

THE DAIRY INDUSTRY

(Cap. 336)

IN EXERCISE of the powers conferred by section 19 of the Dairy Industry Act, the Minister for Livestock and Fisheries Development, on the advice of the Kenya Dairy Board, makes the following Regulations:—

THE DAIRY INDUSTRY (SALES BY PRODUCERS)
REGULATIONS, 2004.

- Short title and citation. 1. These Regulations may be cited as the Dairy Industry (Sales by Producers) Regulations, 2004.
- Producer to hold a valid licence. 2. (1) No person shall operate as a producer unless the person holds a licence issued by the Board.
(2) Paragraph (1) does not apply to a dairy farmer unless the dairy farmer also processes, manufactures, prepares or treats dairy produce for sale.
- Application for a licence. 3. An application for a licence shall be in form 1 in the Second Schedule.
- Form of licence. 4. (1) The following licences may be issued pursuant to an application under regulation 3—
(a) primary producer licence;
(b) processor licence;
(c) mini dairy licence;
(d) cottage industry licence;
(e) milk bar licence; and
(f) cooling plant licence.
(2) A licence issued by the Board under this regulation shall be as prescribed in form 2 in the Second Schedule.
- Fees. 5. The fees set out in the First Schedule are prescribed as fees to be paid to the Board.
- Term of licence. 6. A licence issued under these regulations shall be valid for a period of twelve months from the date of issue.
- Interests of producers and customers to be considered. 7. The Board shall, in considering an application, take into account the interests of other producers and consumers in respect of which the application is made.
- Conditions of licence. 8. The Board can—
(a) modify or vary the licence from time to time upon giving thirty (30) day's notice in writing to the licensee.
(b) cancel the licence if satisfied that there has been any material error or omission in the facts stated in the application.

(c) cancel the licence if the licensee is in default in the payment of cess or any other sum due to the Board or arising from any contractual arrangements with producers or their agents.

(d) cancel the licence if the licensee contravenes these regulations.

9. The Board may refuse to issue a new licence or may suspend or cancel an existing licence if the Board is satisfied that— Refusal to grant or renew licence.

(a) the producer's standards of performance are unsatisfactory;

(b) the issue is not, or the suspension or cancellation, is in the interest of other producers and of consumers;

(c) the conditions of a licence have not been fulfilled;

(d) the applicant or licensee has failed to remit, within the prescribed period, any cess due by the applicant or licensee to the Board; or

(e) the applicant or licensee has not paid dairy farmers for milk delivered to the applicant or licensee.

10. A person who contravenes regulation 2 (1) is guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding one year or to both. Penalty.

11. The following are revoked: Revocation.

(a) the Dairy Industry (Sales by Producers) Regulations, sub-leg. L.N.259/1961; L.N. 210/1965;

(b) the Dairy Industry (Sales by Producers) Order, L.N. sub-leg. 285/1961.

FIRST SCHEDULE

LIST OF FEES PAYABLE UNDER THESE REGULATIONS

(r. 5)

<i>Item</i>	<i>KSh.</i>
1. Application fee	600
2. Primary Producer licence fee	1,200
3. Processor licence fee	25,000
4. Mini dairy licence fee	6,000
5. Cottage industry licence fee	4,000
6. Milk bar licence fee	2,500
7. Cooling plant licence fee (below 5,000 litres)	1,000
8. Cooling plant licence fee (5,000 litres and above)	2,000

SECOND SCHEDULE

FORM I

KENYA DAIRY BOARD

P. O. Box 30406-00100 GPO TEL: 310559/335057 Fax: 244064
E-mail: info@kdb.co.ke

Serial No:

APPLICATION FOR LICENCE TO PRODUCE/PROCESS/SELL/DISPOSE OF DAIRY PRODUCE

To:

The Chief Executive
Kenya Dairy Board
P. O. Box 30406-00100 GPO
Nairobi

Dear Sir/Madam,

I (Name)
Address Tel.No
E-mail.....Fax hereby apply forlicence to

produce/process/sell/dispose of the quantities of dairy produce specified in column (1) of the schedule to this application to the person (s) or class of persons specified in column (2) of the said schedule within the area specified in column (3) on the said schedule for the period specified in column (4) on the said schedule.

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<i>Nature of Dairy Produce</i>	<i>Quantity Per Day</i>	<i>For sale to whom (and whether Wholesale or Retail)</i>	<i>Area</i>	<i>Period</i>

Full name of businessLocation of Business

Address Tel. Fax..... E-mail.....

Date Signature & Stamp

(If signature is on behalf of a Limited Company, Estate or Partnership, this must be stated)

FOR OFFICIAL USE ONLY

1. Kenya Dairy Board Inspector's Remarks
.....
Name..... Signature & Stamp.....
2. Officer in Charge's Remarks:
.....
.....
..... Signature & Stamp.....
3. Kenya Dairy Board Management Licensing Committee
Recommended/Deferred/Rejected
.....
Signature

FORM 2

KENYA DAIRY BOARD

LICENCE TO PRODUCE/PROCESS/SELL/DISPOSE OF DAIRY PRODUCE

Licence No.....
Category.....
Name.....
Postal Address Physical Address

Telephone No. E-mail.....

Is hereby licensed to produce/process/sell/dispose of the quantities of dairy produce specified in column 1 of the schedule to this licence to the person(s) or class of persons specified in column 2 of the said schedule within the area specified in column 3 of the said schedule for the period(s) specified in column 4 of the said schedule subject to the following terms and conditions:

1. The Kenya Dairy Board reserves the right to modify or vary this licence from time to time upon giving to the licensee thirty (30) day's previous notice in writing.
2. This licence is subject to immediate cancellation if the Board is satisfied that there has been any material error or omission in the facts stated in the application.
3. This licence is subject to immediate cancellation if the licensee is in default in the payment of any cess or other sums due to the Board or arising from any contractual arrangements with producers or their agents.
4. This licence is liable to immediate cancellation if the licensee contravenes any of the conditions of the licence or otherwise acts in contravention of the Dairy Industry (Sales by Producers) Regulations, 2004.

COLUMN 1		COLUMN 2	COLUMN 3	COLUMN 4
<i>Nature of Dairy Produce</i>	<i>Quantity Per Day</i>	<i>For sale to whom (and whether Wholesale or Retail)</i>	<i>Area</i>	<i>Period</i>

By Order of the Kenya Dairy Board.

Expiry Date

.....
for Kenya Dairy Board

Date of Issue

Dated the 13th August, 2004.

J. K. MUNYAO,
Minister for Livestock and Fisheries Development.