



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

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**CROP PRODUCTION AND LIVESTOCK ACT**

CHAPTER 321

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**CHAPTER 321**

**CROP PRODUCTION AND LIVESTOCK ACT**

ARRANGEMENT OF SECTIONS

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1. Short title
2. Application of Act
3. Definition
4. Rules
- 4A. Power of certain local authorities to make by-laws
5. Penalty
6. Forfeiture



**CHAPTER 321****CROP PRODUCTION AND LIVESTOCK ACT**

[Date of commencement: 29th March, 1926.]

**An Act of Parliament to make provision for the control and improvement of crop production and livestock, and the marketing and processing thereof**

[Cap. 205 (1948), Act No. 47 of 1949, G.N. 1720/1955, G.N. 1721/1955, Act No. 6 of 1959, Act No. 7 of 1960, L.N. 172/1960, L.N. 173/1960, L.N. 256/1963, L.N. 649/1963, L.N. 2/1964, L.N. 18/1964, Act No. 21 of 1966, Act No. 9 of 1967, Act No. 8 of 1968.]

**1. Short title**

This Act may be cited as the Crop Production and Livestock Act.

**2. Application of Act**

The Minister may by order apply the whole or any part of this Act to the whole or part or parts of Kenya.

[L.N. 649/1963.]

**3. Definition**

In this Act, except where the context otherwise requires—

“**agricultural produce**” means any article produced or derived from farming operations and includes meat and all other products derived from livestock;

“**crop**” includes all trees grown for timber, fuel or food production, or any other purpose;

“**livestock**” includes cattle, sheep, goats, donkeys, poultry and any other animal which the Minister may by order declare to be livestock for the purpose of this Act.

[G.N. 1720/1955, L.N. 172/1960.]

**4. Rules**

(1) The Minister may make rules, applicable to such area or areas as may be named therein, for the following purposes—

- (a) declaring the kind of crop or agricultural produce which shall come under the operation of this Act;
- (b) improving the cultural conditions of any crop, or the methods of its production, and the prevention of its destruction or waste;
- (c) improving the quality of any agricultural produce;
- (d) specifying any particular kind of crop, tree or plant, or variety thereof, as the kind which may or may not be grown, or which may or may not be destroyed;
- (e) the destruction of any diseased crop or agricultural produce with or without compensation to owner thereof;

- (f) assisting and, if necessary, controlling transportation, grading, preparation for market and marketing of any crop or agricultural produce;
- (g) the inspection of any crop or agricultural produce;
- (h) the regulation, licensing and control of trading in any agricultural produce or crop;
- (ha) the regulation, licensing and control, in the interests of any industry concerned with any agricultural produce or crop, of factories and plant for processing that agricultural produce or crops;
- (hb) limiting the area of land on which persons may plant crops or particular crops or particular types of a crop, whether by reference to their past production or otherwise;
- (i) defining or limiting the number, kind, ages and sexes of the livestock to be carried on any area;
- (j) promoting the improvement of the quality of the livestock in any area and preventing losses from disease or other cause;
- (k) the disposal of surplus and undesirable livestock;
- (l) fixing and collecting fees and charges in connexion with the operations of this Act;
- (m) generally for carrying out the provisions of this Act.

(2) Rules made under subsection (1) of this section providing for a system of licensing may empower the licensing authority—

- (a) to attach conditions to a licence; or
- (b) to refuse to grant or renew a licence on any ground which appears to the licensing authority to be reasonable and in the interests of the production, improvement, marketing or processing of the agricultural produce or crop concerned.

[Act No. 47 of 1949, s. 2, G.N. 1720/1955, Act No. 6 of 1959, Sch., L.N. 173/1960, Act No. 21 of 1966, First Sch., Act No. 8 of 1968, Sch.]

#### **4A. Power of certain local authorities to make by-laws**

(1) Subject to the approval of the Minister for the time being responsible for animal husbandry, a municipal council, an urban council and an area council may each make by-laws applicable to its area, or any part thereof, for all or any of the following purposes for which no rules made under section 4 of this Act are in force in that area—

- (a) for prohibiting the keeping or grazing of any livestock on any agricultural land in such area;
- (b) for regulating or controlling the numbers and kinds of livestock which may be kept on any such agricultural land;
- (c) for requiring male livestock to be castrated;
- (d) for licensing male breeding livestock;
- (e) for providing for the compulsory reduction of the numbers of livestock in any such area; and
- (f) for imposing and collecting grazing fees.

(2) Subject to the approval of the Minister for the time being responsible for animal husbandry, a county council may, where no scheme for the artificial insemination of cattle exists in the county, make by-laws providing for schemes for the artificial insemination of cattle.

(3) The procedure for the making, approval and publication of by-laws made under this section shall be that prescribed in the Local Government Regulations, 1963, and for the purposes of the enforcement thereof and the disposal of fines imposed for contravention thereof such by-laws shall be deemed to be by-laws made by the same local authority under those Regulations.

[L.N. 256/1963.]

## **5. Penalty**

Any person who contravenes the provisions of any rule or by-law made under this Act shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred shillings, or to both such imprisonment and such fine.

[Act No. 7 of 1960, s. 2, L.N. 256/1963.]

## **6. Forfeiture**

(1) The court convicting any person under section 5 of this Act may, in addition to or in lieu of imposing any other punishment authorized by law, order that the crop, agricultural produce or livestock in respect of which the breach was committed, or any part of such crop, agricultural produce or livestock, shall be forfeited.

(2) Where any crop, agricultural produce or livestock is forfeited under subsection (1) of this section, it shall be sold or otherwise dealt with as the court shall direct.

(3) Where any crop, agricultural produce or livestock is ordered to be sold, the court may direct that the proceeds of sale or any portion thereof shall be paid to any person appearing to be the owner of the crop or livestock; and subject to any such direction as aforesaid the proceeds of sale shall be paid into the consolidated fund.

[Act No. 7 of 1960, s. 3, Act No. 9 of 1967, Sch..]

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**CHAPTER 321**

**CROP PRODUCTION AND LIVESTOCK ACT**

SUBSIDIARY LEGISLATION

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**CROP PRODUCTION AND LIVESTOCK ORDER**

[G.N.419/1927.]

1. This Order may be cited as the Crop Production and Livestock Order.
  2. The Act shall apply to the whole of Kenya.
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**CROP PRODUCTION AND LIVESTOCK (AFRICAN PRODUCE) RULES**

[Cap. 205 (1948), Sub. Leg., G.N. 445/1951, G.N. 912/1951, G.N. 1111/1951, G.N. 252/1952, L.N. 416/1956, L.N. 254/1957, Act No. 6 of 1959, L.N. 50/1959, L.N. 225/1961, L.N. 498/1961, L.N. 753/1961, L.N. 112/1964.]

**PART I – PRELIMINARY**

1. These Rules may be cited as the Crop Production and Livestock (African Produce) Rules.
2. In these Rules, except where the context otherwise requires—

“**African produce**” means legumes, sorghum (mtama, dhurra), potatoes, rice, bulrush millet (mawele), finger millet, wheat, fresh vegetables, fresh fruit, onions and simsim, grown by Africans;

“**bulrush millet (mawele)**” means the seeds of the plant *Pennisetum typhoideum*;

“**finger millet**” means the seeds of the plant *Eleusine corocana*;

“**inspector**” means any administrative, agricultural, marketing or police officer or any African agricultural inspector or agricultural instructor;

“**legumes**” means the seeds of any plant of the order *leguminosae*;

“**mouldy**” means bearing a visible fungus growth;

“**onions**” means the bulbs of the plant *Allium cepa*;

“**potatoes**” means the tubers of the plant *Solanum tuberosum*;

“**rice**” means the seeds of the plant *Oryza sativa*;

“**simsim**” means the seeds of the plant *Sesamum indicum*;

“**sorghum (mtama, dhurra)**” means the seeds of the plant *Sorghum vulgare*;

“**trader**” means any person who buys produce for the purpose of resale, and includes any co-operative society which accepts or handles produce on behalf of any person for sale;

“**wet**” means visibly wet, or wet to the touch, on the outer surface;

“**wheat**” means the seeds of the plant *Triticum vulgare*.

3. The items of agricultural produce from time to time included within the definition of African produce in rule 2 of these Rules shall come under the operation of the Act.

**PART II – IMPROVEMENT**

4. This Part shall apply to the areas specified in the First Schedule to these Rules.

(1) No African produce shall be removed from any area unless it is contained in sound, well-sewn bags which bear a clear mark, in letters at least two inches in size, indicating the name and place of business of the trader who originally bought the produce from an African, or, in any case where such produce has been rebagged before it has been consigned out of the district, the name and place of business of the consignor.

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[Subsidiary]

(2) All such marks shall be registered with the District Commissioner of the district in which the consignor has his place of business, and no mark other than that registered shall be used by such consignor for the purposes of these Rules.

**6.** No African produce shall be purchased by a trader from an African except between the hours of 6 a.m. and 6 p.m.

(1) Every trader purchasing African produce from an African shall display, in a prominent position outside the door of his shop, store or stall, the minimum price by weight or measure which he is paying to the vendors for each article of such produce, and shall not lower such price during the course of the day.

(2) The price paid shall in no case be lower than the price displayed.

**8.** No trader or consignor of African produce shall buy, sell, have on his premises, store or cause to be stored, or transport or cause to be transported, any wet, unripe or mouldy African produce.

**9.** No trader or consignor of African produce shall buy, sell, have on his premises, store or cause to be stored, or transport or cause to be transported, any African produce containing chaff, earth or other adulterating substance in excess of two per cent by weight, or defective produce in excess of five per cent by weight, or containing more than three per cent by weight of produce which differs from the colour of the bulk of the produce.

**10.** No seed of the ground-nut crop of any year shall be sold or offered for sale before a date to be specified by the Minister by notice in the Gazette in each year.

**11.** An inspector shall, after inspection, refuse to issue an inspection certificate in respect of African produce the purchase, sale or transport of which is prohibited under rule 8 of these Rules, or which, in the case of a trader or consignor offering the produce for inspection, is not contained in sound, well-sewn bags marked in accordance with paragraph (1) of rule 5 of these Rules and weighing not less than 183 lb. gross of potatoes.

#### PART III – INSPECTION

**12.** This Part shall apply to the areas specified in the first column of the Second Schedule to these Rules.

(1) No African produce shall be removed from any area to which this Part applies unless and until it has been inspected at one of the places specified in the second column of the Second Schedule to these Rules and unless the transporter is in possession of a certificate issued in respect of such African produce under paragraph (2) of this rule; and such certificate shall be produced and shown to any inspector on demand:

Provided that where a place named as the place of inspection for any area is situated outside such area, such African produce may, for the purposes of inspection, be removed from such area to such place; but no such African produce shall be removed from such place unless and until it has been inspected.

(2) An inspector shall, if he does not reject the African produce under rule 16 of these Rules, give the person tendering the African produce for inspection a certificate to the effect that such African produce has been inspected.

(3) No African produce shall be sold or purchased at or within three miles of any place of inspection specified in the second column of the Second Schedule to these Rules until such African produce has been inspected at such place:

Provided that nothing in this rule shall prevent the purchase, sale or exchange of African produce without inspection as between Africans for their own consumption at customary African markets.

**14.** A fee of five cents per bag shall be paid by the purchaser in respect of each bag of African produce purchased by him after inspection under these Rules:

Provided that in respect of fresh vegetables, fresh fruit and onions whether packed in bags, crates or loose a fee of three cents per 50 lb. weight or part thereof shall be paid, such fee to be paid by the person tendering the produce for inspection.

[G.N. 252/1952, Act No. 6 of 1959, Sch.]

**15.** Every purchaser of or trader in African produce inspected under these Rules shall—

- (a) keep books of account, in which English numerals are to be used, showing all purchases and consignments of African produce, and such books shall be open for inspection by an inspector, other than a produce inspector;
- (b) submit at the end of each month a return of all African produce purchased by him in an area to which this Part applies and if all African produce removed by him from any such area, and, in the case of removal by rail, a copy of the railway waybills, to the District Commissioner in charge of such area; and
- (c) at the time of submitting the returns under paragraph (b) of this rule pay to the District Commissioner the fee prescribed by rule 14 of these Rules.

[G.N. 252/1952.]

**PART IV – MISCELLANEOUS**

**16.** An inspector may, after inspection, reject African produce the purchase or sale of which is prohibited under rule 8 or rule 9 of these Rules, but the owner shall be given an opportunity of sorting the parcel offered and re-submitting it for inspection.

**17.** Any inspector may enter upon any premises in which he has reason to believe that African produce is stored, for the purpose of examining such produce, and of taking samples thereof.

**18.** The Minister may, by notice in the Gazette, specify places at or near the boundary of a district in any area to which these Rules apply, at which an inspector may order any vehicle, which he has reason to believe contains African produce, to stop for the purpose of ascertaining whether or not such vehicle contains such produce, and, if so, whether or not such produce has been inspected, and may for that purpose examine the contents of such vehicle.

[L.N. 416/1956.]

**19.** No person shall hinder or obstruct any inspector in the lawful execution of his duties under these Rules.

**FIRST SCHEDULE**

[Rule 4, G.N. 1111/1951, L.N. 416/1956, L.N. 254/1957, L.N. 225/1961, L. N. 112/1964.]

Areas to which Part II applies.  
The Coast Province

*Crop Production and Livestock Act*

[Subsidiary]

## SECOND SCHEDULE

[Rules 12 and 13, L.N. 112/1964, L.N. 753/1961, L.N. 498/1961, L.N. 225/1961, L.N. 254/1957.]

<i>Areas to which Part III applies</i>	<i>Places of inspection.</i>
Kwale District.	Ng'ombeni, Waa, Shimba Golini, Diani, Muhaka, Mwabungo, Bomani, Jego, Mafisini, Msambweni, Sherazi, Kidumu, Majoreni, Kikoneni, Vivine, Murima, Lungalunga, Vanga.
Kilifi District.	Tsangatsini, Munyenzeni, Mariakani, Ribe, Bandari, Chauringo, Batani, Mwamtsunga, Miyuni, Bwagamoyo, Kidutani, Dzitsoni, Dindiri, Kolongoni, Mwarakaya, Chasimba, Maziani, Ziani, Miembe Mitano (Mwembe Kati), Pingilikani, Lutsangani, Kaloleni, Chanagande, Masha-Kadizinga, Tsakarolovu, Mikiriani, Vishakani, Mtsengo, Bamba, Kidemu, Paziani, Ndigiria, Mirihini, Jila, Mwakwala, Midoina, Mwawesa, Mariango, Mnagoni, Nzovuni, Gede, Mwambani, Ganze, Mtsangamali, Sosodima, Dungicha, Petanguo, Vitsapuni, Mtanganyiko, Ng'ombeni, Vyambani, Mbudzi, Jaribuni, Rabai, Kokotoni, Jimba, Kawala, Kwale, Maandani, Jibana, Tsagwa, Mwandaza, Mwanzai, Pangani, Kikomani, Mitangoni, Kafuloni, Kisiwani (Mwahera), Vitengeni, Dulukiza (Shangweni), Bomani, Muryachakwe, Gotani, Mwabaya-Nyundo, Migumomiri, Hademu, Viragoni, Sokoke, Rare, Dida, Garashi, Madunguni, Marafa, Waresa, Kabiboni, Adu, Sabaki, Magarini, Pumواني, Maziwani, Bakacha, Baricho, Jilore, Kakoneni, Dagamra.

**PLACES SPECIFIED, UNDER RULE 18 OF THE ABOVE RULES**

[Cap. 205 (1948), Sub. Leg., G.N. 558/1950, G.N. 972/1951, L.N. 417/1956, L.N.255/1957, L.N. 61/1958, L.N. 204/1958, L.N. 226/1961, L.N. 499/1961, L.N. 110/1964.]

The places specified in the second column of the Schedule hereunder, which are near the boundary of and within the districts specified in the first column of that Schedule, and the places specified in the third column of that Schedule, which are near the boundary of but outside those districts, are specified as the places at which an inspector may exercise the powers conferred on him by rule 18 of the Crop Production and Livestock (African Produce) Rules.

SCHEDULE

SCHEDULE

Kwale .....	Ng'ombeni, Lunga-Lunga, Mwavumbo.
Kilifi .....	Gotani, Mariakani, Rabai, Kaloleni, Munyizeni.





**FEES PRESCRIBED UNDER RULE 4(2)(A) OF THE ABOVE RULES**

[G.N. 724/1951.]

**RULES UNDER SECTION 4**

The fees specified in the second column hereunder are prescribed as the fees for licences under rule 4(1) of the Crop Production and Livestock (Coast Province Marketing) Rules for the areas respectively specified in the first column hereunder.

<i>Area in which licence granted</i>	<i>Fee Sh.</i>
Kilifi District .....	2
Kwale District .....	2
Mombasa District .....	2
Taita District .....	2

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**CROP PRODUCTION AND LIVESTOCK (CATTLE) RULES**

[Cap. 205 (1948), Sub. Leg., L.N. 50/1959.]

1. These Rules may be cited as the Crop Production and Livestock (Cattle) Rules, and shall apply to the areas set out in the first column of the First Schedule to these Rules, which areas are hereinafter referred to as controlled areas.

2. For the purposes of these Rules—

“**cattle**” means bulls, cows, oxen, heifers and calves over one year old;

“**inspector**” means any officer of the Administrative, Agricultural or Veterinary Departments or any African veterinary scout, agricultural instructor or African District Council inspector.

(1) No person shall depasture cattle in a controlled area until he has obtained a permit from the District Commissioner of the district in which such controlled area is situate and has branded any such cattle to the satisfaction of such District Commissioner with the letter set out opposite such area in the second column of the First Schedule to these Rules.

(2) Any such permit may specify the number of each class of cattle, and the maximum numbers of bulls and adult male castrated cattle, the depasturing of which is authorized.

(1) The number of cattle which may be depastured in any controlled area at any one time shall not exceed the number set out opposite such area in the third column of the First Schedule to these Rules.

(2) Where the District Commissioner of a district in which a controlled area is situate is satisfied that the provisions of paragraph (1) of this rule are being contravened, he may order any owner of cattle to remove such number of cattle as may be necessary to reduce the number to the maximum number permitted by the First Schedule to these Rules or to a lesser number, but such cattle ordered to be removed under this rule shall not be removed to any other controlled area except under the authority of a permit granted by such District Commissioner.

(3) Where the District Commissioner of a district in which a controlled area is situate is satisfied that more cattle, sheep or goats are being depastured on any part of the controlled area than such part is capable of supporting, or that any such part requires to be evacuated in order to improve or to promote the growth of the pasture, he may order any person grazing any cattle, sheep or goats to remove them to any other part of such area.

(4) Notwithstanding the provisions of paragraphs (2) and (3) of this rule, where any cattle are found in a controlled area in contravention of paragraph (1) of this rule and the owner thereof cannot be found, such cattle shall be deemed to be surplus and undesirable cattle, and may be impounded by the District Commissioner of the district in which the controlled area is situate; and any cattle so impounded may, if not claimed by the owner thereof within twenty-eight days after the date upon which they were impounded, be disposed of in such manner as the Minister may direct.

5. The District Commissioner shall keep for each controlled area a register in which shall be entered the names of the owners of cattle and the number of cattle permitted to be kept by each owner in the controlled area.

6. No goats shall be depastured in any of the areas set out in the Second Schedule to these Rules except with the permission of the District Commissioner.

*Crop Production and Livestock Act*

[Subsidiary]

7. It shall be unlawful for any person to keep—

- (a) any bull which in the opinion of an inspector is over fifteen months old, unless such bull has been approved for breeding purposes by such inspector and branded in that behalf in a manner to be determined by the Director of Veterinary Services:

Provided that approval of a bull for breeding purposes may be withdrawn at any time by an inspector for reasons which to him seem sufficient, and thereupon the approved brand in that behalf shall be cancelled in such manner as shall be determined by the Director of Veterinary Services;

- (b) any ox which in the opinion of an inspector is over five years old, unless such ox is required and is used for draught purposes, or is required for the purpose of bleeding for food;
- (c) any cow which in the opinion of an inspector has not produced a live calf within three years of inspection;
- (d) any cow which for any reason is considered by an inspector to be suffering from any incurable disease or injury.

8. The District Commissioner of a district in which a controlled area is situate may, on the advice of the Director of Veterinary Services, order all cattle owners within such controlled area to present their cattle for immunization against rinderpest and to pay fees for such immunization in advance.

9. Any person who fails to comply with any order issued under these Rules shall be deemed to have contravened these Rules.

10. Any cattle which have been confiscated in consequence of a conviction for a contravention of these Rules shall be disposed of in such manner as the Minister may from time to time direct, and if sold the proceeds, less any fees incurred in the sale thereof, shall be paid to the person so convicted.

## FIRST SCHEDULE

[Rules 3 and 4.]

<i>Area</i>	<i>Brand</i>	<i>Number of Cattle</i>
1. The following locations of the Machakos District:—		
Iveti .....	A	9,000
Muputi .....	B	2,000
Kangundu .....	C	5,000
Masti .....	D	5,000
Mwala .....	E	10,000
Matangulu .....	F	5,000
Kiteta .....	G	5,000
Kisao .....	H	5,000
Kibauni .....	J	7,000
Kaumoni .....	K	7,000
Nzawi .....	L	10,000
Mbitini .....	M	7,000

FIRST SCHEDULE—continued

Area	Brand	Number of Cattle
Mukaa .....	N	7,000
Kilungu .....	P	5,000
Mbooni .....	T	5,000
Kalama .....	W	4,000
<p>2. The area the boundaries whereof, commencing at the intersection of the Athi River with the south-eastern boundary of L.R. No. 2304 and following that river downstream to a stone beacon on its left bank situated approximately 2,500 yards in a straight line up-stream from the influence of the Chaiwangu River with the Athi River;</p> <p>run thence by a cut and beacons line bearing approximately 52° to a stone beacon on the right bank of the Mwito Siana River;</p> <p>thence by that river up-stream to a beacon at its source;</p> <p>thence by a cut and beacons line bearing 356° 40' 07" for a distance of 16,223 feet to a beacon;</p> <p>thence by a cut and beacons line bearing 266° 40' 51" for a distance of 250 feet to a beacon;</p> <p>thence by a cut and beacons line bearing 278° 03' 23" for a distance of 25,311 feet to a beacon at the south-western corner of L.R. No. 7048;</p> <p>thence by a line bearing 326° 33' 56" for a distance of 3,772 feet to a beacon on the south-western boundary of the last portion;</p> <p>thence by a line bearing approximately 272° 48' for a distance of 391 feet to the north-eastern corner of L.R. No. 2295;</p> <p>thence by the eastern boundary of the last portion and the south-eastern boundaries of L.R. Nos. 2296, 2301 and 2304 to the point of commencement;</p> <p>and the area the boundaries whereof, commencing at the stone beacon at the southern corner of Area A and following the Athi River down stream to its intersection with the northern boundary of the old Machakos Cableway road;</p> <p>run thence generally north-easterly by the northern boundary of that road to the Mwito Siana;</p> <p>thence by that river up-stream to the stone beacon forming the south-eastern corner of Area A;</p> <p>thence by the south-eastern boundary of that area to the point of commencement .....</p>	Y	10,000

[Subsidiary]

## SECOND SCHEDULE

[Rule 6.]

The area the boundaries whereof, commencing at the intersection of the Athi River with the south-eastern boundary of L.R. No. 2304 and following that river downstream to a stone beacon on its left bank situated approximately 2,500 yards in a straight line up-stream from the influence of the Chaiwangu River with the Athi River;

run thence by a cut and beacons line bearing approximately 52° to a stone beacon on the right bank of the Mwito Siana River;

thence by that river up-stream to a beacon at its source;

thence by a cut and beacons line bearing 356° 40' 07" for a distance of 16,223 feet to a beacon;

thence by a cut and beacons line bearing 266° 40' 51" for a distance of 250 feet to a beacon;

thence by a cut and beacons line bearing 278° 03' 23" for a distance of 25,311 feet to a beacon at the south-western corner of L.R. No. 7048;

thence by a line bearing 326° 33' 56" for a distance of 3,772 feet to a beacon on the south-western boundary of the last portion;

thence by a line bearing approximately 272° 48' for a distance of 391 feet to the north-eastern corner of L.R. No. 2295;

thence by the eastern boundary of the last portion and the south-eastern boundaries of L.R. Nos. 2296, 2301 and 2304 to the point of commencement;

and the area the boundaries whereof, commencing at the stone beacon at the southern corner of Area A and following the Athi River downstream to its intersection with the northern boundary of the old Machakos Cableway road;

run thence generally north-easterly by the northern boundary of that road to the Mwito Siana;

thence by that river up-stream to the stone beacon forming the south-eastern corner of Area A;

thence by the south-eastern boundary of that area to the point of commencement.

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**CROP PRODUCTION AND LIVESTOCK  
(CATTLE) (ARTIFICIAL INSEMINATION) RULES**

[L.N.380/1956.]

1. These Rules may be cited as the crop production and Livestock (Cattle) (Artificial insemination) Rules.

2. In these Rules, except where the context otherwise requires—

“**artificial insemination centre**” means any premises used for the purpose of providing a service for the artificial insemination of cows with semen collected from bulls;

“**cow**” includes heifer;

“**Director**” means the Director of Veterinary Services.

(1) No person shall distribute or sell bull semen except under the authority of a license issued by the Director and in accordance with such conditions, if any, as may be attached thereto.

(2) Nothing in these Rules shall be deemed to prohibit or restrict the artificial insemination of a cow in the same ownership as the bull from which the semen is collected.

(3) Any person who distributes or sells bull semen without having first obtained a license so to do or who distributes or sells bull semen in breach of any condition attached to his license shall be guilty of an offence.

4. A licence authorizing the distribution of bull semen from an artificial insemination centre shall be subject to the following conditions and to such other conditions, if any, as may be specified in the licence—

- (a) all the operations conducted from the centre shall be under the effective supervision and control of a veterinary surgeon approved by the Director for the purpose;
- (b) no person shall be employed in the collection or storage of semen or in the performance of the operation of artificial insemination unless approved by the Director for the purpose;
- (c) the premises on which the semen is collected or stored, and the equipment used for and the methods employed in the collection and storage of semen, shall be approved by the Director;
- (d) no semen shall be collected from a bull unless the bull has been approved for the time being by the Director for that purpose;
- (e) the licensee shall keep a record showing in respect of each bull approved by the Director, the date and place of each artificial insemination of a cow and the name and address of the owner of the cow; and such records shall be open to inspection at all reasonable times by any officer of the Veterinary Department.

5. The Director may at his discretion grant a licence authorizing the distribution or sale of bull semen other than from an artificial insemination centre for any purpose approved by him, subject to such conditions, if any, as may be specified in the licence.





**CROP PRODUCTION AND LIVESTOCK  
(CATTLE) (ARTIFICIAL INSEMINATION) RULES**

[L.N.380/1956, L.N. 119/2007.]

1. These Rules may be cited as the crop production and Livestock (Cattle) (Artificial insemination) Rules.
2. In these Rules, except where the context otherwise requires—
  - “**artificial insemination centre**” means any premises used for the purpose of providing a service for the artificial insemination of cows with semen collected from bulls;
  - “**cow**” includes heifer;
  - “**Director**” means the Director of Veterinary Services.
3. *Repealed by L.N. 119/2007.*
4. A licence authorizing the distribution of bull semen from an artificial insemination centre shall be subject to the following conditions and to such other conditions, if any, as may be specified in the licence—
  - (a) all the operations conducted from the centre shall be under the effective supervision and control of a veterinary surgeon approved by the Director for the purpose;
  - (b) no person shall be employed in the collection or storage of semen or in the performance of the operation of artificial insemination unless approved by the Director for the purpose;
  - (c) the premises on which the semen is collected or stored, and the equipment used for and the methods employed in the collection and storage of semen , shall be approved by the Director;
  - (d) no semen shall be collected from a bull unless the bull has been approved for the time being by the Director for that purpose;
  - (e) the licensee shall keep a record showing in respect of each bull approved by the Director, the date and place of each artificial insemination of a cow and the name and address of the owner of the cow; and such records shall be open to inspection at all reasonable times by any officer of the Veterinary Department.
5. The Director may at his discretion grant a licence authorizing the distribution or sale of bull semen other than from an artificial insemination centre for any purpose approved by him, subject to such conditions, if any, as may be specified in the licence.



**CROP PRODUCTION AND LIVESTOCK (CATTLE)  
(KITUI TEMPORARY SPECIAL RESERVE) RULES**

[Cap. 205 (1948), Sub. Leg.]

1. These Rules may be cited as the Crop Production and Livestock (Cattle) (Kitui Temporary Special Reserve) Rules.

(1) Any person who depastures cattle within the Kitui Temporary Special Reserve, as defined in the Fifth Schedule to the Government Lands Act (Cap. 280), shall pay grazing fees at the rate of ten cents per month for each head of cattle.

(2) Such fees shall be credited to the Kitui County Council.

(3) For the purposes of paragraph (1) of this rule, “**cattle**” means bulls, cows, oxen, heifers and calves over one year old.

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**CROP PRODUCTION AND LIVESTOCK (CULLING OF CATTLE) RULES**

[Cap. 205 (1948), Sub. Leg., L.N. 50/1959.]

1. These Rules may be cited as the Crop Production and Livestock (Culling of Cattle) Rules, and shall apply to the area set out in the Schedule to these Rules.

2. For the purposes of these Rules—

“**cattle**” means bulls, cows, oxen, heifers and calves;

“**inspector**” means any administrative officer or any officer of the Agricultural Department or Veterinary Department;

“**stock**” means cattle, sheep and goats;

“**surplus cattle**” means—

- (a) any bull which, in the opinion of an inspector, is over fifteen months old and which is unsuitable for breeding purposes;
- (b) any ox which, in the opinion of an inspector, is over five years old, and which is not required and actually used for draught purposes;
- (c) any cow which, in the opinion of an inspector, has not produced a live calf within three years before the date of inspection;

“**undesirable cattle**” means cattle which, in the opinion of an inspector, are suffering from any incurable defect or injury.

3. An inspector may order the owner of any stock to produce for inspection all or any of such stock before him at such time and at such place as the inspector may appoint.

(1) Where any stock so produced for inspection under rule 3 of these Rules are surplus cattle, they shall be branded, or caused to be branded, by an inspector with the letters “C.L.”.

(2) Any surplus cattle branded under paragraph (1) of this rule shall be treated or disposed of in such manner and within such time as the Minister may direct.

5. The Minister may direct that all undesirable cattle shall be destroyed or disposed of, and in the event of any such cattle being destroyed, the hide or carcass thereof shall be given to the owner thereof, or, in the event of its being disposed of, the proceeds, less the cost of disposing of such cattle, shall be paid to the owner thereof:

Provided that—

- (i) if the owner of any undesirable cattle so destroyed cannot with due care and diligence be found when such cattle are destroyed, the hide or carcass shall be disposed of in such manner as the Minister may from time to time direct, and, if sold, the proceeds, less the cost of disposing of such cattle, shall, after the expiration of one month from the date of such sale and if no claim thereto is made by the owner within that period, be paid to the County Council fund concerned;
- (ii) if the owner of any undesirable cattle so disposed of cannot with due care and diligence be found within a period of one month after the date of such disposal, the proceeds, less the cost of disposing of such cattle, shall, if no claim thereto is made by the owner within that period, be paid to the County Council fund concerned.

*Crop Production and Livestock Act*

[Subsidiary]

(1) Any—

- (a) surplus cattle which have been branded under paragraph (1) of rule 4 of these Rules and which have not been disposed of within the time specified under paragraph (2) of that rule; or
- (b) cattle, other than undesirable cattle, which have not been produced for inspection before an inspector in accordance with an order given under rule 3 of these Rules; or
- (c) surplus cattle the owner of which cannot with reasonable care and diligence be found,

may be impounded by the District Commissioner and may be disposed of in such manner as the Minister may direct.

(2) Any moneys received from the disposal of any such cattle shall, after deducting therefrom the cost of disposing of such cattle, be paid to the owner of such cattle:

Provided that, if the owner of any such cattle cannot with due care and diligence be found within a period of one month after the date of such impounding, any moneys so received shall be paid to the County Council Fund concerned.

7. Any person who fails to comply with any order issued under these Rules shall be deemed to have committed a breach of these Rules.

8. Where any person has been convicted of a breach of these Rules and the court orders any stock in respect of which the breach has been committed to be confiscated, such stock shall be disposed of by sale in such manner as the Minister may from time to time direct, and the proceeds, less 5 per centum, shall be paid to the person so convicted.

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SCHEDULE

[Rule 1.]

That area of the Northern Frontier District known as Samburu, the boundaries whereof, commencing at Sugota Marmar and proceeding east by a line of stone cairns to Bergoi Beacon 5948;

run thence easterly to Bergoi Beacon;

thence south-easterly to Kirimon;

thence down the Kirimon River to its junction with Uaso Nyiro;

thence following the north bank of that river to Gotu;

thence north-easterly to Kome;

thence north-westerly to Merille;

thence westerly to Odermuru,

thence north-westerly via Irrerr and Ngornet to Ilaut;

thence north-westerly to S. Horr;

thence north-westerly to Porow (Sirima);

thence westerly to the shore of Lake Rudolf;

thence southerly along the south-east shore of Lake Rudolf to its intersection with the Turkana District boundary;

thence following that boundary southerly to the intersection of that boundary with the River Amaya;

thence by that river up-stream to a point due west of Sugota Marmar;  
thence by a line of cairns due east to the point of commencement at Sugota Marmar.

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**CROP PRODUCTION AND LIVESTOCK (COPRA) RULES**

[Cap. 205 (1948), Sub. Leg., L.N. 644/1961.]

1. These Rules may be cited as the Crop Production and Livestock (Copra) Rules, and shall apply to the districts specified in the Schedule to these Rules.
2. In these Rules, except where the context otherwise requires—
  - “**copra**” means the dried kernel of the fruit of the coconut palm (*Cocos nucifera*);
  - “**inspector**” means any administrative officer, officer of the Agricultural Department, Liwali or Mudir;
  - “**sun-dried copra**” means copra dried by exposure to the sun.
3. Copra shall come under the operation of the Act.
4. All sun-dried copra in course of preparation shall be dried on a wooden or metal bench, raised at least one foot off the ground.
5. All copra in course of preparation shall be protected fully from rain and dew by a roof or by matting, makuti or leaves during periods of rain and between the hours of sunset and sunrise.
6. Any inspector may enter any building in which he has reason to believe copra is being prepared, and any inspector may enter upon any land on which he has reason to believe copra is being prepared, for the purpose of examining any copra and ascertaining whether or not the provisions of these Rules are being complied with.

SCHEDULE

[Rule 1.]

Kilifi District.

Mombasa District.

Kwale District.

Tana River District.



**CROP PRODUCTION AND LIVESTOCK  
(LIVESTOCK AND CONTROLLED AREAS) RULES**

[L.N. 199/1958, L.N. 339/1958, L.N. 435/1958, L.N. 136/1959, L.N. 390/1959, L.N. 555/1959,  
L.N. 362/1961, L.N. 224/1963, L.N. 541/1963.]

PART I – PRELIMINARY

1. These Rules may be cited as the Crop Production and Livestock (Livestock and Controlled Areas) Rules and shall apply to the areas specified in the Schedule for these Rules.

2. In these Rules, except where the context otherwise requires—

“**authorized sale**” means any sale authorized by the committee for the disposal of livestock;

“**cattle**” means bulls, cows, oxen and heifers, and calves over weaning age;

“**committee**” means the committee appointed by the Minister under rule 3 of these Rules;

“**controlled area**” means any area declared under rule 8 of these Rules to be a controlled area;

“**control officer**” means any tribal police officer, border guard, grazing guard or veterinary scout, or any agricultural instructor employed by the Government or by the County Council having jurisdiction over any area to which these Rules have been applied;

“**inspector**” means an administrative officer or any other officer of the Agricultural Department or Veterinary Department, or any field officer of the Board of Agriculture (Non-scheduled Areas), or any person whom the District Commissioner may authorize to exercise and perform the powers and duties of an inspector under these Rules;

“**livestock**” means cattle and camels, sheep, goats, horses, mules, donkeys, swine, and the weaned young thereof.

PART II – APPOINTMENT OF COMMITTEE

(1) The Minister shall, by notice in the Gazette, appoint a committee for each area to which these Rules apply.

(2) The committee shall consist of not more than seven members as follows—

- (a) the District Commissioner or a person appointed by the Minister after consultation with the District Commissioner, who shall be chairman;
- (b) not more than two members appointed after consultation with the County Council having jurisdiction in the area:

Provided that if there is no such County Council two members may be appointed who appear to the Minister to represent the interests of the local inhabitants of the area;

- (c) not more than two members appointed after consultation with the District Agricultural Committee having jurisdiction in the area;
- (d) not more than two other members

(3) At any meeting of the Committee, four members, of whom one shall be the District Commissioner or his representative and one shall be a member appointed under subparagraph (a) or subparagraph (c) of paragraph (2) of this rule, shall constitute a quorum.

[L.N. 555/1959.]

[Subsidiary]

## PART III – BRANDING AND CULLING

(1) Every person owning livestock in an area to which these Rules apply shall, for the purpose of census, examination or registration, produce all his livestock before an inspector or control officer on such date and at such time and place as the inspector or control officer may direct.

(2) Any person who contravenes any of the provisions of any direction given to him by an inspector or control officer under paragraph (1) of this rule shall be guilty of an offence.

(1) All livestock produced before an inspector or control officer under rule 4 of these Rules may be branded by any person authorized by the Director of Veterinary Services with a brand or brands, including a cull brand registered under section 19 of the Branding of Stock Act (Cap. 357):

Provided that a cull brand shall not be used in any area to which these Rules apply for that area unless the committee has directed that such a brand shall be used in the area.

(2) Subject to the proviso to paragraph (1) of this rule, a cull brand shall be imprinted on the following livestock—

- (a) any uncastrated male livestock which, in the opinion of the inspector or control officer before whom it is produced, is over weaning age:

Provided that no livestock shall be branded with a cull brand under this subparagraph if—

- (i) it is approved by a veterinary or livestock officer for breeding purposes; or  
(ii) it is due to be castrated in accordance with an order of the inspector or control officer before whom it is produced;
- (b) any ox which in the opinion of the inspector or control officer before whom it is produced is over six years of age:

Provided that no ox shall be branded with a cull brand under this subparagraph if it is required and used for draught purposes;

- (c) any castrated male livestock which in the opinion of the inspector or control officer before whom it is produced is unsuitable for retention by reason of age or disease;
- (d) any female livestock which in the opinion of a veterinary or livestock officer is a potentially poor breeder.

(1) The owner of any livestock which is branded with a cull brand under rule 5 of these Rules shall dispose of such livestock by slaughter or at an authorized sale, or remove such livestock or cause such livestock to be removed from the area to which these Rules apply within one month of such livestock being branded or within such longer period as an inspector may in his discretion allow:

Provided that the committee may extend the period beyond one month if the movement of livestock is stopped by quarantine imposed under the Animal Diseases Act (Cap. 364).

(2) The owner of any livestock branded as aforesaid who, in contravention of paragraph (1) of this rule, fails to dispose of such livestock or fails to remove such livestock or cause such livestock to be removed as aforesaid shall be guilty of an offence.

(3) The presence of any livestock branded under these Rules with a cull brand and within any area to which these Rules apply at any time after a period of one month, or after such longer period as an inspector may have allowed under paragraph (1) of this rule

in respect thereof, has elapsed since the branding thereof shall be unlawful; and any person who owns, or is found in possession of, any livestock which is under this paragraph unlawfully present within such an area shall be guilty of an offence.

(1) The committee for an area to which these Rules apply may require any owner of livestock in that area to dispose of a specified number of his livestock within a specified time by slaughter or at an authorized sale or by removal from the aforesaid area, notwithstanding that such livestock have not been branded with a cull brand under these Rules.

(2) In determining the number of livestock to be disposed of under any requirement made under paragraph (1) of this rule, due regard shall be had to the number of livestock owned by the person required to dispose of such livestock and to the grazing available for livestock in the aforesaid area.

(3) Any person who fails to comply with a requirement of the committee under paragraph (1) of this rule shall be guilty of an offence.

#### PART IV – CONTROLLED AREAS

(1) Subject to the provisions of paragraph (2) of this rule, the committee for an area to which these Rules apply may from time to time declare the area or any part thereof to be a controlled area.

(2) Before declaring any area or part of an area to be a controlled area, the committee shall give, by such means as the Provincial Commissioner may direct, at least one month's notice to the inhabitants of the area or part of its intention to declare it to be a controlled area, and if any substantial number of the inhabitants object to its being declared a controlled area their objection shall be referred to the Provincial Commissioner for his decision thereon.

(1) No person shall depasture livestock in any controlled area except under and in accordance with, and with the terms and conditions of a valid permit issued by the committee so to do.

(2) Any person who contravenes any of the provisions of this rule shall be guilty of an offence.

(1) The committee may, in any permit issued under rule 9 of these Rules, specify the numbers and types of livestock which may be depastured by the permit holder in the controlled area to which the permit relates, the period of the validity of the permit and such other terms and conditions, in respect of grazing or otherwise, as to it seem fit.

(2) The Minister, on the recommendation of the committee, may impose fees to be paid in respect of each head of livestock specified such permit, and shall publish such fees by notice in the *Gazette*.

(3) Any person who applies for such permit shall pay such fees as have been imposed under paragraph (2) of this rule as a condition precedent to the issue of such permit:

Provided that the committee may, in its discretion in any particular case, waive, reduce or refund, in whole or in part, any such fee, but so however that no refund shall be made in respect of any permit revoked or varied under paragraph (4) of this rule for failure to comply with any of the terms or conditions of such permit.

(4) The committee may at any time, for good and sufficient reason, revoke or vary any permit issued under rule 9 of these Rules.

**11.** The committee shall keep for each controlled area a register in which shall be entered the name of every person to whom a permit has been issued to depasture livestock in that controlled area and the numbers and types of livestock permitted to be depastured in that controlled area under such permit.

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[Subsidiary]

**12.** Any livestock found in any controlled area shall be deemed, until the contrary is proved, to be in such controlled area with the consent of the owner.

(1) No person shall cultivate any land in a controlled area except under and in accordance with, and with the terms and conditions of, permit issued by the committee so to do.

(2) Any person who contravenes any of the provisions of paragraph (1) of this rule shall be guilty of an offence.

(3) The committee may, in any permit issued under this rule, specify the type or types of crops which may be cultivated by the permit holder in the controlled area to which the permit relates, the area which may be cultivated and such other terms and conditions as to it seem fit.

(4) The committee may at any time, for good and sufficient reason, revoke or vary any permit issued under this rule.

#### PART V – GENERAL

(1) The committee may, on the advice of an officer of the Veterinary Department, require all cattle owners, within any area to which these Rules apply, to produce all their cattle, on such dates and at such times and places as may be specified by the committee, for immunization against or treatment for rinderpest or any other disease, and may further require such cattle owners to pay for such immunization or treatment.

(2) Any person who, being a cattle owner, fails to produce all his cattle as aforesaid on being required by the committee so to do shall be guilty of an offence.

(1) It shall be lawful for an inspector or control officer to seize and impound any livestock in respect of which he has reasonable grounds for believing that an offence against these Rules has been committed.

(2) Any livestock seized and impounded under paragraph (1) of this rule may, unless claimed by the owner thereof within fourteen days after such seizure, be sold at an authorized sale and the proceeds of such sale less any pound fees and fees incurred in the sale thereof, shall be paid to the owner.

(3) The owner of any livestock impounded under this rule shall pay a pound fee in respect thereof, at the current local rate:

Provided that the committee may in its discretion in any particular case waive, reduce or refund, in whole or in part, any such pound fee.

**16.** Any livestock which has been confiscated in consequence of a conviction for a breach of these Rules shall be disposed of in such a manner as the Court may direct; and, if sold, the proceeds, less any fees or expenses incurred in respect of the sale thereof, shall be paid to the person so convicted.

[L.N. 390/1959.]

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## SCHEDULE

[1, L.N. 339/1958, L.N. 435/1958, L.N. 136/1959, L.N. 362/1961, L.N. 224/1963, L.N. 541/1963.]

1. The Baringo District.
2. The West Pokot District.
3. That part of the Northern Frontier District which is administered by the District Commissioner at Maralal.
4. That part of the Nanyuki District which comprises the Mukogodo Forest Reserve and the Mukogodo Special Reserve.
5. The Taita District.
6. That part of the Nakuru District which comprises the portion of the Lembus Forest Reserve lying north of Sclaters Road.
7. The Forest Reserves and Special Reserves referred to above are the Forest Reserves established under section 4 of the Forests Act (Cap. 385) and the Special Reserves defined in the Fourth Schedule to the Government Lands Act (Cap. 280), respectively.
8. That part of the Northern Frontier District the boundaries whereof, commencing at the Koiya wells thence north-westerly in a straight line to the Sirirua wells;
  - run thence by the Merille Lugga up-stream to its junction with the Nabachakutuk Lugga;
  - thence by the Nabachakutuk Lugga up-stream to its junction with the Ambara Lugga;
  - thence north-westerly in a straight line along the Ambara Lugga to Ilamoton;
  - thence by a straight line north-westwards to the summit of Lonyeri Pesho;
  - thence by a straight line north-westwards to the Kisiriit Hill;
  - thence by a straight line north-westwards to the Maramoro Hill;
  - thence by a straight line north-westwards to Ellaut;
  - thence by the Laisamis-South Horr motor road north-westwards to the junction of that road with the Baragoi-South Horr motor road;
  - thence by the Baragoi-South Horr motor road northwards to the Ndigirr Nanyuki wells (Horr No. 1);
  - thence by a straight line northwards to the Andere wells;
  - thence by a straight line north-north-westwards to the Lonjerin wells;
  - thence by a straight line north-north-westwards to the Sirima Pool;
  - thence westwards by the Sirima watercourse to the shore of Lake Turkana;
  - thence generally southerly by the shore of that lake to a point on its southern shore due north of the summit of Teleki's Volcano;
  - thence due north to low water mark on the southernmost point of South Island;
  - thence generally northerly by the low water mark on the western shore of that Island to its northernmost point;
  - thence by a straight line north-westerly to low water mark on the southernmost point of Central Island;



[Subsidiary]

thence by the low water mark on the eastern shore of that Island to its northernmost point;  
thence by a straight line due north to low water mark on the southernmost point of North Island;  
thence by the low water mark on its eastern shore to the northernmost point of that island;  
thence due north to the Kenya-Ethiopia boundary;  
thence by that boundary easterly and south-easterly to the summit of Forole;  
thence to the commencement of the Lug Warabesa;  
thence by the thalweg of the Lug Warabesa to the nearest point to Korondere Hill;  
thence south-easterly in a straight line to the summit of Demo Dera Hill;  
thence southerly to Arba Jahan;  
thence south-westerly to Maddo Dedertu;  
thence south-westerly to the hill Barkuronyu adjacent to Barchuma Guda;  
thence to the Sebbei rock;  
thence northerly to the point of commencement.

**9.** The area known as B2 Yatta in the Kitui District which is more particularly defined as follows—

Commencing at the Trigonometrical Beacon Thatha; thence by a straight line on a true bearing of  $266^{\circ} 40' 51''$  for a distance of 52,516.5 feet to a beacon;

thence by a straight line on a true bearing of  $176^{\circ} 40' 07''$  for a distance of 16,223 feet to its intersection with the headwater of the Mwita Chana (Siano) River;

thence downstream by that river to its intersection with the northern boundary of the old Machakos-Kitui track;

thence north-easterly by that northern boundary to its intersection with the Tiva River;

thence by that river up-stream for a distance of about  $4\frac{1}{2}$  miles;

thence by a straight line to a cairn on its right bank;

thence generally north-westerly by a line defined by a series of cairns to the Trigonometrical Beacons Thatha and Ndalai;

thence north-westerly by that straight line to the point of commencement.

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**FEES IMPOSED UNDER RULE 10(2) OF THE CROP PRODUCTION  
AND LIVESTOCK (LIVESTOCK AND CONTROLLED AREAS) RULES**

[L.N. 94/1964.]

A fee of 50 cents per month to be paid for every head of cattle depastured, under a permit issued under rule 9 of the Rules, in the following controlled area—

An area the boundaries whereof, commencing at the summit of the Orondele Hill, westwards in a straight line to the point where that line meets the Segel Lugga;

thence south-westerly by a straight line to the summit of Kakuma Hill;

thence south-south-westerly in a straight line to the summit of Utup Hill;

thence eastwards in a straight line to the summit of Ret Hill;

thence south-easterly in a straight line to the summit of Gudas Hill;

thence north-easterly in a straight line to Matalamma;

thence north-easterly in a straight line to the Jaldessa Lugga;

thence north-westerly to the point of commencement.

But excluding the Marsabit Forest Reserve, the boundaries of which, commencing at the Trigonometrical Beacon "Marsabit H" (Mt.H), run thence north-easterly along a straight line between that beacon and the Trigonometrical Beacon Mt.I to its intersection with the south-western boundary of Marsabit Township,

thence south-easterly by that boundary to the south-western Corner of the township;

thence northerly by part of the eastern boundary of the township to its intersection with the southern edge of the Lug Jaldessa road;

thence easterly by that road to its intersection with the straight line between the Trigonometrical Beacons Mt.I and Mt.D;

thence southerly by that straight line to the latter beacon;

thence west-north-westerly by a straight line to the Trigonometrical beacon Mt.C;

thence north-westerly by a straight line to the Trigonometrical Beacon Mt.E;

thence north-easterly by a straight line to the Trigonometrical

Beacon Mt.G;

thence south-easterly by a straight line to the point of commencement;

and the Marsabit Township, which is defined as that area;

Commencing at a beacon on the summit of the hill known as Governor's Camp Spur;

thence bounded by a straight line north-easterly for about one mile and a quarter to a beacon on the summit of Rageh Hill;

thence easterly by a straight line for about one mile and three-quarters to a beacon on the summit of Moyale Road Hill;

thence southerly for about two miles and a half by a straight line through a big tree (marked by a wall of stones round its base) to a watercourse;

thence north-westerly by that watercourse upstream for about two miles and three-quarters to a cairn;

thence northwesterly by a straight line to the point of commencement.



**CROP PRODUCTION AND LIVESTOCK  
(POTATOES INSPECTION) RULES**

[Cap. 205 (1948), Sub. Leg.]

1. These Rules may be cited as the Crop Production and Livestock (Potatoes Inspection) Rules, and shall apply to potatoes grown by Africans outside the special areas.

2. In these Rules, except where the context otherwise requires—

“**inspector**” means any administrative officer, agricultural officer or police officer, or any African agricultural inspector;

“**mouldy**” means bearing a visible fungus growth;

“**potatoes**” means the tubers of the plant *Solanum tuberosum*;

“**trader**” means any person who buys potatoes for the purpose of resale;

“**wet**” means visibly wet, or wet to the touch, on the outer surface.

(1) No potatoes grown by Africans shall be removed from the area set out in the First Schedule to these Rules unless and until they have been inspected at one of the places set out in the Second Schedule to these Rules, and unless the transporter is in possession of a certificate issued in respect of such potatoes under paragraph (2) of this rule.

(2) An inspector shall, if he does not reject the potatoes under rule 4 of these Rules, give the person tendering the potatoes for inspection a certificate to the effect that such potatoes have been inspected and approved by him for sale.

(3) A fee of three cents per bag of potatoes of 180 lb., or less, in weight shall be paid by a trader in respect of each bag of potatoes purchased by him after inspection under these Rules:

Provided that no person shall be required to pay an inspection fee on any such bag of potatoes on which an inspection fee has already been paid.

(1) An inspector may, after inspection, reject potatoes which are wet, unripe or mouldy, or potatoes containing earth or other adulterating substances in excess of 2 per cent by weight or containing defective tubers in excess of 5 per cent by weight, but the owner shall be given the opportunity of sorting the parcel offered and re-submitting it for inspection.

(2) An inspector may, at the request of the owner of rejected potatoes, give him a certificate stating that the rejected potatoes are fit for animal food.

(3) Any person selling potatoes, in respect of which such a certificate has been given, for any purpose other than for animal food shall be guilty of an offence.

5. No potatoes shall be purchased by a trader from an African except between the hours of 6 a.m. and 6 p.m.

6. Every trader purchasing potatoes from an African shall display, in a prominent position outside the door of his shop, store or stall, the price which he is offering for the purchase of such potatoes and shall not lower such price during the course of the day.

7. Every trader purchasing potatoes inspected under these Rules shall—

- (a) keep books of account, in which English numerals shall be used, showing all purchases and consignments of potatoes, and such books shall be open for inspection by an inspector, other than an African agricultural inspector;

*Crop Production and Livestock Act*

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[Subsidiary]

- (b) submit at the end of each month a return of all potatoes purchased by him in an area to which these Rules apply and of all potatoes removed by him from any such area, and, in the case of removal by rail, a copy of the railway waybills, to the District Commissioner in charge of such area; and
- (c) at the time of submitting the returns under paragraph (b) of this rule, pay to the District Commissioner the fee prescribed by paragraph (3) of rule 3 of these Rules.

## FIRST SCHEDULE

[Rule 3.]

Nakuru District, excepting Thomson's Falls Township.

Kijabe Township and the area within a radius of five miles thereof.

## SECOND SCHEDULE

[Rule 3.]

Nakuru, Elburgon, Njoro, Rongai, Turi, Molo, Kijabe and Railway Siding 469/2 East African Railways and Harbours.  

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**CROP PRODUCTION AND LIVESTOCK (SISAL) RULES**

[G.N. 533/1950, G.N. 1116/1950.]

1. These Rules may be cited as the Crop Production and Livestock (Sisal) Rules.
2. In these Rules, except where the context otherwise requires—
  - “**Board**” means the Sisal Board established under section 3 of the Sisal Industry Act (Cap. 341);
  - “**Director**” means the Director of Agriculture and, in respect of rules 4, 9 and 10 of these Rules, any officer of the Department of Agriculture duly authorized in writing by the Director in that behalf;
  - “**export**” means export from one administrative district to another or to a place outside Kenya;
  - “**reserved areas**” means the special areas, together with the special reserves, the temporary special reserves, the special leasehold areas and the special settlement areas, as defined in the Trust Land Act (Cap. 288);
  - “**sisal**” means the plant *Agave sisalana* or other species of *Agave* or its hybrids;
  - “**sisal fibre**” means processed, machined or carded fibre or tow and any other substance or by-product derived therefrom;
  - “**waste**” means all the residue from sisal leaf after removal of the fibre.
3. No person shall plant sisal in the reserved areas except for the purpose of—
  - (a) demarcating units of land;
  - (b) the prevention of soil erosion;
  - (c) the preservation of water resources; or
  - (d) good husbandry.
4. When the Director is satisfied that in any area within the reserved areas sisal plants exist which prejudice any or all of the purposes set out in rule 3 of these Rules, it shall be competent for him to issue an order in writing requiring the occupier or occupiers as the case may be of the land to destroy such sisal plants as the Director may deem necessary.
5. No person shall buy or decorticate sisal leaf which has been grown in any native area unless he is in possession of a license to do so issued to him by the Director:

Provided that there shall be no prohibition on the purchase of sisal leaf or sisal fibre by one African from another for use other than for export.
6. No license shall be issued by the Director without the consent in writing of the Board and of the Provincial Commissioner of the Province or the Officer in Charge, Masai Extra Provincial District, as the case may be, who shall before giving his consent, consult the Local Native Council of the district concerned.
7. The fee for such license shall be Sh. 50 per annum, and such fee shall be paid to the Local Native Council of the district concerned.
8. Every license may be renewed annually by the Director after consulting the Provincial Commissioner of the Province or the Officer in Charge, Masai Extra Provincial District, as the case may be and the Board.
9. The Director may fix and vary the minimum price to be paid by the licenses for sisal leaf or sisal fibre, and may fix different prices for different areas.
10. Arrangements satisfactory to the Director shall be made for the disposal of waste.

[Subsidiary]

**11.** Nothing in these Rules shall prohibit the planting of sisal under licence granted under the Sisal Industry Act (Cap. 341).

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**CROP PRODUCTION AND LIVESTOCK (SISAL) RULES**

[G.N. 533/1950, G.N. 1116/1950, L.N. 268/1992.]

1. These Rules may be cited as the Crop Production and Livestock (Sisal) Rules.
2. In these Rules, except where the context otherwise requires—
  - “**Board**” means the Sisal Board established under section 3 of the Sisal Industry Act (Cap. 341);
  - “**Director**” means the Director of Agriculture and, in respect of rules 4, 9 and 10 of these Rules, any officer of the Department of Agriculture duly authorized in writing by the Director in that behalf;
  - “**export**” means export from one administrative district to another or to a place outside Kenya;
  - “**reserved areas**” means the special areas, together with the special reserves, the temporary special reserves, the special leasehold areas and the special settlement areas, as defined in the Trust Land Act (Cap. 288);
  - “**sisal**” means the plant *Agave sisalana* or other species of *Agave* or its hybrids;
  - “**sisal fibre**” means processed, machined or carded fibre or tow and any other substance or by-product derived therefrom;
  - “**waste**” means all the residue from sisal leaf after removal of the fibre.
3. No person shall plant sisal in the reserved areas except for the purpose of—
  - (a) demarcating units of land;
  - (b) the prevention of soil erosion;
  - (c) the preservation of water resources; or
  - (d) good husbandry.
4. When the Director is satisfied that in any area within the reserved areas sisal plants exist which prejudice any or all of the purposes set out in rule 3 of these Rules, it shall be competent for him to issue an order in writing requiring the occupier or occupiers as the case may be of the land to destroy such sisal plants as the Director may deem necessary.
5. Deleted by L.N. 268/1992.
6. Deleted by L.N. 268/1992.
7. Deleted by L.N. 268/1992.
8. Deleted by L.N. 268/1992.
9. Deleted by L.N. 268/1992.
10. Arrangements satisfactory to the Director shall be made for the disposal of waste.
11. Nothing in these Rules shall prohibit the planting of sisal under licence granted under the Sisal Industry Act (Cap. 341).





**CROP PRODUCTION AND LIVESTOCK (WATTLE PRODUCTION) RULES**

[Cap. 205 (1948)]

1. These Rules may be cited as the Crop Production and Livestock (Wattle Production) Rules.
  2. Wattle shall come under the operation of the Act.
  3. For the purposes of these Rules, “**inspector**” means any agricultural officer or, in the case of land in special areas, any administrative officer or agricultural officer working under his instructions.
  4. An inspector may enter upon any land on which he has reason to believe wattle (*Acacia spp.*) is growing.
  5. The variety of wattle known as *Acacia dealbata* (silver wattle) shall not be grown.
    - (1) Only the varieties of wattle known as *Acacia mollissima* (black wattle), *Acacia decurrens* (green wattle) and *Acacia pycnantha* shall be grown.
    - (2) Notwithstanding anything contained in paragraph (1) of this rule, any other varieties of wattle may be grown where an inspector is satisfied—
      - (a) that other varieties are grown for purposes other than the production of bark; and
      - (b) that the bark of such other varieties will not be sold; and
      - (c) that, if the bark of *Acacia pycnantha* is sold, it will be kept separate from the bark of other varieties.
  7. No wattle shall be sold or offered for sale except under a permit first obtained from an inspector, and an inspector shall not issue a permit until he has satisfied himself by inspection of the plantation from which the seed is to be sold that the seed is of the variety *Acacia mollissima*, the variety *Acacia decurrens* or the variety *Acacia pycnantha*:

Provided that the wattle seed of other varieties, other than *Acacia dealbata*, may be sold where it is shown to that satisfaction of an inspector that such wattle seed is to be planted for the purposes other than the production of bark.
  8. Any person who continues to grow a variety of wattle other than *Acacia mollissima*, *Acacia decurrens* or *Acacia pycnantha* after due warning has been given by an inspector shall be guilty of a contravention of these Rules.
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**CROP PRODUCTION AND LIVESTOCK (WATTLE PRODUCTION) RULES**

[Cap. 205 (1948), Sub. Leg., L.N. 83/2006.]

1. These Rules may be cited as the Crop Production and Livestock (Wattle Production) Rules.
  2. Wattle shall come under the operation of the Act.
  3. For the purposes of these Rules, “**inspector**” means any agricultural officer or, in the case of land in special areas, any administrative officer or agricultural officer working under his instructions.
  4. An inspector may enter upon any land on which he has reason to believe wattle (*Acacia spp.*) is growing.
  5. The variety of wattle known as *Acacia dealbata* (silver wattle) shall not be grown.
    - (1) Only the varieties of wattle known as *Acacia mollissima* (black wattle), *Acacia decurrens* (green wattle) and *Acacia pycnantha* shall be grown.
    - (2) Notwithstanding anything contained in paragraph (1) of this rule, any other varieties of wattle may be grown where an inspector is satisfied—
      - (a) that other varieties are grown for purposes other than the production of bark; and
      - (b) that the bark of such other varieties will not be sold; and
      - (c) that, if the bark of *Acacia pycnantha* is sold, it will be kept separate from the bark of other varieties.
  7. Deleted by L.N. 83/2006.
  8. Any person who continues to grow a variety of wattle other than *Acacia mollissima*, *Acacia decurrens* or *Acacia pycnantha* after due warning has been given by an inspector shall be guilty of a contravention of these Rules.
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**CROP PRODUCTION AND LIVESTOCK (WATTLE BARK) RULES**

[G.N. 932/1951, G.N. 1225/1951, G.N. 964/1952, L.N. 232/1956.]

1. These Rules may be cited as the Crop Production and Livestock (Wattle Bark) Rules.

2. In these Rules—

“**bark**” means the bark derived from mature trees containing moisture not exceeding twelve per cent by weight, and the colouring of the outer surface of which is either grey or brown;

“**Director**” means the Director of Agriculture;

“**external moisture**” means water derived from rain, dew or mist and not the sap of the tree;

“**green bark**” means bark from mature trees, the outer surface of which is green or brown, which contains moisture derived from the sap of the tree in excess of twelve per cent by weight;

“**immature bark**” means the bark stripped from trees less than eight years of age;

“**inspector**” means any administrative officer, agricultural officer or agricultural instructor;

“**tree**” means wattle tree of the species *acacia mollissima*, *acacia decurrens* or *acacia pycnantha*;

“**under-grade bark**” means the bark stripped from the stem tops and butts of mature trees containing sap moisture not exceeding twelve per cent by weight, and may include corky bark.

3. All green bark, immature bark, wattle bark and undergrade bark derived from the tree shall come under the operation of the Act.

4. No person shall have, keep or store, or permit to be kept or stored, on or in any land or premises of which he is the owner or occupier, bark the purchase or sale of which is prohibited under these Rules.

(1) No person shall buy or sell, offer to buy or sell or deal in immature bark, whether such bark is green or dried:

Provided that this subsection shall not apply to immature bark claimed to be under-grade bark and certified as such by an inspector, whose certificate shall be final.

(2) No person shall buy or sell, offer to buy or sell or deal in dried bark which is—

(a) cut and dried in lengths of under three feet; or

(b) mouldy or damp.

(1) No person shall mix, or permit or cause to be mixed, any foreign matter or material in bark or undergrade bark offered for sale.

(2) No person shall offer for sale or in any way deal in bark which has been adulterated by mixing or including therewith any foreign matter or material, or any immature bark or undergrade bark.

(3) No person shall offer for sale or in any way deal in undergrade bark which has been adulterated by mixing with it any foreign material or immature bark.

(4) No person shall transport more than one grade of bark at any one time.

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[Subsidiary]

(1) Any person storing or transporting bark or undergrade bark shall take proper precautions to ensure that such bark or undergrade bark does not become damp during storage or transport.

(2) If any such bark or undergrade bark is found to be damp during storage or transport it shall be deemed to have become damp during storage or transport, as the case may be, and the onus of proving that it has not so become damp shall lie on the person in whose store or vehicle it is found:

Provided that if any such bark or undergrade bark is found to be damp while in any vehicle or store of the East African Railways and Harbours Administration the onus shall lie on the consignor of such bark or undergrade bark to prove that such wattle bark or undergrade bark was not damp at the time it was consigned by him.

**8.** Any inspector may, for the purpose of examining any bark or undergrade bark, enter upon any land or premises in or upon which he has reason to believe that bark and undergrade bark may be stored.

(1) The Minister shall from time to time by notice in the Gazette, specify the dates between which shall be permitted—

- (a) the stripping of bark and undergrade bark;
- (b) the purchase, sale and movement of bark, undergrade bark or green bark:

Provided that no undergrade bark shall be purchased, sold, moved or caused to be moved from its place of preparation in any period during which the sale of bark is permitted.

(2) No person shall strip, offer for sale or purchase or deal in bark or undergrade bark in any of the areas specified in the first column of the First Schedule to these Rules unless the stripping and sale of such bark or undergrade bark has been authorized under a permit in that behalf in the form set out in the Third Schedule to these Rules issued by an inspector.

**10.** No bark or undergrade bark shall be delivered to any of the places of inspection specified in the second column of the First Schedule to these Rules or by road to any factory licensed under the Crop Production and Livestock (Wattle Bark Factory) Rules and situate in any of the areas specified in the first column of the said Schedule, between the hours of 6 p.m. and 6 a.m.

(1) No person shall transport bark or undergrade bark within any of the areas specified in the first column of the First Schedule to these Rules unless such bark or undergrade bark is accompanied by a stripping permit issued under rule 9 of these Rules, or unless such bark or undergrade bark has been inspected at one of the places specified in the second column of the said Schedule.

(2) No bark or undergrade bark shall be removed from any of the areas specified in the first column of the First Schedule to these Rules except after inspection at one of the places specified in the second column of the said Schedule.

(1) No person shall purchase or sell bark or undergrade bark at any of the places specified in the second column of the First Schedule to these Rules unless it has been inspected and passed by an inspector, and a certificate in the form set out in the Fourth Schedule to these Rules issued in respect thereof.

(2) Where any person presents any bark or undergrade bark for inspection under this rule, he shall surrender to the inspector the stripping permit issued in respect of such bark, and, if he fails to do so, the inspector may refuse to inspect the same.

(3) Any inspector may reject green bark, immature bark, wattle bark and undergrade bark offered for inspection, the purchase or sale of, or dealing with, which is prohibited under these Rules, and may destroy or cause to be destroyed such rejected bark.

(4) Any inspector may reject, destroy or cause to be destroyed undergrade bark offered for inspection otherwise than between dates which have been specified under paragraph (1) of rule 9 of these Rules.

- (a) A fee, which shall be prescribed from time to time by the Director, shall be payable in respect of each ton of bark, undergrade bark, and green bark which has been passed by an inspector, and which is removed from any of the places specified in the second column of the First Schedule to these Rules.
- (b) Such fee shall be payable by the consignor at the time the bark is dispatched by rail, or, if the bark is not so dispatched, by the owner or lessee of any factory or warehouse in Kenya to which it may be consigned.

(2) The consignor or factory owner or lessee, as the case may be, shall be keep in respect of each district a record of all bark or undergrade bark or green bark purchased and disposed of by him, and of the manner of its disposal, and shall submit a copy of such record, in the form set out in the Second Schedule to these Rules, to the District Commissioner, and, except in the case of a consignor who has paid the fee at the time of consigning bark, such record shall be accompanied by the fee prescribed under paragraph (1) of this rule, at the end of each month in respect of bark, undergrade bark or green bark purchased by him during that month, and such record, together with the books of accounts kept by the buyer, shall be open for inspection by an inspector duly authorized in that behalf.

(1) Every trader shall, daily before purchasing bark or undergrade bark which has been inspected and passed under paragraph (1) of rule 12 of these Rules, display, in a prominent position at the entrance to his premises, the price which he is offering for the purchase of bark or undergrade bark.

(2) No trader shall during any day lower the price advertised by him under paragraph (1) of this rule, or buy or offer to buy any bark or undergrade bark at a price lower than such advertised price.

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#### FIRST SCHEDULE

[Rules 9(2), 10, 11, 12 and 13(1)(a), L.N. 964/1952.]

<i>Areas</i>	<i>Places of Inspection</i>
1. The Central Province.	Thika, Ruiru, Limuru, Uplands, Kikuyu, Fort Hall, Maragua, Karatina, Sagana, Machakos, Sultan Hamud, Meru Township, Chuka, Konza.
2. Kipsigis Special Reserve.	Kapkatet, Sosit, Kapsaus, Silibwet, Mogogossiek, Kipsonoi, Cheborge.
3. South Nyanza Special Reserve.	Kisii, Manga, Keumbu, Keroka, Tinga, Nyamaia, Kebirigo.
4. Nandi Special Reserve.	Kapsabet, Hunters Trees.
5. Voi.	Bura, Mwatate, Voi.

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*Crop Production and Livestock Act*

[Subsidiary]

SECOND SCHEDULE

[Rule 13(2).]

To: The District Commissioner,

Record of Wattle Bark Purchased and Disposed of During the Month of \_\_\_\_\_, 20 \_\_\_\_\_

Name of Buyer .....

Address of Buyer .....

Licence No. ....

District .....

PURCHASES

Buying points	Wattle bark	Undergrade bark	Green bark	Total
	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>
Total purchases				

Total in stock at beginning of month: ..... tons.

Total of stocks and purchases: ..... tons.

DISPOSALS

	DELIVERED TO EXACT FACTORIES			DELIVERED TO CHOPPING FACTORIES			BOOKED FOR EXPORT			Total
	Wattle bark	U.G. bark	Green bark	Wattle bark	U.G. bark	Green bark	Wattle bark	U.G. bark	Green bark	
By road .....	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>
By rail .....										
Total .....										

Total in stock at end of month: ..... tons.

FEES PAYABLE

Grade	Quantity	Rate	Total
	<i>Tons</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>
Wattle bark .....			
Under-grade bark .....			
Green bark .....			
Total .....			

Amount of fees enclosed: Sh. .... cts. ....

THIRD SCHEDULE  
[Rule 9(2).]  
STRIPPING PERMIT

No.: ..... Department of Agriculture,  
..... District.  
Date .....

Bearer .....  
of .....  
has permission to strip and sell .....  
(a) Wattle bark ..... lb. only during the season .....  
(b) Under-grade bark ..... lb. only during the season .....

.....  
*Agricultural Officer.*

FOURTH SCHEDULE  
[Rule 12(1).]  
CERTIFICATE OF WATTLE BARK INSPECTION

Station .....  
No. of bundles passed—  
(a) Wattle bark .....  
(b) Under-grade bark .....  
Owner .....  
Cess paid .....  
Inspector .....  
Date .....



**DATES SPECIFIED UNDER RULE 9(1) OF THE CROP  
PRODUCTION AND LIVESTOCK (WATTLE BARK) RULES**

[L.N. 267/1968.]

The dates in any year between which the purchase, sale and movement of the type of bark, specified in the third column shall be permitted in the areas specified in the first column—

<i>Places</i>	<i>Dates</i>	<i>Type of Bark</i>
Nyeri and Kirinyaga Districts.	2nd January-15th March.	Stick Bark and Undergrade (Ug.) Bark.
Murang'a and Kiambu Districts and the Nairobi Area.	2nd January-15th March.	Stick Bark and Undergrade (Ug.) Bark.
	1st April-31st July.	Green Bark.
	1st September-15th October.	Stick Bark and Undergrade (Ug.) Bark.
Meru and Embu Districts.	2nd January-15th March.	Stick Bark and Undergrade (Ug.) Bark.
Machakos District.	1st August-15th October.	Stick Bark and Undergrade (Ug.) Bark.
Taita District.	2nd January-15th March.	Stick Bark and Undergrade (Ug.) Bark.
	1st August-15th October.	Stick Bark and Undergrade (Ug.) Bark.



**CROP PRODUCTION AND LIVESTOCK (TOBACCO  
GROWING AND MARKETING) RULES, 1994**

[L.N. 235/1994.]

**PART I – PRELIMINARY**

*Rule*

1. Citation.
2. Interpretation.

**PART II – SPONSORS**

3. Person to act as sponsor.
4. Sponsorship agreement.
5. Inspection of records.
6. Farmers to have no outstanding debts secured on crop grown, etc.
7. Sponsor not to deal with farmer with whom he has no sponsorship agreement.
8. Obligations of sponsors.
9. Payment to farmers.
10. Sponsor to give information to District Commissioner.
11. Estimates of inputs.
12. Sponsors to provide information to Minister.
13. Sponsor to supply hessian bags.
14. Fuel-wood tree nurseries.
15. Planting of wood fuel trees.
16. Planting of wood fuel tree seedling on public land.

**PART III – FARMERS**

17. Farmer to have only one sponsor.
18. Restriction on sale of tobacco.
19. Acreage for tobacco growing.
20. Prohibited chemicals.
21. Obligations of farmer.
22. Tobacco stalks and residue.
23. Infestation.

**PART IV – MARKETING**

24. Movement of tobacco at night prohibited.
25. Trading in tobacco on Sundays and public holidays.
26. Export of unprocessed or redried tobacco.
27. Exporter to give information to Minister.

**PART V – INSPECTION**

28. Inspection of buildings, vehicles, etc.
29. Seizure of tobacco.

[Subsidiary]

- 30. Disposal of seized tobacco.
  - 31. Offences.
  - 32. Penalties.
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## CROP PRODUCTION AND LIVESTOCK (TOBACCO GROWING AND MARKETING) RULES

[L.N. 235/1994.]

### PART I – PRELIMINARY

#### 1. Citation

These Rules may be cited as the Crop Production and Livestock (Tobacco Growing and Marketing) Rules, 1994.

#### 2. Interpretation

In these Rules, except where the context otherwise requires—

“**crop**” means tobacco for the growing of which a farmer has entered into sponsorship agreement with a sponsor;

“**farmer**” means a person who grows or causes to be grown on his behalf, tobacco, pursuant to a subsisting sponsorship agreement with a sponsor; and includes any person who grown tobacco on the same land parcel;

“**Gazetted growing periods**” means those periods for the cultivation of tobacco as specified in the Agriculture (Tobacco Growing) Rules, 1991 (L.N. 495/1991);

“**Region**” means a tobacco-growing region as set out in the First Schedule to these Rules;

“**sponsor**” means any person who, pursuant to a sponsorship agreement, causes or finances the growing of tobacco by a farmer for purchase by him or has the crop mortgaged to himself to secure sums which are or become payable to him; and includes his servants or agents;

“**sponsorship agreement**” means an agreement in writing entered into between a sponsor and a farmer whereby the sponsor causes or finances the growing of tobacco by the farmer either for purchase by the sponsor, or whereby the tobacco is mortgaged to secure sums that are or become payable to the sponsor;

“**tobacco**” means the plant known as *Nicotiana tabacum* (L.) and includes its shoots, seeds, leaves and any other part of the plant whether raw or processed, and includes flue-cured, fire-cured and air-cured tobacco.

### PART II – SPONSORS

#### 3. Person to act as sponsor

No person shall act as a sponsor unless—

- (a) such person has either a cigarette-manufacturing plant operating in Kenya, or processing facilities in Kenya to convert green unredried tobacco into a redried packed form for storage or export; or
- (b) such person carries on business as a financier, and, pursuant to a sponsorship agreement, takes a security interest in tobacco growing.



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[Subsidiary]

#### 4. Sponsorship agreement

(1) A sponsor may enter into a sponsorship agreement with a farmer.

(2) Every sponsor shall maintain records of all the farmers with whom he has a subsisting sponsorship agreement, and these records shall include—

- (a) the full names of the farmers;
- (b) copies of the national identity card or other adequate identification of the farmer; and
- (c) the location and land parcel number of the farm on which the crop is or is to be grown.

#### 5. Inspection of records

(1) The sponsor shall make available upon request and upon payment of a fee of KSh. 10,000 all his records under Rule 4 for inspection by members of the public or other interested parties.

(2) The sponsor shall make available all records maintained under Rule 4(2) to the Minister upon request.

#### 6. Farmers to have no outstanding debts secured on crop grown, etc.

Prior to entering into any sponsorship agreement, a sponsor shall ensure that the proposed farmer has no outstanding debts secured on a crop grown or to be grown under a different sponsorship agreement.

#### 7. Sponsor not to deal with farmer with whom he has no sponsorship agreement

(1) No person shall purchase any crop from a farmer with whom he has no subsisting sponsorship agreement.

(2) No person shall transport or cause to be transported any crop other than that grown under their sponsorship or that of his employer.

(3) Any person who contravenes the provisions of this Rule shall be guilty of an offence and liable upon conviction to a fine not exceeding KSh. 100,000 or imprisonment for a term not exceeding six months.

(4) Where any sponsor is found in possession of tobacco purchased from a farmer sponsored by a different sponsor, the first-mentioned sponsor shall forthwith surrender such tobacco for delivery to the rightful sponsor.

(5) A sponsor's identification mark on the hessian bag containing the tobacco shall be *prima facie* evidence of that sponsor's entitlement to such tobacco.

#### 8. Obligations of sponsors

(1) Every sponsor shall—

- (a) supply adequate quantities of good quality seed to the farmers;
- (b) provide on a full-time basis, a minimum of one fully trained extension officer for every one hundred farmers and facilitate the visits of such officer to the farmers on a regular basis;
- (c) provide for the purchase by the farmers of the minimum level of inputs and chemicals as set out in Part One of the Second Schedule.

(2) No sponsor shall provide a farmer with any of the prohibited chemicals specified in the Part Two of the Second Schedule.

## 9. Payment to farmers

(1) Every sponsor shall pay the farmer for tobacco purchased at such bank and within such periods as shall be specified in the sponsorship agreement.

(2) In default of payment under sub-rule (1), the sponsor shall pay interest on the purchase price in respect of the period from the date payment became due to the actual date of payment, and such interest shall be calculated at a rate equivalent to the Kenya Commercial Bank Limited Base Lending Rate as from time to time published by that bank.

(3) Interest payable under sub-rule (2) shall be calculated on daily balances compounded monthly with an additional margin of two per cent.

## 10. Sponsor to give information to District Commissioner

Every sponsor shall from time to time upon request advise the District Commissioner responsible for the area in which the Region falls of the quantities of tobacco to be transported to the sponsor's depot or depots.

## 11. Estimates of inputs

Every sponsor shall before the 30th of September in each year provide the Minister with an estimate of the quantum of inputs in stock and an indication of the anticipated tobacco crop volumes to be supplied to and produced by the farmers sponsored by such sponsor in each Region.

## 12. Sponsors to provide information to Minister

(1) Every sponsor shall provide the following information to the Minister on a quarterly basis in respect of each Region and type of tobacco—

- (a) total area of tobacco under sponsored cultivation;
- (b) quantum of inputs issued to farmers;
- (c) quantum by grade of tobacco purchased from the farmers;
- (d) average price per kilogramme paid per grade of tobacco;
- (e) estimates of quantum of tobacco purchases for the next quarter from the farmers; and
- (f) number of names of field technicians.

(2) The information under sub-rule (1) shall be supplied to the Minister on a quarterly basis as of the 31st December, 31st March, 30th June and 30th September in each year, and shall be delivered within fourteen days following the end of each quarter.

(3) The Minister may make available to members of the public and other interested parties upon request any information furnished under this Rule.

## 13. Sponsor to supply hessian bags

(1) Sponsors shall supply to the farmers hessian bags for cured-tobacco baling, which shall be permanently marked in an appropriate way so as to identify the sponsor.

(2) A sponsor's identification mark on a hessian bag used by a farmer shall be *prima facie* evidence that any tobacco contained therein is subject to a sponsorship agreement with that sponsor.

(3) No person shall imprint, label, mark or in any way forge any sponsor's identification mark on any hessian bag with intent to deceive.

(4) All sponsors and farmers shall adhere to the *Gazetted* growing periods as specified in L.N. 495/1991.

[Subsidiary]

**14. Fuel-wood tree nurseries**

Sponsors shall procure the establishment of fuel-wood tree nurseries that shall yield to the farmers for outplanting in each year—

- (a) five hundred seedlings per hectare or part thereof of tobacco grown by a farmer growing flue-cured tobacco;
- (b) one hundred seedlings per hectare or part thereof of tobacco grown by a farmer growing fire-cured tobacco;
- (c) one hundred seedlings per hectare or part thereof of tobacco grown by a farmer growing air-cured (burley) tobacco.

**15. Planting of wood fuel trees**

Sponsors shall ensure that the following minimum numbers of wood-fuel trees are planted and maintained in each year by each farmer—

- (a) five hundred tree seedlings per hectare or part thereof of tobacco grown by a farmer growing flue-cured tobacco;
- (b) one hundred tree seedlings per hectare or part thereof of tobacco grown by farmer growing fire-cured tobacco;
- (c) one hundred tree seedlings per hectare or part thereof of tobacco grown by a farmer growing air-cured or burley tobacco.

**16. Planting of wood fuel tree seedling on public land**

Sponsors shall ensure that each farmer plants ten wood-fuel tree seedlings on such public land as the District Commissioner responsible for the Region may specify.

## PART III – FARMERS

**17. Farmer to have only one sponsor**

(1) No farmer shall enter into sponsorship agreement with more than one sponsor for the same growing period.

(2) Any farmer who enters into a sponsorship agreement with a sponsor shall prior to such agreement clear all outstanding debts secured with any other sponsor.

**18. Restriction on sale of tobacco**

No farmer shall sell any tobacco grown by him pursuant to a sponsorship agreement, to any person other than his sponsor, or at prices and buying points different from those specified in the sponsorship agreement or as may be directed in writing by the sponsor.

**19. Acreage for tobacco growing**

No farmer shall grow tobacco on an acreage either larger or lesser than that specified in the sponsorship agreement.

**20. Prohibited chemicals**

(1) No farmer shall use in the course of farming tobacco any of the prohibited chemicals specified in Part Two of the Second Schedule.

(2) Every farmer shall in the course of farming use the minimum quantities of inputs as specified in Part One of the Second Schedule.

**21. Obligations of farmer**

Every farmer shall—

- (a) construct a curing barn and storage space sufficient for the quantity of tobacco grown by him;

- (b) ensure that no foreign matter is contained in any tobacco bales offered by him for sale;
- (c) present his tobacco graded in accordance with the *Gazetted* grading specifications in the manner specified in the Third Schedule;
- (d) ensure that there is no mixing of grades of tobacco in each bale;
- (e) deliver his tobacco for sale in such hessian bags as are supplied by and marked with his sponsor's identification mark;
- (f) ensure that no tobacco bale exceeds forty kilogrammes in weight.

## **22. Tobacco stalks and residue**

Every farmer shall ensure that all tobacco stalks and residue are uprooted from the field and burnt before such date as is specified by the Minister in L.N. 195/1991.

## **23. Infestation**

(1) In the event of any disease or infestation of growing tobacco the Minister may direct the affected farmer to uproot and destroy by burning all the growing crop.

(2) Where a farmer fails to comply with the Minister's directive under sub-rule (1), the Minister may cause the required destruction to be effected at the farmer's expense and issue any further directives that he deems necessary.

### PART IV – MARKETING

## **24. Movement of tobacco at night prohibited**

No person shall move or transport tobacco within a Region at night, between the hours of 7 p.m. and 6 a.m.

## **25. Trading in tobacco on Sundays and public holidays**

(1) No person shall buy tobacco on Sundays and public holidays.

(2) No person shall buy tobacco on any day between the hours of 7 p.m and 6 a.m.

## **26. Export of unprocessed or redried tobacco**

No person shall export any unprocessed, unredried tobacco.

## **27. Exporter to give information to Minister**

(1) Every exporter of tobacco shall notify the Minister of the volumes of exports by type of processed redried tobacco on a quarterly basis as of the 31st December, 31st March, 30th June and 30th September in each year, and shall deliver such information within fourteen days of the end of each quarter.

(2) The Minister shall make available members of the public and other interested parties on request any information furnished under sub-rule (1).

### PART V – INSPECTION

## **28. Inspection of buildings, vehicles, etc.**

(1) The Minister, or any person authorized in writing by the Minister or the District Commissioner responsible for the area, may enter upon any land or into any building or vehicle where tobacco is grown, purchased, stored or transported for the purpose of ascertaining that the provisions of these Rules are complied with.

[Subsidiary]

(2) Any person who obstructs or refuses entry to a person authorised under sub-rule (1) from carrying out the required inspection, or fails, neglects or refuses to produce records required by these Rules to be maintained commits an offence.

**29. Seizure of tobacco**

A person authorized by the Minister or the District Commissioner responsible for the area may—

- (a) stop, search and detain any vehicle which he has reason to believe is being or has been used for conveying any tobacco in respect of which an offence is being or has been committed;
- (b) convey such vehicle with its contents to the nearest police station;
- (c) seize and remove, on issue of a receipt signed by him, any tobacco from any land, building or vehicle where tobacco is grown, purchased, stored or transported where he has reason to believe that an offence is being or has been committed;
- (d) require the occupant, user or driver of any such land, building or vehicle to render such explanations and give such information relating to the tobacco found therein as may reasonably be required by such person in the performance of his duties.

**30. Disposal of seized tobacco**

(1) Where an offence is found to have been committed, and without prejudice to the discretionary powers of a court, the tobacco seized may be dealt with as follows—

- (a) where it belongs to the offender, such tobacco shall be subject to forfeiture, and the court may in addition to any penalty imposed make such order as it deems fit in respect of the tobacco or the proceeds of any sale thereof; or
- (b) where such tobacco does not belong to the offender, and where the rightful owner can be identified, the tobacco shall forthwith be delivered to such owner.

(2) A sponsor's identification mark on any hessian bag containing such tobacco shall be *prima facie* evidence of such sponsor's ownership of the tobacco in such bag.

**31. Offences**

Any person who contravenes any of the provisions contained in these Rules or Orders made thereunder commits an offence.

**32. Penalties**

Any person convicted of an offence under these Rules shall, where no penalty has been provided, be liable to a fine not exceeding KSh. 100,000 or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

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## Crop Production and Livestock Act

[Subsidiary]

FIRST SCHEDULE  
TOBACCO GROWING REGIONS

DISTRICT	TOBACCO ZONE LM3			TOBACCO ZONE LM4		
	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)
Kitui	—	—	—	760-1280	24.0-20.9	720-1000
LM3:	Small area in steep slopes and forest reserve.					
LM4:	From Mwingi Town, through Kitui Town southwards to Mutomo and a small belt north of Endau.					
DISTRICT	TOBACCO ZONE AM3			TOBACCO ZONE LM4		
	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)
Embu	1070-1280	22.0-20.7	900-1100	980-1220	22.5-21.0	780-900
LM3:	Gachoka, Siakago:					
LM4:	Parts bordering Mwea and in Gachoka.					
DISTRICT	TOBACCO ZONE LM3			TOBACCO ZONE LM4		
	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)
Meru	910-1280	22.9-20.6	1000-1600	760-1220	23.7-21.0	800-1200
LM3:	Nyambene, Meru, Tharaka-Nithi.					
LM4:	Meru, Nyambene, Tharaka-Nithi.					
DISTRICT	TOBACCO ZONE LM3			TOBACCO ZONE LM4		
	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)
Kirinyaga	1220-1280	21.2-20.9	900-1200	1090-1220	22.0-21.2	800-950
	Ndia, Mwea, Sagana.					
DISTRICT	TOBACCO ZONE LM3			TOBACCO ZONE LM4		
	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)
Murang'a	1060-1160	21.7-20.8	980-1100	1060-1160	22.3-21.7	900-1000
LM3:	Maragwa Ridge.					
LM4:	Tana and Thika Rivers Belts, Ithanga, Masinga bordering Machakos, Kiambu near Machakos District boundary along the Thiak-Garissa Road at alt. 1200-1360 (m.a.s.l.) with 21.9-20.9C, rainfall 800-900 mm p.a. (Kiambu).					
DISTRICT	TOBACCO ZONE LM3			TOBACCO ZONE LM4		
	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)
Homa Bay	1140-1450	22.7-20.8	900-1500	1140-1350	22.7-21.4	800-1300
LM3:	Migori, Kuria, Homa Bay.					
LM4:	Rongo, Migori, Kehancha, Border of Kisii and Nyamira.					
DISTRICT	TOBACCO ZONE LM3			TOBACCO ZONE LM4		
	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)	<i>Alt.</i> (Masl)	<i>Temp.</i> (C)	<i>R/Fall</i> (mm)
Siaya	1140-1450	22.7-20.8	900-1500	1140-1350	22.7-21.4	800-1000
LM3:	Boundary with Busia District at Nzoia River to Asembo.					
LM4:	Lake Area.					

*Crop Production and Livestock Act*

[Subsidiary]

FIRST SCHEDULE—*continued*

DISTRICT	TOBACCO ZONE LM3			TOBACCO ZONE LM4		
	<i>Alt.</i> ( <i>Masl</i> )	<i>Temp.</i> ( <i>C</i> )	<i>R/Fall</i> ( <i>mm</i> )	<i>Alt.</i> ( <i>Masl</i> )	<i>Temp.</i> ( <i>C</i> )	<i>R/Fall</i> ( <i>mm</i> )
Busia	1140-1250	22.7-22.0	1100-1450	1135-1200	22.7-22.3	900-1100
LM3:	Amagoro, Nangian, Si Port to Nzoia River.					
LM4:	East of Port Bunyala.					
DISTRICT	TOBACCO ZONE LM3			TOBACCO ZONE LM4		
	<i>Alt.</i> ( <i>Masl</i> )	<i>Temp.</i> ( <i>C</i> )	<i>R/Fall</i> ( <i>mm</i> )	<i>Alt.</i> ( <i>Masl</i> )	<i>Temp.</i> ( <i>C</i> )	<i>R/Fall</i> ( <i>mm</i> )
Bungoma	1200-1400	22.4-21.2	1200-1500	—	—	—
LM3:	Mt. Elgon, Malakisi, Kimaet, West of Bungoma Town and parts of Sirisia.					

SECOND SCHEDULE

[Rule 20.]

PART ONE

Minimum availability level of inputs of Part One, U.S.D.A. Approved Chemicals.

(U.S.D.A. = United States Department of Agriculture).

*Minimum Level Inputs and U.S.D.A. Approved Chemicals:*

(Note all quantities refer to one hectare of tobacco).

	<i>Flue Cured</i>	<i>Fire Cured</i>	<i>Burley (Air cured)</i>
Base fertilizer			
N	30 kg.	50 kg.	30 kg.
P	72 kg.	50 kg.	100 kg.
K	80 kg.	24 kg.	80 kg.
N	26 kg.	26 kg.	52 kg.

Top dressing

(ii) Chemicals—

Insecticides.

Fungicides — when necessary.

(iv) Materials and supplies—

Flue pipes—two full sets, sufficient for two barns.

One hand sprayer per farmer.

Two Barn thermometers.

Hessian bags sufficient for the total production.

(natural fibres only).

Twine (natural fibres only).

Chicken wire (2 sets 1 per ban).

Proof of purchase and delivery to farmers of the above inputs shall be supplied to the Ministry of Agriculture by sponsors at planting time (corresponding to the number of farmers).

PART TWO – PROHIBITED CHEMICALS

1. Aldrin.
2. Dieldrin.
3. Campheclor (Toxaphene).
4. Chlordane (Octachlor).
5. Cypermethrin (Cymbush, Ripcord).
6. + Permethrin (Ambush, Pounce, Picket).
7. 2, 4-D.
8. DBCP (Dibromochloropropane).
9. DDT + TDE (DDD) + DDE.
10. Dicamba.
11. Endrin.
12. Ethylene dibromide.
13. Formothion (Anthio).
14. Heptachlor (Drinox) +.
15. Heptachlor epoxide.
16. Hexachlorobenzene.
17. Methoxychlor (Marlate).
18. 2, 4, 5- T.

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THIRD SCHEDULE

[Rule 21.]

GRADE SPECIFICATIONS

Below are details of tobacco specifications. These grades will supersede all previous specification of this kind.

Please note that the following tobaccos will be unacceptable for all grades—



[Subsidiary]

## GRADE 1—KENYA FLUE-CURED TOBACCO DESCRIPTION

LER	Ripe leaf. Best quality. Long leaf with grainy texture. Orange in colour up to 10 per cent spotting and maturity permitted.
LEM	Ripe leaf. Very good quality. Long leaf with grainy texture. Orange in colour. Up to 15 per cent spotting and maturity injury permitted.
LED	Ripe leaf and tips. Medium quality and length. Orange in colour. Up to 25 per cent spotting and maturity injury permitted.
LEB	Mature leaf and tips. Good quality. Lemon to light orange in colour. No running green or slick tobacco permitted. Up to 5 per cent spotting and injury permitted.
LTR	Mature or ripe leaf and tips which has been slightly scorched or is dark brown in colour. Medium quality. Up to 10 per cent spotting and injury permitted.
LEG	Unripe leaf and tips. Medium quality. Lemon in colour with light improving green cast. Some slick tobacco permitted in this grade. Up to 5 per cent spotting and injury permitted.
LEK	Unripe leaf and tips. Low to medium quality. Pale yellow and/or slick tobacco with or without greyish spotting.
LEN	Unripe leaf and tips. Low quality. Scorched and/or dark in colour.
LGE	Immature tobacco leaf and tips. Very low quality. Lemon to green in colour but not with more than 10 per cent hard set green. Sponged and heavily scorched tobacco to be bought in this grade.
LUR	Ripe lugs and cutters. Best quality. Good length with grainy texture. Orange to light orange in colour. Up to 15 per cent spotting and maturity injury permitted.
LUM	Ripe lugs and cutters. Very good quality. Good to medium length with grainy texture. Orange to light orange in colour. Up to 20 per cent spotting and maturity injury permitted.
LUD	Very ripe primings, lugs and cutters. Medium quality with grainy texture. Orange to light orange colour. Up to 30 per cent spotting and maturity injury permitted.
LUN	Overripe primings, and lugs. Low to medium quality. Orange to light orange in colour. High degree of maturity injury spotting up to 40 per cent permitted.
LUB	Mature primings, lugs and cutters. Good quality. Lemon to light orange in colour. No running green or slick tobacco permitted. Up to 10 per cent spotting and injury permitted.
LUG	Unripe primings, lugs and cutters. Medium quality. Lemon in colour with slight improving green cast. Some slick tobacco permitted in this grade. Up to 10 per cent spotting and injury permitted.
LUK	Unripe tobacco leaf from lower part of the plant. Low to medium quality. Pale yellow/lemon in colour with or without greyish spotting. Pale yellow slick tobacco will also be bought in this grade.
LGU	Immature tobacco lugs and primings. Lemon to green in colour but with not more than 10 per cent hardset green. Sponged and heavily spotted tobacco to be bought in this grade.
LRS	Clean scrap from ripe tobacco from any part of the plant. Orange to light orange in colour. To pass over 1" sieve (i.e. size of a ten cent piece or larger).
LUS	Clean scrap from immature or unripe tobacco from any part of the plant. Lemon in colour. Any scrap from scorched or slick tobacco to be bought in this grade. To pass over 1" sieve (i.e. size of a ten cent piece or larger).
LST	Clean flue cured stem unaffected by mould and not contaminated with foreign matter.

## GRADE 2—KENYA FIRE-CURED TOBACCO DESCRIPTION

THIRD SCHEDULE—*continued*

## GRADE 2—KENYA FIRE-CURED TOBACCO DESCRIPTION

- FPD Tobacco over 22" in length with very good stretch and oily. Heavily fired but not sooted. Mainly dark brown to very dark mahogany in colour. No damaged, blemished, perished, green or yellow tobacco will be bought in this grade. Slightly torn, but not hail damaged tobaccos up to 5 per cent are allowed into this grade.
- FPB Tobacco over 22" in length with very good body stretch and oily. Heavily fired but with copper brown to mahogany colour. No damaged, blemished, perished yellow or green tobaccos will be bought in this grade. Slightly torn tobacco up to about 5 per cent damage is allowed but not hail damaged.
- F1D Tobacco 19"-22" long with good body, oily and heavily fired such that the tobacco is dark in colour but not sooted. No blemished, perished, green or yellow tobaccos, will be bought in this grade. Torn tobacco up to 10 per cent but of similar quality or very slightly hail damaged tobacco will be bought in this grade.
- F1B Tobacco between 19"-22" long with good body stretch and oily. Well fired tobacco such that it has copper brown colour. No blemished, perished, yellow or green tobaccos, will be bought in this grade. Torn tobaccos upto 10 per cent damage but of similar quality or very slightly hail damaged tobacco will be bought in this grade.
- F2D Tobacco between 16"-19" in length with medium body and oily. Heavily fired such that it is dark in colour but not sooted. Minor hail damage and slightly torn tobacco upto 15 per cent will be acceptable into this grade. No yellow, green or perished tobacco will be bought in this grade.
- F2B Tobacco between 16"-19" in length medium body with oil, and fairly well fired tobacco so that it has a copper brown colour to light mahogany. Minor hail damaged and slightly torn leaf up to 15 per cent will be acceptable in this grade. No yellow, green or perished tobacco will be bought in this grade.
- F3D Tobacco between 9"-15" in length, medium body, oily and heavily fired such that it has dark brown tobacco colour or slightly sooted. Torn or hail damaged dark brown tobacco up to 33 per cent of any length above 9" will also be acceptable into this grade. No yellow, heavily sooted, green or perished tobacco will be bought in this grade.
- F3B Tobacco between 9"-15" in length, medium body, oily and well fired such that it has a copper brown colour to light mahogany. Torn or hail damaged tobacco up to 33 per cent or any length but above 9" will also be bought in this grade. No yellow, sooted, green or perished tobacco will be bought in this grade.
- F3Y Tobacco over 19" in length, lightly fired or partly air-cured or yellow tobacco with oil and thin body will be bought in this grade. No perished or heavily spotted tobacco will be acceptable into this grade.
- F4Y Tobacco between 9" and 18" in length, lightly fired or partly air cured or yellow tobacco with oil and body will be bought into this grade. No perished or heavily spotted tobacco will be acceptable into this grade.
- F4K Tobacco of any length but over 9" long, dark or dark green and variegated tobacco with some oil and body will be bought in this grade. No perished, yellow or crude green will be acceptable into this grade.
- F5N Mainly tobacco of non-descript nature will be bought in this grade. Tobacco which is partly air cured or has a running green cast will be acceptable in this grade. Heavily spotted, heavily sooted, heavily torn, hail damaged or slightly perished but usable tobacco will be bought into this grade.
- F5C Pieces of sound lamina Scraps not smaller than ten cent piece must be clean and fairly well fired.
- F5T Clean fire cured stems.

## GRADE 3—KENYA BURLEY DESCRIPTION

THIRD SCHEDULE—*continued*

## GRADE 3—KENYA BURLEY DESCRIPTION

BB1	Good quality flyings and lugs. Thin bodied and can be on the tissue side. Ripe to mellow and uniform buff to straw colour. No yellow or greenish tobacco permitted.
BB2	Medium quality flyings, lugs and cutters. Thin bodied. Ripe and less uniform buff colour. No yellow or greenish tobacco permitted.
BM1	Good quality cutters and thin leaf. Thin to medium bodied. Ripe and fairly uniform buff to tan colour. No yellow or greenish tobacco permitted.
BM2	Medium quality leaf of medium body and lighter bodied tips. Ripe and less uniform tan colour. No yellow or greenish tobacco permitted.
BT1	Good quality medium to heavy bodied leaf and tips. Mature and fairly uniform tan colour. No yellow or greenish tobacco permitted.
BT2	Medium quality, and medium to heavy bodied mature leaf and tips. Less uniform dark tan to reddish colour. No yellow or greenish tobaccos permitted.
BNB	Heavily spotted flyings, and lugs and all low quality leaf from any plant position which do not fit in any of the above grades due to high blemish and injury. Yellow tobacco and running green permitted.
BNT	Non-descript and low quality tobacco from the upper part of the plant which do not fit with any other grade. Tobacco leaf with green casts, yellow spotted is acceptable in this grade.
BSB	Small pieces of sound flyings or lugs and which are not smaller than ten cent piece from the lower part of the plant. The scrap must be clean and not mixed with foreign matter or dust. It must conform to standard Burley colour.
BST	Scrap pieces of sound leaf and tips from upper part of the plant which is not smaller than ten cent piece. Scrap must be clean and not mixed with foreign matter or dust. It must also conform to standard Burley colours.

**CROP PRODUCTION AND LIVESTOCK (SEED AND WARE POTATO PRODUCTION AND MARKETING STANDARDS) RULES, 2005**

ARRANGEMENT OF RULES

*Preliminary*

*Rule*

- 1. Citation.
- 2. Interpretation.

*Seed Potato Production Standards*

- 3. Agronomic practices – seed potato.
- 4. Seed potato characteristics.
- 5. Inspection of potatoes.
- 6. Storage of potatoes.

*Ware Potato Production Standards*

- 7. Agronomic practices-ware potato.
- 8. Characteristics of ware potato.

*Seed and Ware Potato Storage Standards*

- 9. Storage conditions of potatoes.

*Grading and Packaging Standards*

- 10. Harvesting, grading and packaging of potatoes.

*Potato Transportation Standards*

- 11. Transportation of potatoes.

*Potato Processing Standards*

- 12. Processing of potatoes.

*Inspection*

- 13. Inspection of building, vehicles etc.
- 14. Search, seizure, detention, etc.
- 15. Offences.
- 16. Penalties.

SCHEDULES

FIRST SCHEDULE –	SEED AND WARE POTATO PRODUCTION
SECOND SCHEDULE –	SEED POTATO CHARACTERISTICS
THIRD SCHEDULE –	WARE POTATO CHARACTERISTICS
FOURTH SCHEDULE –	POTATO CHARACTERISTICS ACCORDING TO USE
FIFTH SCHEDULE –	STORAGE UNDER COLD CONDITIONS
SIXTH SCHEDULE –	STORAGE UNDER FARM (AMBIENT) CONDITIONS

*Crop Production and Livestock Act*

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[Subsidiary]

SEVENTH SCHEDULE –

REQUIREMENTS FOR PROCESSING CRISPS

EIGHTH SCHEDULE –

REQUIREMENTS FOR PROCESSING FROZEN  
CHIPS

NINTH SCHEDULE –

REQUIREMENTS FOR PROCESSING FRESH  
CHIPS

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## CROP PRODUCTION AND LIVESTOCK (SEED AND WARE POTATO PRODUCTION AND MARKETING STANDARDS) RULES

[Section 4, L.N. 44/2005.]

### *Preliminary*

#### 1. Citation

These Rules may be cited as the Crop Production and Livestock (Seed and Ware Potato Production and Marketing Standards) Rules, 2005.

#### 2. Interpretation

In these Rules, except where the context otherwise requires—

“**agronomy**” includes all soil and crop management practices in the course of crop production;

“**certificate**” means the certificate issued by an inspector with regard to seed and ware potato;

“**crisps**” means firm slices of potatoes cooked by deep frying in vegetable oil, with or without table salt or spices;

“**disease**” means any abnormal condition of the potato plant, communicable or believed to be communicable by the transfer of a causative agent declared to be a disease by the Minister under the Plant protection Act (Cap. 324), the Suppression of Noxious Weeds Act (Cap. 325) and the Seeds and Plant Varieties Act (Cap. 326);

“**fresh chips**” means slices of mature sound potato tubers which have been cooked by deep frying in vegetable oil for 3-5 minutes at a temperature of 180° C + 5C;

“**frozen chips**” means chips prepared in the manner set out in rule 8 and the Eighth Schedule to the Rules;

“**inspector**” means an agricultural officer or an officer of the Kenya Plant Health Inspectorate Service (KEPHIS) or its assignee;

“**potato**” means the plant botanically known as *Solanum tuberosum*, and includes its shoots, tubers, stem cuttings, tuber lets, plants-lets, eye-buds, seed potatoes, ware potatoes, leaves and other part of the plant, whether raw or processed;

“**seed potato**” means potatoes traded for propagation use;

“**ware potato**” means potatoes (also known as table potatoes) traded purely for consumption use.

### *Seed Potato Production Standards*

#### 3. Agronomic practices – seed potato

(1) The agronomic practices set out in the First Schedule shall be followed to ensure production of high quality seed potato, and the Minister may, by notice in the *Gazette*, set out other practices to be followed.

(2) Seed potato shall be produced from such stock as may be certified from time to time, and shall be free from pests and diseases, true to variety, and plants of another variety contained in the true variety shall not exceed 0.5% of the weight of a unit of the true variety.

[Subsidiary]

(3) The following agronomical practices shall be followed to ensure a healthy potato crop—

- (a) pests and diseases shall be controlled by use of chemical products recommended by the pest control products Board (PCPB) and cultural methods;
- (b) growing potato plants shall not be contaminated by diseases such as bacterial wilt;
- (c) the proportion of growing potato plants showing symptoms of the following diseases shall not exceed the corresponding percentages of the total population of growing potato crop—
  - (i) viral diseases (left roll, virus X, Y and S) – 10%;
  - (ii) mild mosaic – 15%;
  - (iii) fusarium wilt – 3%;
  - (iv) nematodes – 3%.

(4) Potatoes shall be harvested only when fully mature and the following practice shall be adhered to—

- (a) haulms shall be removed when yellowish in colour (due to maturity), fourteen days before harvesting in order to harden the potato skin;
- (b) tubers shall be covered with soil to shield them from light and prevent tuber greening and moth entry;
- (c) tubers shall be removed from the ground using a forked jembe or ridger, and sorting shall subsequently be done to remove rotten tubers, stones and lumps of soil;
- (d) harvested potato tubers shall be placed for 10 and 12 days in conditions having a temperature of between 15° and 20° C and a relative humidity of 90% in order to harden the skin and heal minor injuries.

#### **4. Seed potato characteristics**

(1) No seed potatoes shall qualify as such unless they conform to the characteristics set out in the Second Schedule to these Rules, and are certified to have so conformed by an inspector.

(2) A person tendering potatoes for inspection shall receive a certificate from an inspector confirming that such potatoes have been inspected and approved by the inspector for sale.

(3) An inspector may, at the request of the owner of potatoes that have not been approved after inspection, issue the owner with a certificate providing that rejected seed potatoes revert to ware potatoes.

#### **5. Inspection of potatoes**

(1) An inspector may, after inspection, reject potatoes that are not true to type; diseased with bacterial wilt, soft rot or any other disease; infested by potato pests; are above or below required sizes; adulterated, defective or damaged; or have wet skins.

(2) Small potato tubers shall measure between 25 to 35 mm in diameter; medium size tubers shall measure between 35 to 45 mm in diameter, while big tubers shall measure between 45 to 60 mm in diameter.

(3) No bag weighing 50 kg of seed potato shall contain more than 3% of the total weight of tubers smaller than the minimum size indicated, nor more than 3% of the total

weight of tubers larger than the maximum size indicated. Lumps of earth or other adulterating matter shall not exceed 2% of the total weight and external defects due to poorly shaped or damaged tubers shall not exceed 3% of such total weight.

(4) The packaging unit for seed potatoes shall not exceed 50 kg and shall contain tubers of the same variety, category, class, size and origin.

## **6. Storage of potatoes**

(1) Only potatoes that have met the requirements set out in rule 5(2) shall qualify to be stored for propagation purposes.

(2) Potatoes shall be put into a store as soon as possible after harvesting.

### *Ware Potato Production Standards*

## **7. Agronomic practices - ware potato**

(1) The agronomic practices set out in the First Schedule shall be followed to ensure production of high quality ware potato, and the Minister may, by notice in the *Gazette*, set out other practices to be followed.

(2) Ware potatoes shall be produced from clean seed stocks free from any pests and diseases, true to variety and seeds of another variety shall not exceed 0.5% of the total weight of a packaging unit of the true variety.

(3) The following agronomical practices shall be followed to ensure a healthy potato crop—

- (a) pests and diseases shall be controlled by use of chemical products recommended by the Pest Control Products Board (PCPB) and through cultural methods;
- (b) growing potato plants shall not be contaminated by diseases such as bacterial wilt;
- (c) the proportion of growing potato plants showing symptoms of the following diseases shall not exceed the corresponding percentages of the total population of growing potato crop—
  - (i) viral diseases (Leaf roll, virus X, Y and S) – 10%;
  - (ii) mild mosaic – 15%;
  - (iii) fusarium wilt – 3%;
  - (iv) nematodes – 3%.

(4) Potatoes shall be harvested only when fully mature and the following practices shall be adhered to—

- (a) haulms shall be removed when yellowish in colour (due to maturity), fourteen days before harvesting in order to harden the potato skin;
- (b) potatoes tubers shall be covered with soil to shield them from light and prevent tuber greening and moth entry;
- (c) tubers shall be removed from the ground using a forked jembe or ridger, and sorting shall subsequently be done to remove rotten tubers, stones and lumps of soil;
- (d) harvested potato tubers shall be placed for 10 to 12 days in conditions having a temperature of between 15° and 20°C and a relative humidity of 90% in order to harden the skin and heal minor injuries.



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**8. Characteristics of ware potato**

No ware potatoes shall qualify as such unless they conform to the characteristics set out in the Third and Fourth Schedules to these rules, and are duly certified by an inspector.

*Seed and Ware Potato Storage Standards***9. Storage conditions of potatoes**

(1) Potatoes shall either be stored under cold or farm (ambient) conditions, and the respective requirements set out in the Fifth and Sixth Schedules to these Rules shall not adhered to during storage.

(2) Seed potatoes shall be stored in places exposed to diffuse light to facilitate quality sprouting.

*Grading and Packaging Standards***10. Harvesting, grading and packaging of potatoes**

(1) To ensure that only quality potatoes reach the market, producers shall conform to the following practices—

- (a) harvest mature tubers only and sort out carefully to avoid damage;
- (b) remove foreign matter such as loose soil and soil clods from the harvest produce;
- (c) remove substandard tubers such as those diseased, affected by greening, damaged by potato tuber moth (PTM) or damaged during harvest or in storage;
- (d) wash, brush and peel if destined for the pre-peeled potato market.

(2) Potatoes shall be presented as either seed potatoes or ware potatoes and graded in sizes according to their diameters in millimeters (mm) as follows—

- (a) seed potatoes shall be graded into four sizes designated as—
  - (i) baby: less than 25 mm;
  - (ii) small: 25 to 35 mm;
  - (iii) medium: 35 to 45 mm;
  - (iv) big: 45 to 60 mm;
- (b) ware potatoes shall be graded into four sizes designated as—
  - (i) baby: less than 30mm;
  - (ii) small: 30 to 45 mm;
  - (iii) medium: 45 to 65 mm;
  - (iv) large: 65 to 80 mm.

(3) No potatoes shall be removed from any area unless they are packed in clean and intact sisal or jute bags and well sewn on top with netting material. The bags shall bear clear marks, in letters at least two inches in size, indicating the name, address and location of the grower, potato variety, date harvested and sell/use by date.

(4) The standard weight for seed potatoes of a specified variety shall be 50 Kg.

(5) The standard weight for ware potatoes of a specified variety shall be 110 Kg.

*Potato Transportation Standards***11. Transportation of potatoes**

- (1) Loading and off-loading of potatoes shall be done with care to avoid tuber injury.
- (2) Potatoes shall be transported in a mode that will ensure that no deterioration through moisture loss, rain, physical damage or injury is caused.
- (3) A vessel or vehicle to be used for transportation of potatoes shall be cleaned thoroughly before potatoes are loaded.

*Potato Processing Standards***12. Processing of potatoes**

- (1) Only potatoes tubers of high quality shall be used for processing into chips, frozen chips or fresh chips.
- (2) Processing standards shall be consistent with Ks 1500 Code of practice for the Food and Drink Manufacturing Industry under the Standards Act (Cap. 496), the Public Health Act (Cap. 242), and the food, Drugs and Chemical Substances Act (Cap. 254), and the potato tuber and product characteristics set out in the Seventh, Eighth and Ninth Schedules.

*Inspection***13. Inspection of building, vehicles etc.**

- (1) The inspector, or any other person authorized in writing by the Minister, may enter upon any land or into any building or vehicle where potatoes are grown, purchased, stored or transported for the purposes of ascertaining that the provisions of these Rules are complied with.
- (2) Any person who obstructs or refuses entry to an inspector or a person authorized under sub-rule (1) from carrying out the required inspection commits an offence.

**14. Search, seizure, detention, etc.**

An inspector or a person authorised by the Minister may—

- (a) stop, search and detain any vehicle which he has reason to believe is being or has been used for conveying potatoes in respect of which an offence is being or has been committed;
- (b) convey such vehicle with its contents to the nearest police station;
- (c) seize and remove, on issue of a receipt signed by him, any potatoes from any land, building or vehicle where tobacco is grown, purchased, stored or transported if he has reason to believe that an offence is being or has been committed;
- (d) require the owner, occupant, user or driver of any such land, building or vehicle to render such explanations and give such information relating to the potatoes found therein as may reasonably be required by such person in the performance of his duties.

**15. Offences**

A contravention or failure to comply with any of the matters provided in these Rules or Orders made there under shall constitute an offence.

[Subsidiary]

**16. Penalties**

Any person convicted of an offence under these Rules shall be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty thousand shillings, or to both such imprisonment and such fine.

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**FIRST SCHEDULE**

[Rules 3, 7.]

**SEED AND WARE POTATO PRODUCTION**

Land preparation: deep plough (depth of 6-9 cm) and prepare a fine seed bed.

Tuber size: 35 – 45 mm in diameter (average size of a chicken egg).

Variety selection: plant potato varieties adapted to the particular area.

Healthy seed: plant certified seed or healthy seed from an approved source.

Planting: plant well sprouted seed in furrows for maximum tuber formation.

Spacing in seed plots: initially in seed plots 2 m wide and variable length, 20 cm 20 cm 15 cm. This applies to pre-basic material obtained from the Kenya Agricultural Research Institute (KARI).

Field spacing: 75 cm between furrows and 30 cm intra-furrow and 10 cm deep.

Manure: use farm-yard manure that is well decomposed to avoid black scurf disease at the rate of 5 – 10 ton per hectare.

Fertilizers: use 500kg of Di-ammonium Phosphate (DAP) per hectare at planting time, well incorporated into soil in the planting furrows. On acidic soils, use single or triple super-phosphate at the rate of 1,250 or 500 kg. per hectare respectively at planting, and later top dress with 300 kg. of Calcium Ammonium Nitrate (CAN) per hectare.

Weeding: weed when 90% of the crop has emerged from the ground.

Ridging: ridge when the crop has three to four permanent leaves followed by a second ridging two weeks later.

Mulching: use straw, dry maize stalks or other suitable crop residue.

Pest and disease control: commonly blights, bacterial wilt, leaf roll, aphids and potato moth; consult area agricultural officer.

Maturity; for disease or pest free potatoes, when the leaves are yellowish in colour.

Hardening: remove or pull haulms fourteen days before harvesting.

Harvesting: Dig across the ridge to remove potato tubers.

Sorting: remove bruised tubers, foreign matter and then grade potatoes as set out in these Rules.

## SECOND SCHEDULE

[Rule 4.]

## SEED POTATO CHARACTERISTICS

<i>Criteria</i>	<i>Characteristics</i>
True to type and variety:	distinct, uniform and stable.
Diseases/pests:	free from wilt, soft rot and pests.
Defects:	poorly shaped and damaged tubers – not more than 3% of the total weight of tubers with diameters less than 25 mm, nor more than 3% of the total weight of tubers with diameters more than 60 mm.
Moisture:	Should be dry on the skin.
Shape:	Conform to normal size of the variety.
Size Tolerance:	Small: 25-35 mm; medium: 35-45 mm; big: 45-60 mm. Lot shall not contain more than 3% of the total weight of tubers with diameters less than 25 mm, nor more than 3% of the total weight of tubers with diameters more than 60 mm.
Adulteration:	earth lumps and extraneous matter should not constitute more than 2% of the total weight of a given unit.

## THIRD SCHEDULE

[Rule 4, 8.]

## WARE POTATO CHARACTERISTICS

<i>Criteria</i>	<i>Characteristics</i>
Colour:	usual variety colour; greenish tubers shall not constitute more than 4% of the total weight of the unit.
Mechanical injury:	injured tubers shall not constitute more than 4% of the total weight of the unit.
Condition:	good tubers; decayed tubers shall not constitute more than 2% of the weight of the weight of the unit.
Texture:	firm and intact, well cured, no sprouts or silvering.
Variety:	true to type, distinct, uniform and stable.
Smell:	no smell from foreign matter contamination.
Clean:	no earth lumps and extraneous matter on the tubers or container.
Diseases/pests:	free from diseases and pests.

## FOURTH SCHEDULE

[Rule 8.]

## POTATO CHARACTERISTICS ACCORDING TO USE

*Crop Production and Livestock Act*

[Subsidiary]

<b>QUALITY CHACTERISTICS</b>	<b>LOCAL</b>	<b>EXPORT</b>	<b>CHIPS</b>	<b>CRIPS</b>
Tuber shape	Well shaped	Well shaped	Long/oval tubers	Oval or round
Eye depth	Shallow or deep eyes	Shallow eyes	Shallow eyes	Shallow eyes

FOURTH SCHEDULE—*continued*

QUALITY CHARACTERISTICS	LOCAL	EXPORT	CHIPS	CRIPS
Tuber size (diameter in mm)	30-80	30-80	50-80	40-60
Dry matter content	Not applicable	Not applicable	20-24%	Not more than 24%
Specific gravity	1.070 or less	1.070 or less	1.070	1.070
Reducing sugars (% of fresh weight)	Not applicable	Not applicable	Up to 5%	2-3%

## FIFTH SCHEDULE

[Rule 9.]

## STORAGE UNDER COLD CONDITIONS

- (a) Stored potatoes shall not contain tubers that are immature, bruised, frozen, rotten, wet or affected by fungal decay (mould), diseases, pests or tubers which have sprouted.
- (b) Potatoes shall be put into the store as soon as possible after harvesting. For the first 10 – 14 days after putting in store, the tubers shall be held at a temperature of 13°C to 18°C and high relative humidity for faster skin hardening and healing of wounds. After this, the temperature shall be lowered as quickly as possible.
- (c) Potatoes shall be stored in containers, box pallets, boxes or stacking trays, bags or in bulk. They shall be stored away from light to prevent greening.
- (d) Optimum store temperature shall be 3°C to 6°C. For crisp ware potato type, the temperature shall be raised to between 7°C to 10°C depending on the variety. During the last two weeks of storage, the temperature shall be raised to between 10°C and 14°C and possibly up to 20°C.
- (e) Relative humidity shall be 85 to 95%.
- (f) The storage containers and the way in which they are stacked shall be such that they permit free air circulation.
- (g) Mixing of air shall be in a closed circuit to render the temperature and relative humidity uniform.
- (h) The expected storage life is eight months. This however depends on variety or cultivar and climatic zones.
- (i) Sprouting inhibitors of a chemical nature, approved by the Pest Control Products Board (PCPB) shall be applied if sprouting begins.

## SIXTH SCHEDULE

[Rule 9.]

## STORAGE UNDER FARM (AMBIENT) CONDITIONS

- (a) Stored potatoes shall not contain tubers that are immature, bruised, rotten, wet, or affected by fungal decay (mould), diseases, pests or tubers which have sprouted.
- (b) The store shall be made of timber or stone or other locally available materials. The store shall have provision for fan ventilation to improve air circulation.
- (c) The floors of the store shall have wooden slats with air – flow ducts for ventilation, and wooden panels on the sides and the ceiling. For stores constructed of stones, they shall be fitted with fans for improved air flow through potato heaps.
- (d) Potatoes shall be stored in wooden boxes (crates) with gaps at the bottom and side planks to allow ventilation. The boxes shall be 25-30 cm above the floor. The crates shall be covered with loose, dry grass or straw. If heaps are of potatoes weighing more than 500 kg, an air duct shall be placed in the heap to allow for ventilation.
- (e) For optimum temperature control, the doors or ventilation ducts shall not be left open during the day when it is hot and dry. A high temperature shall be maintained for the first fourteen days after potatoes are put in a store to cure injuries. Once tubers are in permanent storage and curing is complete, cool temperatures and moist conditions shall be encouraged.
- (f) Storage life shall be up to six months depending on the variety and environmental conditions.

## SEVENTH SCHEDULE

[Rule 12.]

## REQUIREMENTS FOR PROCESSING CRISPS

**I. Quality Aspects of Potato Tubers**

- (a) Crisps shall be prepared from fully mature, fresh and clean potato tubers.
- (b) Potato tubers shall be round or oval and big in size (40-60 mm in diameter), that do not blacken during processing.
- (c) Potato tubers shall have a high dry matter content, be of 1,080 Specific Gravity. The dry matter shall be more than 20% of the weight of fresh produce.

**II. Quality Aspects of Finished Crisps**

- (a) Have a thickness of 1.0 to 1.5 mm.
- (b) Light yellow to golden brown in colour.
- (c) Crisps shall be in uniform in size and symmetry.
- (d) When packed, crisps shall not contain more than 10% by mass of small pieces, slivers and irregular pieces.
- (e) Crisps shall be well cooked, crispy and free from excessive oil.
- (f) Be of good texture and the external surface showing no noticeable separation from the inner portion.

- (g) of good flavour, free from rancidity bitterness, foreign matter and adulteration and any other blemish or artificial colouring matter.
- (h) A package of potato crisps shall not have more than 1% of the crisps with the following defects—
  - (i) surface or internal pigmentation;
  - (ii) lesions;
  - (iii) callous area;
  - (iv) black specks and excess peel.
- (i) The package for crisps shall contain a 'sell by date'.
- (j) The package shall be able to protect the organoleptic and other quality characteristics of the crisps. It should also protect against contamination, dehydration and leakage.

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## EIGHTH SCHEDULE

[Rule 12.]

### REQUIREMENTS FOR PROCESSING FROZEN CHIPS

#### I. Quality of potato Tubers

- (a) Potato tubers shall be clean, mature, sound, long and oval with a diameter greater than 50 mm.
- (b) Potato tubers shall have a high dry matter content, be of 1.080 specific gravity, and the dry matter content shall be more than 20% of the weight of fresh produce.
- (c) Potato tubers shall be sorted, washed, peeled and cut into strips as necessary to achieve satisfactory colour when fried in edible oil or fat.

#### II. Preparation of Frozen Chips

- (a) Chips shall be cut in a 'straight' or 'crinkle' manner.
- (b) The dimension of the cross-section of the cut potato chips shall either be 5 x 5 mm, 10 x 10 mm or 12 x 12 mm.
- (c) Blanch with hot water for five minutes at a temperature of 65°C to 100°C before Frying.
- (d) Deep fry edible oil or fat, and remove superficial fat before freezing.
- (e) Freeze the product to reach -18°C (0°F). Range of temperature of maximum crystallization must be passed quickly.
- (f) Sugars, table salt or condiments such as herbs and species may be added.

#### III. Quality Aspects of Frozen Chips

Frozen Chips shall—

- (a) be free from any foreign flavours and odours;
- (b) be clean and sound;
- (c) have a uniform colour;
- (d) be without excessive sorting defects such as slivers, small pieces and scraps;



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- (e) be without excessive external defects such as blemishes, eyes and discoloration;
- (f) be free from frying defects such as burnt parts;
- (g) have a uniform colour and a texture characteristic of the product, which is neither excessively soft nor soggy;
- (h) be free from micro-organisms as stipulated in the Public Health Act (Cap. 242);
- (i) have the packaging labeled "Frozen Chips" and the style of the cut designated, for example, "straight cut" or "Crinkle cut", and an indication of the approximate dimensions of the cross-section;
- (j) be packaged in a packaging that can protect the organoleptic and other quality characteristics of the product;
- (k) have the packaging marked with the "sell by date" as well as directions for cooking;
- (l) be transported in refrigerated trucks;
- (m) be stored and sold in refrigerated stores and outlets, respectively.

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**NINTH SCHEDULE**

[Rule 12.]

**REQUIREMENTS FOR PROCESSING FRESH CHIPS****I. Quality of Potato Tubers**

- (a) Chips shall be prepared from clean, mature and sound potatoes, long or oval bug tubers with shallow eyes, having a diameter greater than 50 mm.
- (b) Tubers shall be sorted, washed, peeled and cut into strips as necessary to achieve satisfactory colour when fried in edible oil or fat.

**II. Preparation of Fresh Chips**

- (a) Blanch with hot water at 65° C to 100°C before frying.
- (b) Pan-frying shall be done using fat heated to 135° C to 190°C for six minutes.

**III. Quality Aspects of Fresh Chips**

Chips shall—

- (a) be uniform in size;
- (b) have a thickness of up to 12 x 12 mm;
- (c) be light yellow or golden brown in colour;
- (d) be of good flavour, free from rancidity or bitterness,
- (e) have a good, firm texture well cooked and mealy, moderately crispy with no signs of separation from inner portion, no excess oil and not greasy, limp or soggy.

