LEGAL NOTICE NO. 17

THE CROPS ACT

(No. 16 *of* 2013*)*

IN EXERCISE of the powers conferred by section 40 of the Crops Act2013, the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation, in consultation with the Agriculture and Food Authority and the County governments, makes the following Regulations–

THE CROPS (IRISH POTATO) REGULATIONS, 2019

PART I—PRELIMINARY

Citation.

1. These Regulations may be cited as the Crops (Irish Potato) Regulations, 2019.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

No. 16 of 2013.

"Act" means the Crops Act, 2013;

"Area" means the area of jurisdiction of a county government;

No. 13 of 2013

"Authority" means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act, 2013;

"bulk" means unpackaged quantities;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for Agriculture;

"collection centres" means centres designated and registered by a county government to serve as buying stations for irish potato produce, packaging houses, pick up points and meeting places for farmers 'and growers' cooperatives and associations;

"commercial activity" means collecting, transporting and storing irish potatoes for trade;

"consignment" means—

(a) for purposes of transportation of irish potato produce within the country, a vessel load for which a Certificate of Produce has been issued in accordance with regulation 17; and

(b) for purposes of import and export, the declared lot of irish potatoes;

"customs port of entry or exit" means an airport, seaport or land

border point officially designated for the importation or exportation of consignments of crop irish potato produce and products

"County government" shall have the meaning assigned to it under Article 176 of the Constitution;

"dealer" means any person, company or firm engaged in collecting, transporting, storing, buying or selling of irish potatoes on a commercial basis, and includes a marketer, transporter, warehouse operator, collection centre operator, importer and exporter;

"exporter" means any person, firm or corporate body licensed by the Authority to engage in the business of exporting irish potatoes out of Kenya;

"grower association" means any association, cooperative society, corporate body, union or federation of irish potato growers or any other legal entity comprising of irish potato farmers;

"importer" means any person, firm or corporate body licensed by the Authority to engage in the business of importing irish potatoes into Kenya;

"Inspector" means an officer appointed by the Authority in accordance with section 27 of the Act, or an officer appointed by the county government as an inspector under these Regulations;

"irish potato" means the tuber of the plant botanically known as *solanum tuberosum* and for purposes of these Regulations refers to potatoes traded purely for consumption and processing;

"large-scale grower" means a person who cultivates irish potatoes in an area of more than four hectares and uses best practices to optimize production;

"market" means a medium, a designated place or structure by a county government where buyers and sellers interact for trade in irish potatoes;

"marketing agent" means any person registered by the county government who collects and sells irish potatoes in wholesale at a designated market;

"medium" means a place where buyers and sellers trade in irish potatoes and includes but is not limited to car boot sales, mobile and internet commerce applications and other exchange;

"non-commercial activity" means collecting, transporting and sorting of irish potatoes for domestic consumption;

"production area" means a region or area where growers cultivate irish potatoes;

"respective county government" means the county government for the area where the irish potato crop is grown;

"smallholder grower" means a person who cultivates irish

potatoes in an area of four hectares or less;

"transporter "means any person who engages in movement of irish potatoes from one point to another but excludes non-commercial activity;

"vehicle" means any modern and traditional mode of transportation used for the movement of irish potatoes; and

"warehouse" or "store" means a building, premise, establishment, facility or a place, in whole or in part registered under these Regulations where irish potatoes are stored, kept or held for wholesale distribution to other wholesalers or retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer.

Application.

3. These Regulations shall apply with respect to irish potatoes produced and marketed in Kenya and imported or exported into and out of Kenya.

Purpose of these regulations.

4. (1) The purpose of these Regulations is to guide the promotion, development and regulation of production and trade in irish potatoes.

(2) Without prejudice to the generality of paragraph (1) the purpose of these Regulations is to provide for—

(a) registration of growers, grower associations, dealers and irish potato collection centres;

(b) registration of processors, warehouses, importers and exporters of irish potatoes;

(c) quality assurance and marketing of irish potatoes;

(d) establishment and enforcement of standards in grading, sampling and inspection, tests and analysis, specifications, units of measurement, code of practice and packaging, preservation, conservation and transportation of crops to ensure health and proper trading;

(e) packaging and sale of irish potatoes; and

(f) promotion of best practices in the irish potatosub- sector.

PART II—REGISTRATION

Registration of Irish potato growers and growers' association.

5. (1) Every grower shall, for the purposes of data collection, apply for registration respectively with the respective county government where their irish potato is grown in Form A as set out in the First Schedule.

(2) Every growers' association shall apply for registration with the respective county government where their irish potato is grown in Form B as set out in the First Schedule.

Registration of small holder grower.

6. (1) A smallholder grower may register with a growers' association.

(2)A growers' association shall issue a certificate of registration to every smallholder grower registered with a growers' association.

(3)A smallholder grower shall not register with more than one grower association in respect of the same parcel of land.

Registration of dealers, processors, importers, exporters, collection centres and warehouses.

7. (1) The following persons and entities shall register with the County Government in which they operate—

(a) processors;

(b) marketing agents;

(c) dealers;

(d) collection centres; and

(e) warehouses or stores.

(2) The persons and entities specified in sub-regulation (1) shall apply for registration in Forms C and D accordingly as set out in the First Schedule.

(3) Upon registration the county government shall issue the applicant with a Certificate of Registration in Form E set out in the First Schedule.

(4) The certificate of registration shall be issued once.

Registration of importers and exporters.

8. (1) An importer or exporter of irish potato produce shall register with the Authority.

(2) The application for registration under paragraph (1) shall be in Form F set out in the First Schedule.

(3) Upon registration, the Authority shall issue a certificate of registration to the applicant in Form G set out in the First Schedule.

Buying and selling of irish potatoes.

9. (1) The selling and buying of irish potatoes for commercial purposes shall be done in collection centres and designated markets.

(2) A dealer, processor and exporter shall collect Irish potatoes from producers at a registered and designated collection centre.

(3) A dealer, processor and exporter may collect Irish potatoes from a medium or a registered and designated market.

(4) The selling and buying of irish potatoes for home consumption may be done through a collection centre, medium or designated market.

Collection centres.

10. (1) No person shall operate any premises as a collection centre unless—

(a) the premises are registered and designated as a collection centre by the respective county government, and

(b) there is in place a management committee in respect thereof

(2) A grower association or a large scale grower may register a collection centre with the respective county government for the purposes of grading, sorting, weighing, storage and packaging of irish potatoes.

(3) The application for registration under paragraph (2) shall be made in writing by the operator.

(4) Upon registration the respective county government shall issue a Certificate of Registration to the grower association in form H set out in the First Schedule.

(5) An operator of a collection centre shall issue a certificate of produce to a buyer for every consignment bought for commercial purposes.

(6) A certificate of produce under paragraph (5) shall in Form I set out in the First Schedule.

(7) The Authority shall prescribe requirements on collection centres in compliance with national, regional and international standards from time to time.

(8) An Inspector may inspect premises registered as collection centres to ensure conformity with the standards, recommendations and requirements issued by the Authority.

Smallholder may register independently

11. (1) A small holder grower who does not join a growers association may register with a registered irish potato collection centre.

(2)The application for registration under paragraph (2) shall be in Form J as set out in the First Schedule.

Non- transferability of certificate of registration.

12. A certificate of registration issued under these Regulations shall not be transferable.

Import and export of irish potato produce.

13. The Authority shall annually collect data on the domestic production and consumption of irish potatoes within the country to establish levels of surplus or deficit and advise the Cabinet Secretary on the exportation and importation of irish potatoes.

Licensing of importers and exporters.

14. (1) A person shall not import or export irish potatoes without a valid licence issued by the Authority.

(2) An application for a licence under paragraph (1) shall be made in Form K set out in the First Schedule.

(3) Where the Authority approves the application under paragraph (2), the Authority shall issue the applicant with a licence set out in Form L set out in the First Schedule.

Conditions for issuing import and export licences.

15. (1) The import or export of irish potato produce shall be carried out through a customs port of entry or exit, as the case may be.

(2) An importer or exporter of irish potato produce shall apply for an export or import permit for each consignment imported or exported.

(3) The application for a permit under paragraph (2) shall be in Form M set out in the First Schedule.

(4) The Authority shall, where the applicant qualifies for the permit, issue an import or export permit to a registered importer or exporter in Form N set out in the First Schedule.

(5) Each consignment of irish potato produce for import, export or in transit shall be declared at the port of entry or exit and physically verified by the Authority or its authorized agent.

(6)During the verification of a consignment under sub-regulation (5)—

(a) the Inspector shall ensure that the produce conforms to the requirements of these regulations and to the existing standards with respect to—

(i) the required grades, packaging and labelling;

(ii) the applicable maximum weight for a single unit of package subject to paragraph (c) herein; and

(iii) declaration of quantity in metric tons of imported or exported produce and their origin and destination.

(b) the owner shall, where the produce has been declared as being in transit, declare the quantity thereof in metric tons of the produce their origin, port of exit and destination in Form O set out in the First Schedule;

(c) the owner shall, where produce is imported in bulk, submit a declaration in writing indicating the warehouse where repacking is expected to be undertaken to conform to the requirement provided for under paragraph (a)(i) and (ii);

(d) a registered importer or exporter shall provide, on request by the Authority or its authorized agent—

(i) an original copy of importation or exportation and customs entry or exit documentation;

(ii) an import or export permit for shipment of the specific consignment;

(iii) evidence of payment of duties and levies; and

(iv) a certificate of origin and contact details of the exporters.

(e) the registered importer or exporter shall provide, on request

by the Authority or its authorized agent—

(i) original copies of importation or exportation and customs entry or exit documentation;

(ii) an import or export permit for shipment of the specific consignment;

(iii) evidence of payment of duties and levies;

(iv) a certificate of origin and contact details of the exporters and importers from whom they procured; and

(v) other permits and licences, and certificates as to the quality and standards of the produce.

(7) Upon satisfying the conditions for import or export of irish potatoes under these Regulations, the Authority shall release the consignment to the consignee.

(8) The Authority shall detain, at the cost of the consignee, any consignment that is not accompanied by the documents specified under paragraph (6) until the requisite documentation is availed for verification.

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

(10) The Authority may at the cost of an offender, seize, detain, dispose of or destroy in an appropriate manner, any consignment of irish potatoes that does not conform to the quality standards set by the Authority.

Maintenance of registers.

16. (1) Every grower association shall keep and maintain a register of its members and forward a copy of the up to date register to the respective county government on or before the 31st December of every year.

(2) Every collection centre shall keep and maintain a register of its members and forward a copy of the up to date register to the respective county government on or before the 31stDecember of every year.

(3) A county government shall keep and maintain a register of all growers, and grower associations, collection centres, processors, dealers and marketing agents operating in the counties who are registered in accordance with these Regulations and shall submit copies of the up to date register to the Authority by the 31stJanuary of every year.

Offences.

17. (1) A person who contravenes regulations 5(2), 9(1) ,7,11, 14(1) and 15(1) (2) commits an offence.

(2) A person who contravenes regulations 7(1), 8(1) 9(1), 10(1)(b) and 13 (1) commits an offence and shall, on conviction, be

liable to imprisonment for a period not exceeding three years or to a fine not exceeding five million shillings or to both.

PART III—QUALITY ASSURANCE, PACKAGING AND MARKETING

Safe use of pest control products

18. (1) A grower of irish potatoes shall—

(a) ensure the safe use, storage and disposal of pest control products in accordance with the Good Agricultural Practices as prescribed by the Authority from time to time; and

(b) use pest control products registered for use in the irish potato production and handling by the Government agency for the time being responsible for pest control products.

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

Packaging of irish potato produce.

19. (1) The unit of measurement of all irish potatoes shall be the kilogram.

(2)The maximum weight for each single unit of package of irish potatoes shall be 50 kilograms.

(3) Subject to subregulation (2), the Cabinet Secretary may from time to time and in consultation with the Authority by notice in the Gazette prescribe the maximum weight for each single unit of package of irish potatoes.

(4) The maximum weight prescribed under paragraph (3) shall take into consideration existing laws and regulations, and national, regional and international standards.

(5) A grower and dealer of irish potato produce shall use a weighing scale that has been properly calibrated, serviced, inspected and approved by the Ministry for the time being responsible for trade.

(6) Any person who contravenes this regulation commits an offence.

Marketing requirements

20. (1) The management committee of the collection centres and dealer shall ensure that irish potatoes are—

(a) sorted, graded, packaged, labelled, transported, and stored following good practices prescribed by the Authority from time to time and in accordance with existing national, regional and international standards;

(b) removed from any area after packaging in clean and intact food grade material that allows for aeration and maintenance of produce quality;

(c) packaged and clearly labelled indicating the irish potato variety, date harvested, collection centre and county of origin;

(d) offered for sale only in collection centres or markets designated by the county government; and

(e) stored in an inspected and registered facility.

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

Transportation of Irish Potatoes.

21.(1) Irish potatoes for commercial purposes shall be transported in natural and synthetic fibre sacks, moulded plastic boxes, sawn wooden boxes and paper or plastic film sacks or in such other manner as may be prescribed by the Cabinet Secretary in consultation with the Authority from time to time.

(2) A person transporting irish potatoes shall ensure that the vessel used for transportation does not lead to deterioration caused through moisture loss, rain, greening, or physical damage or contamination and complies with instructions provided by the Authority from time in accordance with the existing national, regional and international standards.

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

Crop inspectors.

22. (1) The Authority shall appoint Inspectors in accordance with section 27 of the Act to carry out inspections on compliance with standards, guidelines and legislation on irish potato produce.

(2) Inspectors appointed by the Authority shall regularly undertake surveillance and inspections to ensure that producers, dealers, importers, exporters and processors of irish potato produce adhere to these Regulations, the terms and conditions of registration and guidelines issued by the Authority from time to time and any other relevant laws.

(3) The county governments may appoint inspectors to monitor activities associated with irish potato production, dealing, handling and processing, to ensure compliance with these Regulations within the respective county.

(4) A person appointed as an inspector under these subregulation (3) shall be required to—

(a) to be the holder of—

(i) a Bachelor's Degree in Agriculture or related field from a university recognised in Kenya, or

(ii) a Diploma in Agriculture with two years' experience in extension service work, and

(b) comply with the provisions of Chapter 6 of the Constitution of Kenya and with the Public Officer Ethics Act, 2003.

(5) The Authority shall develop training manuals and undertake training of the inspectors to ensure effective carrying out of their duties.

(6) The Authority and the county governments shall conduct inspections of growers, grower associations, dealers and processors,

jointly or separately, from time to time to ensure compliance with these Regulations.

Powers of entry.

23. (1) An inspector may at any reasonable time, in the course of his duties enter upon any land, or premises, or stop and enter into a vehicle, vessel or conveyance used for storage or transportation of irish potatoes for purposes of ascertaining that the net weight and packaging conforms to the requirements of these Regulations or for the performance of the functions or powers conferred under the Act or any other written law.

(2) The Inspector shall seize and detain Irish potatoes packaged or transported in a manner that does not conform to the requirement of these regulations at the cost of the offender.

(3) A person who obstructs an inspector from carrying out the required inspection commits an offence and shall be liable on conviction, to the penalty provided under section 30(2) of the Act.

General Penalty.

24. A person who commits an offence under these regulations for which no penalty is provided for, shall be liable, upon conviction, to the penalty provided under section 37 of the Act.

Use of Forms

25. The Authority or the County Government, as the case may be, may make such modifications, alterations or additions as may be required from time to time, to enable effective use of the prescribed forms, including facilitating the use of such forms electronically.

Fees

26. The fees specified in the Second Schedule shall be payable in respect of the matters set out therein.

FIRST SCHEDULE

FORMS

FORM A *(r. 5(1)*

THE CROPS (IRISH POTATO) REGULATIONS 2018

COUNTY GOVERNMENT OF……

APPLICATION FOR REGISTRATION OF GROWERS

Part 1: Particulars of the Applicant

1. Full name of Applicant:…… ……

2 .Postal Address: ……..…..Postal Code ……Town.....

Tel/Mobile No:……..... Email:…… Website:……

Physical address: Building …….. Street:……Town:…….……

County…… Sub County…….. Ward….……

Village: ...……..……Hectares: .....

I confirm that I shall abide by the requirements of the Food (Food Crops General) Regulations, 2016.

Applicant's signature……Date……..

Part 2: Approval by County Government

FOR OFFICIAL USE
Crops Inspector remarks …… ……
Recommended /Not recommended
Crops Inspector name ..…… Signature…….. Date……
Approved/Not approved:
CEC Member in charge of Agriculture:
Name ……Signature……Date…… Comments if not approved…… ……..…… Official Stamp……..……

Terms and Conditions

1. This application should be completed in full. An incomplete form shall not be processed.

2. A grower association shall be required to furnish the County Government with evidence of registration and copies of their Constitution or Articles and Memorandum of Association;

County logo

FORM B (r.5(2) *(r. 7(2)*

THE CROPS (IRISH POTATO) REGULATIONS, 2018

APPLICATION/RENEWAL FOR REGISTRATION OF IRISH POTATO GROWERS ASSOCIATION/COLLECTION CENTRES/WAREHOUSES OR STORES

(To be filled in triplicate with a copy to County Government)

Part 1: Category of application (Tick one)

ð**Applications for New registration**	ð**Application for Renewal of registration**

Part 2: Applicant's Details (To be filled by all Applicants)

1. Full name of Applicant: ……..……..…

2. Registered office……L. R. No. ……..……..……..

Postal Address: ……..…….....

Postal Code ……Town.....

Tel/Mobile No:……..... Email:……..……

Website:…….……

Physical address: Building …….. Street:……Town:……..……

County…… Sub County…….. Ward……..

Village:..……

Company details *(where applicable):*

Certificate of Company Incorporation / Registration No:,…….....

List Names and Particulars of Directors/Officials (Attach copies of ID)…….……

……

……

3.Branch offices (if any)

	Town	**Location**	**Address**
4.			
5.			
6.			

Part 3: Category of Dealer

1. Check as appropriate

¨ Collector centre	¨ grower association	¨ warehouse/store	¨others (specify)

2. Check one

¨Individual Ownership	¨ Partnership	¨ Corporation	¨others (specify)

Part IV: Requirements

1) Full list of the Associations Member's for Grower association and collection centres
2) By laws governing the operations' of the Grower association and collection centres with clear measures for safeguarding growers' interests

I/We …….certify that I/we have read and understood the Crops Act, 2013 and the regulations made thereunder.

Date……

Name ……Signature: ……..……

Part 4: Approval by the County Government

FOR OFFICIAL USE

Approved/Not approved:

Terms and Conditions

CECM AGRICULTURE:4. This application should be completed in full.

An incomplete form shall not be processed

5. Produce shall be sourced only from registered growers and grower associations

Name ……Signature……Date…….……..

Comments if not approved…….……

……

County logo

FORM C *(r. 7(2)*

THE CROPS (IRISH POTATO) REGULATIONS, 2018

APPLICATION/RENEWAL FOR REGISTRATION OF IRISH POTATO PRODUCE TRANSPORTERS, COLLECTORS, BUYERS, SELLERS, , MARKETING AGENTS AND PROCESSORS ***(To be filled in triplicate with a copy to County Government)***

Part 1: Category of application (Tick one)

ð**Applications for New registration**	ð**Application for Renewal of registration**

Part 2: Applicant's Details (To be filled by all Applicants)

1. Full name of Applicant: ……

2. Registered office……L. R. No. ……..…..……...

Postal Address: ……..…..... Postal Code .....

Town..... Tel/Mobile No:……..….....

Email:…… Website:…… ……..…

Physical address: Building …….. Street:……Town:……

County…… Sub County…….. Ward…….……

Village...……

Company details (where applicable):

Certificate of Company Incorporation /Registration No:,…… List Names and Particulars of Directors/Officials (Attach copies of

ID)……...……

……

……

3.Branch offices (if any)

	Town	**Location**	**Address**
1.			
2.			
3.			

Part 3: Category of Dealer

1. Check as appropriate

¨ Collector	¨ Seller	¨ Transporter	¨ Buyer	¨ Processor	¨Collection centre

2. Check one

¨Individual Ownership	¨ Partnership	¨ Corporation	¨others (specify)

I/We ……..certify that I/we have read and understood the Crops Act, 2013 and the regulations made there under.

Date……..

Name ……..Signature: ……

Part 4: Approval by the County Government

FOR OFFICIAL USE

Approved/Not approved:

Terms and Conditions

CECM AGRICULTURE:1.This application should be completed in full .

An incomplete form shall not be processed

2.Produce shall be sourced only from registered growers and grower associations

Name ……Signature……Date……...……

Comments if not approved……

……

County logo

FORM D *(r. 7(2)*

THE CROPS (IRISH POTATO) REGULATIONS, 2018

APPLICATION/RENEWAL FOR REGISTRATION OF IRISH POTATO GROWERS ASSOCIATION/COLLECTION CENTRES/WAREHOUSES OR STORES

(To be filled in triplicate with a copy to County Government)

Part 1: Category of application (Tick one)

ð**Applications for New registration**	ð**Application for Renewal of registration**

Part 2: Applicant's Details (To be filled by all Applicants)

1. Full name of Applicant:
……

2. Registered office……L. R. No. …….

Postal Address: ……..…….....

Postal Code ……..……Town.....

Tel/Mobile No:……..... Email:……

Website:……..……

Physical address: Building …….. Street:……Town:……

County…… Sub County…….. Ward……..…

Village:...……

Company details *(where applicable):*

Certificate of Company Incorporation /Registration No:,……

List Names and Particulars of Directors/Officials (Attach copies of ID)……

……

……

3.Branch offices (if any)

	Town	**Location**	**Address**
4.			
5.			
6.			

Part 3: Category of Dealer

1. Check as appropriate

¨ Collector centre	¨ grower association	¨ warehouse/store	¨others (specify)

2. Check one

¨Individual Ownership	¨ Partnership	¨ Corporation	¨others (specify)

Part IV: Requirements

1) Full list of the Associations Member's for Grower association and collection centres
2) By laws governing the operations' of the Grower association and collection centres with clear measures for safeguarding growers' interests

I/We ……..certify that I/we have read and understood the Crops Act, 2013 and the regulations made thereunder.

Date……..

Name ……..Signature: ……

Part 4: Approval by the County Government

FOR OFFICIAL USE

Approved/Not approved:

Terms and Conditions

CECM AGRICULTURE:4. This application should be completed in full .

An incomplete form shall not be processed

5. Produce shall be sourced only from registered growers and grower associations

Name

……Signature…….……Date…….....

Comments if not approved……

……

County Logo

FORM E *(r. 7(3))*

THE CROPS (IRISH POTATOES) REGULATIONS, 2018

COUNTY GOVERNMENT OF……

CERTIFICATE OF REGISTRATION FOR GROWERS' ASSOCIATION/ WAREHOUSES/ MARKETING AGENTS/ PROCESSORS/ COLLECTIN CENTRE/ DEALERS

THIS IS TO CERTIFY that…… of Postal address

……..……of…… County, LR No…..……..has been duly registered by the County Government as a .....in accordance with Regulation 16 of the Crops (Irish Potato) Regulations, 2018

Dated this ……..… day of ……..……20……

CEC member in charge of Agriculture.....

Official stamp

Terms and Conditions

1. This registration certificate is not transferable;

2. A registered Grower Association shall maintain a register of their members.

3. A Registered Grower Association material shall ensure that the quality of farm inputs and food crop produce and products comply with the Food Crops General Regulations and any other relevant laws.

4. The holder of this certificate shall submit monthly returns to the County Government.

FORM F *(r. 8(2))*

AGRICULTURE AND FOOD AUTHORITY

THE CROPS (IRISH POTATO) REGULATIONS 2018

APPLICATION/RENEWAL FOR REGISTRATION OF IRISH POTATO IMPORTER AND EXPORTER.

Part 1: Category of application (Tick one)

ð **Importer**	ð **Exporter**

ð **Applications for New registration**	ð **Application for Renewal of registration**

Part 2: Applicant's Details (To be filled by all Applicants)

1. Full name of Applicant: ……..……

2. Registered office……L. R. No. ……..……..……..

Postal Address: ……..……..... Postal Code….. ……..……..

Town..... Tel/Mobile No:…….....

Email:……Website:…… ……..……..

Physical address: Building …….. Street:……Town:……

County…… Sub County…….. Ward……..…

Company details (where applicable):

Certificate of Company Incorporation /Registration No…… List Names and Particulars of Directors/Officials (Attach copies of

ID)…… ……..……

……

……

3. Branch offices (if any)

	Town	**Location**	**Address**

I/We …….. Certify that I/we have read and understood the Crops Act, 2013 and the rules made thereunder.

Date……..

Name ……..Signature: ……

Part 4: Approval by the Authority

FOR OFFICIAL USE

Approved/Not approved:

Head: Food Directorate

Terms and Conditions

6.This application should be completed in full. An incomplete form shall not be processed

Name ……Signature……Date……..

7.Produce shall be sourced only from registered growers and grower associations

Comments if not

approved…… …… ……

Official

Stamp……

FORM G *(r 8(3)*

THE CROPS (IRISH POTATOES) REGULATIONS, 2018

CERTIFICATE OF REGISTRATION FOR IMPORTERS/EXPORTERS

	Certificate No……	**Original**
AGRICULTURE AND FOOD AUTHORITY	**□Export** **□Import**	Date of issue…… Valid until**……**

Mr/Mrs/Ms……of P .O. Box……Tel……is hereby issued with a Certificate for import/ export for Irish Potato produce.

……..

Head: Food Directorate

Date ……

Terms and Conditions

1. The Authority may vary, suspend or cancel the Certificate of Registration for Irish potato import/export issued if the holder fails to abide with the terms and conditions of the Irish potato regulations 2018 and any other relevant law.

SECOND SCHEDULE

(A) REGISTRATION CERTIFICATES, LICENSES AND PERMITS

Collection Centre Logo

FORM H *(r. 11)*

THE CROPS (IRISH POTATOES) REGULATIONS, 2018

.....COLLECTION CENTRE

CERTIFICATE OF REGISTRATION FOR GROWERS WITH COLLECTION CENTRES

THIS IS TO CERTIFY that…… of postal address

……..……of …… County, I/D No…..…….has been duly registered by .....collection centre in accordance with Regulation 11 of the Crops (Irish Potato) Regulations, 2018

Dated this …… day of ……20…….

……..……

FOR:.....Collection centre

Official stamp

Terms and Conditions

1. This registration certificate is not transferable.

County Logo

THE COUNTY GOVERNMENT OF……..

THE CROPS (FOOD CROPS) REGULATIONS, 2018

FORM H *r.10(4)*

CERTIFICATE OF PRODUCE

M/s……of ID No.…….Mobile No:..... is hereby authorized to move

Irish potatoes from ……..to……..... (*Specify destination)*

Truck. Reg No…… Trailer Reg. No……..

This certificte is valid for the transportation of the consignment of …… tonnes of ……Irish potatoes.

Validity period: from _____to_____ Date of issue _____ time issued _____ a.m./p.m.

Expiry date _____ Time:_____

County of origin……..

Issued by ……

Signature …… ……

Designation …… ……

Authorized Offer

For: CECM- in charge of Agriculture

Collected by …… ID No.…… ……..

Terms and Conditions

1. This movement permit is not transferable and is only valid for the specified consignment;
2. A Transporter shall
    i. conform to the national food safety and quality standards.
    ii. ensure that irish potatoes and transportation unit are appropriate to ensure that the produce remains safe and suitable for human consumption;

for those exceeding five Tonnes, shall be required to produce for inspection by the Authority, the County Government authorized officers and other law enforcement agencies valid original movement certificate for the consignment on request.



County logo

FORM J *r. 11(2))*

COUNTY GOVERNMENT OF……

THE CROPS (IRISH POTATOS) REGULATIONS 2018

Registration No……..

DEALER'S CERTIFICATE OF REGISTRATION

THIS IS TO CERTIFY that…….. of Postal address ……..……of …….....County, LR

No…..……..…has been duly registered by the Authority in accordance with section 16(1) of the Crops Act, 2013, as a Food Crops dealer

The scope of certification is

□ Collector □ Seller □ Transporter □ Buyer □ Stockist □ others

(specify)…… ……

Of irish potatoes

CEC member in charge of Agriculture

Date of issue:…… ……

Official stamp Date of expiry:……

Terms and Conditions

1. This registration certificate is not transferable;

2. A dealer of Irish potatoes shall conform to the national food safety and quality standards and sanitary phyto-sanitary (SPS) regulations during handling, storage and transportation.

3. The holder of this certificate shall submit monthly returns to the County Government in the prescribed format.

FORM K *(r.14(2)*

AGRICULTURE AND FOOD AUTHORITY THE CROPS (IRISH POTATO) REGULATIONS 2018 APPLICATION /RENEWAL FOR IMPORT/EXPORT LICENSE

Applications for New License	**Application for Renewal of License**

Part A: Applicant's Details (*To be filled by all Applicants*)

1. Full name of Applicant:……
2. Registered office…… L. R. No..…..……..…...……..……

Postal Address: ……..…..... Postal Code ……Town.....

Tel/Mobile No:……..... Email:…… Website:……..……

Physical address: Building …….. Street:……Town:……

County…… Sub County…….. Ward……

Village..……

Company details (where applicable):

Certificate of Company Incorporation /registration No:,……

List Names and Particulars of Directors/Officials (Attach copies of ID)

……
……
……

3. **Branch offices (if any**)

No	**Town**	**Location**	**Address**
1.			
2.			

Type of food crops produce/products to be imported/exported and estimated annual quantities.

No	Type of variety	Estimated annual import quantity	Estimated annual export quantity
1.			
2.			
3.			
4.			
5.			

4. Details of the warehouse (tick as appropriate)

Yes ¨ No¨

Warehouse No.	Capacity (tonnes)	LR/Plot No	Physical Location	Street Name/No	County
1					
2					

5. Applicant's Signature…… Date …….……..

Official rubber stamp/seal

Approval by the Authority

F

OR OFFICIAL USE Approved/Not approved: Head Food Directorate

Name ……..……Signature…….……Date ……

Comments if not approved…….. Official Stamp……

Terms and Conditions

1. This application should be completed in full. An incomplete form shall not be processed

2. An application for renewal of this license shall be made to the Authority not later than the first day of the month of June in which the current license is due to expire

3. The warehouse that the importer/exporter intends to use must meet the set standards and guidelines issued by the Authority from time to time

4. The holder of the importer/exporter license shall submit monthly returns to the Authority in the prescribed format.

FORM L *(r. 14(3))*

AGRICULTURE AND FOOD AUTHORITY

THE CROPS (IRISH POTATOES) REGULATIONS, 2018

IMPORT/EXPORT LICENCE

Authority's Code……..…….....Serial No……..

M/s……of Post office Box …….has

been granted an import/export License No. ……and is/are hereby

This license is Valid from……..... to 31st of June 20….....

Fee paid: Kshs……

……

Head: Food Directorate

Date of issue……

Official stamp.

This license is issued subject to compliance with the provisions of the Agriculture and Food Authority Act, the Crops Act, 2013, the Crops (Irish Potato) Regulations, 2018 and such terms and conditions as specified hereunder.

Terms and conditions

1. Issuance of the license is subject to inspection of the warehouse to ensure conformity with the Food Safety requirements
2. This license is not transferable
3. An application for renewal of this license shall be made to the Authority not later than the first day of the month of June in which the current license is due to expire.
4. This license is valid only for the crops produce/products specified herein.
5. Any changes in the particulars supplied by the importer/exporter for purposes of the license shall be notified to the Authority in writing
6. This license may be suspended where a licensee continues to default in submitting returns.

FORM M *(r. 15(3),6(c)*

AGRICULTURE AND FOOD AUTHORITY

THE CROPS (IRISH POTATO) REGULATIONS, 2018

APPLICATION FOR IMPORT/ EXPORT IRISH POTATO PERMIT

ðApplications for Import permit	ðApplication for Export Permit

(Tick as appropriate)

1. Name of applicant ……

2. Registered office……..……..…..……

L. R. No. ……..…….…… Street ……..…….....……

Tel. No. ……..……...…..……...… Fax No. ….....….....…..

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

3. Place where the premise is located:

Village/area……..…..……..…..…...……. Ward……..…..…..……

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

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

5. Type of for variety of potatoes to be imported or exported and the quantities.

Commodity	**Quantity**	**Customs Value**	**Source/country of origin**	**Point of entry/exit**

6. In case of bulk consignment indicate the following;

a) Quantinty.....

b) Destination warehouse.....

I further state that the above declared imports or exports have been approved and certified as being fit for human consumption and contain no poisonous substance or chemical or irradiation as per the relevant legislations and regulations.

Applicant's Signature……..…….Date …….……..

Approval by the Authority

FOR OFFICIAL USE **Approved/Not approved:**

Head/ Food Directorate Name ……..……Signature…..……Date ……..

Comments if not approved…….. ……..…… …….. Official Stamp……

Terms and Conditions

1. This application should be completed in full. An incomplete form shall not be processed

2. This application shall be accompanied by a phytosanitary certificate from the country of origin, compliance certificate from the Kenya National Standardization body and the Kenya National Plant Protection Organization and complied with any other relevant law.

3. The application shall be accompanied by proof that the applicant has sourced produce from local production exhaustively as guided by the Authority from time to time.

FORM N *r 15(4)*

THE CROPS (IRISH POTATOES) REGULATIONS, 2018

IMPORT/EXPORT PERMIT

AGRICULTURE AND FOOD AUTHORITY	**Permit No……** **□Export** **□Re-Export** **□Import**	**Original** Date of issue…… Valid until**……**

Mr/Mrs/Ms……of P .O. Box……Tel……is

here by issued with an import/export permit for Irish Potato Produce of the following categories;

Type	**Quantity(Metric tonnes)**	**Value (KSh.)**

Point of entry/exit……..……..

……..……..

Head: Food Directorate

Date ……

Terms and Conditions

1. The Authority may vary, suspend or cancel the Irish potato import/export permit issued if the holder fails to abide with the terms and conditions of the Irish potato regulations 2018 and any other relevant law.
2. The importer/exporter shall make monthly returns to the Authority in the prescribed format.
3. This permit shall be issued subject to proof that the applicant has sourced produce from local production within the last six months.

FORM O (*r 15(6)(b)*

THE CROPS (IRISH POTATOES) REGULATIONS, 2018

Declaration of ware potatoes on Transit

Mr/Mrs/Ms……of P .O. Box……Tel……

hereby declares that this consignment(s) of irish potatoes is on transit

Type	**Quantity(Metric tonnes)**	**Value (Kshs.)**

Source of produce/ Country of origin;.....

Destination.....

Point of exit…….....

Sign:**.....**..... Date..... ……

Importer

Date ……

Verefied by;

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

Inspector

(B) FEES

TYPE OF APLLICATION	KSH.
1. Application for export/import permit	Export - 0.5% of the total value Import - 3% of the total value
2. Application for import/export licence	Exporter 20,000 Importer 50,000

3. Registration of growers,	500
4. Registration of grower associations, collection centres and warehouse or stores, marketing agents, dealers and processors.	1000

MWANGI KIUNJURI,
Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation.

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI