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THE CROPS ACT

(No. 16 of 2013)

THE CROPS (FOOD CROPS) REGULATIONS, 2019

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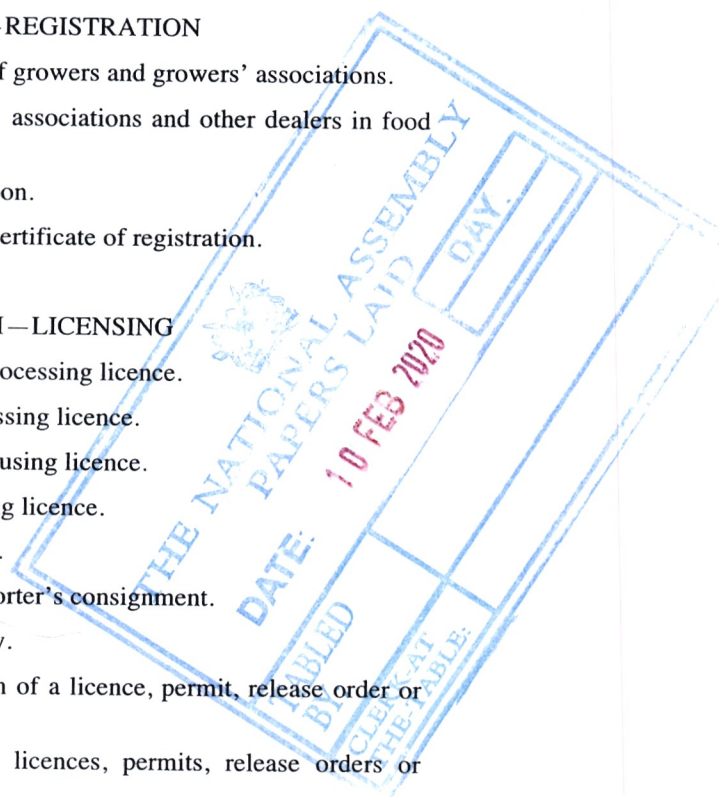
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## THE CROPS ACT

(No. 16 of 2013)

IN EXERCISE of the powers conferred by section 32 and 40 of the Crops Act, 2013, the Cabinet Secretary for Agriculture, Livestock and Fisheries, in consultation with the Agriculture and Food Authority and the County Governments, makes the following Regulations —

## THE CROPS (FOOD CROPS) REGULATIONS, 2019

## PART I — PRELIMINARY

1. These Regulations may be cited as the Crops (Food Crops) Regulations, 2019. Citation.
2. In these Regulations, unless the context otherwise requires Interpretation.

“collection centre” means a place designated and registered by a county Government to serve as a place for —

- (a) buying and selling food crops or food produce;
- (b) packaging of food crops or food produce; or
- (c) meeting growers or growers’ associations;

“commercial activity” means the collecting, transporting and storing, of food crops or food produce, for trade;

“consignment” for purposes of import or export, means the declared lot of food crops or food produce;

“County Executive Committee Member” means the County Executive Committee Member in charge of matters relating to agriculture within a specific county;

“country of origin” means the country where a food crop or food produce, has been grown, produced, processed or manufactured, as the case may be;

“dealer” means a person who is engaged in a commercial activity and includes an exporter and an importer;

“exporter” means a person who engages in exporting a food crop or food produce;

“food crop” means a crop specified in the First Schedule;

“food processing plant” means a facility for processing, re-packaging, packaging, labelling or distribution for sale of a food crop or food produce;

“food produce” means the harvested part of a food crop for use as food that has not changed form through processing;

“grower” means a small-scale grower or a large-scale grower;

“growers’ association” means a registered group, association, co-operative society, corporate body, union or federation of growers;

“importer” means a person who engages in importing a food crop or food produce;

“inspector” means an officer appointed by the Authority as an inspector in accordance with section 27 of the Act;

“large scale grower” means a person who grows a food crop in a parcel of land of at least fifty acres;

“market” means, a designated place, medium or structure by county or national Government where buyers and sellers interact for trade in food crop or food produce;

“marketing agent” means a person, registered or licensed, in accordance with these Regulations to buy or sell food crops or food produce, in wholesale at a designated market, collection centre, growers or growers’ association;

“medium” means a physical or virtual place where a buyer and a seller, trade in a food crop or food produce, and includes a car boot sale, a commercial internet platform and a commodities exchange;

“non-commercial activity” means the collecting, transporting or storing of a food crop or food produce for household consumption;

“port of entry” means an airport, seaport or land border point, that is officially designated as such, for the importation of consignments;

“port of exit” means an airport, seaport or land border point, that is officially designated as such, for the exportation of consignments;

“potable water” means water that has been tested and confirmed by a competent authority, to be safe for handling food produce;

“processor” means any person who operates a food processing plant;

“small-scale grower” means a person who grows a food crop in a parcel of land of that does not exceed fifty acres;

“warehouse” means premises, in whole or in part, that are —

- (a) where food crops or food produce can be held for wholesale distribution to a wholesaler, retail outlet, restaurant or another entity, that sells or distributes the food crops or food produce, to consumer; and
- (b) used for the storage of food crops or food produce, in an institution such as a school, hospital, prison or a training institution for instruction in the preparation of food for consumption;

“transporter” means a person who engages in the movement of food crops or food produce, when conducting a commercial activity; and

“vehicle” means any modern or traditional mode of transportation that is used by a transporter.

3. These Regulations shall apply to all the food crops specified in the First Schedule that are —

Scope of application

- (a) produced, processed and traded in Kenya; or
- (b) imported into or exported out of, the country.

4. (1) The purpose of these Regulations shall be to promote the development and regulation of food crops and food produce.

Purpose of these Regulations.

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

- (a) the registration of growers, growers' associations, and other dealers in food crops or food produce;
- (b) the certification of processing plants, warehouses, collection centres and markets;
- (c) the issuance of export clearance permits;
- (d) the assurance of the safety and quality of food crops and food produce;
- (e) the marketing of food crops and food produce;
- (f) the promotion of best practices in production, transportation, storage and processing of food crops and food produce;
- (g) the collection, collating and maintaining of a database on the production, prices and trade, of food crops and food produce; and
- (h) the carrying out such other functions as may be necessary for the effective implementations of these Regulations.

#### PART II — REGISTRATION

5. (1) A growers' association shall have a written agreement with every grower who has registered with it.

Rights and obligations of growers and growers' associations.

(2) The agreement referred to in sub regulation (1) shall specify the rights and obligations of both the grower and the growers' association.

(3) A growers' association shall register with the Authority and submit copies of the agreements the association has with its growers, to the Authority.

(4) A growers' association shall submit copies of the agreements the association has with its growers to its respective County Executive Committee Member.

(5) Any disputes arising between the growers and growers' associations shall be determined by the court.

6. (1) The following persons shall apply for registration with the Authority —

Registration of growers' associations and other dealers.

- (a) a growers' association;
- (b) a large scale grower;
- (c) a marketing agent;

- (d) an exporter;
- (e) an importer;
- (f) a processor; and
- (g) a transporter.

(2) An application for registration under sub regulation (1) shall be in Form 2A set out in the Second Schedule.

(3) Where the Authority is satisfied that an applicant under sub regulation (2) has complied with the Act and any other relevant law, may —

- (a) within fourteen days of receiving the application, grant a certificate of registration; or
- (b) within seven days of receiving the application reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under sub regulation (3)(b) may —

- (a) within fourteen days of the decision, resubmit the application for registration after addressing the issues raised in the rejection; or
- (b) within twenty-one days of being notified of the decision, appeal to the Court.

(5) Upon resubmission of a satisfactory application under sub regulation (4) (a), the Authority shall issue the applicant a certificate of registration.

(6) The Authority shall issue a certificate of registration under his regulation in Form 4A set out in the Fourth Schedule subject to such terms and conditions it deems necessary.

(7) The Authority shall maintain a register of the persons issued with a certificate of registration under this regulation.

(8) The Authority shall submit a copy of the register maintained under sub regulation (7) for each county, to the respective County Government.

(9) Any of the persons listed in sub regulation (1) who deals with a food crop or food produce without being registered under this regulation commits an offence and shall be liable, on conviction, to a fine of five million shillings, or to imprisonment for a period of three years, or to both.

7. The Authority may cancel the registration of a person registered under regulation 6 if the person has contravened the terms and conditions of the person's certificate of registration.

Cancellation of registration.

8. A person who is aggrieved by the decision of the Authority in—

Appeals on issuance of certificate of registration.

- (a) cancelling of their registration; or
- (b) imposing the terms and conditions on their registration, may appeal to the court within thirty days of the receipt of the decision.



9. (1) A registered growers' association shall maintain a register of its members in Form 5A set out in the Fifth Schedule. Register of growers.

(2) A registered growers' association shall submit an up to date register of its members to—

- (a) the respective County Government; and
- (b) the Authority, by the thirty first day of December of every year.

#### PART III — LICENCING

10. (1) A person shall not operate a warehouse without a warehousing licence. Application for a warehousing licence.

(2) An application for a warehousing licence shall be —

- (a) in Form 2B set out in the Second Schedule;
- (b) accompanied by a certificate of compliance for the warehouse issued in accordance with these Regulations; and
- (c) made to the respective County Government.

(3) A county government may, after considering the application made under sub regulation (1)—

- (a) within fourteen days of receiving the application, issue the applicant a warehousing licence; or
- (b) within seven days of receiving the application, reject the application and give the reasons thereof.

(4) Where an application has been rejected in accordance with sub regulation (3)(b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(5) Upon resubmission of a satisfactory application under sub regulation (4), the respective County Government shall issue the applicant with a warehousing licence.

(6) A warehousing licence issued under this regulation shall be valid from the date of issue to the thirtieth of June next following the date of issue unless the licence is revoked by the respective County Government before its expiry date.

(7) A county government shall issue a warehousing licence in Form 4B set out in the Fourth Schedule.

(8) An applicant under this regulation shall notify the respective County Government of any change in the ownership, business operations or production scale within thirty days of the change whenever it occurs.

(9) A person who contravenes sub regulation (1) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a term of one year, or to both.

11. (1) An application for the renewal of a warehousing licence shall be — Renewal of a warehousing licence.

- (a) in Form 2B set out in the Second Schedule;
- (b) made to the respective County Government;
- (c) accompanied by a valid certificate of compliance for the warehouse issued in accordance with these Regulations; and
- (d) accompanied by the returns of the warehouse operator for the previous year in Form 5D and 5E, set out in the Fifth Schedule.

(2) An application under sub regulation (1) shall be made not later than the first day of June in the year which the current licence is due to expire.

(3) Where an application is made later than the day specified in sub regulation (2), the applicant shall specify a reasonable cause for the delay.

(4) The respective County Government shall publish a notice of the proposed grant of a warehousing licence in the Gazette, at least thirty days before granting the licence.

(5) An applicant under this regulation shall notify the respective County Government of any change in the ownership, business operations or production scale within thirty days of the change whenever it occurs

(6) The respective County Government may, after considering the application made under sub regulation (1) —

- (a) within fourteen days of receiving the application, issue the applicant a warehousing licence; or
- (b) within seven days of receiving the application, reject the application and give the reasons thereof.

(7) Where the application has been rejected under sub regulation (6) (b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(8) Upon resubmission of a satisfactory application under sub regulation (7), the Authority shall issue the applicant with a warehousing licence.

(9) The respective County Government shall issue a warehousing licence under this regulation in Form 4B set out in the Fourth Schedule.

(10) A warehousing licence issued under this regulation shall be valid from the date of issue to the thirtieth of June next following the date of issue unless the licence is revoked by the respective County Government before the expiry date.

12. (1) A person shall not import a food crop or food produce unless that person is registered as an importer in accordance with regulation 6.

Import clearance permits.

(2) A registered importer shall not import a consignment without a valid import clearance permit issued by the Authority.

(3) Each consignment shall be imported only through a port of entry.

(4) An application for an import clearance permit shall be —

- (a) in Form 2C as set out in the Second Schedule; and
- (b) accompanied by a certificate of compliance for the warehouse.

(5) The Authority may, after considering the application made under sub regulation (4) —

- (a) within fourteen days of receiving the application, issue the applicant, an import clearance permit; or
- (b) within seven days of receiving the application, reject the application and give the reasons thereof.

(6) Where the application has been rejected under sub regulation (5) (b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(7) Upon resubmission of a satisfactory application under sub regulation (6), the Authority shall issue the applicant with an import clearance permit.

(9) The Authority shall issue an import clearance permit under this regulation in Form 4C set out in Fourth Schedule.

(10) An import clearance permit shall not be transferable.

(11) An import clearance permit shall apply only to the consignment specified in the application.

(12) A person who contravenes sub regulation (1), (2), (3) or (10) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

13. (1) A registered importer shall declare each consignment that the importer has imported at the port of entry, to the Authority.

(2) An inspector shall physically inspect each consignment imported by an importer.

(3) A registered importer shall avail the following documents to the inspector under sub regulation (2) —

- (a) a copy of the import clearance permit;
- (b) the profile of the exporter from whom the consignment was procured;
- (c) the profile of the consignment specifying the type of food crop or food produce;
- (d) a certificate of conformity of the consignment from a competent authority of the country of origin;
- (e) a declaration of the quantity, in metric tons, of the imported food crops or food produce;

Release order  
for an  
importer's  
consignment.



- (f) a declaration of the destination of the consignment;
  - (g) where the consignment is in transit, a declaration of the consignment in transit specifying the —
    - (i) quantity in transit,
    - (ii) transit shed in accordance with the East African Community Customs Management Act, 2004; and
    - (iii) details of port of exit, in Form 2D set out in the Second Schedule; and
  - (h) where the consignment is of food crops or food produce in bulk, a declaration of the warehouse where the food crops or food produce is to be repackaged.
- (4) When conducting an inspection of a consignment, an inspector shall examine the —
- (a) grading, packaging and labelling; and
  - (b) maximum weight of a single unit package, to ensure that the consignment conforms to the Act and these Regulations.
- (5) The inspector may take a sample of the food crop or food produce for analysis to ensure they conform to the standards prescribed under the Standards Act.
- (6) Where the inspector has taken a sample under sub regulation (5), the Authority may hold the consignment pending the outcome of the analysis of the sample.
- (7) Where the outcome of the analysis conducted under sub regulation (5) indicate that the consignment does not conform to the requirements under the Standards Act, the Authority may —
- (a) decline to issue the registered importer with a release order;
  - (b) at the cost of the importer, seize and detain the consignment.
- (8) Where an inspector is satisfied that a consignment has complied with sub regulations (3), (4) and (5), the Authority shall —
- (a) issue the registered importer a release order in Form 4D set out in the Fourth Schedule; and
  - (b) release the consignment to the registered importer's custody.
- (9) A release order shall not be transferable.
- (10) A person who deals in a consignment which does not have a valid release order under this regulation commits an offence and is liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.
14. (1) A person shall not export a food crop or food produce unless that person is registered as an importer under regulation 6.
- (2) A person shall not export a consignment without a valid certificate of conformity issued by the Authority.

Certificates of conformity.

(3) A registered exporter shall apply for a certificate of conformity for a consignment that the exporter intends to export in Form 2E set out in the Second Schedule.

(4) The Authority may, after considering the application made under sub regulation (3) —

- (a) within fourteen days of receiving the application, issue the applicant a certificate of conformity; or
- (b) within seven days of receiving the application, reject the application and give the reasons thereof.

(5) In considering an application under sub regulation (3), the Authority shall carry out an inspection of the consignment to be exported to ensure that it conforms to the requirements of the country the food crops or food produce are being exported to.

(6) Where the application has been rejected under sub regulation (4) (b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(7) Upon resubmission of a satisfactory application under sub regulation (6), the Authority shall issue the applicant with a certificate of conformity.

(8) The Authority shall comply with any requests for —

- (a) verification of the profile of the exporter;
- (b) carrying out an inspection of the consignments intended to be exported, from the country the food crops or food produce are being exported to.

(9) The Authority shall issue a certificate of conformity under this regulation in Form 4E set out in the Fourth Schedule.

(10) Once the certificate of conformity has been issued, the consignment shall be shipped within the time specified in the certificate.

(11) Once the consignment is shipped the registered exporter shall provide the Authority with information on the date of export, type, quantity destination of the consignment.

(12) Where the consignment is rejected at the port of entry of the country the food crops or food produce are being exported to, the exporter shall immediately inform the Authority and state the reasons for rejection.

(13) Each consignment shall be exported only through a port of exit.

(14) The Authority may negotiate, implement and maintain equivalency and other sanitary agreements with other countries regarding the dealing of food crops and food produce.

(15) A person who contravenes sub regulation (1), (2), (10), (11), (12) or (13) commits an offence and shall be liable, on conviction, to a

fine not exceeding five hundred thousand shillings, or to imprisonment for a period not exceeding one year, or to both.

15. (1) The Authority or County Government, as the case may be, may revoke or suspend a licence, permit, release order or certificate issued under this Part if the conditions of issuance of the licence, permit, release order or certificate are not complied with.

Revocation or suspension of a licence, permit, release order or certificate.

(2) The holder of the licence, permit, release order or certificate shall immediately surrender the licence, permit, release order or certificate to the Authority or County Government, as the case may be, if —

- (a) the licence, permit, release order or certificate is revoked under sub regulation (1); or
- (b) the purpose for which licence, permit, release order or certificate is issued ceases, and it shall cease to have effect forthwith.

16. (1) A person who is aggrieved by the decision of the Authority or the County Government in respect of —

Appeals on issuance of licences, permits release orders or certificates.

- (a) the grant, refusal, renewal, variation of revocation; or
- (b) the conditions imposed on the grant, renewal or variation, of a licence or permit, may appeal to the Cabinet Secretary within thirty days of the date on which the applicant first received the notice of the decision.

(2) A person who is aggrieved by the decision of the Authority or the County Government in respect of —

- (a) the grant, refusal, renewal, variation of revocation; or
- (b) the conditions imposed on the grant, renewal or variation, of a release order or certificate, may appeal to the Court within thirty days of the date on which the applicant first received the notice of the decision.

#### PART IV— ASSURANCE OF SAFETY AND QUALITY OF FOOD CROPS AND FOOD PRODUCE

17. (1) A grower shall not cultivate food crops in an infected area.

Infected area.

(2) In this regulation, “infected area” means a site that poses a risk of contamination to food produce and includes a site for—

- (a) the disposal of garbage or industrial waste;
- (b) sanitary waste management;
- (c) mining activities; and
- (d) oil or gas extraction.

(3) The respective County Government in collaboration with the relevant government department or agency, shall ensure that an infected area is fenced off to prevent access by a grower to such site.

(4) A grower who contravenes sub regulation (1) commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a period not exceeding one year, or to both.

(5) Where a grower contravenes sub regulation (1), the respective County Government shall seize and detain the contaminated food crop grown.

(6) The Authority shall, in undertaking routine sampling and testing of food crops and food produce, determine if food crops or food produce are contaminated as a result of being grown in an infected area.

(7) Where, pursuant to sub regulation (6), it is determined that food crops or food produce are contaminated, the Authority shall seize and detain the contaminated food crops or food produce.

(8) Any dealer who deals in a contaminated food crop or food produce commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

18. Every grower and dealer shall use potable water to wash the food crop or food produce that the person is handling.

Wash water.

19. (1) A grower or dealer shall apply the pest control products to the food crops or food produce in their custody, in accordance with the Pest Control Products Act.

Safe use of pesticides.  
Cap. 346.

(2) A person shall import, distribute, store, use or dispose of a pest control product, in accordance with the Pest Control Products Act.

(3) A grower or dealer shall undergo the requisite training under the Pest Control Products Act, on the safe usage, storage or disposal of pest control products for the food crops or food produce in the grower's or dealer's custody.

(4) A grower shall observe the pre-harvest interval for the particular pest control product used on a food crop or food produce in the grower's or dealer's custody.

(5) Where the Authority discovers that a food crop or food produce of a grower or a dealer contains a pest control product whose content exceeds the maximum residue limit, the Authority may suspend the registration of the grower or dealer until the grower or the dealer undertakes corrective measures.

20. The Authority in consultation with the relevant County Government, shall initiate and coordinate training programmes for growers and dealers to enable them to implement these Regulations.

Training programs.

21. (1) A grower or a dealer shall harvest a food crop at its physiological maturity.

Harvesting and post-harvest handling of food crops or food produce.

(2) A grower or a dealer shall sort, grade, package, label, transport, store or process a food crop or food produce in accordance with the standards prescribed in the Standards Act.

Cap. 496.



(3) A transporter shall ensure that the vehicle used to transport a food crop or food produce complies with the Traffic Act and any other written law.

(4) A person who contravenes sub regulations (1), (2) or (3) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

22. (1) A person operating a warehouse shall store the food crops or food produce in the person's custody under conditions that are not detrimental to the safety and quality of the food crops or food produce.

Certification of  
warehouses.

(2) The Authority shall inspect all warehouses to ensure that they are in compliance with these Regulations.

(3) A person shall not operate any premises as a warehouse unless the premises have a valid certificate of compliance for a warehouse.

(4) An application for a certificate of compliance for a warehouse shall be —

- (a) in the Form 2F in the Second Schedule;
- (b) made to the Authority; and
- (c) accompanied by payment of the fees prescribed in the Third Schedule.

(5) When considering an application made under sub regulation (4), the Authority may —

- (a) within thirty days of receipt of the application, issue the applicant a certificate of compliance for a warehouse; or
- (b) within fourteen days of receipt of the application, reject the application and give the reasons thereof.

(6) Where an application has been rejected under sub regulation (5) (b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(7) Upon resubmission of a satisfactory application under sub regulation (6), the Authority shall issue the applicant a certificate of compliance for a warehouse.

(8) A certificate of compliance for a warehouse shall be valid for one year from the date of issuance unless it is revoked by the Authority.

(9) Where an operator of a warehouse intends to cease operations of the warehouse, the operator shall notify the Authority at least thirty days prior to the intended date of cessation of the operations.

(10) Upon receiving a notice under sub-regulation (9), the Authority shall take such measures as it shall consider necessary, to safeguard the interests of a grower or a dealer whose food crops or food produce are stored in the warehouse.

(11) A certificate of compliance for a warehouse issued under this regulation shall be in the Form 4F set out in the Fourth Schedule.

(12) A person who contravenes of sub-regulations (1), (3) or (9) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

23. (1) An application for the renewal of a certificate of compliance for a warehouse shall be —

Renewal of the certification of warehouses.

- (a) in the Form 2F in the Second Schedule;
- (b) made to the Authority; and
- (c) accompanied by the returns of the warehouse operator in Form 5D and Form 5E, set out in the Fifth Schedule.

(2) When considering an application made under sub regulation (1), the Authority may —

- (a) within thirty days of receipt of the application, issue the applicant a certificate of compliance for a warehouse; or
- (b) within fourteen days of receipt of the application, reject the application and give the reasons thereof.

(3) Where an application has been rejected under sub regulation (2) (b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(4) Upon resubmission of a satisfactory application under sub regulation (3), the Authority shall issue the applicant a certificate of compliance for a warehouse.

(5) A certificate of compliance for a warehouse issued under this regulation shall be in the Form 4F set out in the Fourth Schedule.

24. (1) A person who intends to establish a food processing plant shall obtain a certificate of approval for a food processing plant.

Certification of a new food processing plant.

(2) An application for a certificate of approval for a food processing plant shall be —

- (a) in Form 2G set out in the Second Schedule; and
- (b) made to the Authority.

(3) An application under sub regulation (2) shall be accompanied by the following documents —

- (a) a design, construction and layout plan of the premises where the plant will be situated including its internal structures, materials and fittings;
- (b) the requisite approval under the Environmental Management and Co-ordination Act in respect of the premises;
- (c) a map indicating the location of the premises with clearly marked boundaries;

(18) A person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

25. (1) A person shall not operate a food processing plant without a valid certificate of compliance.

Certification of a  
existing food  
processing plant.

(2) An application for a certificate of compliance of a food processing plant shall be —

- (a) in Form 2J set out in the Second Schedule; and
- (b) made to the Authority.

(3) An application under sub regulation (2) shall be accompanied by the following documents —

- (a) a design, construction and layout plan of the premises where the plant will be situated including its internal structures, materials and fittings;
- (b) the requisite approval under the Environmental Management and Co-ordination Act in respect of the premises;
- (c) a map indicating the location of the premises with clearly marked boundaries;
- (d) a declaration of the source of water for the food processing plant;
- (e) an approval from all relevant Government agencies in accordance with existing laws and regulations;
- (f) a detailed project feasibility study for the food processing plant; and
- (g) a declaration of the source of the food crops or food produce.

(4) An application under sub regulation (2) shall be accompanied by an application for inspection of the premises —

- (a) in Form 2H set out in the Second Schedule;
- (b) submit the application in paragraph (a) to the Authority; and
- (c) pay the prescribed fee set out in the Third schedule.

(5) Upon receipt of an application under sub regulation (2), an inspector shall conduct an inspection and shall ensure the following —

- (a) the source of the food crops or food produce has been declared;
- (b) the installed capacity of the food processing plant has been declared;
- (c) the location, design and construction of the building and its interior, equipment and water supply are in accordance with the declarations made under sub regulation (3);
- (d) the applicant has established a procedure for ensuring that the food processing plant is in compliance with the Occupational Safety and Health Act;



- (e) the applicant has established a procedure for receiving, handling and storage of food crops and food produce in accordance with these Regulations;
- (f) the applicant has established monitoring procedures for pest control, both for the exterior and interior of the premises;
- (g) the applicant has established adequate cleaning and sanitizing procedures;
- (h) the applicant has established procedures describing preventive, maintenance and calibration of all the equipment and instruments that can affect the quality of the food crops or food produce;
- (i) the applicant has put in place procedures for recalling and tracing the food crops or food produce that will ensure that the processed food crops or food produce are coded and labelled properly;
- (j) the applicant has established water safety monitoring procedures for water, ice and steam including the use of potable water when handling the food crops or food produce; and
- (k) the applicant has complied with the Act and these Regulations.

(6) When the inspection under sub regulation (5) has been conducted, the inspector shall make his recommendations by submitting his duly filled checklist in Form 2I set out in the Second Schedule to the Authority.

(7) Pursuant to the checklist submitted under sub regulation (6), the Authority may —

- (a) within fourteen days of receipt of the recommendation, issue the applicant a certificate of compliance for a food processing plant; or
- (b) within seven days of receipt of the recommendation, reject the application made under sub regulation (2) and give the reasons thereof.

(8) Where an application has been rejected under sub regulation (7) (b), the applicant may resubmit the application upon addressing the issues raised in the rejection.

(9) Upon resubmission of a satisfactory application under sub regulation (8), the Authority shall issue the applicant a certificate of compliance for a food processing plant.

(10) A certificate of compliance for a food processing plant shall be valid for one year from the date of issuance unless it is revoked by the Authority.

(11) A certificate of compliance for a food processing plant shall not be transferable.

(12) An application under sub regulation (1) shall be made within three months of the coming into force of these Regulations.

(13) The Authority shall issue the applicant with a certificate of compliance for a food processing plant under this regulation in Form 4H set out in the Fourth Schedule.

(14) A person who contravenes sub regulations (1) and (11) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

26. (1) The application for the renewal of a certificate of compliance for a food processing plant shall be —

Renewal of certification of a food processing plant.

- (a) in Form 2J set out in the Second Schedule;
- (b) accompanied by an inspection fee set out in the Third Schedule;
- (c) made to the Authority; and
- (d) accompanied by the returns of the processor in Form 5C set out in the Fifth Schedule for the previous year.

(2) A processor shall make an application under sub regulation (1) at least three months prior to the expiry of the current certificate of approval for a food processing plant.

(3) A certificate of compliance for a food processing plant issued under this regulation shall be valid for one year from the date of issue unless it is cancelled by the Authority before the expiry date.

(4) The Authority may consider a late application for a certificate of compliance for a food processing plant if the applicant specifies a reasonable cause for the delay.

(5) A processor shall notify the Authority of any change in the ownership or shareholding, business operations or production scale within thirty days of the change.

(6) The Authority shall cancel the certificate of compliance for a food processing plant where the food processing plant ceases to operate and notify the respective County Government of such cancellation.

27. (1) The Authority shall randomly sample, test and analyse any food crops or food produce in collection centres, markets, warehouses or food processing plants to ensure that it conforms to the food safety and quality requirements provided under the Act, these Regulations or any other written laws.

Sampling and testing of food crops and food produce.

(2) A person may notify the Authority of any food crops or food produce that the person suspects to be contaminated and is being offered for sale.

(3) Upon notification under sub regulation (2), the Authority may, within seven days of receiving the notification, sample and analyse the produce and take the necessary action specified under regulation 17.

(4) A dealer that has a warehouse may sample, test and analyse all the food crops and food produce when purchasing and during storage to ensure that the food conforms to the food safety and quality requirements provided under the Act, these Regulations or any other written laws.

(5) The Authority shall seize and detain, any food crops or food produce that do not conform to the food safety and quality requirements provided under the Act, these Regulations or any other written laws.

28. (1) The Authority in consultation with relevant stakeholders shall develop and build the capacity of every dealer to implement a traceability system for food crops and food produce in their custody.

Traceability.

(2) Every dealer shall —

- (a) ensure that they maintain records of the person from whom they obtained the food crop or food produce in their custody; and
- (b) establish and maintain a distinct traceability code for the food crop or food produce in their custody.

(3) The traceability system under sub regulation (1) shall ensure that a food crop or food produce that does not conform to the food safety and quality requirements provided under the Act, these Regulations and any other written laws be identified and located for removal from the supply chain if necessary.

29. (1) The crops inspectors appointed by the Authority in accordance with section 27 of the Act shall carry out inspections of food crops and food produce to ensure they conform to the food safety and quality requirements provided under the Act, these Regulations or any other written laws.

Crops inspectors

(2) The county governments may nominate persons who may be appointed by the Authority as crops inspectors in accordance with sub regulation (1).

(3) A person qualifies to be appointed as a crops inspector if that person has —

- (a) a bachelor's degree in Agriculture or a related field; or
- (b) a diploma in Agriculture or a related field with two years' experience in extension service work, from a university or institution recognised in Kenya

(4) The Authority shall develop training curriculum and offer regular training to crops inspectors to ensure effective carrying out of their duties.

(5) A prospective crops inspector shall undergo mandatory training on inspections recommended by the Authority before being appointed.

(6) The Authority shall publish in the *Gazette* all crops inspectors who have successfully undertaken the mandatory training within thirty days upon completion of the training.

(7) A person appointed as a crops inspector shall comply with the Constitution and the Public Officer's Ethics Act.

(8) A person who carries out the functions of a crops inspector without having been duly appointed by the Authority commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

30. (1) The Authority shall conduct a compliance audit of growers, growers' associations, dealers and processors, jointly or separately with the respective County Governments, to ensure compliance to these regulations.

Inspection and verification.

(2) Pursuant to an audit under sub regulation (1), the Authority shall—

- (a) provide feedback on non-conformity; and
- (b) build the capacity for corrective measures, growers, growers' associations, dealers and processors.

(6) A crops inspector shall—

- (a) monitor any activity associated with food production, dealing, handling and processing to ensure compliance with these regulations;
- (b) regularly undertake surveillance and inspections to ensure that growers, dealers and processors of food crops or food produce adhere to the food safety and quality requirements provided under the Act, these Regulations and any other written laws; and
- (c) carry out periodic auditing specified under sub regulation (1).

(7) A crops inspector may enter any land or premises, or board any vehicle that is used for storing or transporting food crops or food produce to conduct an inspection.

(8) A crops inspector shall seize and detain any food crops or food produce that is packaged in a manner that does not conform to the requirement of these Regulations.

(9) A person who obstructs a crops inspector from carrying out the required inspection commits an offence shall be liable, on conviction, to a fine of one million shillings, or to imprisonment for a period of two years, or to both.

31. (1) The Authority shall implement compliance programs consisting of inspection and verification under this regulation for all food crops and food produce.

Surveillance and risk analysis, assessment and communication

(2) The Authority in consultation with the county governments shall perform—

- (a) random risk-based inspections; and



(b) scheduled annual inspections for purposes of renewal of a certificate, licence or permit, as the case may be.

(3) The Authority shall maintain a systematic process of collection, analysis and interpretation, of food safety data as relates to potential hazards, to enable establishment of science-based policies and standards, based on food safety risks.

(4) The Authority shall make decisions and take action based on scientific principles and evidence, including assessment, management and communication of food safety risks and emerging issues.

32. The respective County Government shall undertake regular programs to build the capacity of growers in their county, on the safe storage of the grower's food crops or food produce.

Storage by growers.

33. (1) The Authority shall determine the domestic production and consumption of food crops and food produce in the market every year.

Distribution of food crops and food produce in the market.

(2) Pursuant to sub regulation (1), the Authority shall determine whether there is a surplus or deficit, of food crops or food produce.

(3) The Authority shall advise the Cabinet Secretary on corrective measures to take pursuant to the determination under sub regulation (2).

#### PART V—MARKETING

34. The respective county Government shall ensure that a marketing agent operating in the respective county shall deal in food crops or food produce in accordance with the guidelines stipulated in Form 6A set out in the Sixth Schedule.

Marketing agent.

35. (1) A dealer may contract a grower or growers' association for the food crop or food produce handled by the grower or growers' association.

Contract farming.

(2) Each dealer shall register the contract under sub regulation (1) with the respective County Government and submit a copy of the contract to the Authority.

(3) Where a registered dealer participates in a sponsoring scheme, the dealer shall only buy or collect, food crops or food produce, issue inputs or train the growers of the food crops, if authorized in writing by the sponsoring scheme.

36. (1) The respective County Executive Committee Member in consultation with the relevant government agencies shall designate and develop a site as a market or collection centre located within their county, in accordance with the guidelines set out in Form 6B set out in the Sixth Schedule.

Sale and packaging of food crops and food produce.

(2) The unit of measurement of all packaged food crops or food produce shall be the kilogramme.

(3) The maximum weight for the packaging of each single unit of a food crop shall be fifty kilograms.

(4) A grower, dealer or processor shall not handle or trade in, food crops or food produce, that is not packed in conformity with sub-regulations (2) and (3) above.

(5) A grower or dealer, shall use a weighing scale that has been properly calibrated, serviced, inspected and approved in accordance with the Weights and Measures Act.

(6) A dealer shall collect food crops or food produce, only from a designated as such in accordance with this regulation.

(7) A person who contravenes sub regulation (4), (5) or (6) commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both.

Cap. 513.

#### PART VI—MISCELLANEOUS PROVISIONS

37. (1) There shall be a levy imposed on all food crops and food produce that are destined for export and such levy shall be based on the Free on Board value of the food crops or food produce.

Imposition of  
levy.

(2) There shall be a levy imposed on all food produce or food crops that are imported.

(3) The levy imposed under sub regulations (1) or (2) shall be payable at the port of exit or entry, as the case may be.

(4) The levy imposed under sub regulations (1) or (2) shall be collected by the Authority or its appointed agent.

(5) An exporter or importer shall pay the levy imposed under sub regulation (1) or (2), as the case may be, not later than the tenth day of the month following the month during which the levy fell due.

(6) The Authority, in writing, may direct a person who fails, neglects or otherwise refuses to pay or remit the levy imposed under this Regulation, to pay, in addition to paying the regulatory levy;

- (a) an interest of twenty-five percent of the outstanding amount of the levy, for the first month or part of the month in which the levy remains unpaid; and
- (b) a compound interest of twelve percent of the outstanding amount of the levy that remains unpaid for each subsequent month or part of the month in which the levy remains unpaid;

(7) The interest rates set out in sub regulation (6) may be paid on a monthly basis.

(8) The levy imposed under sub regulations (1) and (2) shall be used for—

- (a) the operations of the Authority;
- (b) development of the food crops subsector; and
- (c) such other purpose as may be approved by the Authority.

38. (1) The fees payable for the issuance of licences, permits, certificates or release orders, under these Regulations shall be as set out in the Third Schedule.

Fees.

(2) Any fees for issuance of licences, permits, certificates or release orders, under these Regulations for food crops or food produce in transit shall be charged only once at the point of exit in the country of origin.

39. (1) A processor shall submit returns on—

Filing of returns.

- (a) the processing,
- (b) the quantity of stock held; and
- (c) the marketing data, in respect of the food crops or food produce that they deal in by the tenth of every month or upon request, by the Authority or the respective county government, as the case may be.

(2) Returns submitted under sub regulation (1) shall be in Form 5B set out in the Fifth Schedule.

(3) A processor shall submit returns in respect of the food crops or food produce that the processor deals in, in Form 5C set out in the Fifth Schedule by the thirtieth of June every year or upon request, by the Authority or the respective county government, as the case may be.

(4) A warehouse operator or a marketing agent shall submit returns—

- (a) on the stock of food crops or food produce in their custody by the fifth date of every month in Form 5D;
- (b) on suppliers and projections on the quantity of food crops or food produce for the coming year by the thirtieth of June every year, in the Form 5E, set out in the Fifth Schedule, to the Authority or the respective county government, as the case may be.

(5) The returns under sub regulation (4) shall be submitted to the respective county government and a copy thereof to the Authority.

(6) A grower or a growers' association shall submit to the respective county government or the Authority, as the case may be, monthly returns on food crops or food produce, that the grower or association, deal in, by the fifth date of every month in Form 5F set out in the Fifth Schedule.

40. The Authority or the respective County Government, as the case may be, may make such alterations to the forms prescribed in these Regulations—

Use of Forms.

- (a) to enable the use of the forms electronically; and
- (b) to enable effective use of the forms by the growers and other dealers in food crops or food produce, as are necessary and that do not affect the substance of the form or is not calculated to mislead the recipient of the form.



## FIRST SCHEDULE

(r. 3)

## LIST OF FOOD CROPS THAT THESE REGULATIONS SHALL APPLY TO

PART A—CEREALS	
COMMON NAME	BOTANICAL NAME
Maize	<i>Zea mays L.</i>
Barley	<i>Hordeum vulgare L.</i>
Finger millet	<i>Eleusine coracana (L.) Gaertn.</i>
Pearl millet	<i>Pennisetum (L.) R.Br.</i>
Rice	<i>Oryza sativa L. (1)</i>
Sorghum	<i>Sorghum bicolor (L.) Moench.</i>
Wheat	<i>Triticum aestivum.</i>
Wheat (pasta)	<i>Triticum monococcum L.</i>
Oats	<i>Avena sativa L.</i>
Rye	<i>Secale cereale L.</i>
Triticale	<i>Tricosecale Wittm</i>
Grain amaranth	<i>Amaranthus spp.</i>

PART B—LEGUMES	
COMMON NAME	BOTANICAL NAME
Soya beans	<i>Glycine max (L.) Merr.</i>
Beans	<i>Phaseolus vulgaris L.</i>
Pigeon pea	<i>Cajanus cajan</i>
Dolichos bean	<i>Dolichos lablab L.</i>
Cowpea	<i>Vigna unguiculata (L.) Walp.</i>
Chick peas	<i>Cicer arietinum L.</i>
Broad beans	<i>Cicer arietinum L.</i>
Cluster bean	<i>Cyamopsis tetragonoloba.</i>
Pea	<i>Pisum sativum L.</i>

PART C—ROOTS AND TUBER CROPS	
COMMON NAME	BOTANICAL NAME
Sweet potatoes	<i>Ipomoea batatas</i>
Cassava	<i>Manihot esculenta</i>

SECOND SCHEDULE

(r. 6(2), 10(2)(a), 11(1)(a), 12(4)(a), 13(3)(g)(iii), 14(3), 22(4)(a), 23(1)(a), 24(2)(a), 24(9)(a), 24(11), 25(2)(a), 25(4)(a), 25(6), 26(1)(a))

APPLICATION FORMS

FORM 2A

(r. 6(2))

AGRICULTURE AND FOOD AUTHORITY



APPLICATION FOR REGISTRATION OF LARGE SCALE GROWERS, GROWER ASSOCIATIONS OR DEALERS

Part 1: Category (Tick as appropriate)

- Large scale grower
- Grower association
- Marketing agent
- Processor
- Transporter
- Exporter
- Importer

Part 2: Particulars of the Applicant

1. Full name of Applicant: .....

2. Postal Address: ..... Town.....

Tel/Mobile No: ..... Email:.....

Physical address: Building .....Street: .....

Town:.....County.....

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

Market..... (where applicable)

3. Company details (where applicable):

Certificate of Company Incorporation /registration No:;.....

List Names and Particulars of Directors/Officials

- a. ....
- b. ....

(Attach copies of ID)

4. L.R. No/Plot No.....

5. Type of food crops grown/handled

(a) Large scale grower

<i>Type of crop</i>	<i>Hectare</i>

(b) Growers' Associations

Membership:..... Male:..... Female:.....

(Attach a list of members).

Catchment area:.....

<i>Type of crop</i>	<i>Hectare</i>

(c) Marketing agent

<i>Type of crop handling</i>	<i>Volume (50 kg Bags)</i>

(d) Processor

<i>Type of crop handling</i>	<i>Volume (50 kg Bags)</i>

(e) Transporter

<i>Type of crop handling</i>	<i>Volume (50 kg Bags)</i>

(f) Importer

<i>Type of crop handling</i>	<i>Volume (50 kg Bags)</i>

(g) Exporter

Type of crop handling	Volume (50 kg Bags)

I confirm that I shall abide by the requirements of the Crops (Food Crops) Regulations, 2019.

Applicants signature.....Date.....

Part 3: Approval by the Authority

<p><b>FOR OFFICIAL USE</b></p> <p>Inspector remarks:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>Recommended /Not recommended</i></p> <p>Inspector name.....</p> <p>Signature.....</p> <p>Date.....</p> <p>Approved/Not approved:</p> <p>Director General</p> <p>Agriculture and Food Authority:</p> <p>Name .....</p> <p>Signature.....Date.....</p> <p>Comments if not approved</p> <p>.....</p> <p>.....</p> <p>Official Stamp.....</p>
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Terms and Conditions

1. This application should be completed in full.
2. An incomplete form shall not be considered.
3. For grower associations, the applicant shall be required to furnish the Authority with evidence of registration and agreements.
4. An applicant shall comply with approved practices and standards on quality food safety and hygiene.
5. Attach a list of its members (For grower associations, marketing agents and processors).

## FORM 2B

(r. 10 (2) (a), 11 (1)(a))

COUNTY GOVERNMENT OF.....

County Logo
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## APPLICATION FOR / RENEWAL OF A WAREHOUSING LICENCE

## Part 1: Applicant's Details (To be filled by all Applicants)

Full name of Applicant:.....

Postal Address: ..... Town.....

Tel/Mobile No:..... Email:.....

Physical address: Building ..... Street:.....

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)

.....

.....

.....

## Branch offices (if any)

No	Town	Location	Address
1			
2			

## Part 2: Facility details:

Capacity (50 kg bags)	Crop(s) to be handled

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 rubber stamp/seal

.....

Part 3: Approval by the County Government

<u>FOR OFFICIAL USE</u>	
Approved/Not approved:	
Signature.....	Date.....
Name:.....	
County Executive Committee Member for Agriculture ..... County	
Comments if not approved	
.....	
.....	
Official Stamp.....	

Terms and conditions

1. This application should be completed in full.
2. An incomplete form shall not be processed.
3. When considering applications for licensing commercial warehouse, stores and food depots, the County Government shall ensure that only warehouses with the requisite licencing requirements are licensed.
4. A warehousing licence shall only be issued to an individual, co-operative society or a company who has registered with the Authority.

FORM 2C

(r. 12 (4) (a))

AGRICULTURE AND FOOD AUTHORITY



APPLICATION FOR AN IMPORT CLEARANCE PERMIT

1. Name of applicant .....
2. VAT Registration No.....
3. Identity Card/Passport No. ....
4. KRA PIN .....
5. Type and quantities of food crops produce/products to be imported.



Commodity	Quantity	Customs Value	Country of origin	Port of entry

NB: Attach details in the format given above

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

I further state that the above declared imports 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

<p>FOR OFFICIAL USE</p> <p>Approved/Not approved:</p> <p>DIRECTOR GENERAL</p> <p>Signature.....Date .....</p> <p>Name .....</p> <p>Comments if not approved</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Official Stamp.....</p>
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Terms and Conditions

1. This application should be completed in full.
2. An incomplete form shall not be processed
3. This application shall be accompanied by a sanitary and 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.
4. The application for import clearance permit shall be accompanied by proof that the applicant has exhaustively sourced produce from local production as guided by the Authority from time to time.



FORM 2D

(r. 13 (3)(g)(iii))

AGRICULTURE AND FOOD AUTHORITY



DECLARATION OF CONSIGNMENT IN TRANSIT

1. Name of registered importer .....
2. VAT Registration No .....
3. Identity Card/Passport No. ....
4. KRA PIN .....
5. Type and quantities of food crops or food produce imported.

Type	Quantity (Metric tonnes)	Value (Kshs.)

6. Port of exit.....

7. Name of Inspector .....

Signed..... Date.....

8. Details of transit shed .....

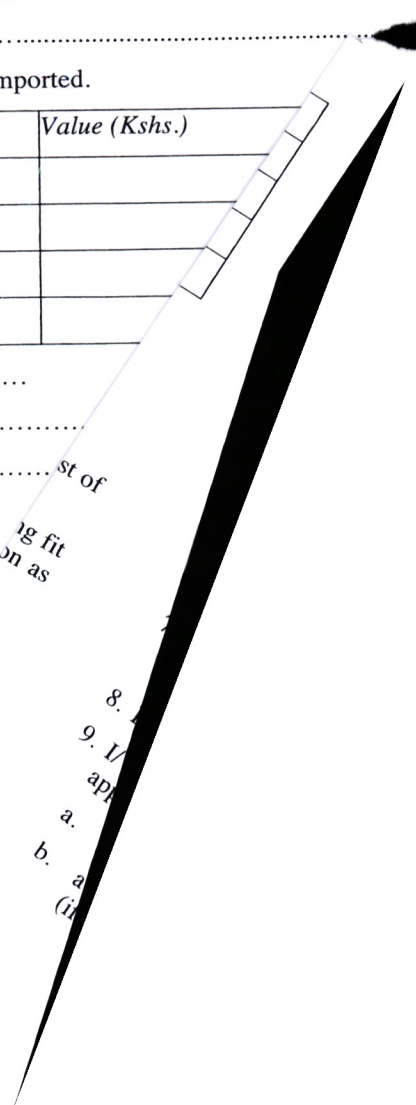
I hereby declare that the particulars which I have given are true and correct to the best of my knowledge and belief.

I further state that the above declared imports have been imported for human consumption and contain no poisonous substances in accordance with the relevant legislations and regulations.

Registered Importer's Signature.....

Approval by the Authority

FOR OFFICIAL USE  
 Approved/Not approved:  
 DIRECTOR GENERAL  
 Signature.....



Name .....
Comments if not approved ..... .....
Official Stamp.....

FORM 2E

(r. 14 (3))

AGRICULTURE AND FOOD AUTHORITY



APPLICATION FOR A CERTIFICATE OF CONFORMITY

1. Name of registered exporter .....
2. VAT Registration No .....
3. Identity Card/Passport No. ....
4. KRA PIN .....
5. Type and quantities of food crops or food produce imported.

Type	Quantity (Metric tonnes)	Value (Kshs.)

6. Port of exit.....
7. Name of Inspector .....
- Signed..... Date.....
- Details of transit shed .....

We enclose the following required certified documentation in support of our application:

- the profile of the applicant;
- copy of certificate of incorporation or certificate of registration of the applicant
- the applicant is a company or registered entity;

- c. a copy of the applicant's valid business permit at the time of making the application;
- d. the applicant's latest audited accounts;
- e. a copy of the applicant's PIN certificate;
- f. a copy of the applicant's tax registration certificate;
- g. a copy of the applicant's memorandum of association (if the applicant is a company);
- h. a copy of the applicant's articles of association (if the applicant is a company);
- i. a copy of the identity cards or passports of each of the applicant's directors (if the applicant is a company);
- j. a copy of the profile of each of the applicant's directors (if the applicant is a company);
- k. a copy of the applicant's valid tax compliance certificate;
- l. a copy of a valid certificate of good conduct for each of the applicant's directors (if the applicant is a company);
- m. a copy of the applicant's valid certificate of good conduct (if the applicant is an individual); and
- n. proof of payment of the prescribed fee.

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

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

Registered exporter's Signature.....Date.....

Approval by the Authority

<b>FOR OFFICIAL USE</b>	
Approved/Not approved: ..	
<b>DIRECTOR GENERAL</b>	
Signature.....	Date .....
Name .....	
Comments if not approved	
.....	
.....	
Official Stamp.....	

I hereby certify that the above declared imports have been approved and certified fit for human consumption and contain no poisonous substance or chemical as per the relevant legislations and regulations.

Applicant's Signature  
Date .....

Official Stamp

FORM 2F

(r. 22(4)(a), 23(1)(a))

AGRICULTURE AND FOOD AUTHORITY



APPLICATION FOR/RENEWAL OF A CERTIFICATE OF COMPLIANCE FOR A WAREHOUSE

Part 1: Applicant's Details (To be filled by all Applicants)

Full name of Applicant: .....

Postal Address: ..... Town.....

Tel/Mobile No:..... Email:.....

Physical address: Building .....

County..... Sub County.....

Company details (where applicable):

Certificate of Company Incorporation /registration No:.....

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

.....

Branch offices (if any)

No.	Town	Location	Address
1			
2			

Part 2: Facility details:

Capacity (50 kg bags)	Crop(s) to be handled

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.....

.....

rubber stamp/seal.....



Part 3: Approval by the Authority

<u>FOR OFFICIAL USE</u>
Approved/Not approved: DIRECTOR GENERAL Signature..... Name ..... Date ..... Comments if not approved: ..... ..... Official Stamp:.....

Terms and conditions

1. This application should be completed in full.
2. An incomplete form shall not be processed.
3. A certificate for a warehouse, store or food depot will only be issued to persons and organizations who have fulfilled the set standards and requirements by the Authority from time to time.

FORM 2G

(r. 24(2)(a))

AGRICULTURE AND FOOD AUTHORITY



APPLICATION FOR A CERTIFICATE OF APPROVAL TO ESTABLISH A FOOD CROP PROCESSING PLANT

Full name of Applicant M/s ..... ID No/ Registration No. (*Attach a copy*)  
 .....of Postal Address:.....  
 Tel.....do hereby express my interest to  
 establish a food processing plant and apply to be granted a certificate of approval to  
 establish the food processing plant.

The plant will be located on plot number(s) .....on.....  
 Street ..... Location ..... Sub-County in .....  
 County on L. R. No. ....

1. Manufacturing plant details:

a. Capacity (in Tonnes/Hr) .....

b. The proposed facility is intended to process the following food crops and products

<i>No.</i>	<i>Crop produce</i>	<i>Product</i>
i.		
ii.		
iii.		

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

(a) .....

(b) .....

(c) .....

I/We undertake to—

1. Seek approval from all relevant Government agencies in accordance with existing laws and regulations.
2. Provide a detailed project feasibility study.
3. Adhere to the provisions of the Agriculture and Food Authority Act, 2013, the Crops Acts, 2013 and other relevant laws in force from time to time.
4. Support the supply chain to maintain the smooth flow of raw material.
5. Install manufacturing equipment that will match current Kenyan standards,
6. Commit to comply with the national, regional and international food safety standards.
7. Execute the project within the next 2 years after which this Letter Approval shall be invalid.
8. Declare the source of raw material.

Yours sincerely,

Chief Executive Officer

M/s.....

(Name of company and Official Seal/Stamp)

FORM 2H  
(r. 24(9)(a), 25(4)(a))  
AGRICULTURE AND FOOD AUTHORITY



APPLICATION FOR INSPECTION OF A FOOD PROCESSING PLANT

To:  
The Director General  
Agriculture and Food Authority  
P. O. Box 20064- 00200  
NAIROBI

Dear Sir/Madam,

**RE: REQUEST FOR INSPECTION OF** ..... (insert name of processing plant)

I..... (insert full name of the applicant) ..... ID No/ Registration No. (Attach a copy) .....  
Address:..... Tel.....

do hereby express my interest in inspection of the above captioned

The plant is located on plot number(s) ..... on .....

Street ..... Location ..... Sub-County in .....

County, L. R. No. ....

The manufacturing plant capacity (in Tonnes/Hr) .....

I confirm to have undertaken the following—

1. Received approval from all relevant Government laws.
2. Adhere to the provisions of the Agriculture Acts, 2013 and other relevant laws.
3. Support the supply chain to maintain th
4. Installed manufacturing equipment t'
5. I commit to comply with the Stan'

Yours sincerely,

Chief Executive Officer

M/s.....

(Name of company and

(i) la Yes  
(j) Wa water Yes  
General com

FORM 21

(r. 24(11), 25(6))

THE AGRICULTURE AND FOOD AUTHORITY



INSPECTION CHECK LIST FOR A FOOD PROCESSING PLANT  
(MINIMUM REQUIREMENTS)

- (a) Suppliers and source of the raw materials.....
- (b) Installed capacity.....
- (c) Location, design and construction of the building and its interior, equipment and water supply are in accordance with the regional and international standards  
 Yes  No
- (d) Procedure for ensuring personal hygiene, clean clothing, footwear and headwear, injuries and wounds, controlled access and movement within the facility place.  
 Yes  No
- (e) Receiving, handling and storage of raw materials and products warehouse in place.  
 Yes  No
- (f) Monitoring procedures for pest control, both for the exterior and interior of the building in place.  
 Yes  No
- (g) Cleaning and sanitizing procedures in place.  
 Yes  No
- ) Procedures describing preventive, maintenance and calibration of all the equipment and instruments that can affect food safety in place.  
 Yes  No
- Recall and traceability procedures that will ensure that final products are coded and labelled properly; in-coming, in-process and outgoing materials are traceable;  
 No
- Water safety monitoring procedures for water, ice and steam; and use of potable water for processing.  
 No

Comments by the inspector



FORM 2D

(r. 13 (3)(g)(iii))

AGRICULTURE AND FOOD AUTHORITY



DECLARATION OF CONSIGNMENT IN TRANSIT

1. Name of registered importer .....
2. VAT Registration No .....
3. Identity Card/Passport No. ....
4. KRA PIN .....
5. Type and quantities of food crops or food produce imported.

Type	Quantity (Metric tonnes)	Value (Kshs.)

6. Port of exit.....
7. Name of Inspector .....
- Signed.....Date.....
8. Details of transit shed .....

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

I further state that the above declared imports 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.

Registered Importer's Signature.....Date.....

Approval by the Authority

<p>FOR OFFICIAL USE</p> <p>Approved/Not approved:</p> <p>DIRECTOR GENERAL</p> <p>Signature.....Date .....</p>
---

Name .....
Comments if not approved ..... .....
Official Stamp.....

## FORM 2E

(r. 14 (3))

## AGRICULTURE AND FOOD AUTHORITY



## APPLICATION FOR A CERTIFICATE OF CONFORMITY

1. Name of registered exporter .....
2. VAT Registration No .....
3. Identity Card/Passport No. ....
4. KRA PIN .....

5. Type and quantities of food crops or food produce imported.

Type	Quantity (Metric tonnes)	Value (Kshs.)

6. Port of exit.....
7. Name of Inspector .....
- Signed.....Date.....
8. Details of transit shed .....
9. I/We enclose the following required certified documentation in support of our application:
  - a. the profile of the applicant;
  - b. a copy of certificate of incorporation or certificate of registration of the applicant (if the applicant is a company or registered entity);

- c. a copy of the applicant’s valid business permit at the time of making the application;
- d. the applicant’s latest audited accounts;
- e. a copy of the applicant’s PIN certificate;
- f. a copy of the applicant’s tax registration certificate;
- g. a copy of the applicant’s memorandum of association (if the applicant is a company);
- h. a copy of the applicant’s articles of association (if the applicant is a company);
- i. a copy of the identity cards or passports of each of the applicant’s directors (if the applicant is a company);
- j. a copy of the profile of each of the applicant’s directors (if the applicant is a company);
- k. a copy of the applicant’s valid tax compliance certificate;
- l. a copy of a valid certificate of good conduct for each of the applicant’s directors (if the applicant is a company);
- m. a copy of the applicant’s valid certificate of good conduct (if the applicant is an individual); and
- n. proof of payment of the prescribed fee.

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

I further state that the above declared imports 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.

Registered exporter’s Signature.....Date.....

Approval by the Authority

FOR OFFICIAL USE
Approved/Not approved:
DIRECTOR GENERAL
Signature.....Date .....
Name .....
Comments if not approved
.....
.....
Official Stamp.....

## FORM 2F

(r. 22(4)(a), 23(1)(a))

## AGRICULTURE AND FOOD AUTHORITY



## APPLICATION FOR/RENEWAL OF A CERTIFICATE OF COMPLIANCE FOR A WAREHOUSE

Part 1: Applicant's Details (To be filled by all Applicants)

Full name of Applicant: .....

Postal Address: ..... Town.....

Tel/Mobile No:..... Email:.....

Physical address: Building .....

County..... Sub County.....

Company details (where applicable):

Certificate of Company Incorporation /registration No:.....

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

.....

Branch offices (if any)

No.	Town	Location	Address
1			
2			

Part 2: Facility details:

Capacity (50 kg bags)	Crop(s) to be handled

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 rubber stamp/seal.....



Part 3: Approval by the Authority

<u>FOR OFFICIAL USE</u>
Approved/Not approved:
DIRECTOR GENERAL
Signature.....
Name .....
Date .....
Comments if not approved:
.....
.....
Official Stamp:.....

Terms and conditions

1. This application should be completed in full.
2. An incomplete form shall not be processed.
3. A certificate for a warehouse, store or food depot will only be issued to persons and organizations who have fulfilled the set standards and requirements by the Authority from time to time.

FORM 2G

(r. 24(2)(a))

AGRICULTURE AND FOOD AUTHORITY



APPLICATION FOR A CERTIFICATE OF APPROVAL TO ESTABLISH A FOOD CROP PROCESSING PLANT

Full name of Applicant M/s .....ID No/ Registration No. (Attach a copy) .....of Postal Address:.....

Tel.....do hereby express my interest to establish a food processing plant and apply to be granted a certificate of approval to establish the food processing plant.

The plant will be located on plot number(s) .....on.....

Street ..... Location ..... Sub-County in .....

County on L. R. No. ....

1. Manufacturing plant details:

a. Capacity (in Tonnes/Hr) .....

b. The proposed facility is intended to process the following food crops and products

<i>No.</i>	<i>Crop produce</i>	<i>Product</i>
i.		
ii.		
iii.		

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

(a) .....

(b) .....

(c) .....

I/We undertake to—

1. Seek approval from all relevant Government agencies in accordance with existing laws and regulations.
2. Provide a detailed project feasibility study.
3. Adhere to the provisions of the Agriculture and Food Authority Act, 2013, the Crops Acts, 2013 and other relevant laws in force from time to time.
4. Support the supply chain to maintain the smooth flow of raw material.
5. Install manufacturing equipment that will match current Kenyan standards,
6. Commit to comply with the national, regional and international food safety standards.
7. Execute the project within the next 2 years after which this Letter Approval shall be invalid.
8. Declare the source of raw material.

Yours sincerely,

Chief Executive Officer

M/s.....

(Name of company and Official Seal/Stamp)

FORM 2H  
(r. 24(9)(a), 25(4)(a))  
AGRICULTURE AND FOOD AUTHORITY



APPLICATION FOR INSPECTION OF A FOOD PROCESSING PLANT

To:  
The Director General  
Agriculture and Food Authority  
P. O. Box 20064– 00200  
NAIROBI

Dear Sir/Madam,

**RE: REQUEST FOR INSPECTION OF** ..... *(insert name of the food processing plant)*

I..... *(insert full name of the processor)* of  
.....ID No/ Registration No. *(Attach a copy)* .....of Postal  
Address:..... Tel.....

do hereby express my interest in inspection of the above captioned food processing plant.

The plant is located on plot number(s) .....on .....

Street ..... Location ..... Sub-County in .....

County, L. R. No. ....

The manufacturing plant capacity (in Tonnes/Hr) .....

I confirm to have undertaken the following –

1. Received approval from all relevant Government agencies in accordance with existing laws.
2. Adhere to the provisions of the Agriculture and Food Authority Act,2013, the Crops Acts, 2013 and other relevant laws.
3. Support the supply chain to maintain the smooth flow of raw material.
4. Installed manufacturing equipment that matches current Kenyan standards,
5. I commit to comply with the Standardization Act.

Yours sincerely,

Chief Executive Officer

M/s.....

*(Name of company and Official Seal/Stamp)*

## FORM 2I

(r. 24(11), 25(6))

## THE AGRICULTURE AND FOOD AUTHORITY



INSPECTION CHECK LIST FOR A FOOD PROCESSING PLANT  
(MINIMUM REQUIREMENTS)

- (a) Suppliers and source of the raw materials.....
- (b) Installed capacity.....
- (c) Location, design and construction of the building and its interior, equipment and water supply are in accordance with the regional and international standards
- Yes  No
- (d) Procedure for ensuring personal hygiene, clean clothing, footwear and headwear, injuries and wounds, controlled access and movement within the facility place.
- Yes  No
- (e) Receiving, handling and storage of raw materials and products warehouse in place.
- Yes  No
- (f) Monitoring procedures for pest control, both for the exterior and interior of the building in place.
- Yes  No
- (g) Cleaning and sanitizing procedures in place.
- Yes  No
- (h) Procedures describing preventive, maintenance and calibration of all the equipment and instruments that can affect food safety in place.
- Yes  No
- (i) Recall and traceability procedures that will ensure that final products are coded and labelled properly; in-coming, in-process and outgoing materials are traceable;
- Yes  No
- (j) Water safety monitoring procedures for water, ice and steam; and use of potable water for processing.
- Yes  No

General comments by the inspector



No.	Town	Location	Address
1			
2			

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 rubber stamp/seal.....

Part 3: Approval by the Authority

FOR OFFICIAL USE	
Approved/Not approved:	
DIRECTOR GENERAL	
Name .....	
Signature..... Date .....	
Comments if not approved:	
.....	
.....	
Official Stamp:	
.....	

Terms and conditions

1. This application should be completed in full.
2. An incomplete form shall not be processed.
3. A certificate for approval of a food processing facility will only be issued to persons and organizations who have fulfilled the set standards and requirements by the Authority from time to time.

THIRD SCHEDULE

(r. 22(4)(c), 24(9)(c), 25(4)(c), 26(1)(b), 38(1))

FEEES

All licences, certificates and levies are valid for one year.

Permits are valid only for consignments issued.

Type of levy/fees	Amount charged (Kshs.)
1. REGISTRATION	
(a) growers' association or a large scale grower	1,000
(b) dealer	3,000
(c) importers and exporters	30,000

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

I declare that I will comply with any other requirement issued by the Authority from time to time.

Name of processor.....

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

Name of inspector.....

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

FORM 2J

(r. 25(2)(a), 26(1)(a))

AGRICULTURE AND FOOD AUTHORITY



APPLICATION FOR/RENEWAL OF CERTIFICATE FOR APPROVAL OF A FOOD PROCESSING PLANT

Part 1: Applicant's Details (To be filled by all Applicants)

Full name of Applicant:.....

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

Town.....

Tel/Mobile No:..... Email:.....

Website:.....

Physical address: Building ..... Street:.....

Town:.....

County..... Sub County.....

Ward.....

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

Company details (where applicable):

Certificate of Company Incorporation /registration No:.....

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

.....

Branch offices (if any)

2. LICENSING		
Warehousing licence (annual)(Category capacity in 50kg bags)		
Less than 5,000		2,000
Between 5,000 – 10,000		3,000
Between 10,000 -50,000		5,000
Between 51,000-100,000		10,000
Between 101,000-150,000		12,000
Between 150,000-200,000		15,000
Over 200,000		20,000
Silo complex		25,000
3. CERTIFICATES & PERMITS		
(a) Certificate of compliance for a warehouse (Annual)		
Less than 5,000		2,000
Between 5,000 to 10,000		3,000
Between 10,000 to 50,000		5,000
Between 101,000-150,000		10,000
Between 150,000-200,000		15,000
Over 200,000		20,000
Silo complex		25,000
(b) Import clearance permit		
0-34,000kgs		3,000
34,001 - 280,000kgs		0.15 per kilogram
Above 280,000		0.01 per kilogram
(c) Certificate of Conformity		
0-34,000kgs		3,000
34,001 - 280,000kgs		0.15 per kilogram
Above 280,000		0.01 per kilogram
(d) Certificate of Approval for a food processing plant (Annual)		
	Capacity (installed capacity) (tonnes per hour)	Amount
(i) Cereals		
	0.5-2	3,000
	Over 2 – 5	5,000
	Over 5-10	7,000
	Over 10-20	10,000
	Over 20-45	15,000
	Over 45	20,000
(ii) Roots and tubers		
	0.5 – 5	3,000

	Over 5 -10	4,000
	Over 10-20	6,000
	Over 20 -45	8,000
	Over 45	10,000
<b>4. LEVIES</b>		
<b>Commodity</b>	<b>% of Customs Value</b>	
(a) Cereals	Importer	2.0
	Exporter	0.3
(b) Legumes/Pulses	Importer	2.0
	Exporter	0.3
(c) Roots and tubers	Importer	1.0
	Exporter	0.3

FOURTH SCHEDULE

(r. 6(6), 10(7), 11(9), 12(9), 13(8)(a), 14(9), 22(11), 23(5), 24(8), 24(17), 25(13))

CERTIFICATES, LICENCES AND PERMITS

FORM 4A

(r. 6(6))

AGRICULTURE AND FOOD AUTHORITY



STATE OF REGISTRATION FOR A LARGE SCALE GROWERS/GROWERS  
 V/MARKETING AGENT/PROCESSOR/TRANSPORTER/IMPORTERS  
 OR EXPORTER

CERTIFY that..... of postal  
 .....of ..... County on L. R.  
 duly registered by the Authority as;

n  
 gram  
 ogram  
 charged (Kshs.)  
 J  
 10  
 100  
 1,000  
 2,000  
 20,000  
 2,000



No.	Town	Location	Address
1			
2			

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 rubber stamp/seal.....

Part 3: Approval by the Authority

FOR OFFICIAL USE
Approved/Not approved:
DIRECTOR GENERAL
Name .....
Signature..... Date .....
Comments if not approved:
.....
.....
.....
Official Stamp:
.....

Terms and conditions

1. This application should be completed in full.
2. An incomplete form shall not be processed.
3. A certificate for approval of a food processing facility will only be issued to persons and organizations who have fulfilled the set standards and requirements by the Authority from time to time.

THIRD SCHEDULE

(r. 22(4)(c), 24(9)(c), 25(4)(c), 26(1)(b), 38(1))

FEES

All licences, certificates and levies are valid for one year.

Permits are valid only for consignments issued.

Type of levy/fees	Amount charged (Kshs.)
1. REGISTRATION	
(a) growers' association or a large scale grower	1,000
(b) dealer	3,000
(c) importers and exporters	30,000



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

I declare that I will comply with any other requirement issued by the Authority from time to time.

Name of processor.....

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

Name of inspector.....

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

FORM 2J

(r. 25(2)(a), 26(1)(a))

AGRICULTURE AND FOOD AUTHORITY



APPLICATION FOR/RENEWAL OF CERTIFICATE FOR APPROVAL OF A FOOD PROCESSING PLANT

Part 1: Applicant's Details (To be filled by all Applicants)

Full name of Applicant:.....

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

Town.....

Tel/Mobile No:..... Email:.....

Website:.....

Physical address: Building ..... Street:.....

Town:.....

County..... Sub County.....

Ward.....

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

Company details (where applicable):

Certificate of Company Incorporation /registration No:.....

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

.....

Branch offices (if any)

2. LICENSING		
Warehousing licence (annual)(Category capacity in 50kg bags)		
Less than 5,000		2,000
Between 5,000 – 10,000		3,000
Between 10,000 -50,000		5,000
Between 51,000-100,000		10,000
Between 101,000-150,000		12,000
Between 150,000-200,000		15,000
Over 200,000		20,000
Silo complex		25,000
3. CERTIFICATES & PERMITS		
(a) Certificate of compliance for a warehouse (Annual)		
Less than 5,000		2,000
Between 5,000 to 10,000		3,000
Between 10,000 to 50,000		5,000
Between 101,000-150,000		10,000
Between 150,000-200,000		15,000
Over 200,000		20,000
Silo complex		25,000
(b) Import clearance permit		
0-34,000kgs		3,000
34,001 - 280,000kgs		0.15 per kilogram
Above 280,000		0.01 per kilogram
(c) Certificate of Conformity		
0-34,000kgs		3,000
34,001 - 280,000kgs		0.15 per kilogram
Above 280,000		0.01 per kilogram
(d) Certificate of Approval for a food processing plant (Annual)		
	Capacity (installed capacity) (tonnes per hour)	Amount charged (Kshs.)
(i) Cereals		
	0.5-2	3,000
	Over 2 – 5	5,000
	Over 5-10	7,000
	Over 10-20	10,000
	Over 20-45	12,000
	Over 45	20,000
(ii) Roots and tubers		
	0.5 – 5	2,000

	Over 5 -10	4,000
	Over 10-20	6,000
	Over 20 -45	8,000
	Over 45	10,000
<b>4. LEVIES</b>		
<b>Commodity</b>	<b>% of Customs Value</b>	
(a) Cereals	Importer	2.0
	Exporter	0.3
(b) Legumes/Pulses	Importer	2.0
	Exporter	0.3
(c) Roots and tubers	Importer	1.0
	Exporter	0.3

## FOURTH SCHEDULE

(r. 6(6), 10(7), 11(9), 12(9), 13(8)(a), 14(9), 22(11), 23(5), 24(8), 24(17), 25(13))

## CERTIFICATES, LICENCES AND PERMITS

## FORM 4A

(r. 6(6))

## AGRICULTURE AND FOOD AUTHORITY



**CERTIFICATE OF REGISTRATION FOR A LARGE SCALE GROWERS/GROWERS  
ASSOCIATION/MARKETING AGENT/PROCESSOR/TRANSPORTER/IMPORTERS  
OR EXPORTER**

THIS IS TO CERTIFY that..... of postal  
address .....of ..... County on L. R.  
No.....has been duly registered by the Authority as;

- Large scale grower
- Grower association
- Marketing agent
- Processor
- Importer
- Exporter
- Transporter

in accordance with the Crops (Food Crops) Regulations, 2019.

Dated this .....  
.....20.....

Name ..... Signature.....

Director General  
Agriculture and Food Authority

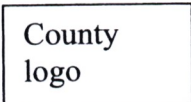
Terms and Conditions

1. This certificate is not transferable.
2. The applicant shall —
  - i. maintain a register of their members where applicable in the format prescribed by the Authority;
  - ii. where applicable, shall respect and enable the carrying out of the terms and conditions of any agreements entered between themselves and their members or on behalf of their members.
  - iii. shall ensure that the quality of farm inputs and food crop produce and products comply with the Crops (Food Crops) Regulations 2019 and any other relevant laws;
  - iv. shall submit Quarterly returns to the County Executive Committee Member in the prescribed format and a copy to the Authority.

FORM 4B

(r. 10(7), 11(9))

COUNTY GOVERNMENT OF.....



WAREHOUSING LICENCE

Registration No..... Serial No.....

M/s.....of Post Office Box  
.....has been granted a Warehouse Licence No.  
.....and is hereby authorized to operate as a processor in  
Kenya pursuant to Regulation 14(6) of the Crops (Food Crops) Regulations 2019 and the  
Crops Act, 2013.

This Licence is valid from .....to.....

Fee paid: Kshs.....

Signed ..... Date of issue:.....

Name:

County Executive Committee Member for Agriculture



.....County

Official stamp.....

*Terms and conditions*

1. In the event that the operator of the warehouse to cease operations, the operator shall inform the County Government one month prior to ceasing the operations.
2. The County government may vary, suspend or cancel the licence issued if the warehouse fails meet conditions of the licence.
3. This licence is issued subject to compliance of the provisions of Crops Act 2013, and the regulations issued thereunder and any other relevant law.

FORM 4C

(r. 12(9))

AGRICULTURE AND FOOD AUTHORITY



IMPORT CLEARANCE PERMIT

AGRICULTURE AND FOOD AUTHORITY	Permit No.....	Original
		Date of issue.....
		Valid until.....

Mr/Mrs/Ms.....of P.O. Box .....  
 Tel.....is hereby issued with an import permit for food crop produce/food crop products of the following categories;

Type	Quantity (Metric tonnes)	Value (Kshs.)

Port of entry/exit.....

.....  
 Director General

Date .....



Terms and Conditions

1. The Authority may vary, suspend or cancel the import clearance permit issued if the holder fails to abide with Crops (Food Crops), Regulations 2019 and any other relevant law.
2. This import clearance permit shall be issued subject to proof that the applicant has sourced produce from local production within the last six months.

FORM 4D

(r. 13(8)(a))

AGRICULTURE AND FOOD AUTHORITY



RELEASE ORDER

This is to certify that the food crop or food produce specified herein and in favour of the registered importer named herein have been inspected and certified as having met the necessary national, regional and international standards.

Details of registered importer

Name: .....

Registration Certificate Number.....

Consignment Details

Country of origin .....

Way bill No.....

Date of issue.....time issued..... a.m./p.m.

Signature of inspector.....

Name .....

Designation .....

FORM 4E

(r. 14(9))

AGRICULTURE AND FOOD AUTHORITY



## CERTIFICATE OF COMFORMITY

This is to certify that the food crop or food produce specified herein and in favour of the registered exporter named herein have been inspected and certified as having met the necessary national, regional and international standards.

During the inspection, the following documents were presented for verification.

1. Transport documents
2. Commercial invoice
3. Packing list

Details of registered exporter

Name: .....

Registration Certificate Number .....

Consignment Details

Country of destination .....

Source of produce .....

Validity period: from \_\_\_\_\_ to \_\_\_\_\_

Date of issue.....time issued..... a.m./p.m.

Signature of inspector.....

Name .....

Designation .....

FORM 4F

(r. 22(11), 23(5))

AGRICULTURE AND FOOD AUTHORITY



CERTIFICATE OF COMPLIANCE OF A WAREHOUSE

Serial No.....

M/s.....of Post office Box  
.....has been granted a warehouse/store/Food depot Certificate No.  
.....and is/are hereby authorized to handle food crops or  
food produce.

This certificate is valid from  
.....to.....

Fee paid: Kshs.....

Name ..... Signature.....

DIRECTOR GENERAL

Date of issue.....

Official stamp.

Terms and Conditions

1. The Authority may suspend or cancel the warehouse/store/food depot certificate issued if the holder fails to abide with the terms and conditions of the certificate.
2. The application for renewal of this certificate shall be made to the Head Food Directorate so as to reach at least one month before expiry date.
3. This certificate is issued subject to compliance of the provisions of Crops Act, 2013 and the regulations issued thereunder and any other relevant law.

FORM 4G

(r. 24(8))

## AGRICULTURE AND FOOD AUTHORITY



## LETTER OF PRELIMINARY APPROVAL

Reference:.....

Date:.....

TO: M/s.....

.....

.....

(Applicant's name /Company address)

Dear Sir,

**RE: LETTER OF APPROVAL TO ESTABLISH ..... FOOD CROP  
PROCESSING PLANT**

Following your application to be granted approval to establish a food processing plant in Kenya, your application has been given approval. You are hereby authorized to seek approval from relevant Government agencies in accordance with existing laws and regulations.

You will be required to demonstrate your plan for the following before you are granted a certificate of compliance from the Authority to operate the food processing plant:

1. Support the supply chain to maintain the smooth flow of raw material.
2. Install processing equipment that will match current Kenyan standards,
3. Commit to comply with the national, regional and international food safety standards.
4. Execute the project within the next 1 year after which this Letter of Approval shall be invalid.
5. Adhere to the provisions of the Agriculture and Food Authority Act, 2013, the Crops Act 2013 and other relevant laws in force from time to time.
6. Declare the source of raw materials.

The Authority is satisfied with your intentions and looks forward to your successful implementation of the proposed food processing facility.

Yours sincerely,

Head: Director General

FORM 4H

(r. 24(17), 25(13))

AGRICULTURE AND FOOD AUTHORITY



CERTIFICATE OF APPROVAL FOR A FOOD PROCESSING PLANT

Registration No.....Serial No.....

M/s.....of Post office Box  
.....has been granted a Certificate of Approval for a Food Processing  
Plant of certificate No. ....and is hereby authorized to  
process food crops or food produce.

This Certificate is valid from .....to.....

Director General Date of issue.....

Official stamp.

Terms and Conditions

1. The Authority may suspend or cancel a certificate issued if the holder fails to abide with the terms and conditions set out for processing facilities
2. The application for renewal of this certificate shall be made to the Head Food Directorate so as to reach at least one month before expiry date.

FIFTH SCHEDULE

(r. 9(1), 11(1)(d), 23(1)(c), 26(1)(d), 39(2), 39(3), 39(4)(a), 39(4)(b), 39(6))

REGISTERS AND RETURNS

FORM 5A

(r. 9(1))

REGISTER OF MEMBERS FOR GROWERS' ASSOCIATIONS

PART A: Registration details of the Growers' Association

Name .....

Physical Address .....

P. O. Box .....

Email .....

Fax .....

Tel .....



Registration No .....

PIN No .....

Year .....

## PART B: Membership details

<i>Member's code</i>	<i>Name of Member</i>	<i>Physical Location</i>	<i>Area Under Crop(Hectares)</i>	<i>Product (metric t)</i>

Prepared by:

Name: .....

Position in the Growers' Association.....

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

Stamp.....

## FORM 5B

(r. 39(2))

## MONTHLY RETURNS BY PROCESSORS

To

The Head of the Food Directorate

Or

The .....County Government

Month..... Year..... 20.....

Name/Business name .....

Address:

Postal address.....Code:.....

Tel..... Email.....

Physical location

Street ..... L.R./Plot No.....

Registration details

VAT Registration No..... PIN .....

ID. No. ....

	Type food crop/ food produce	Quantity (Tonnes) purchased	Quantity (Tonnes) processed	Stock releases	Brand names
1					
2					
3					

NB: Attach a list where necessary

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.....

FORM 5C

(r. 26(1)(d), 39(3))

ANNUAL RETURNS BY PROCESSORS

To

The Head of the Food Directorate

Or

The .....County Government

Returns for the year beginning ..... year.....

Food crops produce supply information

Name of supplier	Type of food crop/food produce	Quantity (Tonnes)	Source (county/country)

Authorized officers Signature .....

Date .....

Official Stamp.

## FORM 5D

*(r. 11(1)(d), 23(1)(c), 39(4)(a))*RETURNS ON STOCK OF FOOD CROPS OR FOOD PRODUCE BY WAREHOUSE  
OPERATORS/MARKETING AGENTS

To

The Head of the Food Directorate

Or

The .....County Government

*Returns for the year beginning ..... year.....*

Food crops produce supply information

<i>Name of supplier</i>	<i>Type of food crop/food produce</i>	<i>Quantity (Tonnes)</i>	<i>Source (county/country)</i>

Authorized officers Signature .....

Date .....

Official Stamp/Seal.....

## FORM 5E

*(r. 23(1)(c), 39(4)(b))*RETURNS ON SUPPLIES OF THE QUANTITY OF FOOD CROPS OR FOOD  
PRODUCE BY WAREHOUSE OPERATORS/MARKETING AGENTS*(To be filled in triplicate)*

To

The Head of the Food Directorate

Or

The .....County Government

Year 20.....

Name/Business name .....

Address:

Postal address.....Code:.....

Tel..... Email.....

Physical location

Street ..... L.R/Plot No.....

Registration details

VAT Registration No ..... PIN .....

ID. No.....

<i>Type food crop/food produce</i>	<i>Quantity (MT)</i>

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.....

## FORM 5F

(r. 39(6))

MONTHLY RETURNS BY GROWERS/GROWERS' ASSOCIATION FOOD CROPS  
OR FOOD PRODUCE

Category:

- Grower  
 Growers' association

To

The Head of the Food Directorate

Or

The .....County Government

Returns for the month ending ..... year.....

Food crops produced or purchased information

<i>Name of suppliers</i>	<i>Type of food crop or food produce</i>	<i>Quantity (Tonnes)</i>	<i>Source (sub-county)</i>

I hereby declare that the returns provided are to the best of my knowledge.

Authorized officers Signature .....

Date .....

Official Stamp.....

## SIXTH SCHEDULE

(r. 34, 36(1))

## FORM 6A

(r. 34)

## GUIDELINES FOR REGULATION OF MARKETING AGENTS

1. Every registered marketing agent shall, at all times and while conducting business, wear an official badge issued by the Authority that identifies the agent.
2. The registration status of a marketing agent shall be recognised in all counties.
3. Once the county where a marketing agent is registered revokes the registration, the marketing agent shall not be allowed to deal in food crops or food produce in any other county.



4. If a marketing agent commits an offence under these Regulations, the county where this offence is committed shall report to the county where the marketing agent is registered for disciplinary action to be taken.
5. Despite paragraph 4, a marketing agent who does not comply with terms and conditions of these Regulations may have their certificate, permit suspended until the conditions of issuance are corrected.

## FORM 6B

*(r. 36(1))*

## CRITERIA FOR IDENTIFICATION AND DESIGNATION OF MARKETS AND COLLECTION CENTRES

<i>Details</i>	<i>Criteria</i>
Designation of a market or a collection centre.	<ol style="list-style-type: none"> <li>1. It should be located on public land or premises with a secure tenure.</li> <li>2. It should be located in a priority area or facility identified through public consultation and participation.</li> <li>3. It should be located in an area that is easily accessible by the dealers as well as the growers.</li> <li>4. It should be located where there are infrastructure support roads, and adequate connectivity to electricity, water, and a telecommunication network.</li> <li>5. It should be located in an area that has adequate shelter, proper drainage system, water, sanitary and hygiene facilities.</li> <li>6. Number of daily transactions inside the existing facility and daily gross turnover for agricultural produce.</li> <li>7. It should be located where there are training facilities for growers or dealers on good agricultural practices, national and international food crops standards, technology dissemination.</li> </ol>
Establishment of an area for designated collection.	<ol style="list-style-type: none"> <li>1. The area should have appropriate shelters, storage and value addition facilities which includes; weighing, sanitation, sorting, grading, display, packaging, labelling, appropriate storage and processing facilities among others.</li> <li>2. The area should have infrastructure and facilities that ensure food safety and hygienic environment including but not limited to— <ol style="list-style-type: none"> <li>(a) a waste management system,</li> <li>(b) a hygiene and sanitation area,</li> <li>(c) access to utilities like water and electricity,</li> <li>(d) access to loading or offloading ramps,</li> </ol> </li> </ol>

<i>Details</i>	<i>Criteria</i>
	<p>(e) access by persons living with disability and</p> <p>(f) an adequate drainage system.</p> <p>3. The area should have an administrative and management areas that provides for—</p> <p>(a) parking space,</p> <p>(b) security fence, lights and gate,</p> <p>(c) an office for an inspector and internet communication and technology facilities and</p> <p>(d) access roads with accelerating and decelerating lanes.</p>
Market designs	<p>1. The design should provide for a designated area for wholesale or retail stalls, according to type of food crop or food produce.</p> <p>2. The design should provide for weighing, display and storage of food crops or food produce.</p> <p>3. The design should provide for shaded market structures.</p> <p>4. The design should provide for adequate waste management.</p> <p>5. The design should provide for proper hygiene and sanitation.</p> <p>6. The design should provide for training, plant clinic and incubation rooms.</p> <p>7. The design should provide for a security fence, security lights and a gate.</p> <p>8. The design should provide for access to utilities like water and electricity.</p> <p>9. The design should provide for loading or offloading ramps.</p> <p>10. The design should provide for access roads and parking space.</p> <p>11. The design should provide for office space for an inspector and information communication and technology facilities.</p> <p>12. The design should provide for an adequate drainage system.</p>

Dated the 11th December, 2019.

MWANGI KIUNJURI,  
*Cabinet Secretary,  
 Ministry of Agriculture, Livestock and Fisheries.*

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