

(Legislative Supplement No. 71)

LEGAL NOTICE NO. 119

THE CROPS ACT

(No. 16 of 2013)

DECLARATION OF SCHEDULED CROPS

IN EXERCISE of the powers conferred by section 7(2) of the Crops Act, 2013 the Cabinet Secretary for Agriculture, Livestock, Fisheries and Co-operatives, declares the following crops as scheduled crops—

Achiote (Mrangi)	<i>Bixa Orellana;</i>
Stevia	<i>Stevia Rebudiana;</i>
Oil Palm	<i>Elaeis Guineensis;</i> and
Bambara	<i>Nuts Vigna Subterranean.</i>

Made on the 8th June, 2020.

PETER MUNYA,
*Cabinet Secretary for Agriculture,
Livestock, Fisheries and Co-operatives.*

LEGAL NOTICE NO. 120

THE CROPS ACT, 2013

(No. 16 of 2013)

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

- 1—Citation.
- 2—Interpretation.
- 3—Purpose of these Regulations.
- 4—Scope of application of these Regulations.

PART II—REGISTRATION AND LICENSING

- 5—Registration of smallholder fibre crops growers.
- 6—Registration of fibre crops plantation growers.
- 7—Registration of commercial nurseries.
- 8—Licensing of commercial nurseries.
- 9—Registration of retailers.
- 10—Licensing of retailers.

- 11—Designation of collection centres.
- 12—Setting up a new fibre crops products manufacturing factory.
- 13—Registration of fibre crops products manufacturers.
- 14—Licensing of fibre crops products manufacturers.
- 15—Registration of exporters and importers.
- 16—Licensing of exporters and importers.
- 17—Export and import permits.
- 18—Renewal of licences.

PART III—STANDARDS AND QUALITY ASSURANCE

- 19—Fibre crops seed requirements.
- 20—Obligations of growers.
- 21—Obligations of retailers.
- 22—Obligations of fibre crop products manufactures.
- 23—Baling.
- 24—Grading and inspection of fibre crops and fibre crop products.
- 25—Classing and grading of cotton lint.
- 26—Prohibition against adulteration.

PART IV—TRADE AND MARKETING

- 27—Unprocessed sisal leaf.
- 28—Fibre Crops and Fibre Crop Products Pricing Committee.
- 29—Movement permit.
- 30—Agreements between growers and dealers.

PART V—INSPECTION AND COMPLIANCE

- 31—Appointment of crops inspectors.
- 32—Inspections and surveillance.
- 33—Illegal manufacture and possession.
- 34—Notices issued for non-compliance.

PART VI—MISCELLANEOUS PROVISIONS

- 35—Revocation and surrender of certificates, licences or permits.
- 36—Appeal process for grant, refusal, renewal, variation or revocation of the conditions of licences.
- 37—General penalty.
- 38—Fees.
- 39—Dispute resolution between growers and dealers.

40—Transitional provisions.

SCHEDULES

First Schedule—Application Forms

Second Schedule—Registration Certificates, Permits and Licences

Third Schedule —Registers, Returns and Reports

Fourth Schedule—Guidelines for Development of Agreements between Parties.

Fifth Schedule—Sisal and Cotton Grading Definitions

Sixth Schedule—Registration and Licensing Requirements

Seventh Schedule—Fibre Crops Pricing Committee

Eighth Schedule —Fees for Permits, Certificates and Licences

THE CROPS ACT

(No. 16 of 2013)

IN EXERCISE of the powers conferred by section 40 of the Crops Act, 2013, the Cabinet Secretary for Agriculture, Livestock, Fisheries and Co-operatives in consultation with the Authority and the County Governments, makes the following Regulations—

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

PART I—PRELIMINARY

1. These Regulations may be cited as the Crops (Fibre Crops) Regulations, 2020. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
 - “classing” means assessing the quality of every bale of cotton;
 - “collection centre” means a place designated for the buying and selling of fibre crops or fibre crops products, packaging houses, pick-up points of fibre crops or fibre crops products, and meeting places of growers and growers’ entities;
 - “commercial nursery” means a nursery where planting materials are grown for commercial purposes;
 - “Committee” means the Fibre Crops and Fibre Crop Products Pricing Committee established under regulation 28;
 - “co-operative society” has the meaning assigned to it under the Co-operative Societies Act; No. 12 of 1997.
 - “cotton lint” means cotton fibre that is derived from ginning seed cotton;
 - “cotton seed” means a seed from a cotton plant obtained after ginning;
 - “cotton seed milling” means the mechanical crushing of a cotton seed for the production of cotton seed oil, cotton seed cake or any other by-product of cotton;
 - “cotton textile milling factory” means premises used for converting cotton lint into cotton yarn, woven fabrics or any other finished cotton fibre product;
 - “county government” means a county government as provided for under Article 176 of the Constitution;
 - “crop inspector” means a person appointed in accordance with section 27 of the Act;

“dealer” includes a cotton seed miller, cotton seed retailer, cotton textile miller, exporter, fibre buying agent, fibre transporter, ginner, handloom weaver, importer, seed cotton retailer, sisal fibre retailer, sisal spinner, store operator and warehouse operator;

“Directorate” means the directorate established pursuant to section 11 of the Agriculture and Food Authority Act, 2013, that is responsible for matters related to fibre crops;

“exporter” means a person who exports fibre crops or fibre crop products;

“fibre buying agent” refers to a person appointed by a licenced dealer to buy fibre crops and fibre crop products on behalf of the dealer;

“fibre crop” includes sisal and cotton;

“fibre crops product” includes cotton lint, a cotton seed, a cotton seed cake, a cotton seed meal, a cotton seed oil, a hull, a linter, seed cotton, sisal fibre, a twine, a rope, a textile, a yarn;

“fibre crops product manufacturer” means a person carrying out baling, brushing, cotton seed milling, textile milling, decorticating, ginning, spinning or weaving, and textile milling of fibre crops and includes the distribution, labelling and packaging of fibre crops and fibre crop products for sale;

“ginner” means a person carrying out process of separating seed cotton into cotton lint and cotton seed;

“ginnery” means a factory where seed cotton is separated into cotton lint and cotton seed;

“grade” means the quality of a fibre crop or fibre crop product;

“grower” means a person who cultivates fibre crops in Kenya;

“growers’ entity” means an association, a co-operative, a company, a farmers’ group, a growers’ organisation or a union;

“handloom weaver” means a person, that makes a fabric or a fabric item by interlacing threads made from a fibre crops product;

“importer” means a person who imports fibre crops or fibre crop products;

“infected area” means an area declared to be an infected area in accordance with section 31 of the Act;

“person” includes a company, association or other body of persons whether incorporated or unincorporated;

“fibre crop plantation grower” means—

- (a) a grower who cultivates; or
- (b) a growers’ association whose members cultivate, in the aggregate,

a fibre crop on a parcel of land of more than twenty hectares;

“premises” includes a building or structure, used for collecting, trading, storing or processing of fibre crops, or fibre crops products;

“retailer” means a person who trades in fibre crops or fibre crop products;

“smallholder fibre crop grower” means a grower who cultivates a fibre crop on a parcel of land not exceeding twenty hectares; and

“unwashed sisal fibre” means sisal fibre that has been extracted without water during decortication.

3. The purpose of these Regulations is to provide for the regulation, promotion and development of the fibre crops and fibre crop products.

Purpose of these Regulations.

4. These Regulations shall apply to—

Scope of application of these Regulations.

- (a) the procedures and conditions for registering and licensing of dealers;
- (b) the standards and assurance of the quality, of fibre crops and fibre crops products;
- (c) the collection and maintenance of data related to fibre crops;
- (d) the conduct of inspections and compliance aspects over fibre crops;
- (e) the determination of the price of fibre crops and fibre crops products;
- (f) the marketing of fibre crops and fibre crops products;
- (g) the grading of fibre crops and fibre crops products;
- (h) the basic requirements for agreements between growers and dealers;
- (i) the issuance of permits for exporting or importing of fibre crops or fibre crops products; and

- (j) such other matter as the Authority may deem necessary.

PART II—REGISTRATION AND LICENSING

5. (1) A smallholder fibre crop grower may register with the growers' entity the grower so desires.

Registration of
smallholder fibre
crop growers.

(2) A smallholder fibre crop grower who opts to register in accordance with sub-regulation (1) may apply for registration in Form AFA/FCD/A1 set out in the First Schedule.

(3) A growers' entity shall consider the application made under sub-regulation (2) and—

- (a) within fourteen days of receiving the application, issue to a successful applicant a certificate of registration; or
- (b) within seven days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the growers' entity made under sub-regulation (3)(b) may —

- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
- (b) engage in the dispute resolution mechanisms specified in the constitution, by-laws or memorandum or articles, of the growers' entity.

(5) Upon resubmission of a satisfactory application under sub-regulation (4) (a), the growers' entity shall issue the applicant a certificate of registration, within fourteen days.

(6) A growers' entity shall issue a certificate of registration under this regulation in Form AFA/FCD/B1 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) A growers' entity shall maintain a register of all smallholder fibre crops growers registered with it in Form AFA/FCD/C1 set out in the Third Schedule.

(8) The register referred to in sub-regulation (7) shall contain the annual production data of the smallholder fibre crop growers therein.

(9) A growers' entity shall submit returns of the smallholder fibre crops growers registered with it to the respective County Government and Authority, in Form AFA/FCD/C1 set out in the Third Schedule, by the fifteenth day of January of every year.

(10) Despite sub-regulation (9), a growers' entity shall notify the Authority and the respective County Government, in writing, of any

change in particulars of the smallholder fibre crop growers contained in the register maintained under sub-regulation (7), within sixty days.

(11) Each respective county government shall maintain a register of all grower entities registering smallholder fibre crops growers in Form AFA/FCD/C1 set out in the Third Schedule.

(12) The Authority shall maintain a register of all growers' entities registering smallholder fibre crops growers in Form AFA/FCD/C1 set out in the Third Schedule.

6. (1) A fibre crop plantation grower shall apply for registration in Form AFA/FCD/A2 set out in the First Schedule.

Registration of
fibre crops
plantation
growers.

(2) The Authority shall consider the application made under sub-regulation (1) and—

- (a) within fourteen days of receiving the application, issue to a successful applicant a certificate of registration; or
- (b) within seven days of receiving the application, reject the application and indicate the reasons thereof.

(3) An applicant who is dissatisfied with the decision of the Authority made under sub regulation (2)(b) may —

- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
- (b) appeal to Court.

(4) Upon resubmission of a satisfactory application under sub-regulation (3) (a), the Authority shall issue the applicant a certificate of registration, within fourteen days.

(5) The Authority shall issue a certificate of registration under this regulation in Form AFA/FCD/B2 set out in the Second Schedule, subject to such conditions it deems necessary.

(6) The Authority shall maintain a register of all fibre crops plantation growers registered with it in Form AFA/FCD/C1 set out in the Third Schedule.

(7) The register referred to in sub-regulation (6) shall contain the annual production data of the fibre crop plantation growers therein.

(8) A fibre crop plantation grower shall submit returns of their annual production data to the Authority, in Form AFA/FCD/C1 set out in the Third Schedule, by the fifteenth day of January of every year.

7. (1) An operator of a commercial nursery shall register with the County Government where the nursery is located.

Registration of
commercial
nurseries.

(2) An operator of a commercial nursery shall apply for registration in Form AFA/COUNTY/A1 set out in the First Schedule.

(3) The respective County Government shall consider the application made under sub-regulation (2) and—

- (a) within fourteen days of receiving the application, issue to a successful applicant a certificate of registration; or
- (b) within seven days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the respective County Government made under sub-regulation (3)(b) may —

- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
- (b) appeal to Court.

(5) Upon resubmission of a satisfactory application under sub-regulation (4) (a), the respective County Government shall issue the applicant a certificate of registration, within fourteen days.

(6) The respective County Government shall issue a certificate of registration under this regulation in Form AFA/COUNTY/B1 set out in the Second Schedule, subject to such conditions it deems necessary.

8. (1) A person shall not operate a commercial nursery without a licence from the respective County government.

Licensing of
commercial
nurseries.

(2) An operator of a commercial nursery shall apply to the County Government where the nursery is located, for a licence in Form AFA/COUNTY/A2 set out in the First Schedule.

(3) The respective County Government shall consider the application made under sub-regulation (2) and—

- (a) within sixty days of receiving the application, issue to a successful applicant a licence; or
- (b) within thirty days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the respective County Government made under sub regulation (3) (b) may —

- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
- (b) appeal to Cabinet Secretary.

(5) Upon resubmission of a satisfactory application under sub-regulation (4) (a), the respective County Government shall issue the applicant a licence, within thirty days.

(6) The respective County Government shall issue a licence under this regulation in Form AFA/COUNTY/B2 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) A licenced operator of a commercial nursery shall submit returns of their nursery to the respective County Government and Authority, in Form AFA/FCD/C1 set out in the Third Schedule, by the fifteenth day of January of every year.

9. (1) A person who intends to trade in fibre crops or fibre crop products, shall register with the Authority as a retailer.

Registration of
retailers.

(2) A retailer shall apply for registration in Form AFA/FCD/A3 set out in the First Schedule.

(3) The Authority shall consider the application made under sub-regulation (2) and—

- (a) within fourteen days of receiving the application, issue to an applicant who has complied with the conditions set out in the Sixth Schedule, a certificate of registration; or
- (b) within seven days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under sub-regulation (3)(b) may —

- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
- (b) appeal to Court.

(5) Upon resubmission of a satisfactory application under sub-regulation (4) (a), the Authority shall issue the applicant a certificate of registration, within fourteen days.

(6) The Authority shall issue a certificate of registration under this regulation in Form AFA/FCD/B3 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) The Authority shall maintain a register of all retailers in Form AFA/FCD/C1 set out in the Third Schedule.

(8) A retailer who contravenes sub-regulation (1) commits an offence and shall on conviction be liable to a fine not exceeding five million shillings or to imprisonment for term not exceeding three years or to both.

10. (1) A person shall not trade in fibre crops or fibre crop products, without a licence from the Authority as a retailer.

Licensing of
retailers.

(2) A retailer shall apply for a licence in Form AFA/FCD/A4 set out in the First Schedule.

(3) A retailer shall specify the collection centres the retailer acquires fibre crops from or delivers fibre crops to, in the retailer's application for a licence.

(4) The Authority shall consider the application made under sub-regulation (2) and—

- (a) within sixty days of receiving the application, issue to a successful applicant a licence; or
- (b) within thirty days of receiving the application, reject the application and indicate the reasons thereof.

(5) An applicant who is dissatisfied with the decision of the Authority made under sub regulation (4)(b) may —

- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
- (b) appeal to Cabinet Secretary.

(6) Upon resubmission of a satisfactory application under sub-regulation (5) (a), the Authority shall issue the applicant a licence, within thirty days.

(7) The Authority shall issue a licence under this regulation in Form AFA/FCD/B4 set out in the Second Schedule, subject to such conditions it deems necessary.

(8) A retailer who contravenes sub-regulation (1) commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for term not exceeding one year or to both.

11. (1) The Authority in consultation with the relevant County Government and the stakeholders in the fibre crops industry, shall designate collection centres in each county.

Designation of
collection centres.

(2) In designating a collection centre under sub-regulation (1), the Authority shall ensure that each collection centre—

- (a) has an appropriate store or warehouse for storing fibre crops or fibre crop products; and
- (b) complies with national, regional and international standards, codes of practice and best practices in the fibre crops industry.

(3) A county government, growers' entity, dealer or manufacturer may own or manage a collection centre designated as such in accordance with sub-regulation (1).

12. (1) A person shall not set up a new fibre crop products manufacturing factory without a certificate of compliance issued by the Authority.

Setting up a new fibre crop products manufacturing factory.

(2) A person who intends to set up a fibre crop products manufacturing factory shall make an application for a preliminary approval in Form AFA/FCD/A5 set out in the First Schedule.

(3) The Authority shall consider the application made under sub-regulation (2) and—

(a) within sixty days of receiving the application, issue to a successful applicant a preliminary approval; or

(b) within thirty days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under sub regulation (4)(b) may—

(a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or

(b) appeal to Court.

(5) Upon resubmission of a satisfactory application under sub-regulation (4) (a), the Authority shall issue the applicant a preliminary approval, within thirty days.

(6) The Authority shall issue a preliminary approval under this regulation in Form AFA/FCD/B5 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) Upon obtaining preliminary approval, and upon completion of the factory, a person setting up a fibre crop products manufacturing factory shall, apply to the Authority for inspection in Form AFA/FCD/A6 set out in the First Schedule.

(8) The Authority shall issue the applicant under sub-regulation (7) an inspection report in Form AFA/FCD/C2 set out in the Third Schedule.

(9) Pursuant to the recommendations of the inspection report referred to in sub-regulation (8), the Authority shall—

(a) within fourteen days of issuing the report, issue to a successful applicant a certificate of compliance; or

(b) within seven days of issuing the report, notify the applicant of the reasons for the rejection the application.

(10) An applicant who is dissatisfied with the decision of the Authority made under sub regulation (9)(b) may—

- (a) resubmit the application after addressing the reasons raised in the rejection; or
- (b) appeal to Court.

(11) Upon resubmission of a satisfactory application under sub-regulation (10) (a), the Authority shall issue the applicant a certificate of compliance, within fourteen days.

(12) The Authority shall issue a certificate of compliance under this regulation in Form AFA/FCD/B6 set out in the Second Schedule, subject to such conditions it deems necessary.

(13) A person who sets up a fibre crop products manufacturing factory without a preliminary approval or certificate of compliance, issued in accordance with this regulation commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for term not exceeding one year or to both.

13. (1) A person shall not manufacture fibre crop products unless that person is registered with the Authority.

Registration of fibre crop products manufacturers.

(2) A fibre crop products manufacturer shall apply for registration in Form AFA/FCD/A3 set out in the First Schedule.

(3) The Authority shall consider an application made under sub-regulation (2) and—

- (a) within fourteen days of receiving the application, issue to an applicant who has complied with the conditions set out in the Sixth Schedule, a certificate of registration; or
- (b) within seven days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under sub-regulation (3)(b) may—

- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
- (b) appeal to Court.

(5) Upon resubmission of a satisfactory application under sub-regulation (4) (a), the Authority shall issue the applicant a certificate of registration, within fourteen days.

(6) The Authority shall issue a certificate of registration under this regulation in Form AFA/FCD/B3 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) The Authority shall maintain a register of all fibre crop products manufacturers in Form AFA/FCD/C1 set out in the Third Schedule.

(8) A manufacturer who contravenes sub-regulation (1) commits an offence and shall on conviction be liable to a fine not exceeding five million shillings or to imprisonment for term not exceeding three years or to both.

14. (1) A person shall not manufacture fibre crop products without a licence from the Authority as a fibre crops products manufacturer.

Licensing of fibre
crop products
manufacturers.

(2) A manufacturer shall apply for a licence in Form AFA/FCD/A4 set out in the First Schedule.

(3) The Authority shall consider the application made under sub-regulation (2) and—

(a) within sixty days of receiving the application, issue to a successful applicant a licence; or

(b) within thirty days of receiving the application, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under sub-regulation (3)(b) may —

(a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or

(b) appeal to Cabinet Secretary.

(5) Upon resubmission of a satisfactory application under sub-regulation (4) (a), the Authority shall issue the applicant a licence, within thirty days.

(6) The Authority shall issue a licence under this regulation in Form AFA/FCD/B4 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) A manufacturer who contravenes sub-regulation (1) commits an offence and shall on conviction be liable to a fine not exceeding ten million shillings or to imprisonment for term not exceeding five years or to both.

15. (1) A person shall not export or import, fibre crops or fibre crop products, unless that person is registered with the Authority.

Registration of
exporters and
importers.

(2) An exporter or importer, shall apply for registration in Form AFA/FCD/A7 set out in the First Schedule.

(3) The Authority shall consider an application made under sub-regulation (2) and—

- (a) within fourteen days of receiving the application, issue to an applicant who has complied with the conditions set out in the Sixth Schedule, a certificate of registration; or
 - (b) within seven days of receiving the application, reject the application and indicate the reasons thereof.
- (4) An applicant who is dissatisfied with the decision of the Authority made under sub-regulation (3)(b) may —
- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
 - (b) appeal to Court.
- (5) Upon resubmission of a satisfactory application under sub-regulation (4) (a), the Authority shall issue the applicant a certificate of registration, within fourteen days.
- (6) The Authority shall issue a certificate of registration under this regulation in Form AFA/FCD/B3 set out in the Second Schedule, subject to such conditions it deems necessary.
- (7) The Authority shall maintain a register of all exporters and importers in Form AFA/FCD/C1 set out in the Third Schedule.
- (8) An exporter or importer who contravenes sub-regulation (1) commits an offence and shall on conviction be liable to a fine not exceeding five million shillings or to imprisonment for term not exceeding three years or to both.

16. (1) A person shall not export or import, fibre crops or fibre crop products, without a licence from the Authority as an exporter or importer.

Licensing of exporters and importers.

(2) An exporter or importer shall apply for a licence in Form AFA/FCD/A8 set out in the First Schedule.

(3) The Authority shall consider the application made under sub-regulation (2) and—

- (a) within sixty days of receiving the application, issue to a successful applicant a licence; or
 - (b) within thirty days of receiving the application, reject the application and indicate the reasons thereof.
- (4) An applicant who is dissatisfied with the decision of the Authority made under sub-regulation (3)(b) may —
- (a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
 - (b) appeal to Cabinet Secretary.

(5) Upon resubmission of a satisfactory application under sub-regulation (4) (a), the Authority shall issue the applicant a licence, within thirty days.

(6) The Authority shall issue a licence under this regulation in Form AFA/FCD/B7 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) Every exporter and importer shall submit monthly returns by the fifteenth day of every month to the Authority in Form AFA/FCD/C7 set out in the Third Schedule.

(8) An exporter or importer who contravenes sub-regulation (1) commits an offence and shall on conviction be liable to a fine not exceeding ten million shillings or to imprisonment for term not exceeding five years or to both.

17. (1) A person shall not export or import, a consignment of fibre crops or fibre crop products, without a permit from the Authority for each consignment to be exported or imported.

Export and import permits.

(2) An exporter or importer shall apply for a permit in Form AFA/FCD/A9 set out in the First Schedule.

(3) The Authority shall consider the application made under sub-regulation (2) and—

- (a) within two days of receiving the application, issue to a successful applicant a permit; or
 - (b) within a day of receiving the application, reject the application and indicate the reasons thereof.
- (4) An applicant who is dissatisfied with the decision of the Authority made under sub-regulation (3)(b) may —
- (a) within seven days of the decision, resubmit the application after addressing the reasons raised in the rejection; or
 - (b) appeal to Court.

(5) Upon resubmission of a satisfactory application under sub-regulation (4) (a), the Authority shall issue the applicant a permit, within two days.

(6) The Authority shall issue a permit under this regulation in Form AFA/FCD/B8 set out in the Second Schedule, subject to such conditions it deems necessary.

(7) An exporter or importer who contravenes sub-regulation (1) commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for term not exceeding one year or to both.

18. (1) All licences issued under these Regulations shall be valid until the thirtieth of June immediately following the date when it was issued. Renewal of licences.

(2) An application for the renewal of a licence shall be made in the same manner as the application for a new licence.

(3) An applicant for the renewal of a licence shall comply with the conditions set out in the Sixth Schedule

(4) An application for the renewal of a licence shall be made at least thirty days before it expires.

(5) An annual inspection by a crops inspector shall be a prerequisite for the renewal of a licence issued under these Regulations.

PART III—STANDARDS AND QUALITY ASSUARANCE

19. (1) A person shall only use planting materials from a source certified by Kenya Plant Health Inspectorate Services. Fibre crops seed requirements.

(2) A person shall only trade in fibre crop seeds in accordance with the Seeds and Plant Varieties Act. Cap. 326.

20. (1) Every grower shall only use planting seeds that are certified by in accordance with the Seeds and Plant Varieties Act. Obligations of growers.
Cap. 326.

(2) Every grower shall adhere to the standards KS 2857, KS 2858 and the national, regional and international standards, codes of practice and other best practices in the cultivation of fibre crops.

(3) Every grower shall harvest only physiologically mature fibre crops.

(4) Every grower shall, before offering their fibre crops for sale, grade fibre crops in accordance with regulation 24.

(5) Every grower shall package their fibre crops in accordance with these Regulations.

(6) Every grower shall offer for sale their fibre crops only at designated collection centres.

21. (1) Every grower shall adhere to the standards KS 2857, KS 2858 and the national, regional and international standards, codes of practice and other best practices in the handling of fibre crops and fibre crop products. Obligations of retailers.

(2) Every retailer shall trade in fibre crops and fibre crop products, only at designated collection centres.

(3) At a collection centre, every retailer shall—

- (a) conspicuously display the prices offered per unit weight of each grade of fibre crop and fibre crop product, in the local dialect, Kiswahili and English, when the retailer's premises are open for business;
 - (b) display sample boxes, of standard sizes, of grades of fibre crops and fibre crop products;
 - (c) display weighing scales that have been properly calibrated, serviced,
 - (d) issue original receipts to the person they sell their fibre crops or fibre crop products from and retain the duplicate receipts for the sales; and
 - (e) trade in fibre crops and fibre crop products at the price determined in accordance with pricing formula under regulation 28.
- (4) Every retailer shall store fibre crops and fibre crops, only at registered warehouses.
- (5) Every retailer shall package fibre crops or fibre crop products, only in accordance with these Regulations.
- (6) Every retailer shall grade fibre crops and fibre crop products in accordance with regulation 24.
- (7) A retailer may mix fibre crops or fibre crop products only if the crops or the products are of the same grade.
- (8) Every retailer shall submit monthly returns by the fifteenth day of every month to the respective County Government in Form AFA/FCD/C6 set out in the Third Schedule.

22. (1) Every fibre crop products manufacturer shall acquire fibre crops and fibre crop products only from a registered person.

Obligations of
fibre crop
products
manufacturers.

(2) Every fibre crop products manufacturer shall grade fibre crops and fibre crop products in accordance with regulation 24.

(3) A fibre crop products manufacturer may mix fibre crops or fibre crop products only if the crops or the products are of the same grade.

(4) Every fibre crop products manufacturer shall ensure that the quality of the fibre crops and fibre crop products are maintained to avoid any contamination.

(5) Every fibre crop products manufacturer shall maintain and operate machinery in a manner that it will not deteriorate or damage fibre crops and fibre crop products.

(6) Every fibre crop products manufacturer shall adhere to the standards KS 2857, KS 2858 and the national, regional and international standards, codes of practice and other best practices in the cultivation of fibre crops.

(7) A fibre crop products manufacturer may install additional processing capacity or vary the type of manufacturing only with prior approval from the Authority.

(8) Every fibre crop products manufacturer shall submit monthly returns by the fifteenth day of every month to the Authority in Form AFA/FCD/C3 set out in the Third Schedule.

23. (1) A fibre crop products manufacturer shall label legibly and indelibly, their bales. Baling.

(2) A label of a bale under sub-regulation (1) shall indicate—

- (a) the name of the fibre crop or fibre crop product;
- (b) the grade of the fibre crops or fibre crop products;
- (c) the country of origin of the fibre crops or fibre crop products;
- (d) the bale number of the fibre crops or fibre crop products;
- (e) the lot number of the fibre crops or fibre crop products;
- (f) the year the fibre crop was harvested; and
- (g) the net weight of the bale in kilograms.

(3) The ink is used to label a bale under sub-regulation (1) shall not penetrate the bale to avoid contamination of the fibre crops or the fibre crop products within the bale.

(4) Every fibre crop products manufacturer shall adhere to the standards KS 2857, KS 2858 and the national, regional and international standards, codes of practice and other best practices in the baling of fibre crops and fibre crop products.

(5) Sisal fibre crops and fibre crop products shall be packaged in bales weighing either fifty, one hundred, two hundred, or two hundred and fifty kilograms.

(6) Cotton lint fibre crops or fibre crop products shall be packaged in bales in accordance to ISO 8115.

(7) A bale prepared in accordance with sub-regulation (6) shall have a minimum weight of one hundred and eighty-five kilograms and a maximum weight of two hundred and twenty kilograms.

24. (1) Every grower and retailer shall sample and grade all fibre crops and fibre crop products in accordance with the grades set out in the Fifth Schedule.

Grading and inspection of fibre crops and fibre crop products.

(2) A person who intends to validate the grade the fibre crops and fibre crop products they are dealing in shall —

(a) apply to the Authority for inspecting and grading in Form AFA/FCD/A10 as set out in the First Schedule; and

(b) supply samples of the person's fibre crops and fibre crop products to the Authority.

(3) The Authority shall consider the application made under sub-regulation (2) and —

(a) within seven days of receiving the application and the samples, issue to a successful applicant a grading report; or

(b) within three days of receiving the application and the samples, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under sub-regulation (3)(b) may —

(a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or

(b) appeal to Court.

(5) Upon resubmission of a satisfactory application under sub-regulation (4) (a), the Authority shall issue the applicant a grading report, within seven days.

(6) The Authority shall issue a grading report under this regulation —

(a) specifying the results of the analysis and the recommended grade of the samples delivered to it; and

(b) in Form AFA/FCD/C4 set out in the Third Schedule, subject to such conditions it deems necessary.

25. (1) The Authority shall class and grade all cotton lint in accordance with the grades set out in the Fifth Schedule.

Classing and grading of cotton lint.

(2) A cotton ginner who intends to class and grade the cotton lint they are dealing in shall —

(a) apply to the Authority for classing and grading in Form AFA/FCD/A10 as set out in the First Schedule; and

(b) supply samples of the person's cotton lint to the Authority.

(3) The Authority shall consider the application made under sub-regulation (2) and—

(a) within seven days of receiving the application and the samples, issue to a successful applicant a classing and grading report; or

(b) within three days of receiving the application and the samples, reject the application and indicate the reasons thereof.

(4) An applicant who is dissatisfied with the decision of the Authority made under sub-regulation (3)(b) may —

(a) within fourteen days of the decision, resubmit the application after addressing the reasons raised in the rejection; or

(b) appeal to Court.

(5) Upon resubmission of a satisfactory application under sub-regulation (4) (a), the Authority shall issue the applicant a classing and grading report, within seven days.

(6) The Authority shall issue a classing and grading report under this regulation—

(a) specifying the results of the analysis and the recommended grade of the samples delivered to it; and

(b) in Form AFA/FCD/C5 set out in the Third Schedule, subject to such conditions it deems necessary.

26. (1) A person shall not adulterate fibre crops or fibre crop products.

Prohibition
against
adulteration.

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

PART IV — TRADE AND MARKETING

27. (1) A person shall not buy an unprocessed sisal leaf from a smallholder grower unless the payment for the leaf is pegged on the fibre crop or the fibre crop product resultant from the leaf.

Unprocessed sisal
leaf.

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

28. (1) There is established a Fibre Crops and Fibre Crop Products Pricing Committee.

Fibre Crops and
Fibre Crop
Products Pricing
Committee.

(2) The Committee shall be responsible for the development of the pricing formula for fibre crops and fibre crop products.

(3) The Committee shall consist of—

- (a) the Principal Secretary responsible for the crop development;
- (b) the Director-General of the Authority;
- (c) one County Executive Committee Member nominated by the Council of Governors;
- (d) one representative of the growers of cotton fibre crop;
- (e) one representative of the growers of sisal fibre crop;
- (f) one representative of ginners;
- (g) one representative of the manufacturers of sisal fibre crop products;
- (h) one representative of the exporters and importers of cotton fibre crops and fibre crop products;
- (i) one representative of the exporters and importers of sisal fibre crops and fibre crop products; and
- (j) two representatives of the spinning and textile millers.

(4) The chairperson of the Committee shall be the Principal Secretary responsible for crop development.

(5) The Cabinet Secretary shall appoint the persons under sub-regulation (3) (d), (e), (f), (g), (h), (i) and (j) shall be through a competitive and transparent process.

(6) The persons appointed under sub-regulations (3) (d), (e), (f), (g), (h), (i) and (j) shall serve for a term of two years but shall, subject to satisfactory performance, be eligible for re-appointment for one further term of two years.

(7) The persons appointed under sub-regulations (3) (d), (e), (f), (g), (h), (i) and (j), may vacate office—

- (a) by resignation by a letter addressed to the Cabinet Secretary;
- (b) on the written recommendation of the body which the member represents revoking the nomination of that member;
- (c) upon being found liable for gross misconduct or abuse of office in contravention of the Public Officers Ethics Act or any other law;

- (d) if the member is absent, without permission of the chairperson, from three successive meetings of the Committee of which the member has received notice;
- (e) if the Committee determines that the member is incapable of performing the member's duties by reason of mental or physical infirmity;
- (f) upon adjudication or admission of bankruptcy; or
- (g) upon conviction for an offence relating to corruption or contravention of Chapter Six of the Constitution and sentenced for a term exceeding six months imprisonment without an option of a fine.

(8) The business and affairs of the Committee shall be as set out in the Seventh Schedule.

(9) The Authority shall provide secretariat services to the Committee.

(10) The members of the Committee shall be paid such remuneration, fees, allowances and disbursements for expenses as may be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

29. (1) The respective County Government from where the fibre crops have been cultivated shall issue a movement permit to a transporter of the fibre crops.

Movement permit.

(2) The respective County Government from where the manufacturing factory is registered as a business entity shall issue a movement permit to a transporter of the fibre crops or fibre crop products that the factory handles.

(3) The movement permit issued in accordance with sub-regulation (1) shall indicate the origin, all the other counties through which the fibre crops are to be transported and the destination of the fibre crops.

(4) The movement permit issued in accordance with sub-regulation (2) shall indicate the specific manufacturing factory from which the fibre crops or fibre crop products are dispatched, all the other counties through which the fibre crops and fibre crop products are to be transported and the destination of the fibre crops and fibre crop products.

(5) A movement permit issued in accordance with this regulation shall be valid in each of the county governments through which fibre crops or fibre crop products are transported and the county government responsible of the destination of the fibre crops or fibre crop products.

30. (1) A registered grower may enter into agreement with a person dealing in fibre crops or fibre crop products.

Agreements
between growers
and dealers.

(2) The agreement entered into in accordance with this regulation (1) shall be as set out in the Fourth Schedule.

(3) A person who intends to sponsor the cultivation of fibre crops shall enter into an agreement with the growers or growers' association.

(4) A copy of the agreement entered into in accordance with this regulation shall be deposited with the respective County Government and the Authority.

PART V—INSPECTION AND COMPLIANCE

31. (1) The crops inspectors appointed by Authority in accordance with section 27 of the Act shall be responsible for carrying out inspections of all fibre crops and fibre crop products to ensure compliance to requirements of the Act and these Regulations.

Appointment of
crops inspectors.

(2) A person qualifies to be appointed as a crops inspector if that person—

- (a) is a Kenyan citizen;
- (b) satisfies the requirements of Chapter Six of the Constitution;
- (c) holds either—
 - (i) a diploma in agriculture or agriculture related field and a minimum of two years' relevant experience; or
 - (ii) a bachelor's degree in agriculture or agriculture related field from a recognized university and a minimum of a year's relevant experience; and
- (d) has undergone training in relevant course in inspection.

(3) A county government may nominate a qualified person for consideration and appointment as a crop inspector.

(4) The Authority may publish in the *Gazette* the crops inspectors appointed under section 27 of the Act.

(5) A person appointed as a crops inspector shall not, while being so appointed, engage in any business connected with dealing in fibre crops or fibre crop products.

32. (1) When conducting an inspection, a crops inspector shall—

Inspections and
surveillance.

- (a) inspect the field operations of a grower when cultivating fibre crops;
- (b) inspect the handling, packaging, labelling, pricing, grading, sampling, units of measurement, and handling of fibre crops or fibre crop products and any equipment used thereof;
- (c) inquire for such information as he deems necessary from any person in relation to the cultivation or dealing in fibre crops or fibre crop products;

- (d) enter any land, premises or vehicle, used by a grower or retailer of fibre crops or fibre crops products;
- (e) request for the production of a licence or certificate for examination;
- (f) seize and remove any article or thing which the inspector has reasonable grounds for believing that an offence under the Act or these Regulations is being or has been used to commit;
- (g) monitor and enforce the compliance to standards and codes of practice; and
- (h) carry out surveillance at entry points and in areas where fibre crop or fibre crop products are traded.

(2) The owner, occupier or any person, on premises or a vehicle on which a crops inspector is conducting an inspection, shall render any assistance as may be required by the inspector.

(3) A crops inspector shall issue inspection report in Form AFA/FCD/C2 set out in the Third Schedule, to the Authority pursuant to conducting an inspection in accordance with sub-regulation (1).

(4) An application for inspection pursuant to sub-regulation (3) shall be in Form AFA/FCD/A6 set out in the First Schedule.

(5) Upon being satisfied that all requirements have been met, the Authority shall issue a certificate of compliance Form AFA/FCD/B6 set out in the Second Schedule.

33. (1) A person shall not manufacture, buy, sell, transport, offer for sale, or possess, fibre crops or fibre crop products, which to the person's belief or knowledge—

Illegal
manufacture and
possession.

- (a) has been grown, manufactured or processed otherwise than in accordance with the Act and these Regulations; or
- (b) is acquired from an unregistered grower or dealer.

(2) A person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding five years, or both.

34. (1) Where a person fails to comply with any order made pursuant to these Regulations, the Authority or the respective County Government shall issue that person a fourteen days' notice of its intention to take the necessary corrective measures to ensure compliance with these Regulations and the Act.

Notices issued for
non-compliance.

(2) The notice issued under sub-regulation (2) shall set out the necessary corrective measures which the person addressed in the notice

is to take in order to ensure compliance with these Regulations and the Act.

(3) A person who fails to take the necessary corrective measures specified in the notice issued under sub-regulation (1) shall, may be liable to the penalty prescribed under these Regulations or the Act for failure to comply with the order made pursuant to these Regulations.

PART VI—MISCELLANEOUS PROVISIONS

35. (1) The Authority or the respective County government may revoke a certificate, licence or permit, issued by them in accordance with these Regulations, if the conditions of the certificate, licence or permit, have not been complied to.

Revocation and
surrender of
certificates,
licences or
permits.

(2) If a certificate, licence or permit, is revoked, the holder shall immediately surrender it to the Authority or to the respective County Government as the case may be.

(3) A certificate, licence or permit, that is revoked under this regulation shall cease to have effect on the date of its revocation.

(4) The Authority or the respective County Government shall publish all the revoked certificated, licences or permits in a circular which shall be issued to all stakeholders.

36. (1) An appeal against the grant, refusal, renewal, variation or revocation of the conditions imposed, on a licence issued under these Regulations, made to the Cabinet Secretary, shall be in writing and be delivered to the Cabinet Secretary within thirty days from the date of notification of the decision by the Authority.

Appeal process
for
grant, refusal,
renewal, variation
or revocation of
the conditions
of licences.

(2) The Cabinet Secretary shall consider the appeal delivered to him in accordance with these Regulations and deliver his decision on the appeal, to all the affected parties within forty-five days after receiving the appeal.

37. A person who contravenes any provision of these Regulations, or commits an offence for which no penalty is prescribed, shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a period not exceeding one year, or to both.

General penalty.

38. (1) A person who applies for the services rendered under these Regulations, including the issuance of certificates, licences or permits, and fibre grading shall pay the fees set out in the Eighth Schedule.

Fees.

(2) A sisal inspection fee at a rate of zero point five percent of the gross free board value per ton, of all imported or exported sisal fibre crops or fibre crop products, shall be charged payable by the exporter or importer, as the case may be.

39. (1) The agreement entered into by a grower and a dealer in accordance with regulation 30, may provide for an arbitration clause for the settlement of disputes that may arise in the performance of the terms of that agreement.

Dispute resolution between growers and dealers.

(2) Notwithstanding sub-regulation (1), a grower and a dealer may enter into a separate agreement that provided for the resolution of disputes that may arise between the grower and the dealer by arbitration

(3) The resolution of a dispute in accordance with this regulation shall be conducted in the manner the parties and the arbitrator consider appropriate, having regard to the desirability of avoiding unnecessary delay or expense while at the same time affording the parties a fair and reasonable opportunity to present their cases.

40. All certificates, licences and permits, validly in force before the coming into operation of these Regulations shall remain valid until their expiry and the holders shall acquire any subsequent certificates, licences and permits in accordance with these Regulations.

Transitional provisions.

FIRST SCHEDULE

(r. 5(2), 6(1), 7(2), 8(2), 9(2), 10(2), 12(2),(7), 13(2), 14 (2), 15(2), 16(2), 17(2),
24(2)(a), 25(2)(a), 32(4))

APPLICATION FORMS

FORM AFA/FCD/A1

(r. 5(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR REGISTRATION AS A SMALLHOLDER FIBRE CROPS
GROWER

*(To be filled in triplicate: a copy to the Cooperative society/union/Association/Farmer
Group, the respective County Government and the Grower)*

I ID No.....
of P. O. Box Phone No.
(Herein referred to as a "fibre crops grower") from
County..... Sub County, Ward,
apply for registration and has agreed to till and maintain Acres of land
under crop

SIGNED by the grower;

Signature:

Name

Date:

Signed for and on behalf of the cooperative society,

Union, association or farmer group

Signature:

Designation

Date and stamp:

REQUIREMENTS:

Copy of the applicant's national identity card.

FORM AFA/FCD/A2

(r. 6(1))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR REGISTRATION AS A FIBRE CROPS PLANTATION
GROWER

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

1. Full name of applicant.....
2. Postal address..... Postal code..... Town.....

- 3. Telephone No.....Email.....Website.....
- 4. Physical address: Building.....Street.....Town.....
- 5. Certificate of Company Incorporation No..... (Attach copy)
- 6. KRA PIN
- 7. List Names and Identity card Nos/Passports for Directors (Attach copies)

B. Particulars of Land Parcel(s)

- 1. L.R. No.....
- 2. County.....
- 3. Sub County.....
- 5. Ward.....
- 4. Village.....

Fibre Crop grown	Total area (Acres)	Total production from previous year (Tons)

C. Declaration

I/We hereby declare that the particulars which we have given are true and accurate to the best of our knowledge and information.

Applicant or his duly authorized agent.....

Signature..... Date

D. Requirements:

Provide full list of smallholders where production agreement exists (*where applicable*).

E. FOR OFFICIAL USE	
Approved by:	
Director General	
Name	Signature.....
Date.....	
<i>Recommended/Not recommended</i>	
Comments.....	
.....	
.....	
.....	
Official Stamp	

FORM AFA/COUNTY/A1

(r. 7(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR REGISTRATION OF A COMMERCIAL NURSERY

A. Applicant's Information

Name of Applicant:.....
Postal Address
Email
Telephone:

Where the applicant is a company or growers' entity, supply the Authority with a certified copy of certificate of incorporation/registration.

B. Nursery Information

Ward..... Village/Road.....
Sub County:
County:
L. R. No/Plot No

C. Requirements

The registration requirements for a commercial fibre crop nursery shall be as follows:

- 1. The applicants must show compliance to phytosanitary requirements through certification by Kenya Plant Health Inspectorate Service.
2. The applicant must demonstrate adequate knowledge and technical competence in nursery management.
3. The nursery operators shall remit returns to the respective County Government and a copy to the Authority on an annual basis.
4. The nursery operators shall maintain records of source of planting materials and sales made annually.

Name of applicant.....
Signed: Date:
Official Stamp.....

D. FOR OFFICIAL USE

Approved by:
For County government
Name Signature.....
Date.....

Recommended/Not recommended

Comments.....
.....
.....

Official Stamp

FORM AFA/COUNTY/A2

(r. 8(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020
APPLICATION FOR COMMERCIAL NURSERY LICENCE

A. Applicant's Information

Name of Applicant (New/Renewal - delete as appropriate):

.....

Address:

Postal.....

Email

Telephone:

Where the applicant is a company or co-operative society, supply the County government with:

- (a) A certified copy of certificate of incorporation/registration;
- (b) A certified copy of memorandum and articles of association/constitution;
- (c) Names and address of Directors or the Executive Committee:
 - (i)
 - (ii)

B. Nursery Information

Ward..... Village/Road.....

Sub County:

County:

L.R No/Plot No

C. Requirements

The licensing requirements for a commercial nursery licence shall be as follows:

1. The applicants must show compliance to phytosanitary requirements through certification by Kenya Plant Health Inspectorate Service.
2. The applicant must demonstrate adequate knowledge and technical competence in nursery management (training certificate from the Authority) of the fibre crop.
3. A reliable source of water.

- 4. Accessibility of nursery site for inspection and materials transportation.
- 5. The nursery operators shall remit returns to the respective County Government and a copy to Authority on an annual basis.
- 6. The nursery operators shall maintain records of source of planting materials raised and sold.
- 7. Any other requirements that may be prescribed by the Authority from time to time.

Name of applicant.....

Signed: Date:

Official Stamp.....

D. FOR OFFICIAL USE

Approved by:

For County government

Name Signature.....

Date.....

Comments (*Recommended/Not recommended*)

.....
.....
.....

Official Stamp

FORM AFA/FCD/A3

(r. 9(2), 13(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR REGISTRATION AS A RETAILER/FIBRE CROPS PRODUCTS MANUFACTURER

A. Applicant's details:

- 1. Full name of Applicant
- 2. Postal Address.....
- 3. Physical Address.....
- 4. KRA PIN
- 5. Year of Incorporation of Company and Registration No.

B. Location of premises:

- 1. L. R. No. Street
- 2. Tel. No. Fax No.....
- 3. E-mail Website.....
- 4. Village Ward.....

5. Sub-County..... County.....

C. Category of Dealer

1. Check as appropriate

<input type="checkbox"/> Cotton textile milling	<input type="checkbox"/> Fibre retailer	<input type="checkbox"/> Cotton ginner	<input type="checkbox"/> Sisal factory
<input type="checkbox"/> Cotton seed miller	<input type="checkbox"/> Sisal spinning factory	<input type="checkbox"/> Fibre Crop seed merchant	
<input type="checkbox"/> Others (specify)			

2. Check one

<input type="checkbox"/> Individual Ownership	<input type="checkbox"/> Cooperatives/ Association	<input type="checkbox"/> Company	<input type="checkbox"/> Others (specify)
---	--	----------------------------------	---

D. Declaration:

I/We hereby declare that information provided above are true to the best of my / our knowledge

Name: Signature

Date:

Office Stamp.....

E. Requirements

The applicant must submit a copy of KRA PIN registration certificate, copy of certificate of incorporation or registration, copy of ID or valid passport of directors

F. FOR OFFICIAL USE

Approved by:

Authorizing officer's Name

Signature.....

Designation.....

Date

Official Stamp.....

FORM AFA/FCD/A4

(r.10(2), 14(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR LICENCE AS A RETAILER/FIBRE CROPS PRODUCTS MANUFACTURER

A. Applicant's Information *(New application or Renewal)*

Name of Applicant:

Address: Postal.....

Email

Telephone:

Ward..... Village/Road.....

Sub County:

County:

L. R. No/Plot No

B. Category of Dealer

1. Check as appropriate

<input type="checkbox"/> Cotton textile milling	<input type="checkbox"/> Fibre retailer	<input type="checkbox"/> Cotton ginner	<input type="checkbox"/> Sisal factory
<input type="checkbox"/> Cotton seed miller	<input type="checkbox"/> Sisal spinning factory	<input type="checkbox"/> Fibre Crop seed merchant	
<input type="checkbox"/> Others (specify)			

2. Check one

<input type="checkbox"/> Individual Ownership	<input type="checkbox"/> Cooperatives/ Associations	<input type="checkbox"/> Company	<input type="checkbox"/> Others (specify)
---	---	----------------------------------	---

C. Requirements

1. A certified copy of certificate of registration from the Authority for the category applied for in part B;
2. For a retailer—
 - (a) List of collection centres indicating the names, national ID numbers and mobile phone numbers of persons nominated by the retailer to act on their behalf as agents in each collection centre.
 - (b) Provide comprehensive insurance cover for 3rd party produce stored awaiting payment to smallholder growers.
 - (c) A signed agreement between the parties in the format set out in the Fourth Schedule.

Name of applicant.....

Signed: Date:

Official Stamp.....

D. FOR OFFICIAL USE

Approved by:

Name Signature.....

Date.....

Recommended/Not recommended

Comments.....
.....
.....

Official Stamp

Director General

Agriculture and Food Authority

FORM AFA/FCD/A5

(r. 12(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020
APPLICATION FOR SETTING UP A NEW FIBRE CROPS PRODUCTS
MANUFACTURING FACTORY

To

The Director General AFA,

A. Particulars of Applicant

1. Full name of Applicant/Name of business enterprise.....
apply for setting up of a new fibre crops manufacturing factory
..... (type of proposed fibre
factory) situated on LR No.:.....
2. Postal Address
3. Physical Address
4. Copies of the following documents are attached to this application —
 - (a) the Memorandum and Articles of Association;
 - (b) the Certificate of Incorporation/Registration;
 - (c) the profiles of the investor(s), directors and their IDs/Passports;
 - (d) a copy of the project profile or feasibility study showing the implementation period, factory design, programme for sustainable production of raw materials, quantities of raw materials available for processing.
 - (e) program of implementation and operationalization date of the factory; and
 - (f) evidence of source of financing and land ownership /lease for the project.
5. The authorized share capital of the fibre factory is Kshs. /US\$:
.....
6. The intended capital investment of the fibre factory is Kshs. /US\$:.....
.....

B. Declaration

I/We
hereby declare that the particulars which I/We have given are true and accurate to the best of my/our knowledge and information.

Name of Applicant or his duly authorized agent.....

Signature..... Date

C. FOR OFFICIAL USE

Checked by:

Name..... Signature.....

Date.....

Recommended/Not recommended

Comments.....

.....

.....

Approved by:

Director General

Agriculture and Food Authority

Name:

Signature.....

Date

FORM AFA/FCD/A6

(r. 12(7), 24(2)(a), 32(4))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR INSPECTION/GRADING OF FIBRE CROPS/FIBRE CROPS PRODUCTS

To

The Director General,

AFA

A. Particulars of Applicant

1. Full name of Applicant/Name of business enterprise.....
2. Postal Address
3. Telephone number Mobile:
4. Email:
5. Physical Address

B. Request for inspection of (please state):

6. Field (farm) acreage, crop type

7. Produce (type and quantity, grade)
8. Product (type, quantity and grade)
9. Factory (type, expected product)
10. Collection centres (location)
11. Warehouse
12. Other (specify)

C. FOR OFFICIAL USE ONLY

This request is authorized/not authorized

Remarks

.....

.....

Signed Date

(Director General)

Agriculture and Food Authority

FORM AFA/FCD/A7

(r. 15(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR REGISTRATION AS AN EXPORTER/IMPORTER

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

1. Full name of Applicant
2. Postal Address.....
3. Business Permit Number..... (attach a copy).
4. Physical Address.....
5. Certificate of Incorporation.....
6. Provide certified copies Articles and Memorandum of Association.
7. List Names and National Identity Card Nos. for Directors (Attach copies)
8. Provide Passport Nos. and Work Permits for Directors for Foreign based Companies (Attach copies)

I/We of P.O. Box and holders of business Licence No. (copy attached) issued in..... (Name of County) wish to apply for an export/import licence for (name fibre crop or fibre crop products) for the period to

B. Financial Arrangements:

I/We confirm that I/We have financial arrangements with our bankers and the same can be confirmed by my/our bankers* of P.O. Box (*provide evidence).

- C. Fibre Crops Processing Arrangement (for example, Ginning/brushing/baling): (others specify)
- a) Fibre factory location.....

D. Agreements:

Agreement with M/Sof P.O. Box..... (attach copy of agreement with dealers who MUST be registered with the Authority)

Applicant's Name Sign Date.....

E. Requirements

1. Undertaking to furnish the Authority with monthly marketing returns (Provide Annual Marketing Returns for the year ending)
2. Provide letter of commitment to take out comprehensive insurance cover for 3rd party produce stored awaiting payment to smallholder growers.
3. Any other requirements that may be prescribed by the Authority from time to time.

F. FOR OFFICIAL USE

Checked by:

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

Comments (Recommended/Not recommended)
.....
.....

Approved by:

Authorizing officer's Name Signature..... Designation..... Date

FORM AFA/FCD/A8 (r. 16(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020 APPLICATION FOR AN EXPORT/IMPORT LICENCE

A. Particulars of Applicant

1. Full name of Applicant

2. Postal Address.....

3. Previous licence Number (attach a copy).

4. Physical Address.....

I/We Of P.O. Box
wish to apply for new licence or renewal for export/import of
..... (State the produce/ products) for the period
..... To

B. FOR OFFICIAL USE

Checked by:

Name..... Signature.....

Date.....

Recommended/Not recommended

Comments.....
.....
.....

Approved by:

Director General Agriculture and Food Authority
.....

Signature.....

Date

Official Stamp

FORM AFA/FCD/A9

(r. 17(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR AN EXPORT/IMPORT PERMIT

A. Applicant Details

Name of Applicant:

AFA Registration Number: AFA Licence No:

Postal Address: P. O. Box

Physical Address:

Tel No: Mobile No:.....

Email:

B. Destination

Country of destination/Origin..... Shipment Date:.....

Vessel.....

Consignee

Notify Address

C. Consignment Details

Contract No. Date Quantity in contract (Tons)

Local Agreement No. Date

GRADE	QUANTITY IN METRIC TONS	PRICE F.O.B PER TON US \$	FREIGHT US \$	TOTAL VALUE (US \$)	TOTAL VALUE (KSHS)

Attach the following:

1. Copy of grading report (preferably instrument report)
2. Inspection report from a reputable agency (done within the last 6 months)

I/We hereby certify that the information which I/we have given above is true and accurate to the best of my/our knowledge and belief.

Date Signed

Official stamp.....

D. FOR OFFICIAL USE

Received by:

Name..... Date

Signature

Application reference number:

FORM AFA/FCD/A10

(r. 25(2)(a))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR CLASSING/GRADING OF COTTON LINT

A. Applicant information

Name:.....

Address:..... Telephone:.....

Email:.....

B. Consignment information

Number of samples

Sample (s) Lot Numbers:

Sample Condition:

Cotton Variety: Type of Ginning: [ROLLER] [SAW]

Mode of results dispatch:

C. Declaration

I/We hereby declare that the samples of the above mentioned lot/lots were drawn and sealed, under our responsibility in accordance with the sampling protocols as prescribed by the Authority and were delivered to the Authority's laboratory as being truly representative of the lot(s) referred to.

D. Requirements

- 1. Non-refundable classing fee of ksh.150 per sample
- 2. The Laboratory reserves the right to withhold sample remnants for verification purposes.

Client's Signature: Date:

E. FOR LABORATORY USE:

Received by:

Date:

Classing report ready by (date):

Sample Received Note reference number

Checked by:

Authorizing Officer's Name.....

Signature.....

Date

SECOND SCHEDULE

(r. 5(6)), 6(5), 7(6), 8(6), 9(6), 10(7), 12(6),(12), 13(6), 14(6), 15(6), 16(6), 17(6), 32(5))

CERTIFICATES, LICENCES AND PERMITS

FORM AFA/FCD/B1

(r. 5(6))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

CERTIFICATE OF REGISTRATION AS A SMALLHOLDER FIBRE CROPS GROWER

Certificate No.....

THIS IS TO CERTIFY that..... of postal addressof County, LR No..... has been duly registered as a fibre crops smallholder grower to grow and maintain.....hectares of fibre crop (name of the crop) on the land parcel specified herein in accordance with section 14 of the Crops Act, 2013.

Sign..... Date.....

Signed for and on behalf of the registering growers' entity;

Official Stamp

(This certificate of registration is not transferable.)

FORM AFA/FCD/B2

(r. 6(5))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020
AGRICULTURE AND FOOD AUTHORITY



CERTIFICATE OF REGISTRATION AS A PLANTATION GROWER

Certificate No.....

THIS IS TO CERTIFY that..... of postal addressof County, LR No..... has been duly registered as a fibre crops plantation grower to grow and maintain.....hectares of fibre crop (name of the crop) on the land parcel specified herein in accordance with section 15 of the Crops Act, 2013.

Sign..... Date.....

Director General

Agriculture and Food Authority

Official Stamp

(This certificate of registration is not transferable.)

FORM AFA/COUNTY/B1

(r. 7(6))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020
THE COUNTY GOVERNMENT OF..... (insert name of respective County Government)

(Insert Coat of Arms of respective County Government)

CERTIFICATE OF REGISTRATION FOR A COMMERCIAL NURSERY

Certificate No.....

This is to CERTIFY that of P.O. Box

is registered as (name type of crop nursery)

at L.R. No. or Plot No:

Village/Road..... Sub location.....Location:

Ward: Sub County.....County

Signature

Date:

For County government.....

Official Stamp.....

This Registration certificate is not transferable

FORM AFA/COUNTY/B2

(r. 8(6))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

THE COUNTY GOVERNMENT OF..... (insert name of respective County Government)

(Insert Coat of Arms of respective County Government)

COMMERCIAL NURSERY LICENCE

Licence Number.....

This LICENCE is issued to (company/name of person)of P. O. Box and permits the holder to raise a commercial (state type of fibre crops) nursery business at the location indicated as per L.R. No.(s).....

1. The type of seedling clones to be raised must be in consultation with the Kenya Plant Health Inspectorate Service.
2. Phytosanitary aspects must be observed to ensure clean, healthy planting material.
3. The County may revoke, vary or suspend the licensing of the fibre crops nursery operator if a condition of licensing has been contravened or not complied with.

This LICENCE is issued subject to compliance with the provisions of the Crops Act, The Crops (Fibre Crops) Regulations, 2020, County Government Act and to such conditions as specified hereunder.

Date

Signature/Stamp.....

For County government

(This licence is not transferable.)

FORM AFA/FCD/B3

(r. 9(6), 13(6), 15(6))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020
 AGRICULTURE AND FOOD AUTHORITY



CERTIFICATE OF REGISTRATION AS A RETAILER/FIBRE CROP PRODUCTS
 MANUFACTURER/IMPORTER/EXPORTER

Certificate No.....

This is to CERTIFY that of P. O. Box
is registered as.....

at L.R. No. or Plot No:

Village/Road..... Sub location..... Location:

Ward: Sub County..... County

Signature

Date:

Director General,

Agriculture and Food Authority.....

Official Stamp.....

(This certificate of registration is not transferable.)

FORM AFA/FCD/B4

(r. 10(7), 14(6))

THE CROPS (FIBRE CROP) REGULATIONS, 2020
 AGRICULTURE AND FOOD AUTHORITY



RETAILER'S/MANUFACTURE'S LICENCE

Licence No.....

THIS LICENCE IS ISSUED to

of P.O. Boxwho
has been licenced to (state nature of
dealership);

Licence valid until.....

FEES KSHS..... RECEIPT NO.....

DATED

Signature..... Designation.....

Date:

Director General

Agriculture and Food Authority

Official Stamp

(This licence is not transferable.)

FORM AFA/FCD/B5

(r. 12(6))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

AGRICULTURE AND FOOD AUTHORITY



PRELIMINARY APPROVAL TO SET UP A FIBRE CROP PRODUCTS
MANUFACTURING FACTORY

Approval No.....

THIS APPROVAL IS ISSUED
(name of applicant) who has fulfilled all the requirements set by the Authority for setting
up of a new fibre crops/products manufacturing factory for (type of fibre
crop factory) in County.

The Applicant has committed to:

- (a) do environmental impact assessment;
- (b) whenever smallholder growers shall be involved, agreements shall be used;
- (c) install process equipment that will match current Kenyan standards;
- (f) execute the project within two years from the date of this preliminary approval.

.....

Director General,

Agriculture and Food Authority

Name Signature

Date.....

(This Approval is not transferable.)

FORM AFA/FCD/B6

(r. 12(12), 32(5))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

AGRICULTURE AND FOOD AUTHORITY



CERTIFICATE OF COMPLIANCE

Certificate No.....

THIS IS TO CERTIFY that (area of inspection) presented by Ms. of postal address of County on LR No.....has been duly inspected vide inspection report No:

The grower/dealer has been found to conform to the requirements as set out by the Agriculture and Food Authority in accordance with provisions of the Crops Act, 2013 and The Crops (Fibre Crops) Regulations 2020, laws of Kenya and is hereby issued with this certificate of compliance.

This certificate is valid for

Sign.....

Date.....

Director General

Agriculture and Food Authority

Official Stamp

(This certificate of compliance is not transferable.)

FORM AFA/FCD/B7

(r. 16(6))

THE CROPS (FIBRE CROP) REGULATIONS, 2020
AGRICULTURE AND FOOD AUTHORITY



EXPORT/IMPORT LICENCE

Licence No.....

THIS LICENCE IS ISSUED TO that
of P.O. Box
has been licenced to buy, receive, sell or dispose fibre and fibre products for purposes of
export or import (..... *state the
product*);

Licence valid until.....

FEES KSHS..... RECEIPT NO.....DATED

Signature.....Designation.....

Date:

Director General

Agriculture and Food Authority

Official Stamp

(This licence is not transferable.)

FORM AFA/FCD/B8

(r. 17(6))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020
AGRICULTURE AND FOOD AUTHORITY



FIBRE CROPS/FIBRE CROPS PRODUCE AND PRODUCTS EXPORT/IMPORT
PERMIT

Permit No.....

This Permit is hereby granted to M/s of
 P.O. Box and holder of a Registration No.
 and Licence No. to export/import (name the fibre
 crop produce /product);

GRADE	QUANTITY IN METRIC TONS	PRICE F.O.B PER TON US \$	FREIGHT US \$	TOTAL VALUE (US \$)	TOTAL VALUE (KSHS)

Country of destination/origin

Date of shipment

Vessel.....

Consignee/ consigner

This Permit is valid for 90 days from the date of issuance.

Signed Date.....

Director General

Agriculture and Food Authority (AFA)

Official Stamp.....

(This permit is not transferable.)

THIRD SCHEDULE

(r. 5(7), 5(11), 5(12), 6(6), 6(8), 8(7), 12(8), 16(7), 21(8), 24(5)(b), 25(6)(b), 32(3))

REGISTERS, RETURNS AND REPORTS

FORM AFA/FCD/C1

(r. 5(7), 5(11), 5(12), 6(6), 6(8), 8(7))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

REGISTER AND RETURNS

A. ANNUAL RECORDS OF SMALLHOLDER FIBRE CROPS GROWERS

Name of registering growers' entity

Name of fibre crop Year

S/No	Name grower	ID Number Number	Gender	Area under Fibre crop (Acres)	Production (Tons, indicate grade)	Indicate whether agreement exist

B. ANNUAL REGISTER OF GROWERS' ENTITIES REGISTERING SMALLHOLDER FIBRE CROPS GROWERS

S/No	Name of Growers' entity	Certificate Number	Number of registered growers	Area planted with fibre crop			
				Fibre Crop(name of crop)			Date of submission of annual
				Nursery	immature	mature	

C. ANNUAL REGISTER AND RETURNS OF FIBRE CROPS PLANTATIONS

Registered name of plantation	Registration No.	Date of registration	Location of Plantation	Name of fibre crop and Stage			Production (Tons)
				Nursery (Number)	Immature (Acres)	Mature (Acres)	

D. ANNUAL RETURNS BY COMMERCIAL FIBRE CROP NURSERY OPERATOR

Name of Nursery Operator

Name of Fibre Crop Year

S/No	Location of Nursery	Number of seedlings			Number sold during the year	Balance carried forward
		Number carried forward from previous year	Number of new Establishment during the year	Total Number		

Returns submitted by: Name Signature

Designation Date.....

Official rubber stamp

FORM AFA/FCD/C2

(r. 12(8), 32(3))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020
 AGRICULTURE AND FOOD AUTHORITY



INSPECTION REPORT

1. Applicant's information

Name:

Registration No.

Address: Postal Email

Telephone: Mobile:

Inspection report period from: to.....

Date:

2. Inspection Report For (Please State):

(a) Field (farm)

(b) Produce

(c) Product

(d) Factory

(e) Collection centre

(f) Warehouse

(g) Other (specify)

SN	AREA OF CONFORMITY /PARAMETER	OBSERVATION	REMARK
1			
2			
3			
4			

Comment:

.....

Inspector details:

Name

Designation..... Station

Sign Date

FORM AFA/FCD/C3

(r. 22(8))

THE CROPS (FIBRE CROP) REGULATIONS, 2020

MONTHLY FIBRE CROP AND PRODUCTS MANUFACTURING RETURN

To: Director General

AGRICULTURE AND FOOD AUTHORITY (AFA)

Name of Fibre Crop Processor

Fibre Crop Type

Certificate registration No:

Month Year

Date of report submission..... GRADE

Fibre Factory	Processing To Previous Month	Processing This Month	Total Bales Processing To Date	Quantity Delivered Locally	Quantity Exported	Balance At The Factory

Name of Registered Processor

Signature of Registered Processor

Date

Official stamp.....

Copy to: County Government

FORM AFA/FCD/C4

(r. 24(5)(b))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

FIBRE CROPS/FIBRE CROPS PRODUCT GRADING REPORT

To

.....

Ms.

Submitted samples received by sample receiving note no.

Date of submission of samples.....

Date of Grading

Results

S/N	Sample identifier	Consignment identifier (source of sample – Lot and Bale)	Grade
1			
2			
3			

Disclaimer:

The above results are based on the samples received and the Authority shall not be held responsible for any claims arising from inconsistencies between the sample and the source from where the samples were drawn.

Issued at this day of/20.....

Director General

Agriculture and Food Authority

Signature.....

Official Stamp.....

(This report is not transferable and is issued without any alterations.)

FORM AFA/FCD/C5

(r. 25(6)(b))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

COTTON LINT CLASSING AND GRADING REPORT

Client's Name:

Results for sample(s) submitted under Sample Received Note reference number on day of 20.....

Sample Identification	Date of analysis	Origin	Micronaire	Length (UHML) (inch)	Length (UHML) (mm)	Uniformity Index (%)	Strength (g/tex)	Rd	+b	Colour grade

Extraneous matter and contamination report

Remarks:

Disclaimer:

The above results are based on the samples received and the Authority shall not be held responsible for any claims arising from inconsistencies between the sample and the source from where the samples were drawn.

Director General

Agriculture and Food Authority

Name Signature

Date.....

Official Stamp.....

(This report is not transferable and is issued without any alterations.)

FORM AFA/FCD/C6

(r. 21(8))

THE CROPS (FIBRE CROP) REGULATIONS, 2020

MONTHLY RETURN BY A RETAILER

To: Director General

AGRICULTURE AND FOOD AUTHORITY (AFA)

Name of Fibre crop
retailer.....

Fibre Crop Type

Certificate registration No:

Month Year

Date of report submission.....

SN	Collection centre/ Warehouse	PURCHASES				DELIVERIES TO FACTORY			Balances with retailer (Kgs)
		Grade	Purchases to previous Month (Kgs)	Purchases During this month (Kgs)	Total Purchases to date (Kgs)	Deliveries to previous Month (Kgs)	Deliveries During this month (Kgs)	Total Deliveries date (Kgs)	

Name of Registered Retailer

Signature of Registered retailer

Date

Official stamp

Copy to: County government

FORM AFA/FCD/C7

(r. 16(7))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

MONTHLY EXPORTS/IMPORTS RETURNS

Name of Exporter / Importer:

Licence No

Month Year

Reporting date:

Permit No.	Fibre Crops Product	Grade	Tons	USD/Kshs. per ton	Total value in USD/Kshs	Consignor/Consignee	Destination /Origin

Name of Exporter/Importer

Signature

Date

Official stamp

FOURTH SCHEDULE

(r. 30)

SAMPLE AGREEMENT BETWEEN A GROWER AND A DEALER

(To be filled in triplicate: a copy to the Cooperative society/union/Association/Farmer Group, County government and the Authority)

AGREEMENT FOR (insert services)

BETWEEN (insert service provider) AND
(insert client).

This AGREEMENT is made this Day of 20.....

BETWEEN:.....of.....
 (registered DEALER, (..... Others specify)
 Registration No. hereinafter referred to as "service provider"
 which expression shall where the context so admits include its successors and assignees
 of the one part:

AND..... of a
 grower/ (enter crop type) Registration No.
 (..... others specify)
 hereinafter called the "client" which expression shall where the context so admits include
 its successors and assignees) of the other part

WHEREAS

- (a) the client has requested (Services) from the service provider
- (b) the service provider having presented to the client that they have the required skills, capacity, resources, labour, personnel has agreed to provide the services as per the conditions set forth in this agreement.

NOW IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS;

1. Services

Parties to ensure that the following elements among other are captured in this section

- (a) Quantity and quality of produce to be supplied at a particular time and agreed price:
- (b) Seed and other inputs:
- (c) General accepted production practices:
- (d) Record keeping:
- (e) Field support and training:
- (f) Harvesting, post-harvest practices and storage:
- (g) Inspection and grading:
- (h) Packaging supply and procedures:
- (i) Conditions of collection or delivery:
- (j) Rejected produce:

2. Term

This section shall state the duration (start date and end date) of the agreement and the option(s) of renewal.

3. Payments

This section shall state the cost of the service(s) or price of the produce, mode and schedule of payment.

4. Force majeure

For purposes of this agreement, force majeure means an event which is beyond the reasonable control of either party and makes a party's performance of its obligations impossible.

Endorsed by County
government
(Where growers and dealer
agreement is entered into):

Name.....

...

Signature.....

...

Date..... Kenya Subsidiary Legislation, 2020

1486

Parties to state specific calamities that would be considered as force majeure.
Official Stamp

5. Termination

This section shall state the conditions for termination of agreement by either party including notifications.

6. Breach of agreement and penalties

(a) Parties to define what constitutes a breach in the agreement and what remedies are acceptable to the parties.

(b) Penalties for breach to be defined.

7. Dispute resolution

Any dispute arising between parties to this agreement shall in the first instance be referred to an arbitrator mutually agreed upon by the parties. In the event that an amicable solution is not realised either party to seek other remedies in accordance with the Laws of Kenya.

8. Law governing the Agreement

This agreement shall be governed by the Laws of the Republic of Kenya.

9. Annexures

This Clause shall contain documents that form part of this agreement e.g. copies of registration certificates, licences, quality certificates etc.

IN WITNESS WHEREOF the parties have hereunto executed this Agreement on the day and date hereinbefore mentioned.

SIGNED for and on behalf of the service provider;

Name:
Designation
Date:

In the presence of

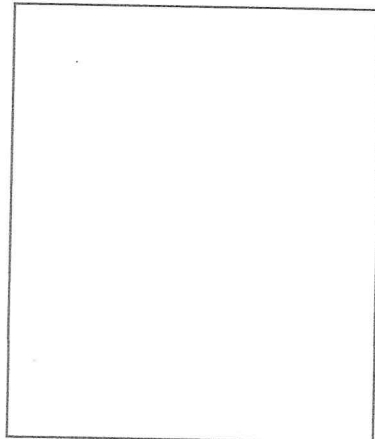
Name:
Designation
Date:

Signed for and on behalf of the client

Name:
Designation
Date:

In the presence of

Name:
Designation
Date:

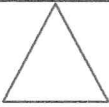
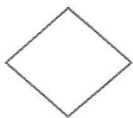
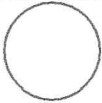
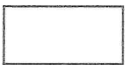


FIFTH SCHEDULE

(r. 24(1))

SISAL AND COTTON GRADING DEFINITIONS

1. SISAL GRADING DEFINITIONS

<i>Bale Marks</i>	
	Length from 3ft. with average 3 ft. 6 in. Free of defective decortication. Properly brushed. Free of tow, bunchy ends, knots and harshness. Colour: creamy white to cream
A	Same as Grade 1 but colour yellowish, sunburned, slightly spotted or slightly discoloured.
	Length from 2 ft. 6 in. upwards. Otherwise same as Grade 1.
	Length from 2 ft. upwards, consisting of brushed fibre that does not conform to Grades 1, A or 2. Although minor defects in colour and cleaning are allowable, it must be free of baky or undecorticated fibre and knots.
	Length from 3 ft. upwards. Otherwise the same as Grade 3
UG	Fibre that does not conform to the above-mentioned grades as regards length, colour and cleaning but minimum length 2 ft.
SSUG	Length should not be less than 60cm. This is the fibre which does not conform to standard UG grade. Colour may vary from yellowish to more darkish and blemished
SCWF	Short Clean White Fibre. Length not less than 18 in. and not more than 24 in. Otherwise same as Grade 3.
TOW 1	Pieces of fibre that comes out behind the brushing machines. Free of line fibre, cuttings, dust, dirt, sweepings, knots and undecorticated barks. Colour varies from creamy white to cream.
TOW 2	Pieces of fibre that comes out behind the brushing machines during the process of brushing. Free of line fibre, cuttings, dust, dirt, sweepings, knots and undecorticated barks. Colour of fibre may be brownish, spotted, yellowish or greenish. Black coloured fibre is not allowed in this grade because this shows that it is in the process of rotting (or rotten).

Uncarded Flume TOW	Fibre cuttings extracted from the flume channel and dried. It should be uniform in colour of creamy white to light brown. Devoid of un-decorticated strips of sisal leaf, rotten fibre and foreign materials. It should be properly dried with a moisture content similar to other grades. Dust content not to exceed 15% when extracted by hand.
Carded Flume TOW	Fibre cuttings extracted from the flume channel and dried. It should be the same as uncarded flume tow except the total dust content not to exceed 10%.
UHDS	Length 60cm upwards and it is fibre which comes from unwashed hand, decorticated sisal. It can be brushed or not brushed and colour may be blemished, greenish, brownish and blackish but not rotten.

Notes relating to Grades 1, A, 2, 3L, 3, UG and SCWF –

- (a) All grades to be of parallel packing, no ties or knots, free of dampness and excessive baling pressure.
- (b) The word “harshness” included in the definition of Grades 1, A, and 2 only refers to fibre from which the gum has not been sufficiently extracted by cleaning, and does not apply to fibre which is coarse in texture owing to soil or climatic conditions.

2. SEED COTTON GRADING DEFINITIONS

Grade A - seed cotton with no yellow stains from pest attack and excretions usually white and with minimum foreign matter.

Grade B - yellow stained seed cotton from pest attack and excretions usually not white

3. COTTON LINT CLASSING AND GRADING

All cotton lint shall be classed and graded by instrument testing.

SIXTH SCHEDULE

(r. 9(3)(a), 13(3)(a), 15(3)(a), 18(3))

CONDITIONS FOR REGISTRATION AND LICENSING

1. Conditions for registration for new applicants—

- (a) a duly filled application form;
- (b) a certified copy of CR2 and CR12 certificate from the Registrar of Companies or by-laws in case of cooperative societies, associations or groups; the names of the company directors or Executive Committee (in the case of cooperative societies, associations or groups), copies of IDs/passports and PIN certificates;
- (c) a certified copy of business trading permit from the respective County government;
- (d) a certified copy of certificate of incorporation/certificate of registration;
- (e) a copy of valid tax compliance certificate from Kenya Revenue Authority;

- (f) recent bank statements from a duly licenced bank;
 - (g) an inspection report from the relevant licensing Authority (where applicable);
 - (h) a copy of agreement for source of fibre crops or fibre crop products (whichever is applicable);
 - (i) the certificate of compliance issued in accordance with regulation 12 shall form part of the requirements for registration and licensing of a manufacturer; and
 - (j) any other requirements that may be deemed necessary by the Authority or the County government.
2. Conditions for renewing of a licence issued under these Regulations—
- (a) a duly filled application form;
 - (b) a certified copy of a business trading permit from the respective County government;
 - (c) a copy of valid tax compliance certificate from Kenya Revenue Authority;
 - (d) recent bank statements from a duly licenced bank;
 - (e) the inspection report or a certificate of compliance from the relevant licensing Authority (where applicable);
 - (f) the annual marketing and production returns for the previous year;
 - (g) copies of agreements for the sources of fibre crops or fibre crop products (whichever is applicable);
 - (h) the certificate of compliance issued in accordance with regulation 12 shall form part of the requirements for registration and licensing of a manufacturer; and
 - (i) any other requirements that may be deemed necessary by the Authority or the County government.

SEVENTH SCHEDULE

(r. 28(8))

THE MEETINGS AND PROCEDURES OF THE FIBRE CROPS AND FIBRE CROP PRODUCTS PRICING COMMITTEE

1. The Committee shall meet at the Authority's registered offices or any other designated venue and the meetings shall be convened by the chairperson.
2. The Committee shall meet on a need basis but at least once every financial year.
3. Unless two thirds of the members of the Committee agree, a meeting shall be convened by a written notice of at least fourteen days to the date of the meeting, issued to every member.
4. Every meeting shall be presided over by the chairperson or in the absence of the chairperson, the members present shall appoint one of their members to preside at the meeting.
5. The Committee may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Committee.

6. The quorum for the meetings of the Committee shall be two-thirds of its members.
7. Where there is a vacancy in the composition of the Committee, the quorum of the meeting shall be at least five members.
8. A decision of the Committee shall not be invalid by reason only of a vacancy among its the members.
9. If a person has a personal or fiduciary interest in any matter being deliberated by the Committee, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question on that matter.
10. A disclosure of interest made under paragraph 9 shall be recorded in the minutes of the meeting at which it is made.
11. A question before the Committee shall be decided by a majority of the members present at the meeting and the chairperson shall have a casting vote. 5.
12. The Committee shall determine rules of procedure for the conduct of its business and keep minutes of its meetings and decisions.

EIGHTH SCHEDULE

(r. 38)

FEES FOR CERTIFICATES, LICENCES AND PERMITS

No.	Category of licence/Permit	Annual Fees Kshs / USD	Payable to
1.	Fibre crops retailer licence	Kshs. 2,500.00	Authority
2.	Licence for fibre crops (sisal) for exports/imports markets only	Kshs. 8,000.00	Authority
3.	Licence for fibre crops (Cotton lint) for exports/imports markets only	USD 2,000.00 (Export licence) Kshs 2,000 (Import licence)	Authority Authority
4.	Licence for fibre crops (cotton seed/cotton seed cake) for exports/imports markets only	Kshs. 1,000.00	Authority
5.	Licence for fibre crops marketing for domestic markets only.	Kshs. 5,000.00	Authority
6.	Licence fees for sisal manufacturing factory authorizing the holder to process own sisal leaf exclusively	Kshs. 2,000.00	Authority
7.	Licence fees for sisal manufacturing factory authorizing the holder to process	Kshs. 2,000.00	Authority

	own sisal leaf as well as other growers		
8.	Cotton ginning licence	Kshs. 2,000.00	Authority
9.	Cotton Seed Milling licence	Kshs. 5,000.00	Authority
10.	Sisal spinning factory/cotton textile milling factory licence	Kshs. 5,000.00	Authority
11.	Certificate of compliance	Kshs. 5,000.00	Authority
12.	Lint classing services	Kshs. 150.00 per sample	Authority
13.	Sisal inspection	0.5% FOB	Authority

Made on the 8th June, 2020.

PETER MUNYA.

Cabinet Secretary for Agriculture, Livestock, Fisheries and Co-operatives.