. Zea mays
Beet…………………………………… Beta vulgaris
Rutabaga…………………………….. Brassica napobrassica
Watercress…………………………... Nasturtium officinale
French beans………………………... Phaseolus vulgaris
Snow peas…………………………….. Pisium sativum var. saccharatum
Garden pea…………………………... Pisium sativum
Runner bean…………………………... Phaseolus coccineus
Sugar snaps…………………………... Pisium sativum

Any other vegetables of economic value

E. FLOWERS AND ORNAMENTAL PLANTS
All flowers and ornamental plants.
SECOND SCHEDULE  
FORM A

SERIAL NUMBER (AFA/HORTICULTURE/COUNTY NAME/000/ YEAR OF APPLICATION)

AGRICULTURE AND FOOD AUTHORITY/ COUNTY GOVERNMENT  
OF.............................................................................................................
THE CROPS (HORTICULTURE CROPS) REGULATIONS, 2019

APPLICATION FOR REGISTRATION OF A CROPS NURSERY OR MOTHERBLOCK  
(To be filled in triplicate)

1. Full name of Applicant …………………………………………………………………………………..
2. PIN No……………………………………ID No…………………………………………………………
3. Postal  
Address…………………………………………Tel…………………………………………Email……………………
4. County………………………………SubCounty…………………………………………
5. Constituency ……………………………………………………..Ward ……………Sub-Ward ………
6. L.R. No. ……………………………………………Altitude ………………………………………
7. Water source: Rivers/Dam/Boreholes, others (specify) ………………………………………
8. Type of material applied for to be produced:

<table>
<thead>
<tr>
<th>Crop/variety</th>
<th>No. of Seedlings</th>
<th>Source of Seed</th>
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</thead>
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</tbody>
</table>

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

Applicant’s signature ………………………………………………………………………………………………..Date…………………………………………

PART II

FOR OFFICIAL USE

Inspector  
Remarks  
Recommended /Not recommended
CONDITIONS

1. Application for registration should be sent to the County where the nursery/mother block is located
2. This form shall be accompanied by the prescribed fees and submitted to the County government.
3. The application shall reach the Authority within 15 days of approval by the county government.
FORM B (r4(4))

SERIAL NUMBER (AFA/HORTICULTURE/COUNTY NAME/000/ YEAR OF REGISTRATION)

AGRICULTURE AND FOOD AUTHORITY/ COUNTY GOVERNMENT
OF..................................................................................................................
THE CROPS (HORTICULTURE CROPS) REGULATIONS, 2019

CERTIFICATE OF REGISTRATION OF HORTICULTURAL NURSERY/MOTHER BLOCK

Name of certificate holder……………………………………………………………………..

P. O. Box ………………………………………………………………………………………

Is/are registered to operate an Horticultural nursery for the year …………………………..

Located at ……………………………………. Sub-location ………………………………….

LR No ……………………………………………………………………………………………

The following planting materials will be produced

Types number of planting stock

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

Registration No. ……………………………………………………………………………

Signed………………………………………… Date:……………………

(County Executive Committee member in charge of Agriculture)

County Government of…………………………

Conditions
1. This certificate is valid for 1 year from date of issue
2. This certificate is not transferable to any other person, or nursery site
3. All seed must be from approved source
4. No sale of planting material before final visual inspection and approval by KEPHIS.
5. All approved planting materials which are not distributed during the approved season will be subject to re-certification and approval before distribution after 6 months.
6. The application for registration should be sent to the County where the nursery/mother block is located so as to reach at least 3 months before expiry date.
7. Tolerance levels of virus diseases incidence in the nursery is 0.5% of total number of plants.
8. All certified materials which can’t be sold during the certification season will be subjected to certification after (6) six months.
FORM C (r8(1))

SERIAL NUMBER (AFA/HORTICULTURE/COUNTY NAME/000/ YEAR OF ISSUE)

AGRICULTURE AND FOOD AUTHORITY/ COUNTY GOVERNMENT
OF......................................................................................................

THE CROPS (HORTICULTURE CROPS) REGULATIONS, 2019

PERMIT FOR THE MOVEMENT OF PLANTING MATERIAL

Name of permit holder............................................................................................
Address ....................................................................................................................
Vehicle Registration No. ..........................................................................................
Quantity to be moved (specify types and names)
...............................................................................................................................
...............................................................................................................................
...............................................................................................................................
...............................................................................................................................
Date of Movement .................................................................................................
To be moved from
County..................................................................................................................
Sub-county..........................................................................................................
Ward .......................................................................................................................
L.R. No. ..................................................................................................................
Nursery name.................................................................................................Registration No.

To be moved to
County............................................................................................................
Name of person receiving the material..............................................................
Telephone number.............................................................................................

Recommended by (Horticulture Directorate Official)......................................

Sign........................................................................................................................
Date........................................................................................................................

Approved by;
County Executive Committee member-Agriculture
............................................................................................................................

Date........................................................................................................................

Official County stamp

NB
This duly filled and signed form should be accompanied by a Plant health certificate from Kenya
Plant Health Inspectorate Service and should reach the County 5 days before the intended
movement of the planting material.
This permit is valid for only the specified consignment and date of movement
FORM D (r12(3))

SERIAL NUMBER (AFA/HORTICULTURE/COUNTY NAME/000/YEAR)

AGRICULTURE AND FOOD AUTHORITY/COUNTY GOVERNMENT OF.................................................................

THE CROPS (HORTICULTURE CROPS) REGULATIONS, 2019

NURSERY OPERATOR STATISTICAL RETURNS FORM

(To be completed in triplicate)

1. Name of the Nursery operator .................................................................

2. ID No/ VAT Certificate No. ..............PIN Certificate No. ......................

3. Telephone/ Mobile number .............. P.O. Box ........ Nearest Town...........

4. Location of the nursery:
   Area/Village ........................................ Sub-location
   ........................................
   Ward .................................. Sub county ........ County.............

5. Month ........................................ Year
   ........................................

6. Period of returns ...................................................................................

7. Declaration:

<table>
<thead>
<tr>
<th>Crop</th>
<th>Variety</th>
<th>Number of seedlings raised within the period</th>
<th>Number of seedlings issued/sold/distributed</th>
<th>Balance of seedlings</th>
<th>Average price of a seedling over the period (KES)</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

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

Name of the Nursery Operator .................................. Date ....................

Signature ............

8. For official use only:

Name of the officer who verified the records ..............................................

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

21 | P a g e
NB This form must be filled and submitted to the Authority and county government, not later than the fifteenth day of January and fifteenth day of July of every year
THIRD SCHEDULE (r20)

AGRICULTURE AND FOOD AUTHORITY

THE CROPS (HORTICULTURE CROPS) REGULATIONS, 2019

MINIMUM REQUIREMENTS FOR FIELD HANDLING AND GRADING OF HORTICULTURAL 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. Produce shall be harvested during the cool part of the day and kept cool preferably under shade.

4. Harvested produce shall be protected from adverse weather conditions and where necessary pre-cooled and a cold chain maintained.

5. Appropriate harvesting equipment shall be used for each crop.

6. Produce unfit for marketing shall be separated from marketable produce at the field level.

7. All produce shall be sorted and graded as appropriate.

8. Physical handling of produce shall be minimized at all stages.

9. A collection shed shall be constructed for receiving produce at field level.

10. The collection shed 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;
(c) have floors, doors, wall surfaces made of impervious, nontoxic, 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) have potable water and adequate toilet facilities;
(f) have waste disposal facilities;
(g) have clear documentation procedures and document control systems; And

(h) traceability details of all produce collected
FOURTH SCHEDULE (r14(b))

AGRICULTURE AND FOOD AUTHORITY

THE CROPS (HORTICULTURE CROPS) REGULATIONS, 2019

MINIMUM CONDITIONS APPLICABLE TO PACKHOUSE PRODUCE HANDLING 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 KS1758 applicable part, Public Health Act, and the Occupational Safety and Health Act.

2. The working areas and premises shall be kept free of waste materials.

3. Any person in the produce handling 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 produce handling facility shall have adequate ventilation, temperature control and lighting.
8. All machinery used in the produce handling facility shall conform to the provisions of Occupational Safety and Health Act.
9. The produce handling 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. All produce shall move through the facility operation in the order that it is received, First in First out
13. The traceability of all produce shall be documented throughout the process chain.
AGRICULTURE FOOD AND FISHERIES AUTHORITY

THE CROPS (HORTICULTURE CROPS) REGULATIONS, 2019

PACKAGING, TRANSPORTATION AND STORAGE MINIMUM REQUIREMENTS

1. The packaging shall protect the produce 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 weight should not exceed 50 Kg.

4. The packaging material used shall be able to contain the produce, enabling the required quantity to be handled as one unit without collapsing.

5. Horticultural produce shall during storage and transport be kept at the prescribed temperature and humidity levels for each produce.

6. Horticultural produce and products shall not be stored or transported together with other produce, which may contaminate them or otherwise adversely affect their quality.

7. Vehicles for transport shall be built and equipped to ensure maintenance of optimal temperatures and hygiene to prevent damage, contamination and spoilage of produce.

8. Horticultural produce for human consumption shall be transported in an enclosed transport vessel that is clearly labelled as “fresh produce”

8. Persons handling the produce must be healthy, protected and trained on produce handling.

9. Any other provision outlined in the KS1758 national horticulture standard.
SIXTH SCHEDULE (r16)

FORM A
SERIAL NUMBER (AFA/HORTICULTURE/000/ YEAR OF APPLICATION)

AGRICULTURE FOOD AND FISHERIES AUTHORITY

THE CROPS (HORTICULTURE CROPS) REGULATIONS, 2019

APPLICATION FOR REGISTRATION AS HORTICULTURE PRODUCE OR PRODUCTS DEALER

(To be filled in triplicate)

10. Full name of Applicant …………………………………………………………………………………………………………………..
    Postal Address……………………………………………………………………………………………………………………………………..

11. Registered Office……………………………………………………………………………………………………………………………………..
    L. R. No. ………………………………… Street……………………………………………………………………………………………….
    Tel. No. …………………………………………… Fax No. …………………………………………………………………………………..
    E-mail …………………………………………… Website …………………………………………………………………………………..

12. Place where the premise is located:
    Village/area……………………………… Ward…………………………………………………………………………………………..
    Sub-County…………………… County……………………………………………………………………………………………….

13. VAT Registration No / ID. No. ……………………….... PIN ………………………………………………………………………..

14. Year of Incorporation of Company ………… and Registration No. ……………………………………………………………..
    (Attach copies of company incorporation certificate ID of Directors and current Single Business Permit)

15. Type of dealership e.g. Exporter/Importer/ Processor /Transporter/Buyer/ clearing agent etc.
    (specify) ………………………………………………………………………………………………………………………………………….

16. Types of Produce/ Products for the market ……………………………………………………………………………………………..

17. Sources of supply for Produce
    ……………………………………………………………………………………………………………………………………………………………..
    ……………………………………………………………………………………………………………………………………………………………..
    ……………………………………………………………………………………………………………………………………………………………..

18. List of buyers for produce (Attach contractual agreements if outsourcing)
    ……………………………………………………………………………………………………………………………………………………………..
    ……………………………………………………………………………………………………………………………………………………………..
    ……………………………………………………………………………………………………………………………………………………………..
    ……………………………………………………………………………………………………………………………………………………………..
I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

19. Applicant Signature………………………….……….          Date ………………….…………….……

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<th>FOR OFFICIAL USE</th>
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<tr>
<td>Checked by:</td>
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<tr>
<td>Officer Name………………..…..………. Signature……………………..... Date …………….…….</td>
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<tr>
<td>Approved by:</td>
</tr>
<tr>
<td>Director’s Name …………………………………Signature……………………….Date ………………..</td>
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**CONDITIONS**

1. Consideration of this application will be conditional on the applicant satisfying the Authority that the Applicant is capable of complying with national and International Standards and any other legal requirements.
2. The dealer shall produce such documentary evidence as requested to support the statements made above.
3. Dealers in export shall produce a valid contractual agreement in the prescribed form between themselves and the entities from which they source their produce and also the entities to which they sell their produce.
4. A dealer shall pay all dues to the Authority before his application can be considered.
5. The Authority has the right to approve or reject this application. In case of rejection reasons will be given and the applicant can reapply.
FORM B (r16(3))

SERIAL NUMBER (AFA/HORTICULTURE//000/ YEAR OF APPLICATION)
AGRICULTURE AND FOOD AUTHORITY

THE CROPS (HORTICLUTRE CROPS) REGULATIONS, 2019

CERTIFICATE OF REGISTRATION OF PRODUCE OR PRODUCT DEALER

Name ………………………………………………………………………………………………………
Type of dealership………………………………………………………………………………;
Address: ………………………………………Tel………………………………………………
L.R. No. …………………………………………………………………………………
Street: ………………………………………………………………………………………
is hereby registered as a dealer of horticulture produce/products under this Regulation for the following products:
……………………………………………………………………………………………………
……………………………………………………………………………………………………
……………………………………………………………………………………………………
……………………………………………………………………………………………………
The registration expires on…………………………………………………………
Date of Registration…………………………………………………………

Signed………………………………………………………………………………
Name …………………………………………………………………………………

(Director, Horticultural Crops Directorate)

Official Horticultural Crops Directorate Rubber stamp

CONDITIONS

1. Any changes to the source of produce and list of buyers submitted to the Authority by the dealer shall be notified in advance to the Authority in writing.
2. This certificate is not transferable.
3. The License may be revoked, suspended or altered in circumstances outlined in Crops Act para 23
FORM C (r. 19 (2g))

SERIAL NUMBER (AFA/HORTICULTURE /000/ YEAR OF APPLICATION)
THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS (HORTICULTURE CROPS) REGULATIONS, 2019

QUARTERLY RETURNS ON IMPORT/EXPORT OF HORTICULTURAL CROPS PRODUCE AND PRODUCTS

(To be filled in triplicate)
Name/Business name of importer/exporter as appearing on the registration certificate…………………………………………
License No………………………………………………………………
Postal address……………………………………..Code:………………………
Tel…………………………………… Email………………………………………………

Contact person …………………………………………

Returns for the period ……………………………………………………………….

<table>
<thead>
<tr>
<th>Name of crop produce or product</th>
<th>Quantity (Kilograms) Imported/exported</th>
<th>Customs Value (KES) (F.O.B)</th>
<th>Country of origin/destination country</th>
<th>Point of entry/exit</th>
<th>Remarks</th>
</tr>
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</table>

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

Applicant’s Signature……………………………………  Date ………………………………………

Official stamp/seal
AGRICULTURE FISHERIES AND FOOD AUTHORITY

THE CROPS (HORTICULTURE CROPS) REGULATIONS, 2019

HORTICULTURAL CROPS CODE OF CONDUCT

GUIDELINES GOVERNING AGREEMENTS BETWEEN PRODUCERS AND DEALERS OF HORTICULTURAL PRODUCE

The guidelines shall:

i) Act as a memorandum of understanding between the producer and dealer of fresh horticultural produce.

ii) Serve as a guideline for the producer and dealer in order to conduct good business practices, which will be mutually beneficial, and help promote the well-being of the horticultural industry in Kenya.

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

OBLIGATIONS OF THE PRODUCER AND DEALER

a) The producer shall

i) Be organized into well-managed group or registered legal entities.

ii) Relate to specific dealers only under a contract as specified in this Order. Producers dealing with different dealers shall clearly designate blocks

iii) Request for training on any aspect that deals with quality control as need arises

b) The dealer shall:

i) Relate to specific producer entities under a contract as specified in this Order

ii) Provide the necessary extension services to the producer(s).

iv) Relate directly with the producer.

v) Not engage sub-dealers

vi) Establish means and ways of financing the producer where necessary
vii) The dealer should be a member in a duly registered industry association
viii) Submit agreement between the exporter to the directorate or relevant county government for verification and witnessing before execution
ix) The marketing agent shall be responsible for traceability of the product
x) Relate to a specific exporter/dealer/buyer for specific crops

c) All parties in the contract shall
i) Undertake to conduct their business diligently and professionally at all times.
ii) Submit agreement to the directorate or county government for verification and witnessing before execution
iii) Seek for mediation from the directorate or court of law in the event that there is breach of the contract
iv) Ensure that the contract is adhered to

e) **Obligations of the regulator in collaboration with County government**
The regulator shall:
i. Provide specialized advisory services to the producers, marketing agents and exporters
ii. Arbitrate on disputes arising from the contracts
iii. Enforce the agreements/contracts
iv. Maintain a database of registered agents for reference
v. Enforcement of the relevant laws, codes of practice
vi. Implement sampling and testing plan to check on compliance to industry requirements
vii. Provide a service charter to the marketing agent
viii. Undertake field surveillance to ensure adherence to the code

**ESSENTIAL ELEMENTS OF THE CONTRACT**

The contract shall include specific terms and conditions for production, handling and collection of produce, payment, and any other essential elements, which will create a clear understanding of obligations of both the producer, the marketing agent and the exporter.

**The elements include:**

a) **Quantity and quality of produce to be supplied at a particular time and contract price**

i) The contract shall specify the *quantity* in either boxes/cartons/crates or kilos to be supplied by the producer(s) over a period of time.
ii) Contract should specify a **minimum quantity** of produce to be supplied by the contracted produce source. (i.e. quantity below which no collection will be effected.)

b) **Seed and other Inputs**
   i) The contract shall specify who is responsible for inputs, including labour.
   
   ii) If the producer requires the use of certified seeds/planting materials by the dealer, it shall be specified in the contract. The seed shall be of good quality and germination percentage as guided by the label.
   
   iii) Contract shall address which party will be responsible for supplying and applying other inputs such as fertilizer and pesticides.
   
   iv) The dealer shall ensure that all procurement, distribution, safe storage, usage and disposal of agro-chemicals for the producer(s) shall be in accordance with the provisions of the Pest Control Products Act.
   
   v) The dealer shall ensure production of safe and quality produce and ensure sustainable management of pest at all times.
   
   vi) The dealer shall ensure that a producer maintains all records of chemicals used and avail the records to the horticultural inspectors at all times.
   
   d) Terms and conditions for purchase or sale of inputs must be included within the contract.

C) **Generally Accepted Production Practices**
   All parties shall commit to implement Good Agricultural Practices and procedures.

d) **Record Keeping and traceability**
   i) Each producer and dealer shall implement a complete record keeping and traceability system for production and handling of produce.
   
   ii) Minimum record keeping requirements for traceability and pest management accountability shall include:
      - Identification of previous crop.
      - Type of seed used and treatment given.
      - Date of planting.
- Scouting records
- Pest product used
  - Application of pest control products; date, rate, weather conditions.
  - Irrigation dates and quantities.
  - Harvesting: dates and weather conditions.

e) **Field Support and Training**

   (a) Every dealer shall provide contracted producer with sufficient training, during the contract period on:

   - Group management and administration.
   - Good Agricultural Practices

f) **Harvesting and Post-Harvest Practices**

   (i) Dealer shall agree to undertake acceptable management practices for harvesting and handling of produce, which will ensure high quality levels.

   (ii) These practices include:

   - Use of clean containers during field handling of produce.

   - Protection of produce from heat and direct sunlight.

   - Maintenance of hygienic conditions.

   - Use of clean water for washing of produce where necessary.

g) **Inspection and Grading**

   Dealer and producer shall agree and specify responsibilities for inspection and grading of produce, type of document to be executed upon collection/delivery of produce, agree at what stage goods change title and obligations of each party.

h) **Packaging Supply and Procedures**

   i) Contract shall specify which party is obligated to supply packaging materials.

   ii) Packaging procedures such as condition and quantity of produce, grade and type of produce, placement within a container.
i) **Conditions of Collection and/or Delivery**

   i) The contract shall specify the collection periods of produce (time and year).

   ii) Specify conditions for the events of non-collection.

   iii) If dealer fails to collect at specified time, he shall be obliged to pay the contracted price for that produce.

   iv) Specify collection times and penalties incase of default of either party.

   v) Agree on tolerance levels (%) on shortages and excesses.

j) **Dealings with third parties**

   i) Both producer and dealer shall not engage in any transactions with other individuals or intermediaries involving the contracted produce.

   ii) The produce under contract should only be sold to the dealer of the produce.

k) **Rejected Produce**

   i) Point of rejection of produce shall be specified upon in the contract.

   ii) Conditions for the return of the rejected produce shall be specified.

   iii) Disposal of rejected produce shall be specified.

   iv) Any produce which the dealer has accepted delivery of shall not be returned to the producer.

l) **Payment Terms and Mechanism**

   (i) Producer and dealer shall specify the mode, terms and mechanism of payment.

m) **Penalties**

   (i) The contract agreement shall specify penalties including type and amount of compensation to either party as a result of failure to abide by the terms of the contract.

n) **Duration of Contract**

   (i) Duration and maturity of contract shall be specified.

o) **Termination Clause**

   i) Conditions for termination of contract shall be specified.
ii) Either party may terminate the contract by giving the other a written notice within a reasonable period equivalent to a full production and marketing cycle of the produce.

p) Natural Calamities and Non-Commercial Risks (*Force majeure*)

(i) In the event of natural calamities (such as floods, hail, earthquakes etc) it shall be stated clearly in the contract that both parties shall not be held responsible.

(ii) Furthermore, in the event of non-commercial risks (such as war, national labour, strikes, etc) the affected party shall be held harmless for non-performance.

Conditions
1. All contracts must be registered with the Authority and County government within 14 days of signing by both parties
2. Where contracts are breached, aggrieved parties must inform the Authority in writing
3. The Authority must be notified of any variations on the contracts registered within seven days
EIGHTH SCHEDULE (r20(3))

AGRICULTURE AND FOOD AUTHORITY

THE CROPS (HORTICULTURE CROPS) REGULATIONS, 2019

NATIONAL HORTICULTURE PRODUCE LOGO

Red (Post office red 0-006)
Green (0-010)

PRODUCE OF KENYA
Name/ of Dealer ..............................................................
Address.................................................................Tel..............................................................
Email.................................................................Physical Location..............................................
Contact person ..........................................................
Registration No. ........................................................
Valid from.............................................................to..............................................................

Is hereby authorized to import the following; □ Fresh produce □ Processed product □ Raw material (Tick as appropriate)

<table>
<thead>
<tr>
<th>Type</th>
<th>Quantity (Kilograms)</th>
<th>Country of Origin</th>
<th>Value (F.O.B) KES</th>
</tr>
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<tbody>
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</table>

NB: Attach list
Duration of import permit.................................days
Expiry date............................................................
Point of entry/delivery..............................................

FOR OFFICIAL USE

3. Checked by:
   Officer Name........................Signature.................. Date ......................

   Approved by:
   Director’s Name ................Signature .................. Date ......................
Official Horticulture Crops Directorate Rubber stamp

Terms and Conditions:
1. The Authority may vary, suspend or cancel the food crop produce import/export permit issued if the holder fails to abide with the national horticulture product standards.

2. The importer/exporter shall provide all the information of the transaction in question to the Authority at all times on demand.

3. The import permit may be suspended without notice where such importer infringes the legal requirements as elucidated in the laws of Kenya.

The holder of this certificate shall submit monthly returns to the Authority in the prescribed format.
# Tenth Schedule (r29(2))

**Agriculture and Food Authority**

**The Crops (Horticulture Crops) Regulations, 2019**

**Horticultural Crops Industry Levies**

<table>
<thead>
<tr>
<th>REGISTRATION AND PERMIT/LICENCES CATEGORIES</th>
<th>FEES (KSH)</th>
<th>VALIDITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dealers (Importers, exporters, ship chandlers, processors, and clearing agents)</td>
<td>25,000</td>
<td>Annual</td>
</tr>
<tr>
<td>Export levy</td>
<td>1 % of F.O.B value</td>
<td>Per consignment</td>
</tr>
<tr>
<td>Import levy – Finished products</td>
<td>4% of F.O.B value</td>
<td>Per consignment</td>
</tr>
<tr>
<td>Import levy – Raw materials</td>
<td>2% of F.O.B value</td>
<td>Per consignment</td>
</tr>
<tr>
<td>Nursery Operators/mother block Registration based on turnover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Up to 50,000</td>
<td>1) 1,000.00</td>
<td>Annual</td>
</tr>
<tr>
<td>2. 50,000-250,000</td>
<td>2) 2,500.00</td>
<td></td>
</tr>
<tr>
<td>3. 250,000-500,000</td>
<td>3) 5,000.00</td>
<td></td>
</tr>
<tr>
<td>4. Above 500,000</td>
<td>4) 7,500.00</td>
<td></td>
</tr>
<tr>
<td>Inspection for nursery/mother block</td>
<td>1,000.00</td>
<td>Annual/ or in case of non-compliance</td>
</tr>
<tr>
<td>Inspection for product conformity</td>
<td>1,000.00</td>
<td>Per inspection</td>
</tr>
<tr>
<td>Produce handling facility inspection</td>
<td>5,000.00</td>
<td>Twice per year/ or in case of non-compliance</td>
</tr>
<tr>
<td>Farm Inspection per acre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. (Below 5.0 Acres)</td>
<td>1) 1000</td>
<td>per inspection</td>
</tr>
<tr>
<td>b. (over 5 to 10 Acres)</td>
<td>2) 2,500</td>
<td>per inspection</td>
</tr>
<tr>
<td>c. (Above 10 Acres)</td>
<td>3) 5,000</td>
<td>per inspection</td>
</tr>
<tr>
<td>Audits due to interception or notification from the market</td>
<td>100% of the cost</td>
<td>Per inspection</td>
</tr>
</tbody>
</table>
Dated this …………………day of ……………………………………………………………2019

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WILLY BETT

Cabinet Secretary Ministry of Agriculture, Livestock and Fisheries