

PLANT PROTECTION RULES

[Cap.178 (1948), Sub Leg., G.N. 520/1949, L.N. 154/1958, L.N. 230/1958, L.N. 365/1964.]

RULES UNDER SECTION 3**PART I – PRELIMINARY**

1. These Rules may be cited as the Plant Protection Rules.

PART II – GENERAL

2. The Minister may, by notice in the *Gazette*, prohibit the movement within Kenya of any plant or seed which is diseased or likely to spread disease, and may prohibit for any period the planting or growing of any crop or variety thereof which may be considered likely to hinder the prevention of the spread or the proper control of any disease or pest.

3. Every occupier or, in the absence of the occupier, every owner of land shall report to the Director the occurrence of any pest or disease, and shall transmit to him specimens of such pest or diseased plant.

4. An inspector may give such instructions as he may consider necessary for—

- (a) the disinfection, fumigation and treatment of any building, vehicle, aircraft or vessel suspected of being or having been used for the storage or conveyance of anything likely to infect any plant with disease or pest;
- (b) controlling or destroying any pest;
- (c) the disinfection, treatment, destruction or disposal of any unhealthy plant, or of any plant appearing to be infected with any disease or pest by ordering—
 - (i) the disinfection or treatment of any such plant with a dressing composed of a suitable insecticide; or
 - (ii) the destruction by burning of any such plant; or
 - (iii) the disposal by some other suitable means of any such plant.

5. Where in any area the Minister is of the opinion that pests or diseases cannot otherwise be readily or adequately controlled or eradicated, he may, by notice in the *Gazette*, declare such area to be an infected area, and thereafter no person shall move or cause to be moved any plant specified in such notice from such area without the permission of the Director of Agriculture or an officer of the Ministry of Agriculture authorized by him.

6. Where the Minister is of the opinion that any area is free from a particular pest or disease and that the movement of plants into that area from outside is likely to introduce that pest or disease into that area, he may by notice in the *Gazette* declare that no plant of any kind specified therein shall, except with the permission of the Director of Agriculture or an officer of the Ministry of Agriculture authorized by him in that behalf, be moved into the area, and thereafter no person shall move any such plant into the area without such permission.

PART III – MAIZE AND SORGHUM

7. (1) The Minister may, by notice in the *Gazette*, prohibit the planting in the areas specified in the Schedule for all purposes or for any purpose specified therein of maize and sorghum between such dates as may be specified therein; and the notice may specify different dates for different areas.

[Subsidiary]

(2) All maize and sorghum stalks, roots and other residues of maize and sorghum plants in any area set out in the Schedule shall be destroyed before such date as the Minister may, by notice in the *Gazette*, appoint:

Provided that this paragraph shall not apply to such maize and sorghum stalks, roots and other residues as may in such notice be specifically exempted therefrom.

8. No occupier or in the absence of the occupier no owner of land shall permit any maize or sorghum of the description known as volunteer maize or sorghum, or any ratoons of sorghum, to grow or be grown on his land in any area set out in the Schedule.

PART IV – COFFEE

9. If any coffee is found to be infested with an insect pest in a warehouse or coffee curing and cleaning factory, the keeper of such warehouse or coffee curing and cleaning factory shall forthwith notify the Director of the fact, and shall state the name of the owner of the plantation from which such coffee was delivered, and the Director or an inspector may order that the bags containing such infested coffee, and any other coffee immediately in contact with it, shall forthwith be effectively treated to his satisfaction for the destruction of such pest.

10. (1) All loose coffee of every description on or near any railway station, godown or cleaning mill, or any other place where coffee may be spilled, shall be collected and roasted or burnt before the first day of the month next following the month in which it was spilled or found near such railway station, godown, cleaning mill or other place.

(2) Failure to comply with this rule shall constitute an offence on the part of the person in charge of such station, godown, mill or other place.

PART V – LOCUSTS

11. In this Part—

“**hoppers**” means immature locusts that are not yet able to fly;

“**locusts**” means the insect *Schistocerca gregaria*, *Locusta migratoria*, *Nomadacris septemfasciata*, or any other species of the family Acridiidae that have the swarming habit.

12. (1) The occupier or owner of land on which locusts have deposited their eggs shall forthwith—

- (a) report such fact to the nearest police officer, administrative officer, agricultural officer or inspector and state the locality on such land where such eggs have been laid, and give such Information as may be required; and
- (b) use his utmost endeavours to destroy such eggs.

(2) An inspector may give such written instructions or recommend the adoption of such measures for the destruction of such eggs as to him may seem meet, and the occupier or owner of such land shall carry out any such instructions or adopt any such measures as may be so given or recommended.

13. (1) As soon as any hoppers appear on any land, the occupier or owner thereof shall forthwith—

- (a) report such a fact to the nearest police officer, administrative officer, agricultural officer or inspector; and
- (b) use his utmost endeavours to destroy such hoppers.

[Subsidiary]

(2) An inspector may give such written instructions or recommend the adoption of such measures for the destruction of such hoppers as to him may seem meet, and the occupier or owner of such land shall carry out any such instructions or adopt any such measures as may be so given or recommended.

14. (1) As soon as any flying locusts settle on any land the occupier or owner thereof shall forthwith—

- (a) report such fact to the nearest police officer, administrative officer, agricultural officer or inspector; and
- (b) use his utmost endeavours to destroy such flying locusts.

(2) An inspector may give such written instructions or recommend the adoption of such measures for the destruction of such flying locusts as to him may seem meet, and the occupier or owner of such land shall carry out any such instructions or adopt any such measures as may be so given or recommended.

15. Where it appears to any District Commissioner, Government entomologist, agricultural officer, assistant agricultural officer or justice of the peace that for the effective destruction of hoppers or locusts in any area the employment of additional labour and supervisory staff is necessary, he may, by notice in writing, requisition from the occupier of any land the labour, or any portion thereof, employed or resident on such land, and may require such labour to proceed to the infested area and there assist in the destruction of hoppers or locusts for such period as may be required.

16. Where, under the powers conferred by rule 15, labour is employed on land outside the occupation of the employer, the District Commissioner shall, from funds provided for the destruction of hoppers and locusts, on receipt of a claim therefor, pay to the employer the actual cost to him of such labour for such time as it is employed on hopper or locust destruction, together with the cost, if any, incurred by the employer in transporting the labour to and from the place of employment.

17. No occupier or owner of land, as the case may be, shall be held liable under rule 12, 13 or 14 if he proves that he did not know of the presence on his land of the eggs of locusts, hoppers or flying locusts, as the case may be, and that it would have been unreasonable in all the circumstances of the case for him so to know.

18. No person shall wilfully drive or attempt to drive or permit hoppers to be driven on to his neighbour's land.

SCHEDULE

[Rules 7 and 8.]

The districts of Nakuru, Uasin Gishu, Trans Nzoia and Nandi.

The area of land forming part of the districts of Western Province the boundaries whereof, commencing at a beacon at the westernmost corner of L.R. No. 6439/2 on the generally south-eastern boundary of the Mount Elgon Forest Reserve;

run thence generally south-easterly along the part of the generally eastern boundary of Bungoma District, to the junction of Bungoma, Uasin Gishu and Kakamega District boundaries at the westernmost corner of L.R. No. 4099/3;

thence south-easterly and south-westerly along the part of the eastern boundary of Kakamega District to the junction of Kakamega, Uasin Gishu and Nandi Districts at the westernmost corner of L.R. No. 4130;

[Subsidiary]

thence north-westerly by a straight line to the junction of the main Kakamega-Kitale road and the Turbo-Eldoret road at Matete, approximately four miles south-east of Broderick Falls Trading Centre;

thence generally northerly along part of the eastern boundary of the main Kakamega-Kitale road, through Broderick Falls Trading Centre, to its intersection with the Kimilil (Kabisi) river;

thence up-stream along that river to its intersection with the generally south-eastern boundary of the Mount Elgon Forest Reserve;

thence generally north-easterly along the latter boundary to the point of commencement.

These boundaries are more particularly delineated in red, on Boundary Plan No. 374, deposited in the Survey Records Office, Survey of Kenya, Nairobi, a copy of which is filed in the office of the Director of Agriculture, Nairobi.

PROHIBITIONS UNDER RULE 2 OF THE ABOVE RULES

[L.N. 216/1956, L.N. 294/1962, L.N. 35/1965, L.N. 163/1969.]

The planting and the growing of the crops specified in the First Schedule hereunder are prohibited in the area specified in the Second Schedule hereunder.

FIRST SCHEDULE

Agave sisalana.

Agave amaniensis.

Agave of any other species.

Furcraea gigantea.

Furcraea of any other species.

SECOND SCHEDULE

The area of land the boundaries whereof, commencing at the Trigonometrical Station, Chyulu, on the Chyulu or Ngulia Range;

run thence north-easterly by a straight line for a distance of approximately 32 miles to the confluence of the Masongoleni River and the Athi River;

then downstream by the course of the latter river to the confluence of the Mbololo River;

thence south-westerly by a straight line to a point in the vicinity of Kedai at the north end of the Sigaso-Kedai pipeline;

thence north-westerly by a straight line through Ngulia Hill to the point of commencement.

The above boundaries are more particularly delineated and edged green on Boundary Plan No. 339, which is deposited in the Survey Records Office, Survey of Kenya, Nairobi.

[L.N. 216/1956.]

The planting in the Nyanza Province of—

- (a) the Coimbatore varieties known as Co. 270, 290, 301, 312, 396 and 419;

[Subsidiary]

(b) the Hawaiian varieties known as H.38/2915, 39/7028 and 44/3098, of sugar-cane, which are susceptible to "Smut" disease caused by *Ustilago scitaminea*, is prohibited, except when carried out by an officer of the Ministry for the purpose of research with the permission of the Minister.

The planting, inadvertent or otherwise, of prohibited varieties of sugar-cane which may be contaminants of non-prohibited varieties of sugar-cane is prohibited.

[L.N. 294/1962.]

The movement into and within the Nyandarua District of potatoes in amounts exceeding 14 lb. is prohibited, except where the potatoes are certified to be free from bacterial wilt and a movement authority is issued by or on behalf of the District Agricultural Officer, Nyandarua.

[L.N. 35/1965.]

The planting of all plants of *Pinus* species in the area commencing at the easternmost corner of Dagoretti Forest (Map Reference BJ 424577 on 1/50000 Sheet 148/3 edition 8), thence generally southwesterly to the junction of the Embakasi and Dagoretti Forest Boundaries (Map Reference BJ 398558 on 1/50000 Sheet 148/3 edition 8), thence by the Masai-Kikuyu boundary to Trigonometrical point 148 U 75 (Map Reference BJ 293785 on 1/50000 Sheet 148/1 edition 6), thence easterly to meet the railway line north of Limuru Town (Map Reference BJ 380785 on 1/50000 Sheet 148/1 edition 6), thence southerly by the Nairobi-Nakuru road to a road junction (Map Reference BJ 429586 on 1/50000 Sheet 148/3 edition 8), thence southwesterly by the road forming the Nairobi Municipality Boundary to the point of commencement.

A copy of the map showing these boundaries may be inspected at the Ministry of Agriculture, Nairobi.

[L.N. 163/1969.]

INFECTED AREAS DECLARED UNDER RULE 5 OF THE ABOVE RULES

[G.N. 331/1950, L.N. 522/1957, L.N. 365/1964, Sch.]

The Coast Province is declared to be an infected area, infected with *Scyphophorus acupunctatus*, the Sisal Weevil, and no person shall move or cause to be moved from the Coast Province, without the permission of the Director of Agriculture or an officer of the Ministry of Agriculture, any plant of the following—

Agave sisalana (Sisal);*Agave amaniensis*;*Agave*, of any other species;*Furcraea gigantea* (Mauritius Hemp);*Furcraea*, of any other species.

[G.N. 331/1950.]

The Coast Province and the Nyanza Province and Western Province are declared to be an infected area, infected with *Cosmopolites sordidus*, the Banana Weevil, and no person shall move or cause to be moved from the area of the Coast Province and the Nyanza Province and Western Province, without the permission of the Director of Agriculture or an officer of the Ministry of Agriculture any plant of the following—

Banana, *Musa* all species (excluding Banana fruits for consumption).

[L.N. 522/1957, L.N. 365/1964, Sch.]

[Subsidiary]

DECLARATIONS UNDER RULE 6 OF THE ABOVE RULES

[L.N. 153/1958, L.N. 177/1959, L.N. 558/1960.]

No plant of *Coffea* species shall, except with the permission of the Director of Agriculture or an officer of the Ministry of Agriculture authorized by him in that behalf, be moved into any of the following areas (being areas which in the opinion of the Minister are free from Coffee Berry Disease (*Colletotrichum coffeanum*))—

The districts of Taita, Machakos and Naivasha.

The following County Districts of the County of Nakuru—

Njoro Rural District;

Rongai Rural District;

Ravine Rural District;

Nakuru East Rural District.

The Turi-Elburgon Ward of the County of Nakuru.

The Municipality of Nakuru.

DATES APPOINTED UNDER RULE 7(2) OF THE ABOVE RULES

[Cap. 178 (1948), Sub. Leg. L.N. 365/1964.]

The dates specified in the second column hereunder are appointed as the dates before which in every year all maize and sorghum stalks, roots and other residues of maize and sorghum shall be destroyed in the areas respectively specified in the first column hereunder—

Uasin Gishu District	1st February.
Nakuru District	1st March.
That part of the Kakamega District described in the Schedule to the rules	1st February
Nandi District	1st February.
Trans Nzoia District	15th February.