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THE CROPS ACT

(No. 16 of 2013)

THE CROPS (HORTICULTURAL CROPS) REGULATIONS,
2020

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THE CROPS ACT

(No. 16 of 2013)

THE CROPS (HORTICULTURAL CROPS) REGULATIONS, 2020

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

THE CROPS (HORTICULTURAL CROPS) REGULATIONS, 2020

PART I—PRELIMINARY

1. These Regulations may be cited as the Crops (Horticultural Crops) Regulations, 2020. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“Act” means the Crops Act, 2013;

“Authority” means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act, 2013;

“agreement” means a negotiated and binding arrangement between a dealer and a grower of horticultural produce; No. 14 of 2013

“collection centre” means an area established close to growers for bulking of produce for purposes of collective marketing and enforcement of quality standards;

“crops inspector” means a person who is appointed as such, in writing, by the Authority in accordance with section 27 of the Act;

“dealer” means a natural person, a company or a firm engaged in collecting, transporting, storing, buying or selling horticultural produce and includes a ship chandler, an exporter, an importer, processor or a marketing agent;

“domestic market” means a market for horticultural produce that is situated within the country;

“export” means the selling of horticultural produce in a market that is outside Kenya;

“financial year” means the period of twelve months commencing on the first of July and ending on the thirtieth June of the subsequent year;

“grower” means a person who cultivates horticultural crops in Kenya and includes a smallholder and a plantation grower;

“horticultural crop” means a crop listed under the First Schedule;

“import” means to bring into Kenya horticultural produce from another country;

“levy” means a payment imposed on horticultural produce based on a criterion determined and published in the gazette by the cabinet secretary;

“marketing agent” means a natural person, company or firm engaged in buying horticultural produce for sale in the domestic market or export market;

“mother block” means an established area for plants known to be free from diseases and true to type that is used as a source of stock for propagation for the purpose of obtaining clean grafting or budding material;

“national horticulture standards” means the Kenyan Horticulture Standards formulated and registered by the Kenya Bureau of Standards in consultation with the Authority and the horticulture industry;

“nursery” means an area for raising and selling horticulture seedlings including tissue culture laboratories, greenhouses, shed nets and open fields;

“nursery seedling operator” means a person who raises horticulture seedling for sale;

“postharvest” means any process that horticultural produce is subjected to from the time the crop is harvested to the time the crop is consumed;

“potable water” means water that has been tested and confirmed to be suitable for use in the processing of horticultural produce;

“produce” means the harvested part of horticultural crop including roots, tubers, fruits, leafy part, berries or cut flowers ;

“produce handling facility” means an area where horticultural produce is assembled for purposes of grading, sorting, packaging or storage and includes collection centres, pack houses, cold stores, supermarkets, retail and wholesale markets and grading sheds;

“retail market” means a place where horticultural produce is sold to consumers;

“rootstock” means a plant, including a stump, which already has an established healthy root system onto which a cutting or a bud from another plant is grafted;

“scion” means a detached portion of a plant, a bud or shoot that is intended for grafting or budding to a rootstock;

“seedling” means a plant that is sexually or asexually propagated as a vegetative planting material;

“ship chandler” means a person registered and authorized by the Authority to supply horticultural produce to a ship or an aircraft;

“traceability” means the ability to track horticultural produce and process owner from production to the final consumer and vice versa;

“value addition” means the process of capturing and creating value of produce from its original state and includes sorting and grading, packaging, prepacking, canning and freezing;

“vessel” means a carrier which can be used to convey horticultural produce from one point to another and includes a person, vehicle, ship, airplane, bicycle, handcart or motorbike; and

“wholesale market” means a place where goods or merchandise are sold to retailers, industrial, commercial, institutional or other large-scale business users.

3. These Regulations shall apply to all horticultural crops specified in the First Schedule—

Application.

- (a) grown, processed or marketed in Kenya; and
- (b) imported to or exported from Kenya.

4. The object of these Regulations is to promote, develop and regulate the growth of the horticulture industry, to ensure that growers and dealers meet produce quality and food safety standards and to provide for the—

Object of the Regulations.

- (a) organization and coordination of the horticulture industry;
- (b) reduction of duplication and overlap of functions among institutions involved in the regulation of the horticulture industry;
- (c) registration of nursery operators, grower associations and dealers;
- (d) increased productivity and production of safe and quality horticultural produce;
- (e) safe handling, storage, value addition and efficient distribution of horticultural produce;
- (f) improved market access of horticultural produce; and
- (g) establishment of systems for collection of integrated real time data for the horticulture value chain.

PART II— PRODUCTION AND PRODUCTIVITY

5. (1) A commercial nursery operator shall not procure rootstock, scion or seed from a source that is not approved.

Approved sources of planting materials.

(2) A person who contravenes sub regulation (1) commits an offence.

6. (1) A person shall not operate a commercial nursery or a mother block for supply to the domestic market unless the person holds a valid certificate of registration from the respective county government.

Obligation to register nurseries and mother blocks.

(2) A person shall not operate a commercial nursery or mother block for supply to the export market unless the person holds a valid certificate of registration from the Authority.

(3) A person who contravenes sub regulation (1) or (2) commits an offence.

7. (1) A person who intends to operate a commercial nursery or a mother block for supply to the domestic market shall apply for registration to the respective county government in Form 1 set out in the Second Schedule.

Registration of nurseries or mother blocks for domestic market.

(2) The county government shall not issue a certificate of registration unless a county crops inspector has visited and inspected the site and has confirmed that the applicant complies with the following requirements—

- (a) sanitation standards are maintained at the propagation area;
- (b) the seedlings are protected from diseases and pests;
- (c) the area is free from organic and inorganic litter;
- (d) there is clear separation of operations, including soil mixing and potting, seedling area, grafting area, hardening area and dispatch;
- (e) the water source is year-round, adequate, of recommended PH and is free from chemical and microbial contamination;
- (f) the planting media used is free from microbial and chemical contamination;
- (g) the nursery layout is secured from animals and other pests;
- (h) the layout has East to West orientation, has a gentle slope and allows for good drainage;
- (i) there are structures in place for the nursery operations including shade nets, polytunnels and insect proof net, a certified laboratory for tissue culture material and a hardening off area;
- (j) the scion, seeds or rootstock are obtained from an approved source;
- (k) the nursery seedlings are labelled with the seedling type, date of planting, grafting or budding where applicable;
- (l) the seedlings ready for dispatch are tagged or labelled appropriately indicating the seedling variety;
- (m) the distribution records of the nursery showing the buyer's name, county, sub county, ward, postal address and varieties purchased are maintained;
- (n) the nursery is located one hundred meters away from the orchard to prevent cross pollination; and
- (o) the operator or the operator's agent has adequate knowledge of nursery management and horticultural techniques in respect of the horticultural crops to be grown.

(3) The county government shall, if satisfied that the applicant meets the requirements in sub regulation (2), issue a certificate of registration in Form 2 set out in the Second Schedule to the applicant in respect of the inspected site.

(4) A certificate of registration for a commercial nursery or a mother block shall not be transferrable and shall expire at the end of the financial year.

(5) An application for renewal of registration shall be made to the respective county government at least three months before the expiry date in Form 1 set out in the Second Schedule.

8. (1) A person who intends to operate a commercial nursery or mother block for supply to the export market shall make an application to the Authority in Form 3 set out in the Second Schedule.

Registration of nurseries or mother blocks for export market.

(2) The Authority shall issue a certificate of registration after a crops inspector has visited and inspected the site and confirmed that it complies with the following minimum requirements—

- (a) sanitation standards are maintained at the propagation area;
- (b) the seedlings are protected from diseases and pests;
- (c) the area is free from organic and inorganic litter;
- (d) there is clear separation of operations, including soil mixing and potting, seedling area, grafting area, hardening area and dispatch;
- (e) the water source is year-round, adequate, of recommended PH and is free from chemical and microbial contamination;
- (f) the planting media used is free from microbial and chemical contamination;
- (g) the nursery layout is secured from animals and other pests;
- (h) the layout has East to West orientation, has a gentle slope and allows for good drainage;
- (i) there are structures in place for the nursery operations including shade nets, polytunnels, insect proof nets, a certified laboratory for tissue culture material and hardening off area;
- (j) the scion, seeds or rootstock are obtained from an approved source;
- (k) the nursery seedlings are labelled with the seedling type, the date of planting, grafting or budding, as the case may be;
- (l) the seedlings ready for dispatch are tagged or labelled appropriately, indicating the seedling variety;
- (m) the distribution records of the nursery showing the buyer's name, county, sub county, ward, postal address and varieties purchased are maintained;
- (n) the nursery is located 100 meters away from the orchard to prevent cross pollination; and
- (o) the personnel working in the nursery have basic training in nursery management.

(3) The Authority shall, if satisfied that the applicant meets the requirements in sub regulation (2), issue a certificate of registration in Form 4 set out in the Second Schedule to the applicant in respect of the inspected site.

(4) A certificate of registration issued under this regulation shall not be transferrable and shall expire at the end of the financial year.

(5) An application for renewal of registration shall be made to the Authority at least three months before the expiry date in Form 3 set out in the Second Schedule.

9. (1) An operator of a commercial nursery or a mother block shall, on request by an inspector, produce the certificate of registration.

Conditions of
nursery
registration
certificate.

(2) A person who contravenes this regulation commits an offence.

10. The Authority or county government may revoke a certificate of registration issued to a nursery or a mother block operator if that operator contravenes the provisions of the Act, any regulations issued under the Act or any conditions specified in the certificate.

Revocation of
certificate of
nursery or mother
block registration.

11. (1) A nursery operator shall not sell planting materials that have not been certified by the Kenya Plant Health Inspectorate Service.

Certification of
planting materials.

(2) A person who contravenes this regulation commits an offence.

12. (1) A commercial nursery operator who is registered by the Authority or county government shall keep records of distributed planting materials and shall produce the records on demand for inspection.

Nursery records
and returns.

(2) The records referred to in sub regulation (1) shall indicate the varieties purchased and the buyer's name, county, sub-county, ward and postal address.

(3) A nursery operator shall submit annual statistical returns to the Authority Form 5 set out in the Second Schedule.

(4) A person who contravenes sub regulation (1) or (3) commits an offence.

13. (1) A plantation grower or a grower association may apply to the Authority for registration in Form 6 set out in the Second Schedule.

Registration of
grower
associations.

(2) The application made under sub-regulation (1) shall be accompanied by—

- (a) a certificate of registration;
- (b) a list of the association's officials;
- (c) a list of the registered members;
- (d) a list of horticultural crops grown by the members;
- (e) the code of conduct for the association.

(2) No fee shall be charged for the registration of grower associations.

(3) The Authority shall, if satisfied that the applicant meets the requirements for registration, enter the name and particulars of the association in the register and issue a certificate of registration subject to such terms and conditions as it deems necessary.

14. (1) A person who intends to deal in horticultural crops in the domestic market shall make an application to the Authority in Form 7 set out in the Second Schedule.

Registration of
dealers in the
domestic market.

(2) If the Authority is satisfied that the applicant meets the registration requirements, the Authority shall issue a certificate of registration to the applicant.

(3) A certificate of registration issued under this regulation shall be in Form 8 set out in the Second Schedule.

(4) A dealer shall conspicuously display the certificate issued under sub-regulation (3) at his place of business.

(5) A certificate of registration issued under this regulation shall not be transferrable shall be valid until the thirtieth of June next following the date of issue.

(6) An application for renewal of registration shall be made to the Authority at least three months before the expiry date in Form 7 set out in the Second Schedule.

15. (1) A clearing agent who intends to clear horticultural produce shall apply to the Authority for registration in Form 9 set out in the Second Schedule.

Registration of
horticultural
produce clearing
agents.

(2) The application under sub regulation(1) shall be accompanied by—

- (a) the fee set out in the Third Schedule
- (b) a copy of the certificate of incorporation;
- (c) a copy of the customs license;
- (d) a copy the Kenya Revenue Authority PIN certificate;
- (e) a copy of the certificate from the Kenya International Freight and warehouse Association of Kenya;
- (f) a contract or an agreement between the clearing and forwarding agent and the exporter;
- (g) two coloured passport photos for a processing clerk;
- (h) a copy of the national identification card for the processing clerk; and
- (i) a copy of a certificate of good conduct from the National Police Service for the processing clerk.

(3) The Authority shall, if satisfied with that the application meets the registration requirements, enter the name of the applicant in the register and issue the applicant with a certificate in Form 10 set out in the Second Schedule subject to such terms and conditions it deems necessary.

PART III—QUALITY ASSURANCE AND MARKETING

16. (1) The Authority shall, in collaboration with relevant Government agencies and county governments, ensure that horticultural crop inputs and produce conform to these Regulations, national, regional and international horticulture standards.

Monitoring of
quality standards.

(2) Every county government shall facilitate the development of market infrastructure to support the implementation of national standards.

17. (1) A person shall not use water, planting media or fertilizer that contains microbial or chemical contaminants for production of horticultural crops.

Safe production and handling of horticultural produce.

(2) Water used for postharvest and processing of horticultural produce shall be of potable quality.

(3) Every county government shall ensure that all collection centres, retail and wholesale markets, food stores and pack houses are provided with sanitary facilities.

(4) A person who contravenes sub-regulation (1) or (2) commits an offence.

18. (1) Horticultural produce shall be harvested at the right stage of maturity for the intended use.

Produce handling and grading at the farm.

(2) Harvested produce shall be handled by personnel with skills and knowledge on food safety.

(3) Horticultural produce shall be harvested in the morning or evening or during cool parts of the day and kept under a shade.

(4) Harvested produce shall be protected from dust and other contaminants.

(5) Appropriate harvesting equipment and containers shall be used for harvesting horticultural produce.

(6) Horticultural produce shall be harvested using clean crates or clean buckets.

(7) Horticultural produce shall be sorted and graded as appropriate and produce unfit for the market shall be separated from marketable produce at the field level.

(8) A collection shed shall be constructed for receiving produce at the field level.

(9) A collection shed shall—

- (a) be accessible to both growers and dealers;
- (b) be designed to allow for a store, working area and shade;
- (c) have floors, doors, wall surfaces made with materials which are easy to clean and disinfect;
- (d) be constructed to allow for adequate ventilation, lighting, effective produce inspection and made of acceptable materials;
- (e) have potable water and adequate sanitation facilities;
- (f) have waste disposal facilities;
- (g) have clear documentation procedures and document control systems; and

(h) have traceability details of any produce that is collected.

(10) A person who contravenes sub-regulation (1), (2), (4), (6), (8) or (9) commits an offence.

19. (1) The processing and packaging of horticultural produce shall be carried out under clean, hygienic and safe conditions as set out in the National Horticulture Standards and the Public Health Act.

Minimum conditions for produce handling facilities.

(2) The working areas and premises of a produce handling facility shall be kept free of waste materials.

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(3) Any person who is within a produce handling facility shall wear protective clothing at all times.

(4) Any hand used equipment or grading table shall be rust proof and easy to clean.

(5) The floor layout for a produce handling facility shall allow for smooth flow of produce with adequate separation of raw materials and finished products.

(6) The floors, doors and wall surfaces of a produce handling facility shall be made of impervious, non-absorbent, non-toxic washable material which is easy to clean and disinfect.

(7) A produce handling facility shall have adequate ventilation, temperature control and lighting.

(8) A produce handling facility shall be designed and constructed to prevent entry of dust, domestic animals, rodents, insects, birds, or any other unwanted animals.

(9) A person shall not smoke, eat or drink in a produce handling facility and appropriate signs shall be displayed in the facility to that effect.

(10) Packaging materials shall be kept off the floor in a clean dry storage area that is free from the risk of contamination.

(11) Horticultural produce shall move through the facility operation in the order that it is received, first in first out.

(12) The traceability of horticultural produce shall be documented throughout the process chain.

(13) A person who contravenes any provision in this regulation commits an offence.

20. (1) The packaging material for horticultural produce shall be designed to suit the transport handling system and shall meet market requirements.

Requirements for packaging, transportation and storage of horticultural produce and products.

(2) The package weight of horticultural produce shall not exceed fifty kilogrammes.

(3) The packaging material used for horticultural produce shall have the capacity to contain the produce, enabling the required quantity to be handled as one-unit up to the targeted destination without collapsing.

(4) Horticultural produce shall, during storage and transportation, be kept at the temperature and humidity levels prescribed in the specific commodity standards for that produce.

(5) Horticultural produce shall not be stored or transported together with other produce which may contaminate them or otherwise adversely affect their quality.

(6) A vessel for transportation of horticultural produce shall be built and equipped to ensure maintenance of optimal temperatures and hygiene and to prevent damage, contamination and spoilage of produce.

(7) Horticultural produce offered for export shall conform to the national labelling and packaging standards.

(8) Every packaging material for horticultural produce for the export market shall be branded as "produce of Kenya" using the national logo prescribed by the national institution responsible for branding.

(9) A person handling horticultural produce shall—

- (a) after every six months, undergo a medical test and be issued with a medical certificate; and
- (b) be trained on produce handling.

(10) A person who contravenes any provision in this regulation commits an offence.

21. (1) A grower shall use only the pest control products registered by Pest Control Product Board in accordance with the label instructions.

Safe use of pesticides.

(2) A grower shall maintain all records of pest control products used and avail the records to a crops inspector on demand.

(3) The minimum records kept by a grower for traceability shall include—

- (a) the name of the crop previously grown in the same field;
- (b) the type of seed used;
- (c) seed dressing product used;
- (d) date of planting;
- (e) pest and disease records;
- (f) pest product used in spraying;
- (g) method of application of pest control products;
- (h) weather conditions during the application of pest control products;
- (i) date and rate of application of pest control products;
- (j) irrigation frequency and dates of irrigation;
- (k) harvesting dates and weather conditions during harvesting;

(l) the spray operator and equipment used; and

(m) sprayer and equipment calibration records.

(4) A person shall not use post-harvest treatment products that are not registered by the Pest Control Product Board.

(5) A person who contravenes any provision of this regulation commits an offence.

22. (1) A dealer in horticultural produce shall declare to the Authority the source of his produce—

Traceability of produce.

(a) in the case of a farm owned by the dealer, in Form 11 set out in the Second Schedule;

(b) in the case of produce sourced from contracted growers, in Form 12 set out in the Second Schedule; or

(c) in the case of produce obtained from retail or wholesale markets, in Form 13 set out in the Second Schedule.

(2) A dealer in horticultural produce shall put in place the National Horticulture Traceability System or an equivalent traceability system as may be approved by the Authority.

(3) A dealer in horticultural produce shall not deal with marketing agents who are not registered with the Authority.

(4) A dealer in horticultural produce shall put in place a quality management system for withdrawal and recall of produce to address food safety concerns with potential to harm human health.

(5) A person who contravenes any provision in this regulation commits an offence.

23. (1) A grower supplying produce to a dealer shall sign a contract with the dealer.

Contract farming.

(2) A dealer shall not—

(a) sponsor the growing of a horticultural crop for trading without notifying the Authority;

(b) collect produce from a sponsored production scheme unless authorized in writing to do so by the sponsoring firm;

(c) return horticultural produce collected from a grower contrary to the contract; or

(d) impose contractual terms on the grower that do not comply with the horticultural code of conduct.

(3) A person who contravenes regulation (2) commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a period not exceeding six months or both.

24. (1) Produce in collection centres, stores, pack houses, markets, warehouses may be randomly sampled and tested by the Authority in collaboration with county government and relevant agencies from time to time to ensure conformity with food safety and quality requirements.

Enforcement of quality standards.

(2) A dealer shall not operate without a compliance certificate in Form 14 set out in the Second Schedule.

(3) A dealer shall not be issued with a compliance certificate unless a Crops inspector—

(a) has visited and inspected the farm and confirmed that it complies with food safety and quality standards; and

(b) is satisfied that the dealer has adequate knowledge of national, regional and international market requirements.

25. Horticultural produce that does not conform to the set national and international standards and has been declared so by the Authority shall—

Consequences of non-compliance with standards.

(a) in the case of produce that does not comply with food safety standards, be seized, detained or destroyed at the cost of the offender; and

(b) in the case of produce presented using forged export documents or exported using forged phytosanitary certificate, export certificate or any compliance certificate, be destroyed upon interception and the offender suspended from export dealership for one year.

26. (1) A person who intends to be registered as an importer of horticultural produce shall apply to the Authority for a horticultural produce import licence in Form 15 set out in the Second Schedule.

Import licence.

(2) The application under sub regulation (1) shall be accompanied by—

(a) a copy of the certificate of incorporation, for local companies;

(b) a copy of the certificate of compliance for a branch of a foreign company;

(c) Kenya Revenue Authority PIN certificate for the company;

(d) a valid tax compliance certificate from the Kenya Revenue Authority;

(e) a copy of a valid business permit;

(f) copies of the identity cards or passports of the directors;

(g) copies of a passport and valid work permit of the directors, if they are foreigners;

(h) the fee set out in the Third Schedule.

(3) The Authority may require the personal attendance of the applicant or an authorized representative of the applicant for interview before granting a licence.

(4) If the Authority is satisfied that the applicant has satisfied the requirements for registration, the Authority shall issue the applicant with an import licence in Form 16 set out in the Second Schedule.

(5) If the Authority refuses to grant an import licence, it shall inform the applicant of such refusal in writing, giving reasons thereof.

(6) A licence issued under this regulation shall be valid from first July up to thirtieth of June of the following calendar year unless earlier cancelled.

(7) An import licence shall not be transferrable.

(8) A person who imports horticultural produce without a valid horticultural crop import licence commits an offence.

27. (1) A registered importer who intends to import a consignment of horticultural produce shall apply to the Authority for a horticultural produce import certificate in Form 17 set out in the Second Schedule. Import certificate.

(2) The application under sub regulation (1) shall be accompanied by—

- (a) copies of importation and customs entry documentation;
- (b) the import permit for shipment of the specific consignment;
- (c) evidence of payment of duties and levies;
- (d) a certificate of origin and contact details of the exporters and importers from whom the consignment was procured; and
- (e) the fee set out in the Third Schedule.

(2) The Authority shall, on receipt of the application, analyse samples of the consignment in respect of which the application is made at the port of entry.

(3) If the Authority is satisfied that the consignment of horticultural crops meets the import requirements, the Authority shall issue the applicant with an import certificate in form 18 set out in the Second Schedule.

(4) Any consignment of horticultural produce that is smuggled or does not conform to the quality standards shall be seized, detained and disposed of or destroyed in an appropriate manner by the Authority at the cost of the offender.

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

28. (1) A person who intends to be registered as an exporter of horticultural produce shall apply to the Authority for a horticultural produce export licence in Form 19 set out in the Second Schedule. Export licence.

(2) The application under sub regulation (1) shall be accompanied by—

- (a) a copy of the certificate of incorporation, for local companies;
- (b) a copy of the certificate of compliance for a branch of a foreign company;
- (c) the Kenya Revenue Authority PIN certificate for the company;

- (d) a valid tax compliance certificate from the Kenya Revenue Authority;
 - (e) a copy of a valid business permit;
 - (f) copies of the identity cards or passports of the directors;
 - (g) copies of a passport and valid work permit of the directors, if they are foreigners;
 - (h) the registration fee set out in the Third Schedule;
 - (i) produce traceability records;
 - (j) contracts from contracted produce sources; and
 - (k) documents indicating that the applicant operates from a registered packing facility.
- (3) The Authority shall, upon receipt of the application—
- (a) inspect the farm where the horticultural produce is grown and issue the applicant with a farm inspection report, if the inspected farm complies with good agricultural practices;
 - (b) inspect the pack house facility and issue the applicant with a pack house inspection report and enter the pack house in the register, if the facility has complied with food safety requirements; and
 - (c) inspect the transport vessel used for transporting produce and issue the applicant with a transport inspection report, if the vessel has complied with food transportation standards.
- (4) The Authority may require the personal attendance of the applicant or an authorized representative of the applicant for an interview before granting a license.
- (5) The Authority shall, if satisfied with the application, enter the name of the exporter in the register and issue the applicant with an export licence in Form 20 set out in the Second Schedule subject to such terms and conditions it deems necessary.
- (6) If the Authority refuses to grant an export licence, it shall inform the applicant of such refusal in writing, giving reasons thereof.
- (7) A license issued under this regulation shall not be transferrable and shall be valid from first July to thirtieth of June of the following calendar year unless earlier cancelled.
- (8) An application for renewal of an export licence made thirty days before the expiry of an export licence and shall be in Form 19 set out in the Second Schedule shall be accompanied by—
- (a) certified copy of business trading permit from the respective county government;
 - (b) valid tax compliance certificate from the Kenya Revenue Authority;
 - (c) farm and pack house inspection report from the Authority;
 - (d) annual marketing and production returns for the previous year and season;

- (e) records of produce traceability;
- (f) contracts from contracted produce sources; and
- (g) documents indicating that the applicant operates from a registered packing facility.

(9) A person who exports horticultural produce without a valid horticultural crop export licence commits an offence.

29. (1) A person who intends to export a consignment of horticultural produce shall apply to the Authority for an export certificate in Form 21 set out in the Second Schedule. Export certificate.

(2) The application in sub regulation (1) shall be accompanied by—

- (a) a copy of the horticultural produce export license;
- (b) a copy of the consignment invoice certified by Kenya Plant Health Inspectorate Service indicating—
 - (i) the product name;
 - (ii) the destination of the product;
 - (iii) the consignee;
 - (iv) the flight details;
 - (v) the unit value of the produce, indicating the currency; and
 - (vi) the weight of each product being exported in Kilograms; and
- (c) a maturity inspection report for mangoes and avocados.

(3) If the Authority is satisfied that the consignment of horticultural produce meets the export requirements, the Authority shall issue the applicant with an export certificate in Form 22 set out in the Second Schedule.

(4) A person who exports horticultural produce from Kenya without an export certificate commits an offence and shall be liable on conviction to a fine not exceeding three hundred thousand shillings or imprisonment for a period not exceeding one year, or both.

30. (1) A registered exporter or importer of horticultural produce shall maintain accurate records of transactions relating to horticultural produce and shall submit quarterly returns to the Authority in Form 23 set out in the Second schedule. Import and export returns.

(2) A person who contravenes sub-regulation (1) commits an offence.

31. An applicant for or a holder of a licence or certificate who is aggrieved by a decision of the Authority on or in respect of— Appeals.

- (a) the grant, refusal, renewal, variation or revocation; or
- (b) the conditions imposed on the grant, renewal or variation, of a licence, may appeal to the Cabinet Secretary.

(2) An appeal under this regulation shall be lodged within thirty days from the date on which the appellant first received notice of the decision.

PART IV—MISCELLANEOUS PROVISIONS

32. The applicable fees for services rendered under these Regulations shall be as set out in the Third Schedule.

Fees.

33. (1) There shall be a levy, based on the customs value, imposed on all horticultural crops destined for export other than those canned, bottled, preserved, dehydrated or delivered to operators for canning and processing factories at the rate of 0.25 per cent of the customs value.

Levies.

(2) There shall be a levy imposed on all horticultural crops—

- (a) imported as finished products at the rate of four percent of the import value; and
- (b) imported as fresh products or raw materials at a rate of two percent of the import value.

(3) The levy due under sub regulation (3) shall be remitted to the Authority not later than the tenth day of the month following the month during which the levy was due.

(4) Any levy imposed under this regulation which remains unpaid shall be recovered by the Authority as a civil debt due to it from the person by whom it is payable.

(5) A person who fails to remit any levy on time as provided under these regulations shall, where directed by the Authority in writing, in addition to paying the levy—

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

(6) The interest rate set out in sub regulation (2) shall be payable on a monthly basis.

(7) The levy imposed under paragraph (1) and (2) shall be used for the operations of the Authority and development of the industry.

34. (1) The Authority may alter, suspend or revoke a license or certificate issued under these Regulations if in its opinion the Act, these Regulations or a condition of the licence has been contravened.

Alteration,
suspension and
revocation of
licences or
certificates.

(2) The Authority shall, before altering, suspending or revoking a license, give the person a fourteen days' notice to make representations.

35. A person who contravenes the provisions of these Regulations for which no specific penalty is provided commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months or both.

General penalty.

36. Any certificate or license issued before these Regulations come into operation shall remain valid until expiry, and subsequent certificates or license shall be issued under these Regulations.

Transitional
provisions.

37. The Horticultural Crops Development Authority Order, 2011 is revoked.

Revocation L.N
No 190 of 2011.

FIRST SCHEDULE

Horticultural Crops

r. 2, 3

FRUIT TREES

<i>Common Name</i>	<i>Botanical Name</i>
Apple	<i>Pyrus malus L.</i>
Apricot	<i>Prunus armeniaca</i>
Avocado	<i>Persea spp</i>
Bananas and plantains	<i>Musa sp</i>
Berries	<i>Rubus sp.</i>
Bread fruit	<i>Artocarpus altilis</i>
Cape Gooseberry	<i>Physalis peruviana</i>
Carambola	<i>Averrhoa carambola</i>
Cherimoya	<i>Annonacherimola</i>
Chinese pear	<i>Pyrus prunifolia</i>
Citrus	<i>All citrus species</i>
Custard apple	<i>Annona sp.</i>
Date palm	<i>Phoenix dactylifera</i>
Goose berries	<i>All species</i>
Grapes	<i>Viti ssp</i>
Guava	<i>Psidium guajava</i>
Jackfruit	<i>Artocarpus heterophyllus</i>
Litchi	<i>Litchi chinensis</i>
Litchi	<i>Nephelium litchi</i>
Loquat	<i>Eriobotrya caponica</i>
Mango	<i>Mangifera indica</i>
Melons	<i>Cucumis melo</i>
Mountain Pawpaw	<i>Carica candanacensis</i>
Mulberries	<i>Morus sp.</i>
Nectarine	<i>Prunus sp. L.</i>
Passion fruit	<i>Passiflora spp</i>
Pawpaw...	<i>Carica papaya</i>
Peach	<i>Prunus persica L.</i>
Pear	<i>Pyrus communis L.</i>
Pineapple	<i>Ananas comosus</i>
Plum	<i>Prunus sppL</i>
Pomagranate	<i>Punica granatum</i>
Quince	<i>Cydonia oblonga</i>
Strawberries	<i>Fragaria spp</i>
Sweetsop (Sugar apple)	<i>Annona squamosa</i>
Water melon	<i>Citrullus lanatus</i>
White sapote	<i>Casimiroa edulis</i>
<i>Any other fruits of economic value</i>	

A. MEDICINAL AND AROMATIC PLANTS

<i>Common Name</i>	<i>Botanical Name</i>
Aloe	<i>Aloe vera</i>
Artemesia	<i>Artemesia annua</i>
Salvia	<i>Salvia solarea</i>

All other medicinal and aromatic plants of commercial value

B. VEGETABLES

<i>Common Name</i>	<i>Botanical Name</i>
Amaranth	<i>Amaranthus</i> spp.
Artichoke	<i>Cynara cardunculus</i> var. <i>scolymus</i>
Jerusalem artichokes	<i>Helianthus tuberosus</i>
Asparagus	<i>Asparagus officinalis</i>
Beet root	<i>Beta vulgaris</i>
Broccoli/cauliflower	<i>Brassica oleracea</i> var. <i>botrytis</i>
Brussels sprouts	<i>Brassica oleracea</i> var. <i>gemnifera</i>
Cabbage	<i>Brassica oleracea</i> var. <i>capitata</i>
Carrot	<i>Daucus carota</i>
Celery / Celeriac	<i>Apium graveolens</i>
Chervil	<i>Anthriscus cerefolium</i>
Chicory	<i>Cichorium intybus</i>
Chillies	<i>Capsicum</i> spp
Chinese cabbage	<i>Brassica chinensis</i>
Cluster bean (green)	<i>Cyamopsis tetragonoloba</i>
Collards / Kale.	<i>Brassica oleracea</i> var. <i>ancephala</i>
Coriander	<i>Coriandrum sativa</i>
Cowpeas (leafy) chora	<i>Vigna unguiculata</i>
Cucumber	<i>Cucumis sativa</i>
Dill	<i>Arethum graveolens</i>
Dioscorea	<i>Dioscorea</i> sp
Dudhi (kaddu)	<i>Lagenaria siceraria</i>
Edible Mushroom	<i>Agaricus species</i>
Eggplants	<i>Solanum melongena</i>
Endive	<i>Cichorium endivia</i>
French beans	<i>Phaseolus vulgaris</i>
Garden cress	<i>Lespidium sativa</i>
Garden pea	<i>Pisum sativum</i>
Green maize	<i>Zea mays</i>
Horseradish	<i>Armoracia rusticana</i>
Karella	<i>Mormodica charantia</i>
Kohlrabi	<i>Brassica oleracea</i> var. <i>gongylodes</i>
Leek	<i>Allium porrum</i>
Lettuce	<i>Lactuca sativa</i>
Loofah	<i>Luffa cylindrical</i>
New Zealand spinach	<i>Tetragonia expansa</i>
Okra	<i>Hibiscus esculentus</i>
Onion/ garlic	<i>Allium cepa</i>
Parsley	<i>Petroselinum crispum</i>
Parsnip	<i>Pastina casativa</i>
Pea	<i>Pisum sativum</i>
Pepper	<i>Capsicum</i> spp.
Pumpkin/Squash/Courgette	<i>Cucurbita pepo</i>
Pumpkins	<i>Cucurbita</i> sp.
Radish	<i>Raphanus sativus</i>
Rhubarb	<i>Rheum rhaponticum</i>
Runner bean.	<i>Phaseolus coccineus</i>
Rutabaga	<i>Brassica napobrassica</i>
Snow peas.	<i>Pisum sativum</i> var. <i>saccharatum</i>

<i>Common Name</i>	<i>Botanical Name</i>
Spinach	<i>Spinacea oleracea</i>
Sugar beet	<i>Beta vulgaris</i>
Sugar snaps.	<i>Pisium sativum</i>
Swiss chard	<i>Beta vulgaris</i>
Tomato	<i>Solanum lycopersicum</i>
Turnip	<i>Brassica rapa</i>
Watercress	<i>Nasturtium officinale</i>

Any other vegetables of economic value

FLOWERS AND ORNAMENTAL PLANTS

<i>Common Name</i>	<i>Botanical Name</i>
Agapanthus/African Lily	<i>Agapanthus spp, A.umbellatus</i>
Alstroemeria/Peruvian Lily	<i>Alstroemeria Aurantiaca</i>
Amaranthus	<i>Amaranthus 1407 peg (Amaranthus acanthochoiton)</i>
Amми/White Dill/Bishops Flower	<i>Amми majus</i>
Amми/White Dill/Bishops Flower	<i>Amми visnaga</i>
Anthuriums/Flamingo Flower	<i>Anthurium Sp</i>
Arabicum	<i>Ornithogalum saundersiae</i>
Asparagus Fern	<i>Asparagus 1407 peg (Asparagus aethiopicus)</i>
Asters/Michaelmas Daisy	<i>Aster Sunhelence, Aster Novi-belgii</i>
Astrantia	<i>Astrantia 1407 peg (Astrantia major)</i>
Begonia	<i>Begonia 1407 peg (Begonia obliqua)</i>
Bupleurum	<i>Bupleurum rotundifolium "graffiti"</i>
Callistaphus	<i>Callistaphus 1407 peg (Callistaphus chinensis)</i>
Carnations	<i>Dianthus caryophyllus</i>
Carthamus/Safflower/Saffron	<i>Carthamus tinctoris</i>
Celosia	<i>Celosia 1407 peg. (Celosia cristata)</i>
Chrysan. Cuttings/Pot Mum	<i>Dendratherma 1407 peg 1407 flora / Chrysanthemum sp</i>
Craspedia	<i>Craspedia 1407 peg (Craspedia uniflora)</i>
Crocsmia	<i>Crocsmia 1407 peg (Crocsmia aurea)</i>
Delphinium/Larkspur	<i>Delphinium 1407 peg (Delphinium elatum)</i>
Dianthus	<i>Dianthus 1407 peg (Dianthus caryophyllous)</i>
Dianthus	<i>Dianthus 1407 peg (Dianthus caryophyllous)</i>
Dill	<i>Anethum 1407 peg (Anethum graveolens)</i>
Easter Lily	<i>Lilium Longiflorum</i>
Echinops	<i>Echinops 1407 peg (Echinops ritro)</i>
Eryngium/Sea Holly/Alphine	<i>Eryngium Sp</i>
Eucalyptus	<i>Eucalyptus L'H'er eg (Eucalyptus oblqua)</i>
Freesia	<i>Freesia 1407 peg (Freesia refracta)</i>
Gerbera/Transvaal Daisy	<i>Gerbera Hybrids</i>
Gladiolus/Sword Lily	<i>Gladiolus hybrids</i>
Grass	<i>Cortaderia Sp and Zoysia Spp</i>
Gypsophilla/Baby Breath Species	<i>Gypsophilla paniculata</i>
Helianthus	<i>Helianthus annus</i>
Heliconia	<i>Heliconia 1407 peg Heliconia psittacorum</i>
Hypericum	<i>Hypericum 1407 peg (Hypericum perforatum)</i>
Lavender	<i>Lavandula spp</i>
Leather Leaves(L) Fern	<i>Rumohra adiantiformis</i>

Lisianthus/Prairie	<i>Eustoma grandiflorum</i>
Gentian/Wildflower	
Longiflora	<i>Ecopsis longiflora</i>
Million Stars	<i>Gypsophila paniculata</i>
Mobydick	<i>Gomphocarpus</i> 1408 peg <i>Gomphocarpus physocarpa</i> and <i>Gomphocarpus fruticosus</i>
Molucella/Bells of Ireland	<i>Molucella leavis</i>
Montbretia	<i>Crosmia</i> 1408 peg (<i>Crosmia x crosmiflora</i>)
Orchids	<i>Cymbidium hybridum</i>
Ornithogalum/Star Of Bethlehem	<i>Ornithogalum Thyrsoides</i>
Panicum	<i>Panicum</i> 1408 peg (<i>Panicum virgatum</i>)
Papyrus	<i>Papyrus</i> eg (<i>Cyperus papyrus</i>)
Pelargonium Cuttings	<i>Pelargonium</i> SP eg (<i>Pelargonium cucullatum</i>)
Pennisetum	<i>Pennisetum</i> 1408 peg (<i>Pennisetum polystachion</i>)
Phlox	<i>Phlox</i> S peg (<i>Phlox paniculata</i>)
Phormium	<i>Phormium</i> 1408 peg (<i>Phormium tenax</i>)
Ranunculus	<i>Ranunculus</i> Sp (<i>Ranunculus asiaticus</i>)
Roses	<i>Rosa</i> spp
Rudbeckia/Coneflower	<i>Echinacea Purpurea</i>
Ruscus	<i>Ruscus aculeatus</i>
Saundersia	<i>Ornithogalum saundersiae</i>
Scabiosa	<i>Scabiosa</i> 1408 peg (<i>Scabiosa caucasica</i>)
Setaria	<i>Setaria</i> 1408 peg (<i>Setaria viridis</i>)
Solidago/Garden Rod	<i>Solidago gardenensis</i>
Solidaster/Garden Plant	<i>Solidaster luteus</i>
Statice/Sea Lavender	<i>Limonium</i> spp
Strelitzia and hybrids	<i>Strelitzia</i> 1408 peg (<i>Strelitzia reginae</i>)
Sunflower	<i>Helianthus annuus</i>
Trachelium	<i>Trachelium caeruleum</i>
Tuberose	<i>Polianthes tuberosa</i>
Veronica	<i>Veronica Spicata</i>
Zantedeschia/Calla Lily/Arum Lily	<i>Zantedeschia</i> Sp
And any other flower and ornamental plants of economic value	

SECOND SCHEDULE

Form 1

r. 7(1), (5)

APPLICATION FOR REGISTRATION OF HORTICULTURAL CROPS NURSERY
OR MOTHER BLOCK

COUNTY GOVERNMENT OF.....

(To be filled in triplicate)

1. Full name of Applicant
2. PIN.....ID No.....Huduma No.....
3. Postal Address.....Tel.....Email.....
4. County.....Sub County.....Ward
5. L.R. No.....

6. Water source: Rivers/Dam/Boreholes, others (specify)

7. Type of material applied for to be produced:

Crop/variety	No. of Seedlings	Source of Seed/ rootstock and scion
.....		
.....		

I confirm that I shall abide by the regulations and ensure that all planting material has been inspected and approved by County crops inspectors.

Applicant's signature

Date.....

PART II

FOR OFFICIAL USE		
County crops Inspector Remarks		
.....		
<i>Recommended /Not recommended</i>		
County Crop Inspector name.....	Signature.....	
Date.....		
Approved/Not Approved by: County Executive Committee in charge of Agriculture		
Name	Signature.....	Date

CONDITIONS

1. Application for registration should be sent to the County where the nursery/mother block is located
2. This form shall be accompanied by the prescribed fees and submitted to the County government.

Form 2

r. 7(3)

CERTIFICATE OF REGISTRATION OF HORTICULTURAL NURSERY/MOTHER BLOCK

COUNTY GOVERNMENT OF.....

1. Name of certificate holder
2. P.O. Box of
3. Is/are registered to operate an Horticultural nursery for the year
4. Located at CountySub-countyWard.....
5. L.R.No.....GPScoordinates.....Altitude.....Northing.....Eastings.....
6. The following planting materials will be produced

Crop Type/ variety	approximate No of seedlings	Remarks (condition of seeds/seedlings)

Registration No.

Signed..... Date:.....

(County Executive Committee member in charge of Agriculture)

Conditions

1. This certificate is valid for 1 year from date of issue
2. This certificate is not transferable to any other person or nursery site
3. All seed, rootstock or scion must be from approved source
4. No sale of planting material before certification by the National Plant Protection Organization.
5. The application for renewal of registration should be sent to the County where the nursery/mother block is located so as to reach at least 3 months before expiry date.
6. All certified materials which cannot be sold during the certification season will be subjected to re-certification before redistribution.
7. A copy of the certificate shall be sent to the Authority within 15 days of registration by the respective County government.

Form 3

r. 8(1), (5)

THE AGRICULTURE AND FOOD AUTHORITY

APPLICATION FOR OPERATION OF NURSERY OR MOTHER BLOCK FOR SUPPLY TO THE EXPORT MARKET

(To be filled in triplicate)

1. Full name of Applicant
2. PIN.....ID No..... Huduma number
3. Postal Address.....Tel.....Email.....
4. County.....Sub County.....Ward
5. L.R. No..... GPS coordinates –Altitude.....N/S.....E.....
6. Water source: Rivers/Dam/Boreholes, others (specify)
7. Type of material to be exported:

Crop/variety	No. of Seedlings	Source of Seed	Remarks

I confirm that I shall abide by the regulations and ensure that all planting material has been inspected and approved by the inspectors.

Applicant's signature Date.....

PART II

FOR OFFICIAL USE		
<i>Recommended /Not recommended</i>		
Crop Inspector name.....	Signature.....	Date.....
Remarks.....		
Checked by:		
Authorized Officer Name.....	Signature.....	Date
Approved/Not Approved by:		
Director General	Signature.....	Date

Form 4

r. 8(3)

THE AGRICULTURE AND FOOD AUTHORITY CERTIFICATE OF REGISTRATION FOR NURSERY OR MOTHER BLOCK FOR SUPPLY TO THE EXPORT MARKET

(To be filled in triplicate)

Full name of certificate holder.....

P. O. Box Email Mobile No.....

Is/are registered to export Horticultural seedlings for the year

Name of County Sub-County Ward.....

L.R. No..... GPS coordinates -Altitude..... N/S..... E.....

The following planting materials will be produced

Types	number of planting stock	remarks

Registration No.

Signed Date:.....

(Director General)

AGRICULTURE AND FOOD AUTHORITY

Conditions

1. This certificate is valid for one financial year.
2. This certificate is not transferable to any other person, or nursery site
3. All seed must be from approved source
4. No export of planting material before final visual inspection and approval by KEPHIS.
5. The application for renewal of this certificate shall be made to the Authority so as to reach at least 3 months before expiry date.
6. Tolerance levels of virus diseases incidence in the nursery is 0.5% of total number of plants.
7. All certified materials which can't be sold during the certification season will be subjected to certification after (6) six months.

FORM 5

r. 12(3)

HORTICULTURE NURSERY OPERATOR STATISTICAL RETURNS FORM

(To be completed in triplicate)

THE AGRICULTURE AND FOOD AUTHORITY

Name of the Nursery operator

1. Telephone/ Mobile number P.O. Box Nearest Town.....

2. Period of returns.....MonthYear

Declaration:

Crop	Variety	Number of seedlings raised within the period	Number of seedlings issued/sold/ distributed	Balance of seedlings	Average price of a seedling over the period (KES)

I hereby declare that the information I have given above, to the best of my knowledge, is true and complete.

Name of the Nursery OperatorDate

Signature

3. For official use only:

Name of Inspector

DateSignature

Official Agriculture and Food Authority

NB This form must be filled and submitted to the Agriculture and Food Authority, not later than the fifteenth day of January and fifteenth day of July of every year.

Form 6

r. 13(1)

APPLICATION FOR REGISTRATION OF PLANTATION GROWER/ GROWERS
ASSOCIATION*(To be filled in triplicate)*

A – Particulars of Applicant (New/Renewal - delete as appropriate):

1. Name of Company
2. Certificate of Incorporation No.....
3. List Names and Identity Card Nos. for Directors

Name	ID/Passport No	Email address	Telephone number	Remarks
1.				
2.				
3.				

Remarks Provide Work Permits for Directors for Foreign based Companies

4. VAT Registration No. PIN
5. Postal address..... Postal code.....Town.....
6. Telephone No.....E-mail.....Website.....
7. Physical address: Building.....Street.....Town.....

B – Particulars of Land Parcel for plantation growers

1. L.R. No. or No's.....
2. County.....
3. Sub County.....
5. Ward.....

Type of crop	Variety	Acreage/Population	Average yield

NB: For permanent crops indicate the plant population

I confirm that I shall abide by the requirements of the Horticulture Crops Regulations.

Full name of applicant.....Signed.....

Date.....

PART C

FOR OFFICIAL USE
Remarks.....

☐ Recommended ☐ Not Recommended Authorized Officer Agriculture and Food Authority Signature..... Date
--

Attachments

- (a) Certificate of registration or incorporation
- (b) Copies of the Constitution or Articles and Memorandum of Association;
- (c) A copy of the register of members
- (d) Products handled

Form 7

r. 14(1), (6)

APPLICATION FOR REGISTRATION AS A HORTICULTURAL PRODUCE
DEALER IN THE DOMESTIC MARKET

*(To be filled in triplicate)**New applicant Renewal*

1. Name of Applicant
 - Postal Address.....
 2. Physical address.....
 3. Registered Office.....LR. No.Street
 - Tel. No.Fax No.....
 - E-mail.....Website
 4. Place where the premise is located: County.....Sub-County.....Ward.....
 5. VAT Registration No / ID. No.PIN
 6. Year of Incorporation of Companyand Registration No.
- (Attach copies of, company incorporation certificate ID of Directors and current Single Business Permit where applicable)*
7. Type of dealership e.g. Processor /Transporter/marketing agent/.
(specify)
 8. Types of Produce/ Products for the market
 9. Sources of supply for Produce

Name of county	Sub county	Ward	Name of buyers

Attach contractual agreements if outsourcing for buyers

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

10. Applicant Signature.....Date

FOR OFFICIAL USE

Remarks:

Approved/Not approved.....

11. Checked by:

Officer Name..... Signature..... Date

Approved by:

NameSignature.....

Date

CONDITIONS

1. Consideration of this application will be on condition that the applicant satisfies the Authority that he is capable of complying with national standards and any other legal requirements.
2. The dealer shall produce such documentary evidence as requested to support the statements made above.
3. A dealer shall pay all dues to the Authority before his application can be considered.
4. The Authority has the right to approve or reject this application. In case of rejection reasons will be given and the applicant can reapply.

Form 8

r.14(3)

CERTIFICATE OF REGISTRATION OF PRODUCE DEALER FOR THE DOMESTIC MARKET

Name

Type of dealership.....;

P. O. Box :Tel.....

Physical Address.....

L.R. No.

Street:

is hereby certified as a dealer (specify *Type of dealership e.g Processor /Transporter/Buyer/ Grocery etc*) of horticulture produce/products under this Regulation for the following products:

.....

Date of Registration.....

Date of expiry.....

Signed.....

Name

(CEC in charge of Agriculture)

Official Rubber stamp of the respective County government

CONDITIONS

The certificate is not transferable.

The certificate may be revoked, suspended or altered according to the provisions of this regulations.

Form 9

r. 15(1)

APPLICATION FOR REGISTRATION OF CLEARING AGENT FOR HORTICULTURAL CROPS

(To be filled in triplicate)

1. Full name of Applicant
2. Postal Address.....Registered Office.....L. R. No.
StreetTel. No..... Fax
 No.Email..... Website
3. Place where the premise is located: Ward.....Sub-County.....Sub
 County.....
4. VAT Registration No / ID. No. PIN
5. Year of Incorporation of Companyand Registration No.
*(Attach copies of, company incorporation certificate ID of Directors and current Single
 Business Permit)*
6. Commodity types handled
7. List of horticultural export companies contracting your service (Attach service level
 agreement)
8. List full names documentation clerks (attach copies of ID and passport photograph)
9. I hereby declare that the particulars which I have given are true and accurate to the
 best of my knowledge and belief.

Applicant Signature..... Position.....

Date

Form 10

r. 15(3)

CERTIFICATE OF REGISTRATION FOR CLEARING AGENTS FOR
HORTICULTURAL CROPS

Name:

P. O. Box : Tel.....

Physical Address.....

L.R. No.

Street:

is hereby certified as a clearing agent for of horticultural produce for the following export
Companies:

.....
.....

Date of Registration.....

Date of expiry.....

Signed.....

Name

Director General/Authorized officer

Official Rubber stamp of the Authority

CONDITIONS

1. The certificate is not transferable.
2. The certificate may be revoked, suspended or altered according to the provisions of this regulations.
3. The Authority shall be notified when changes under this registration occur within 14 days.

Form 11

r. 22(1)(a)

DECLARATION OF PRODUCE SOURCE FROM DEALER OWNED FARMS

Company name:						Physical business location:					
Company registration number						Certificate of registration number:					
Address: P.O. Box:						E-mail:					
Phone No.						Date:					
No.	Farm Name	Trace Code	County	Subcounty/ Ward	Specific Farm location	Crop	Area of crop (Acre)	No of Trees (for fruit trees)	Production per season (Kg)	Certification Status	

Form 12

r. 22(1)(b)

DECLARATION OF PRODUCE SOURCE FROM CONTRACTED FARMS

Company name		Physical business location:	
Company registration number		Certificate of registration number	
Address: P.O. Box:		E-mail:	
Phone No.		Date:	
Name of association (where applicable)			

Name of farmerTrace code.....

Mobile No.....ID NO.....Email

County.....Sub county..... ward.....

Location/ LR No.....GPS altitude.....N/S..... E.....

Farmer's and crop production details

Name of crop	Variety	Area (acre)	Production (MT)	Certification Status

CONDITIONS

- ☐ Attach duly signed contracts for each of farmer indicated above
- ☐ A different form should be filled for each crop

Name of company representative:..... Designation Date

Signature

Stamp:.....

Form 13

r. 22(1)(c)

DECLARATION OF PRODUCE SOURCE FROM RETAIL OR WHOLESALE
MARKETS

Company name	Physical business location:
Company registration number	Certificate of registration number
Address: P.O. Box:	E-mail:
Phone No.	Date:
Name of association (where applicable)	

Market supply information

Name of supplier	Contact detail	Type of crop	Name of market	County	Subcounty

CONDITIONS

- ☐ Information for each market source and crop type should be provided
- ☐ An inspection will be conducted for each produce source

Name of company representative:..... Designation Date

Signature

Stamp:.....

Form 14

r.24 (2)

COMPLIANCE CERTIFICATE

This is to certify that the following horticulture produce/products

1.....

2.....

3.....

have been inspected and meet the national, regional and international standards.

Scope Including:

1. Transport
2. Farm
3. Retail outlet
4. Pack house

Consignment details

Name of dealer Type of dealership.....

Registration certificate/license number.....

Validity period: from To

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

Signature

Director General

Agriculture and Food Authority

Form 15

r.26(1)

HORTICULTURAL PRODUCE IMPORTERS APPLICATION FORM

1. Name of business/company.....(attach copy of certificate of incorporation)
2. Physical business location.....
3. Postal address.....
4. Telephone: Mobile No.....
Fixed line No.....
5. KRA P.I.N No(attach copy)
6. E-mail address.....
7. Location of horticulture produce handling facilities
8. List the Company's intended imports of major horticultural produce and the respective country of origin.

No.	Produce	Country	Quantity (Kgs) Annually
I.			
II.			
III.			
IV.			
V.			

9. Provide the following details regarding the company's intended supply of imported horticultural produce

(I) Supply/distribution into the domestic market:

No.	Name of client (Supermarket, Hotel, Grocery stores etc.)	Physical location (building street)	Major produce to be supplied
I.			
II.			
III.			
IV.			
V.			

(II) Re-exported produce and the respective countries

No.	Re-exported produce	Country
I.		
II.		
III.		
IV.		
V.		

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

Date:..... Name of Authorized Signatory:.....

Company Stamp/ Seal Signature.....

Form 16

r.26(4)

HORTICULTURAL PRODUCE IMPORT LICENSE

Name importer

License Number.....

Address: Tel.....

L.R. No.

Street:

is hereby licensed as an importer under this Regulation for the following horticultural produce:

1.....

2.....

3.....
 The License expires on.....
 Date of issue.....
 Signed.....
 Name
 (Director General)
 Official stamp of the Authority

CONDITIONS

1. Any changes to the source of produce and list of buyers submitted to the Authority by the dealer shall be notified in advance to the Authority in writing
2. This License is not transferable.
3. This License may be revoked, suspended or altered in circumstances outlined in section 23 of the Crops Act.

Form 17

r. 27(1)

APPLICATION FOR IMPORT CERTIFICATE

Name of import company
 Address Telephone
 Email Physical location
 Contact person
 Import license Number
 Import date and time
 Point of entry Type of vessel and number
 Type of product: ☐ Fresh produce ☐ processed product (Tick as appropriate)

Produce Type (Hs Code)	Quantity (Kilograms)	Country of origin	Value (F.O.B) KES

FOR OFFICIAL USE

Checked by:

Name of officer Signature..... Date

Approved by:

Director General..... Signature Date

Official rubber stamp

Form 18

r. 27(3)

IMPORT CERTIFICATE

Name of Dealer.....

Address.....Tel.....

Email.....Physical Location.....

Contact person

Import Certificate Registration No.

Validity period from.....to.....

Point of entry/delivery.....

Is hereby authorized to import the following; ☐ Fresh produce ☐ Processed product (Tick as appropriate)

Produce Type (Hs Code)	Quantity (Kilograms)	Country of Origin	Value (F.O.B) KES

FOR OFFICIAL USE

Checked by:

Officer Name.....Signature..... Date

Approved by:

Director GeneralSignature.....Date

Official Rubber stamp

Terms and Conditions:

1. The Authority may vary, suspend or cancel the horticulture produce import certificate issued if the holder fails to abide with the national horticulture produce standards.
2. The importer shall provide all the information of the transaction in question to the Authority on demand.
3. The import permit may be suspended without notice where such importer infringes the legal requirements as set out in the laws of Kenya.
4. The holder of this certificate shall submit monthly returns to the Authority in the prescribed format
5. A registered importer shall provide, on request by the Authority;
 - a) Original copies of importation and customs entry documentation.

- b) An import permit for shipment of the specific consignment.
 - c) Evidence of payment of duties and levies.
 - d) A certificate of origin and contact details of the exporters and importers from whom they procured.
6. All consignments whether repacked or in original package shall bear in bold print, the name and contact details of the consignor, consignee and the country of origin.
 7. Produce intended for importation into the country shall be sampled and analysed for conformity to national food quality and safety standards and requirements at the point of entry by the Authority.
 8. Any consignment of horticulture produce that is either smuggled or does not conform to the quality standards, shall be seized, detained and disposed of or destroyed in an appropriate manner by the Authority at the cost of the offender.
 9. Horticulture produce and products whose documentation does not meet the requirements of the Authority shall be seized and detained for verification and may be released to the consignee through issuance of a release order from the Authority.

Form 19

r. 28(1)

APPLICATION FOR EXPORT LICENSE FOR HORTICULTURAL PRODUCE

(To be filled in triplicate)

1. Full name of Applicant
2. Postal Address.....Registered Office.....L. R. No.
StreetTel. No. Fax No.
E-mail.....Website.....
3. Place where the premise is located: Ward.....Sub-County..... County.....
4. VAT Registration No / ID. No. PIN
5. Year of Incorporation of Companyand Registration No.
(Attach copies of, company incorporation certificate ID of Directors and current Single Business Permit)
6. Types of Produce/ Products for the market
7. Sources of supply for Produce
8. List of buyers for produce (Attach contractual agreements if outsourcing) ...

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

Applicant Signature.....

Date

FOR OFFICIAL USE

Checked by:

Officer Name..... Signature..... Date

Approved by:

Director's NameSignature.....Date

The Authority has the right to approve or reject this application. In case of rejection reasons will be given and the applicant can reapply.

General Conditions

1. Consideration of this application will be conditional on the applicant satisfying the Authority that the Applicant is capable of complying with national and International Standards and any other legal requirements.
2. The dealer shall produce such documentary evidence as requested to support the statements made above.
3. Dealers in export shall produce a valid contractual agreement in the prescribed form between themselves and the entities from which they source their produce and also the entities to which they sell their produce.
4. A dealer shall pay all dues to the Authority before his application can be considered.

Form 20

r. 28(5)

HORTICULTURAL PRODUCE EXPORT LICENSE

Name exporter

License Number.....

Address:Tel.....

L.R. No.

Street:

is hereby licensed as an exporter under this Regulation for the following products:

1.....

2.....

3.....

The License expires on.....

Date of issue.....

Signed.....

Name

(Director General)

Official stamp of the Authority

CONDITIONS

9. Any changes to the source of produce and list of buyers submitted to the Authority by the dealer shall be notified in advance to the Authority in writing.
10. This License is not transferable.
11. The License may be revoked, suspended or altered in circumstances outlined in Crops Act para 23

Form 21

r.29(1)

APPLICATION FOR EXPORT CERTIFICATE

Name of Export Company.....

Address.....Tel.....

Email.....Physical Location.....

Contact person

Export License No.

Export date and time Date:.....Time.....

Point of Exit.....

Is hereby authorized to export the following; ☐ Fresh produce ☐ Processed product (Tick as appropriate)

Produce Type (Hs Code)	Quantity (Kilograms)	Country of Origin	Value (F.O.B) KES

FOR OFFICIAL USE

Checked by:

Officer Name.....Signature..... Date

Approved by:

Director GeneralSignature.....Date

Official Rubber stamp

Form 22

r.29 (2)

EXPORT CERTIFICATE

Name of Dealer Registration No.

Address.....Tel.....

Email.....Physical Location.....

Contact person

Validity period from.....to.....

Point of exit.....

Export certificate for the following; ☐ Fresh produce ☐ Processed product (*Tick as appropriate*)

Produce Type (Hs Code)	Quantity (Kilograms)	Country of Origin	Value (F.O.B) KES

*NB: Attach invoice*FOR OFFICIAL USE

Checked by:

Authorized Officer's Name

Signature..... Date

Official Rubber stamp of the Authority

Terms and Conditions:

1. The exporter shall provide all the information of the transaction in question to the Authority on demand.
2. The export permit may be suspended without notice where such exporter infringes the legal requirements as set out in the laws of Kenya.

Form 23

r. 30(1)

QUARTERLY RETURNS ON IMPORT/EXPORT OF HORTICULTURAL CROPS
PRODUCE AND PRODUCTS*(To be filled in triplicate)*

- 1) Name/Business name of importer/exporter as appearing on the registration certificate.....
- 2) Certificate No.....

- 3) Postal address.....Code:.....
- 4) Tel..... Email.....
- 5) Contact person
- 6) Returns for the period (indicate in quarters)

Quarter	Name of crop produce or product	Quantity (Kilograms) Imported/exported	Customs Value (KES)	Country of origin/destination country	Point of entry/exit

NB: Indicate the applicable quarter Q1: January – March; Q2: April – June; Q3: July – Sept; Q4: Oct - Dec

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

Applicant's Signature..... Date

Official stamp/seal

THIRD SCHEDULE

FEES AND LEVIES

REGISTRATION AND PERMIT CATEGORIES	FEES (KES)	VALIDITY	RESPONSIBILITY
Dealers registration for the domestic market	5,000.00	Annual	Authority
Pack house registration	5,000.00	Annual	Authority
Export license fee	10,000.00	Annual	Authority
Importer registration	10,000.00	Annual	Authority
Export Levy	0.25 % of Customs value	Per consignment	Authority
Import levy – Finished products	4% of import value	Per consignment	Authority
Import levy – Raw materials	2% of import value	Per consignment	Authority
Inspection for nursery/mother block	1,000.00	Annual per site	Authority
Inspection for produce conformity	1,000.00	Per inspection	Authority
Audits due to non-compliance to national, regional and international standards	100% of the inspection cost of systems audit	Per inspection	Authority

REGISTRATION AND PERMIT CATEGORIES	FEES (KES)	VALIDITY	RESPONSIBILITY
Nursery operator /Mother block registration for export market			Authority
Annual turnover of 0 to 50,000	1,000.00	Annual	Authority
Annual turnover of 50,001-250,000	2,500.00	Annual	Authority
Annual turnover of 250,001-500,000	5,000.00	Annual	Authority
Annual turnover above 500,000	7,500.00	Annual	Authority

Made on the 15th June, 2020.

PETER MUNYA,
*Cabinet Secretary,
Ministry of Agriculture, Livestock, Fisheries and Cooperatives.*

