

AGRICULTURE (CROP PRODUCTION) RULES, 1957

ARRANGEMENT OF RULES

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IN RESPECT OF WHICH A GUARANTEED MINIMUM
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WHOLE OR IN PART OUTSTANDING

AGRICULTURE (CROP PRODUCTION) RULES, 1957

[L.N. 478/1957, L.N. 151/1958, L.N. 101/1959, L.N. 352/1963.]

1. Citation

These Rules may be cited as the Agriculture (Crop Production) Rules, 1957.

2. Interpretation

In these Rules, unless the context otherwise requires—

“**Board**” means the Central Agricultural Board;

“**committee**” means the relative District Agricultural Committee;

“**earliest date of planting**” means the date specified as such under rule 5;

“**latest date of planting**” means the date specified as such under rule 5;

“**latest date of claim**” means the date specified as such under rule 4.

3. Forms

(1) Every programme of production shall be in Form 1 in the First Schedule.

(2) Every production order shall be in Form 2 in the First Schedule and shall contain the conditions therein enumerated.

4. Latest date of claim

The Board shall, by notice in the *Gazette* and in a newspaper or news bulletin circulating in the area concerned, declare annually, and either generally or in relation to a particular area, a latest date upon which claims for the payment of guaranteed minimum returns shall be received by the Board.

5. Earliest and latest dates of planting

(1) Every provincial agricultural board shall, in respect of its area, declare—

(a) an earliest date of planting; and

(b) a latest date of planting,

either generally or in relation to any particular crop or in relation to any particular part of its area or otherwise as it may deem appropriate, and may at any time alter or vary the same.

(2) Such declarations, which shall be signed by the chairman, shall be issued in a form approved by the Board, and shall be published in a newspaper or news bulletin circulating in the area concerned.

(3) Two copies of every such notice shall be sent to the Board, which shall arrange for its publication in the *Gazette*.

6. Conditions attached to production order

No person upon whom a production order has been served shall be paid the guaranteed minimum return unless he—

- (a) properly cultivates and manages the land in respect of which the production order is in force and applies to the land such quantity and such type of fertilizer as may be required or be necessary to ensure a good or normal crop yield; and

- (b) plants the required acreage with the specified essential crop between the earliest date of planting and the latest date of planting;
- (c) informs in writing the chairman of the committee of the acreage of any land planted by him with an essential crop other than the acreage specified in the production order, including with the notification a diagram clearly indicating the land planted under the terms of the production order and the other land so planted; and
- (d) informs in writing the chairman of the committee of any inability to comply with the requirements of a production order as soon as this becomes apparent to him and, if necessary, applies for an amendment thereto; and
- (e) in accordance with section 113 of the Act, informs in writing, by registered post, the chairman of the committee of any failure or anticipated failure of an essential crop at the time when the failure becomes apparent; and
- (f) makes a claim in writing for payment of the guaranteed minimum return in the form approved by the Board, which shall be submitted to the Board through the chairmen of the committee and provincial agricultural board, and which shall be received by the Board on or before the latest date of claim:

Provided that where a claim is, through no fault of the claimant, not received by that date the Board may, if it thinks fit, entertain the claim.

7. Essential crops may not be retained without Board's permission

(1) No person upon whom a production order has been served and who, in compliance with the terms thereof, has planted any essential crop, and who has an outstanding advance against the guaranteed minimum return estimated to be payable in respect of that crop, may retain for his own use or for any other purpose any part of that crop without first obtaining the written consent of the Board.

(2) A person who desires to retain any part of the crop shall make application to the appropriate committee so to do in the form in the Second Schedule.

(3) Any person who fails to comply with this rule shall be guilty of an offence and liable to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding two months.

FIRST SCHEDULE

[Rule 3(1).]

FORM 1

Original
Duplicate
Triplicate

No.

PROGRAMME OF PRODUCTION

1. I/We
..... [names in full or name of limited company or partnership]
of [postal address]
wish to apply for a PRODUCTION ORDER on—
2. Name of farm
3. L.O. No.[s].
4. Acreage

FIRST SCHEDULE, FORM 1—continued

- 5. District agricultural committee
- 6. L.R. No[s]. of any other farm[s] on which essential crops will be planted
- 7. Committee[s] referred to in para. 6 above

PROPOSED PROGRAMME OF ESSENTIAL CROPS TO BE PLANTED ON L.O. NO[S]. NAMED AT PARAGRAPH 3 ABOVE

[Columns 2, 3, 4 and 5 to be Completed by Applicant]

Essential crops 1	PRODUCTION LAST CROP YEAR*			Proposals present year (State varieties of Wheat and Barley) (Acres) 5	Recommend ations district agricultural committee (Acres) 6	Acreage ordered to be planted under production order 7
	Acres planted 2	Yield (bags) 3	Retained (bags) 4			
Wheat						
Barley (Specify varieties in column 5)						
Oats						
Sunflower						
Maize	White					
	Yellow					

*If exact figures are not available, give estimate.

I certify that the above particulars quoted in columns 2, 3, 4 and 5 are correct to the best of my knowledge and belief.

Date

Signature of Applicant for production
order

[If signature is on behalf of a limited company or partnership, this must be stated]

RECOMMENDATIONS OF DISTRICT AGRICULTURAL COMMITTEE

Date

Chairman of District Agricultural
Committee

RECOMMENDATIONS OF PROVINCIAL AGRICULTURAL BOARD

Date

Chairman of Provincial Agricultural
Board

FIRST SCHEDULE—continued

[Rule 3(2).]

FORM 2

PRODUCTION ORDER

Under section 104 of the Agriculture Act

Take notice that you are hereby required to plant the acreages specified in column 7 of the crops specified in column 1 of the programme of production overleaf dated the 20

Conditions

The person to whom this production order is issued shall—

- (a) properly cultivate and manage the land affected by the Production Order and apply to it such quantity and such type of fertilizer as may be required or be necessary to ensure a good or normal crop yield; and
(b) plant the required acreage with the appropriate essential crop between the earliest date of planting and the latest date of planting; and
(c) Inform the Chairman of the Agricultural Sub-Committee concerned, in writing, within one month of planting, of any land planted by him with an essential crop being an addition to the required acreage of the essential crop required to be planted by the production order, and the notification shall include a diagram clearly indicating the situation of the land planted with the required essential crop under this production order and also the essential crop planted in addition to the crop required by this production order; and
(d) Inform, in writing, the chairman of the appropriate district agricultural committee of his inability to comply with the requirements of this production order as soon as this becomes apparent to him, and, if necessary, apply for an amendment hereto; and
(e) In accordance with section 113 of the Act, inform in writing, by registered post, the chairman of the district agricultural committee of any failure or anticipated failure of an essential crop at the time when the failure becomes apparent; and
(f) In no circumstances retain for his own use or for any other purpose any essential crop planted under the terms of his production order in respect of which he has an outstanding advance against the estimated guaranteed minimum return without first obtaining the written consent of the Central Agricultural Board; and
(g) comply with every modification and recommendation of the Central Agricultural Board which are set out hereafter.

for Chairman, Central Agricultural Board

NOTE.—The failure to comply with any of the conditions may, in addition to any penalty which may be imposed under the Agriculture Act, result in the cancellation of this production order under section 105 of the Act.

SECOND SCHEDULE

[Rule 7.]

APPLICATION FOR THE RETENTION FOR CONSUMPTION ON THE FARM OF ESSENTIAL CROPS IN RESPECT OF WHICH A GUARANTEED MINIMUM RETURN ADVANCE HAS BEEN TAKEN AND IS IN WHOLE OR IN PART OUTSTANDING

To: The District Agricultural Committee

1. I, of

SECOND SCHEDULE—*continued*

hereby apply for permission to retain the crops shown in column IV below for consumption on the farm(s) on which they have been grown in accordance with the terms of my production order dated the, 20

2. I have been granted guaranteed minimum return advance[s] against the said production order of Sh of which I have drawn Sh and of which Sh are still outstanding.
3. If permission is granted, it will mean that my deliveries to the *agents/by farm-to-farm sales through the books of the K.F.A. will not be sufficient to repay the whole of my guaranteed minimum return advance, and I anticipate a shortfall of approximately Sh
- *4. I hereby undertake to make good any shortfall by payment to the Agricultural Finance Corporation within six months from which is the date on which the harvesting of the crop concerned was completed.

ALL ESSENTIAL CROPS GROWN TO BE INSERTED BELOW

I	II	III	IV
Essential crops	Acres harvested	Total crop harvested † (bags)	Number of bags required to be retained on farm
Wheat		(200 lb. bags)	
Maize		(200 lb. bags)	
Barley		(180 lb. bags)	
Oats		(150 lb. bags)	
Sunflower		(100 lb. bags)	
Linseed		(200 lb. bags)	

Date

Applicant.

* Delete where not applicable.

† If exact figures are not available, give estimate.

RECOMMENDATION OF CHAIRMAN OF DISTRICT AGRICULTURAL COMMITTEE

To: The Manager,
Agricultural Finance Corporation,
Nairobi.

Retention of the crops applied for in Column IV $\frac{\text{*is}}{\text{is not}}$ recommended.

Comments (if any):

Date

Chairman.

District Agricultural Committee.

* Delete where not applicable.

SECOND SCHEDULE—*continued*

OBSERVATIONS OF AGRICULTURAL FINANCE CORPORATION

To: The Chairman,
Central Agricultural Board,
Nairobi.

Date
Manager,
Agricultural Finance Corporation.

To: The Manager,
Agricultural Finance Corporation,
Nairobi.

The applicant has been permitted to retain *the crops applied for on his farm, the
the following crops
approximate value of which is Shand your security is reduced
accordingly.

Date
for Chairman,
Central Agricultural Board.

* Delete where not applicable.
