



LEGAL NOTICE NO.....

THE CROPS ACT

(No. 16 of 2013)

THE CROPS (HORTICULTURAL CROPS) REGULATIONS, 2022

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THE CROPS ACT

(No. 16 of 2013)

THE CROPS (HORTICULTURAL CROPS) REGULATIONS, 2022

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, 2022

PART I—PRELIMINARY

Citation. **1.** These Regulations may be cited as the Crops (Horticultural Crops) Regulations, 2022.

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

No. 14 of 2013 “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;

 “batch” means quantity of produce that has been produced under the same or similar conditions and at the same time.

 “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 wholesaler, a retailer, 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 for commercial purposes 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, shade nets and open fields;

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

“plantation grower” means a grower who cultivates horticultural crops on more than 5 acres of land under commercial operation;

“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;

“product” means a produce that has been transformed through processing;

“recall” action to remove non-compliant produce from any stage of the supply chain including that possessed by consumers;

“retail market” means a place for buying and selling of horticultural produce;

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

“source” means a place or person from which produce/product originates or can be obtained;

“traceability” means the ability to track horticultural produce/product 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;

“withdrawal” means the action of removal of non-compliant produce before it reaches the consumer; and

“wholesale market” means a place for buying and selling horticultural produce and products in bulk.

Application.

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

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

Object of the Regulations.

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—

- (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;
- (g) traceability and recall mechanism; and
- (h) establishment of systems for collection of integrated real time data for the horticulture value chain.

PART II— PRODUCTION AND PRODUCTIVITY

Approved sources of planting materials.

- 5.** (1) A commercial nursery operator shall not procure rootstock, scion or seed from a source that is not approved.
- (2) A person who contravenes sub regulation (1) commits an offence.

Obligation to register nurseries and mother blocks.

- 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.
- (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.

Registration of nurseries and mother blocks for export and domestic markets.

- 7.** (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.
- (2) 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.
- (3) The Authority or the county government as the case may be shall not issue a certificate of registration unless a 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/email and varieties purchased are maintained;
 - (n) the mother block is located one hundred meters away from an orchard containing the same type of plants 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 Authority or county government as case may be shall, if satisfied that the applicant meets the requirements in sub regulation (2), issue a certificate of registration in Form 2 or 4 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 Authority or respective county government at least three months before the expiry date in Form 1 or 3 set out in the Second Schedule.

Conditions of nursery registration certificate.

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

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

Revocation of certificate of nursery or mother block registration.

9. 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.

Certification of planting materials.

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

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

Nursery records and returns.

11. (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 upon request for inspection.

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

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

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

Registration of grower associations.

12. (1) The county government shall maintain a register of all entities registering smallholder growers.

(2) A grower supplying produce to a dealer may register with a grower association by providing the information prescribed in Form 6 of the second schedule.

(3) (a) A smallholder grower association shall register with the respective county government.

(b) The association shall furnish the county government with the following documents during registration;

(i) Certificate of registration,

(ii) List of associations' officials,

(iii) List of Horticultural crops grown by members and

(iv) By-laws of the association.

(c) Upon registration of the grower association, the CECM responsible for matters relating to crops shall assign a traceability code to the grower association.

(d) The associations shall assign codes to their members for purposes of traceability.

- (e) The codes outlined in sub-regulation 12 (d) shall include; Association code, County code, Sub-county code, Ward code and Grower's number assigned by the association.
- (e) The association shall update its members register with the county whenever a member exits the group or a new member is enlisted to the group.
- (4) The county government shall share the register in sub-regulation 12(1) with the Authority quarterly.
- (5) The Authority shall maintain a National register of horticultural growers in the National horticulture traceability system.
- (6) No fee shall be charged for the registration of grower associations.

Registration
of Plantation
Growers and
Exporter
Associations

- 13.** (1) A plantation grower or exporter association shall apply to the Authority for registration in Form 7 set out in the Second Schedule.
- (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.
- (3) No fee shall be charged for the registration of plantation grower associations.
- (4) 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.

Registration
of dealers in
the domestic
market.

- 14.** (1) A person who intends to deal in horticultural crops in the domestic market shall make an application to the Authority in Form (8) set out in the Second Schedule.
- (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 9 set out in the Second Schedule.

- (5) A dealer shall conspicuously display the certificate issued under sub-regulation (3) at his place of business.
- (6) A certificate of registration issued under this regulation shall not be transferrable and shall be valid until the thirtieth of June next following the date of issue.
- (7) An application for renewal of registration shall be made to the Authority at least three months before the expiry date in Form 8 set out in the Second Schedule.

Registration of horticultural produce clearing agents.

- 15.** (1) A clearing agent who intends to clear horticultural produce shall apply to the Authority for registration in Form 10 set out in the Second Schedule.
- (2) The application under sub regulation (1) shall be accompanied by—
- (a) the fee set out in the Fifth Schedule
 - (b) a copy of the certificate of incorporation;
 - (c) a copy of the customs license;
 - (d) a copy of 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 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 11 set out in the Second Schedule subject to such terms and conditions it deems necessary.

PART III—QUALITY ASSURANCE AND MARKETING

Monitoring of quality standards.

- 16.** (1) The Authority shall, in collaboration with relevant government agencies and county governments monitor conformity to these Regulations, national, regional and international horticulture standards by dealers and growers.
- (2) Every county government shall facilitate the development of market infrastructure to support the implementation of national horticulture standards.

Safe production and handling of horticultural produce.

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

(2) A person shall use water of potable quality for post-harvest handling and processing of produce.

(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.

Produce
handling and
grading at
the farm.

18. (1) Every grower and dealer shall ensure that:

- a. Horticultural produce is harvested at the right stage of maturity for the intended use.
- b. Harvested produce is handled by personnel with skills and knowledge on food safety.
- c. Horticultural produce is harvested in the morning or evening or during cool parts of the day and kept under a shade.
- d. Harvested produce is protected from dust and other contaminants.
- e. Appropriate harvesting equipment and containers are used for harvesting produce.
- f. Horticultural produce is harvested using clean containers.
- g. Horticultural produce is sorted and graded as appropriate and produce unfit for the market is separated from marketable produce at the field level.
- h. A collection shed is provided for receiving produce at the field level.

(2) An administrator of a collection shed for receiving produce shall ensure that the shed —

- a. is accessible to both growers and dealers;
- b. is designed to allow for a store, working area and shade;
- c. is made of materials which are easy to clean and disinfect;
- d. is constructed to allow for adequate ventilation, lighting, effective produce inspection and made of acceptable materials;
- e. has potable water and adequate sanitation facilities;

- f. has waste disposal facilities;
- g. has clear documentation procedures and document control systems;
and
- h. has traceability records of any produce that is collected as stated in regulation 31

(3) A person who contravenes sub-regulation (1) a, b, d, f and (2) commits an offence.

Minimum
conditions
for produce
handling
facilities.

Cap. 242.

19. (1) Every dealer shall ensure that the following minimum conditions for produce handling facilities are met;

- a) processing and packaging of horticultural produce is carried out under clean, hygienic and safe conditions as set out in the National Horticulture Standards and any relevant food safety regulation.
- (b) working areas and premises of a produce handling facility is kept free of waste materials.
- (c) Any person who is within a produce handling facility wears protective clothing at all times.
- (d) Any equipment coming into contact with produce or grading table is rust proof and easy to clean.
- (e) The floor layout for a produce handling facility allows for smooth flow of produce with adequate separation of raw materials and finished products.
- (f) The floors, doors and wall surfaces of a produce handling facility are made of impervious, non- absorbent, non-toxic washable material which is easy to clean and disinfect.
- (g) A produce handling facility has adequate ventilation, temperature control and lighting.
- (h) A produce handling facility is designed and constructed to prevent entry of dust, domestic animals, rodents, insects, birds, or any other unwanted animals.
- (i) No person shall smoke, eat or drink in a produce handling facility and appropriate signs displayed in the facility to that effect.
- (j) Packaging materials are kept off the floor in a clean dry storage area that is free from the risk of contamination.

- (k) Horticultural produce moves through the facility operation in the order that it is received, First In First Out (FIFO).
- (l) The traceability of horticultural produce is documented throughout the process chain from reception to dispatch.
- (2) A person who contravenes any provision in this regulation commits an offence.

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

- 20.** (1) A dealer shall demonstrate that the packaging material used for handling horticultural produce:
- a) is designed to suit the transport handling system and shall meet market requirements.
 - b) has the capacity to contain the produce, enabling the required quantity to be handled as one-unit up to the targeted destination without collapsing.
- (2) The package weight of horticultural produce does not exceed fifty kilogrammes.
 - (3) A dealer shall maintain temperature and humidity level for produce during storage and transportation prescribed in the specific commodity standards for that produce.
 - (4) A dealer shall ensure that horticultural produce is not stored or transported together with other produce which may contaminate them or otherwise adversely affect their quality.
 - (5) A dealer shall ensure that vessels used for transportation of horticultural produce are covered and equipped to ensure maintenance of optimal temperatures and hygiene, prevent damage, contamination and spoilage of produce.
 - (6) A dealer shall ensure that horticultural produce offered for export is labelled in accordance with the national labelling and packaging standards.
 - (7) A dealer shall ensure that produce packaged for export market is branded as “produce of Kenya” on the packaging material of the produce using the national logo prescribed by the national institution responsible for branding.
 - (8) 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.
 - (9) A person who contravenes any provision in this regulation commits an offence.

Safe use of pesticides.

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

Enforcement
of quality
standards.

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

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

22. (1) The Authority in collaboration with county governments and relevant agencies may from time to time randomly sample and test produce in collection centres, stores, pack houses, markets, warehouses to ensure conformity to food safety and quality requirements.

(2) A dealer shall not operate without a compliance certificate in Form 12 set out in the Third Schedule.

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

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

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

Consequences
of non-
compliance
with
standards.

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

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

b. in the case of produce exported or imported without the required documents or falsified documents such as phytosanitary certificate, export certificate or any compliance certificate be destroyed upon interception and the offender suspended from dealership for one year.

Import
licence.

24. (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 13 set out in the Third Schedule.

(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 fourth Schedule.

(3) If the Authority is satisfied that the applicant has met the requirements for registration, the Authority shall issue the applicant with an import licence in Form 14 set out in the Third Schedule.

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

(5) 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.

(6) An import licence shall not be transferrable.

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

Import
certificate.

25. (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 15 set out in the Third Schedule.

(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 Fifth 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 produce/product meets the import requirements, the Authority shall issue the applicant with an import certificate in Form 16 set out in the Third 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 sub-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.

Export
licence.

26. (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 17 set out in the Third Schedule.

(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 Fifth Schedule;
- i. Evidence of implementation of an effective quality management system including traceability, recall and withdrawal as prescribed in these regulations; and
- j. documents indicating that the applicant operates from a registered packing facility.

(3) The Authority shall, upon receipt of the application—

(a) conduct inspection of the exporters quality management and traceability system in compliance with these regulations and the national horticulture standards;

(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 safety and produce quality transportation standards.

(4) 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 18 set out in the Third Schedule subject to such terms and conditions it deems necessary.

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

(6) 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.

(7) An application for renewal of an export licence shall be made thirty days before the expiry of an export licence in Form 17 set out in the Third 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) An inspection report by the Authority on the quality management system report of the applicant's farm, personnel, transport and packing facility;

(d) annual marketing and production returns for the previous year and season;

(e) Evidence of implementing an effective traceability system including recall and withdrawal as prescribed in regulation 38;

(f) 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.

Export
certificate.

27. (1) A person who intends to export a consignment of horticultural produce shall apply to the Authority for an export certificate in Form 19 set out in the Third Schedule.

(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 indicating—

(i) the product name;

(ii) the destination of the product;

(iii) the consignee;

(iv) the vessel details:

(v) the unit value of the produce, indicating the currency; and

(vi) the weight of each product being exported in Kilograms, quality grades and number of packages/boxes;

- c. traceability records for the consignment as provided for in form 37 of the fourth schedule; and
- d. 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 20 set out in the Third 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.

Import and
export
returns.

28. (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 21 set out in the Third schedule.

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

Appeals.

29. (1) 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—

- (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.

Appointment
of Crops
Inspectors

30. (1) The Authority shall appoint crops inspectors in accordance with section 27 of the Act to carry out inspections of horticultural crops, produce and products to ensure they conform to the food safety and quality requirements provided under the Act and these Regulations.

(2) The county governments may nominate persons to be appointed by the Authority as crops inspectors in accordance with sub regulation (1).

(3) A person appointed as a crops inspector shall meet the following qualification; —

- i. Have a bachelor's degree in Horticulture or a related field; or
- ii. a diploma in Horticulture or a related field with two years' experience in crop production and quality management systems, extension service work from a university or institution recognised in Kenya.

- (4) The Authority shall publish in the Gazette the names of all crops inspectors who have been appointed under this regulation.
- (5) A person who carries out the functions of a crops inspector without having been duly appointed by the Authority commits an offence and shall be liable, on conviction, to a fine of five hundred thousand shillings, or to imprisonment for a period of one year, or to both

PART IV: TRACEABILITY AND RECALL

Traceability
of produce

- 31.** (1) A dealer in horticultural produce except those supplying for direct consumption shall put in place the traceability system as prescribed in these regulations.
- (2) A dealer shall have in place systems and procedures to identify source from whom they have received produce intended to be, or expected to be processed for sale.
- (3) A dealer shall not deal with marketing agents who are not registered with the Authority.
- (4) A dealer shall not source produce from a smallholder grower unless the grower is registered with an association registered with the county government
- (5) A dealer shall have in place systems and procedures to identify recipients to whom their produce/products have been supplied to.
- (6) A dealer who receives a batch of produce/products from another dealer shall record information provided by the dealer which allows the traceability of the batch to be subsequently established.
- (7) A dealer shall put in place a coding system to allow the unique identification of produce and any material intended to be, or expected to be incorporated into the produce so as to achieve internal and external traceability.

Contract
Farming

- 32.** (1) A grower registered with an association, a registered smallholder grower association or a plantation grower supplying produce to a dealer shall sign a contract with the dealer.
- (2) A dealer shall not—
 - (a) sponsor the growing of a horticultural crop for trading without notifying the County and the information shared with the Authority;
 - (b) collect produce from a production scheme sponsored by a different dealer unless authorized in writing to do so by the dealer;
 - (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 sub-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.

Dealer
Traceability
Records

33. (1) A dealer shall maintain records containing information when the ownership of a batch is transferred to another dealer as prescribed in Form 22 of the Fourth schedule.

(2) A dealer shall ensure the separation and identification of each batch of produce/product during each stage of the process according to its supplier.

(3) A dealer shall have in place systems and procedures which allow for traceability information to be made available to the Authority upon request.

(4) A dealer who fails to keep records or gives false information to Authority commits an offence.

Grower
Traceability
Records

34. A grower shall keep records for traceability by providing information as prescribed in Form 23 in the Fourth Schedule.

Produce
Collection
Records

35. (1) A dealer shall upon collection of produce from a grower, issue a collection note with the following information;

- a. Name and telephone number of the grower
- b. Grower's code allocated by the association
- c. Produce type and description
- d. Produce collection date and time,
- e. Name and telephone of the dealer collecting the produce; and
- f. Farm location including use of GPS coordinates

(2) An administrator of a collection centre shall maintain up-to-date register of growers delivering produce at the centre and keep records as prescribed in Form 24 of the Fourth schedule

(3) When a dealer collects produce from a collection centre or a grower association or another dealer, the administrator shall record information as prescribed in Form 25 in the Fourth Schedule;

(4) (a) The information recorded in sub-regulation (1) shall be made available to the dealer upon collection of produce.

(b) A dealer shall issue a produce collection note to each grower for produce collected and a single produce collection note to the centre administrator for the total volume collected from the centre.

Common
User Packing
Facility
traceability

36. (1) Operators of common user packing facilities used by several dealers shall facilitate the implementation of traceability systems.

(2) Dealers using common user packing facilities for produce or products shall maintain records of registered growers or dealers from whom they have received produce intended to be, or expected to be processed.

(3) Each dealer shall be responsible for establishing produce traceability system and procedures for their produce that identify batches at all times including changes to batch integrity which may take place within the packhouse.

(4) The dealer shall avail this information to the Authority upon request.

Export
Consignment
Traceability

37. (1) A dealer shall maintain records of another dealer to whom they have exported a batch of produce or products.

(2) An exporter who supplies a batch of produce to another exporter shall provide information to the receiver which allows the traceability of the batch to be subsequently established.

(3) Exporters shall ensure that export consignment of produce shall be accompanied by traceability information comprising and not limited to the provisions in Form 26 of the Fourth schedule.

(4) The exporter shall maintain the records in sub-regulation (1) and avail to the Authority upon request.

Recall and
Withdrawal
Procedure

38. (1) A dealer shall establish a recall and withdrawal procedure for the recall and withdrawal of produce to address food safety concerns with potential to harm human health and shall be able to identify: -

- a. A dealer from whom they have received a batch of produce or products
- b. A dealer to whom they have supplied a batch of produce or products

(2) Where a dealer considers or has reason to believe that produce which has been produced, processed, manufactured or distributed is non-compliant with food safety requirements, the dealer shall immediately recall the produce in question from the market.

(3) Where a recall is implemented, the dealer shall immediately inform the Authority and provide a report indicating the batch of the produce or products, quantity of produce or products concerned, reason for the recall or withdrawal, implementation plan for the recall and the recalled produce or products.

(4) Where the produce or product specified in sub regulation (3) has reached the consumer, the dealer shall effectively and accurately inform the consumers of the reason for its withdrawal, and if necessary, recall from consumers produce or products already supplied to them when other measures are not sufficient to achieve a high level of health protection.

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

Dealer or
Crops
Inspector
Recall

39. (1) Where a dealer receives complaints of the produce unsuitability from the consumers, distributors, retailers, Crops Inspectors and or tampering threats, the dealer shall investigate the risk and if convinced of the need for the recall, order a recall and report to the Authority

(2) Where the Crops Inspector determines that the produce poses a food safety risk, the inspector shall order the dealer to make a recall.

Recall of
Produce in
the Market

40. (1) Where the produce is in the market and a recall is warranted, the dealer shall inform the Authority and immediately institute a recall.

(2) The dealer shall notify the public of the produce identity, the nature of the risk, where the produce was sold and produce drop-off points.

(3) The dealer shall inform the Authority on the extent of the recall success.

(4). A dealer who contravenes the provisions of this regulation commits an offence

PART V—MISCELLANEOUS PROVISIONS

Fees.

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

Levies.

- 42.** (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.
- (2) There shall be a levy imposed on all horticultural crops—
- (a) imported as finished products at the rate of four (4) percent of the customs value; and
 - (b) imported as fresh produce or raw materials at a rate of two (2) percent of the customs value.
- (3) The levy due under sub regulation (1) and (2) 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.

Alteration,
suspension
and
revocation of
licences or
certificates.

43. (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.

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

General
penalty.

44. 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.

Transitional
provisions.

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

Revocation
L.N No 118
of 2020.

46. The Crops (Horticultural Crops) Regulations 2020 is revoked.

FIRST SCHEDULE

Horticultural Crops

r. 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>Annona cherimola</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>Vitis vinifera</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>

<i>Common Name</i>	<i>Botanical Name</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 spp L.</i>
Pomegranate	<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>	

MEDICINAL AND AROMATIC PLANTS

<i>Common Name</i>	<i>Botanical Name</i>
Corriander	<i>Coriandrum sativum</i>
Leeks	<i>Allium ampeloprasum</i>
Celery	<i>Apium graveolens</i>
Mint	<i>Mentha sp</i>
Garlic	<i>Allium sativum</i>
Parsley	<i>Petroselinum crispum</i>
Turmeric	<i>Curcuma longa</i>
Ginger	<i>Zingiber officinale</i>
Rosemary	<i>Rosmarinus officinalis</i>
Bulb onion	<i>Allium cepa</i>
Spring onion/green shallots	<i>Allium fistulosum</i>
Chives	<i>Allium schoenosprasum L.</i>
Vanilla	<i>Vanilla planifolia A</i>
Stinging nettle	<i>Urtica dioica Linn</i>

Methi	<i>Trigonella foenum-graecum</i>
Aloe	<i>Aloe sp</i>
Artemisia	<i>Artemisia absinthium L</i>
Lemon grass	<i>Cymbopogon citratus</i>
Stevia	<i>Stevia rubundiana</i>
Moringa	<i>Moringa oleifera</i>
Jetropha	<i>Jatropha curcus</i>

All other medicinal and aromatic plants of commercial value

A. VEGETABLES

Common Name

Botanical Name

Amaranth	<i>Amaranthus spp.</i>
Artichoke	<i>Cynara cardunculus var. scolymus</i>
Jerusalem artichokes	<i>Helianthus tuberosus</i>
Asparagus	<i>Asparagus officinalis</i>
Beet root	<i>Beta vulgaris</i>
Broccoli/cauliflower	<i>Brassica oleracea var. botrytis</i>
Brussels sprouts	<i>Brassica oleracea var. gemnifera</i>
Cabbage	<i>Brassica oleracea. var. capitata</i>
Carrot	<i>Daucus carota</i>
Celery / Celeriac	<i>Apium graveolens</i>
Chervil	<i>Anthricus cerefolium</i>
Chicory	<i>Cichorium intybus</i>
Chillies	<i>Capsicum spp</i>
Chinese cabbage	<i>Brassica chinensis</i>
Cluster bean (green)	<i>Cyamopsis tetragonoloba</i>
Collards / Kale.	<i>Brassica oleracea var ancephala</i>
Coriander	<i>Coriandrum sativa</i>
Cowpeas (leafy) chora	<i>Vigna unguiculata</i>
Cucumber	<i>Cucumis sativa</i>
Dill	<i>Anethum graveolens</i>

<i>Common Name</i>	<i>Botanical Name</i>
Dioscorea	<i>Dioscorea sp</i>
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>Pisium sativum</i>
Green maize	<i>Zea mays</i>
Horseradish	<i>Armoracia rusticana</i>
Karella	<i>Mormodica charantia</i>
Kohlrabi	<i>Brassica oleracea var. 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 spp.</i>
Pumpkin/Squash/Courgette	<i>Cucurbita pepo</i>
Pumpkins	<i>Cucurbita sp.</i>
Radish	<i>Raphanus sativus</i>
Rhubarb	<i>Rheum rhaponticum</i>
Runner bean.	<i>Phaseolus coccineus</i>
Rutabaga	<i>Brassica napobrassica</i>
Snow peas.	<i>Pisium sativum var.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>
African nightshade	<i>Solanum sp</i>
Spider plant	<i>Cleome gynandra</i>
Cowpea	<i>Vigna unguiculata</i>
Jute mallow/mrenda	<i>Corchorus olitorius</i>
Slenderleaf/rattlepod/mitoo	<i>Crotalaria sp</i>
Vine spinach/nderema	<i>Basella alba</i>
Russian comfrey/mafaki	<i>Symphytum x uplandicum</i>
Malabor gourd/kahurura	<i>Cucurbita ficifolia Bouché</i>
Any other vegetables of economic value	

B. FLOWERS AND ORNAMENTAL PLANTS

<i>Common Name</i>	<i>Botanical Name</i>
Agapanthus/African Lily	<i>Agapanthus spp, A.umbellatus</i>
Alstromeria/Peruvian Lily	<i>Alstroemeria Aurantiaca</i>
Amaranthus	<i>Amaranthus 29 peg (Amaranthus acanthochoiton)</i>
Ammi/White Dill/Bishops Flower	<i>Ammi majus</i>
Ammi/White Dill/Bishops Flower	<i>Ammi visnaga</i>
Anthuriums/Flamingo Flower	<i>Anthurium Sp</i>
Arabicum	<i>Ornithogalum saundersiae</i>
Asparagus Fern	<i>Asparagus 29 peg (Asparagus aethiopicus)</i>
Asters/Michaelmas Daisy	<i>Aster Sunhelence, Aster Novi-belgii</i>
Astrantia	<i>Astrantia 29 peg (Astrantia major)</i>
Begonia	<i>Begonia 29 peg (Begonia obliqua)</i>
Bupleurum	<i>Bupleurum rotundifolium “graffiti”</i>
Callistaphus	<i>Callistaphus 29 peg (Callistaphus chinensis)</i>
Carnations	<i>Dianthus caryophyllus</i>
Carthamus/Safflower/Saffon	<i>Carthamus tinctoris</i>
Celosia	<i>Celosia 29 peg. (Celosia cristata)</i>
Chrysan. Cuttings/Pot Mum	<i>Dendratherma 29 peg29flora / Chrysanthemum sp</i>
Craspedia	<i>Craspedia 29 peg (Craspedia uniflora)</i>
Crocosmia	<i>Crocosmia 29 peg (Crocosmia aurea)</i>
Delphinium/Larkspur	<i>Delphinium 29 peg (Delphinium elatum)</i>
Dianthus	<i>Dianthus 29 peg (Dianthus caryophyllous)</i>
Dianthus	<i>Dianthus 29 peg (Dianthus caryophyllous)</i>
Dill	<i>Anethum 29 peg (Anethum graveolens)</i>
Easter Lily	<i>Lilium Longiflorum</i>
Echinops	<i>Echinops 29 peg (Echinops ritro)</i>
Eryngium/Sea Holly/Alphine	<i>Eryngium Sp</i>
Eucalyptus	<i>Eucalyptus L'H'ér eg (Eucalyptus oblqua)</i>
Freesia	<i>Freesia 29 peg (Freesia refracta)</i>

<i>Common Name</i>	<i>Botanical Name</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>Gypsophila paniculata</i>
Helianthus	<i>Helianthus annus</i>
Heliconia	<i>Heliconia 30 peg Heliconia psittacorum</i>
Hypericum	<i>Hypericum 30 peg (Hypericum perforatum)</i>
Lavender	<i>Lavandula spp</i>
Leather Leaves(L) Fern	<i>Rumohra adiantiformis</i>
Lisianthus/Prairie Gentian/Wildflower	<i>Eustoma grandiflorum</i>
Longiflora	<i>Ecupris longiflora</i>
Million Stars	<i>Gypsophila paniculata</i>
Mobydick	<i>Gomphocarpus 30 peg Gomphocarpus physocarpa and Gomphocarpus fruticosus</i>
Molucella/Bells of Ireland	<i>Molucella leavis</i>
Montbretia	<i>Crosmia 30 peg (Crosmia x crosmiflora)</i>
Orchids	<i>Cymbidium hybriden</i>
Ornithogalum/Star Of Bethlehem	<i>Ornithogalum Thyrsoides</i>
Panicum	<i>Panicum 30 peg (Panicum virgatum)</i>
Papyrus	<i>Papyrus eg (Cyperus papyrus)</i>
Pelargonium Cuttings	<i>Pelargonium SP eg (Pelargonium cucullatum)</i>
Pennisetum	<i>Pennisetum 30 peg (Pennisetum polystachion)</i>
Phlox	<i>Phlox S peg (Phlox paniculata)</i>
Phormium	<i>Phormium 30 peg (Phormium tenax)</i>
Ranunculus	<i>Ranunculus Sp (Ranunculus asiaticus)</i>
Roses	<i>Rosa spp</i>
Rudbeckia/Coneflower	<i>Echinacea Purpurea</i>
Ruscus	<i>Ruscus aculeatus</i>
Saundersisiae	<i>Ornithogalum saundersiae</i>

<i>Common Name</i>	<i>Botanical Name</i>
Scabiosa	<i>Scabiosa 31 peg (Scabiosa caucasica)</i>
Setaria	<i>Setaria 31 peg (Setaria viridis)</i>
Solidago/Garden Rod	<i>Solidago gardensis</i>
Solidaster/Garden Plant	<i>Solidaster luteus</i>
Statice/Sea Lavender	<i>Limonium spp</i>
Strelitzia and hybrids	<i>Strelitzia 31 peg (Strelitzia reginae)</i>
Sunflower	<i>Helianthus annus</i>
Trachelium	<i>Trachelium caeruleum</i>
Tuberose	<i>Polianthes tuberosa</i>
Veronica	<i>Veronica Spicata</i>
Zantedeschia/Calla Lily/Arum Lily	<i>Zantedeschia Sp</i>
And any other flower and ornamental plants of economic value	

SECOND SCHEDULE

Form 1

r. 7(1)

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.....
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

Recommended /Not recommended

County Crop Inspector name.....Signature.....

Date.....

**8. Approved/Not Approved by: County Executive Committee member in charge of
Agriculture**

NameSignature.....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.**

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 a 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.

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'ssignature
.....Date.....

PART II**FOR OFFICIAL USE***Recommended /Not recommended*

Crop Inspector name.....Signature.....
Date.....

Remarks.....

Checked by:

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

Approved/Not Approved by:

Director GeneralSignature.....Date
.....

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. BoxEmailMobile No.....

Is/are registered to export Horticultural seedlings for the year

Name of CountySub-CountyWard.....

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. 11(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. BoxNearest 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.

GROWER INFORMATION REQUIRED FOR REGISTRATION WITH A SMALLHOLDER ASSOCIATION

Name of Grower Association..... County.....

Sub-county..... Ward.....

Association Code.....

Grower's Name	Grower's Code	ID/Passport No.	LR No.	Type of Holding (own/leased)	Land Size in acres	Crops Grown
1.						
2.						
3.						

FOR OFFICIAL USE

Remarks.....

.....

☐ **Recommended** ☐ **Not Recommended**

Authorized Officer County Government

Signature.....Date

APPLICATION FOR REGISTRATION OF PLANTATION GROWER AND OR EXPORTER GROWERS' ASSOCIATION

(To be filled in triplicate)

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

1. Company Name
2. Certificate of Incorporation No.....
3. List of 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.....

S/No	Type of crop (common name)	Variety	Acreage/Population	Average yield
1				
2				

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

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

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 9

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 10

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 11

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.

THIRD SCHEDULE

Form 12

r.22 (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 13

r.24 (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 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 14

r.24 (3)

HORTICULTURAL PRODUCE IMPORT LICENCE

Name importer

Licence 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.

APPLICATION FOR IMPORT CERTIFICATE

Name of import company

Address Telephone

Email Physical location

Contact person

Import license Number

Import date and time

Point of entryType of vessel and number

Type of product: ☐ Fresh produce ☐ processed product (Tick as appropriate)

Common Name of produce	Variety	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

HORTICULTURE CROPS 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*)

Common name of produce	Variety	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 may 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 17

r. 26 (1)

APPLICATION FOR HORTICULTURAL PRODUCE EXPORT LICENCE

(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. 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. Name of Produce/ Products for the market.....

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 Name Signature.....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 Horticulture 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.

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

7. 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.
8. This License is not transferable.
9. The License may be revoked, suspended or altered in circumstances outlined in Crops Act para 23

APPLICATION FOR HORTICULTURE CROPS 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..... Currency

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

Common name of produce	variety,	HS code	Quantity (Kilograms)	Number of packages	Name and address of consignee	Destinati on Country	Unit value	Total Value (Custo m) KES

The commercial invoice and certified List of growers that supplied produce for the consignment shall be attached.

I the undersigned do declare that the information provide for purposes of this application is accurate

Name of Dealer representative..... Tel No..... email.....

Designation.....

FOR OFFICIAL USE**Checked by:**

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

Approved by:

Director GeneralSignature.....Date

Official Rubber stamp

Logo of Coat of arms of Government of Kenya

REPUBLIC OF KENYA

EXPORT CERTIFICATE

SCHEDULE III

The consignment of which particulars are given below has been inspected according to the provision of the Crops Act (No.16 of 2013) and The Crops (Horticultural Crops) regulation 2020 and has been found to conform to the export requirements

Name of DealerDocument No.Dealer registration number

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

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

Contact person Invoice No.....

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

Point of exit.....Currency

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

Common name of produce	variety,	HS code	Quantity (Kilograms)	Number of packages	Destination Country	Unit value	Total Value (Custom) KES

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.
3. Certificate is valid for 24 hours from the time of final inspection

4. Certificate is not transferrable

Form 21

r. 28 (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, Species common name, HS code variety	Quantity (Kilograms) Imported/exporte d	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

FOURTH SCHEDULE

Form 22

r. 33 (1)

DEALER TRACEABILITY RECORDS ON TRANSFER OF BATCH OWNERSHIP

- a. Name of dealer receiving the produce, address, telephone number/email and registration number
- b. Signature of dealer receiving the produce/product
- c. Grower or farm name, address and registration number allocated by the association.
- d. Name of grower association, email address, code allocated by the county government in case of produce supplied by an association.
- e. Signatures of grower/association representative
- f. Description of produce/products and quantity including name, variety and condition
- g. Batch identification, produce/product codes applied to the batch by the supplier or the receiver
- h. date and time of transaction

Form 23

r. 34 (1)

TRACEABILITY RECORDS TO BE MAINTAINED BY GROWERS

- 1) A grower shall ensure they maintain farm records including planting, chemical application and harvesting records. The records maintained at planting shall include;
 - (a) the name of the crop previously grown in the same field;
 - (b) Crop under production and description (common name, variety)
 - (b) Type of planting material used which can be seed, seedling, cutting, or Tissue culture propagules;
 - (c) Seed dressing product used if applicable and date of application;
 - (d) Date of planting;
- 2) In the case of pest control products the following records shall be kept;
 - (e) Pest and disease scouting records;
 - (f) Name of pest control products used;
 - (g) method of application of pest control products;
 - (h) weather conditions during the application of pest control products;
 - (l) date and dosage rate of application of pest control products;
 - (j) Target pest and or disease being controlled;
- 3) In the case of fertilizers application, the following records shall be kept;
 - (k) Name fertilizers used;
 - (l) Method of application of fertilizers;
 - (m) Identify crop being applied with pest control product or fertilizer
 - (n) date and dosage rate of application of fertilizers
- 4) Other records that shall be kept include;
 - (o) irrigation frequency and dates of irrigation;
 - (p) harvesting dates and weather conditions during harvesting;
 - (q) name of spray operator and equipment used in fertilizer or pest control product application; and
 - (r) sprayer and equipment calibration records.

Form 24**r. 35 (2)****TRACEABILITY RECORDS THAT SHALL BE MAINTAINED BY A COLLECTION CENTRE ADMINISTRATOR FOR PRODUCE DELIVERED BY GROWER FOR EACH SEPARATE BATCH**

- a. Name of collection centre
- b. Location of collection centre
- c. Name of smallholder grower association.....
- d. Name of the grower
- e. Identification number of grower
- f. Grower unique number allocated by associations.....
- g. Telephone number of grower.....
- h. Farm location of the grower.....
- i. Name of the administrator.....
- j. Telephone number of the administrator.....
- k. Name of grader.....
- l. Identify produce at the collection centre by name, variety, species and batch number

Form 25**r. 35 (3)****TRACEABILITY RECORDS TO BE KEPT BY A COLLECTION CENTRE ADMINISTRATOR FOR PRODUCE COLLECTED BY A DEALER FOR EACH SEPARATE BATCH**

- a. Name of each grower that delivered produce.....,
- b. Produce delivery date and time.....
- c. Condition of the produce.....
- d. Produce description and type including name and variety
- e. Volume delivered per grower (specify the units)
- f. Batch identification per grower and collection centre including grower's code, name of the produce, variety and pieces.....
- g. Total volume collected from the growers.....
- h. Name and telephone number of the dealer representative collecting the produce.....
- i. Vessel registration number collecting the produce.....
- j. Name and telephone number of the vessel operator.....

Form 26**r. 35 (3)****TRACEABILITY RECORDS FOR EACH EXPORT CONSIGNEMENT**

Produce	Description	Quantity	Grower's Name and Address	Produce/producer Recipient's Name and Address	Batch/Lot No.	Shelf Life	Date of Dispatch

- (a) produce/product name including variety and species
- (b) accurate description of the produce including size, form, fresh, dried;
- (c) the volume or quantity of the produce;
- (d) the name, physical address or telephone number of the grower of the produce/product contained in the export consignment
- (e) the name and the physical address of the supplier if different from the grower from whom the produce was obtained
- (g) a reference identifying the lot, batch, consignment, shelf-life or expiry dates where applicable; and
- (h) the date of dispatch from the pack house.

FIFTH 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 customs value	Per consignment	Authority
Import levy – Raw materials	2% of customs 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
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

REGISTRATION AND PERMIT CATEGORIES	FEES (KES)	VALIDITY	RESPONSIBILITY
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....., 2022

PETER MUNYA

Cabinet Secretary Ministry of Agriculture, Livestock, Fisheries and Cooperatives