

CHAPTER 324

PLANT PROTECTION ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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PLANT PROTECTION ORDER, 1961

[L.N. 744/1961, L.N. 145/1962, L.N. 57/1963, L.N. 266/1964, L.N. 16/1968, L.N. 162/1969,
L.N. 285/1988.]

PLANT PROTECTION ORDER, 1961

[L.N. 744/1961, L.N. 145/1962, L.N. 57/1963, L.N. 266/1964, L.N. 16/1968, L.N. 162/1969,
L.N. 285/1988, L.N. 130/1990.]

1. This Order may be cited as the Plant Protection Order, 1961.
2. The abnormal conditions of plants specified in the First Schedule are declared to be diseases for the purposes of the Act.
3. The pests specified in the Second Schedule are declared to be pests for the purposes of the Act.

FIRST SCHEDULE

[Paragraph 2.]

DISEASES

The disease commonly known as Egon Dieback.

<i>Colletotrichum coffeanum</i>	Coffee Berry disease.
<i>Fusarium stilboides</i>	Coffee Bark Disease.
<i>Hemileia vastatrix</i>	Coffee Rust.
<i>Nematoecora coryli</i>	Coffee Bean disease.
<i>Pseudomonas solanacearum</i>	Bacterial wilt of potatoes.
<i>Ustilago scitaminea</i>	Sugarcane smut.
Mosaic virus of Sugar Cane.	
Tobacco Vein browning virus (Virus YN).	

SECOND SCHEDULE

[Paragraph 3.]

PESTS***Insect Pests***

<i>Orthoptera:</i>	
<i>Locusta migratoria migratorioides</i>	Migratory Locust.
<i>Nomadacris septemfasciata</i>	Red Locust.
<i>Schistocerca gregaria</i>	Desert Locust.
<i>Thysanoptera:</i>	
<i>Diarthrotrips coffeae</i>	Coffee thrips.
<i>Hemiptera:</i>	
<i>Adelges</i> spp.	Woolly Aphids.
<i>Antestiopsis</i> spp.	Coffee bug.
<i>Asterolecanium coffeae</i>	Star scale.
<i>Bemisia</i> spp.	White fly.

Plant Protection

[Subsidiary]

SECOND SCHEDULE—continued

<i>Lygus coffea</i>	Caprid bug of coffee.
<i>Pineu</i> spp.	Woolly Aphids.
<i>Planococcus</i> spp.	Coffee mealybug.
<i>Cinara cupressi</i>	Cypress aphid.
Lepidoptera:	
<i>Anagasta kuhniella</i> Zeller	Grain and Flour moth.
<i>Aphomia gularis</i> Zeller	Almond moth.
<i>Buccella fusca</i>	Maize stem borer.
<i>Cadra cautella</i> Walker	Grain and Flour moth.
<i>Chilo zonellus</i>	Maize stem borer.
<i>Corcyra cephalonica</i> Stainton	Grain and Flour moth.
<i>Endrosis</i> spp.	White shouldered moth.
<i>Ephestia calidella</i> Guenee	} Grain and Flour moth.
<i>Ephestia elutella</i> Hubner	
<i>Epicanoptera andersoni</i>	Tailed caterpillar.
<i>Gnomoschema heliopa</i>	Tobacco stem borer.
<i>Leucophaea</i> spp.	Coffee leaf miner.
<i>Parasa viridis</i>	Singing caterpillar.
<i>Platyedra gossypiella</i>	Pink Bollworm.
<i>Plodia interpunctella</i> Hubner	Indian meal moth.
<i>Scania calamita</i>	Maize stem borer.
<i>Sitotroga cerealella</i> Olivier	Augoumois grain moth.

Coleoptera:	
<i>Acanthoscelidae obtectus</i> Say	Bean "weevil".
<i>Ahasverus advena</i> Wall	} Fungus beetle.
<i>Aphidius</i> spp.	
<i>Anthonus leuconotus</i>	White borer.
<i>Apate monacha</i>	Black borer.
<i>Araecerus fasciculatus</i>	} Carpet beetle.
<i>Attagus</i> spp.	
<i>Bruchus serricola</i>	West African borer.
<i>Bruchus</i> spp.	} Bean weevil.
<i>Callosobruchus</i> spp.	
<i>Carpophilus</i> spp.	Flat grain beetle.
<i>Caryedon gonagra</i> Fabricius	Groundnut seed beetle.
<i>Cosmopolites sordidus</i>	Banana weevil.
<i>Cryptolestes</i> spp.	Flat grain beetle.
<i>Dermestes</i> spp.	Hide beetle.
<i>Diphye nigricornis</i>	Yellow-headed borer.
<i>Lasioderma serricorne</i> Fabricius	Tobacco beetle.
<i>Necrobia rufipes</i> Cenger	Copra beetle.
<i>Oryzaephilus</i> spp.	Saw toothed grain beetle.
<i>Prostephanus truncatus</i> Horn	Greater grain borer.
<i>Pinus</i> spp.	Spider beetle.
<i>Rhizopertha dominica</i> Fabricius	Lesser grain borer.

Plant Protection

[Subsidiary]

SECOND SCHEDULE—continued

<i>Scyphophorus acupunctatus</i>	Sisal weevil.
<i>Sitophilus granarius</i> Linnaeus	Granary weevil.
<i>Sitophilus oryzae</i> Linnaeus	Rice weevil.
<i>Sitophilus Zeamais</i> Motsch	Maize weevil.
<i>Stegobium paniceum</i> Linnaeus	Drug Store beetle.
<i>Stephanoderes hampei</i>	Berry borer.
<i>Tenebrio molitor</i> Linnaeus	Meal worm.
<i>Tenebrio obscurus</i> Fabricius	Meal worm.
<i>Tenebroides mauritanicus</i> Linnaeus	Cadelle beetle.
<i>Tribolium castaneum</i> Herbst	Red flour beetle.
<i>Tribolium confusum</i> Jacquelin du Val	Confused Flour beetle.

Plant Pests

<i>Alectra vogelii</i>	
<i>Cuscuta</i> spp.	Dodder.
<i>Datura stramonium</i>	
<i>Lolium temulentum</i>	Darnel.
<i>Opuntia inermis</i> , and <i>Opuntia stricta</i>	Prickly Pear.
<i>Striga hermonthica</i>	Striga weed.

PLANT PROTECTION RULES

[Cap.178 (1948), Sub. Leg., G.N. 520/1949, L.N. 154/1958, L.N. 230/1958, L.N. 365/1964.]

PART I – PRELIMINARY

1. These Rules may be cited as the Plant Protection Rules.

PART II – GENERAL

2. The Minister may, by notice in the Gazette, prohibit the movement within Kenya of any plant or seed which is diseased or likely to spread disease, and may prohibit for any period the planting or growing of any crop or variety thereof which may be considered likely to hinder the prevention of the spread or the proper control of any disease or pest.

3. Every occupier or, in the absence of the occupier, every owner of land shall report to the Director the occurrence of any pest or disease, and shall transmit to him specimens of such pest or diseased plant.

4. An inspector may give such instructions as he may consider necessary for—

- (a) the disinfection, fumigation and treatment of any building, vehicle, aircraft or vessel suspected of being or having been used for the storage or conveyance of anything likely to infect any plant with disease or pest;
- (b) controlling or destroying any pest;
- (c) the disinfection, treatment, destruction or disposal of any unhealthy plant, or of any plant appearing to be infected with any disease or pest by ordering—
 - (i) the disinfection or treatment of any such plant with a dressing composed of a suitable insecticide; or
 - (ii) the destruction by burning of any such plant; or
 - (iii) the disposal by some other suitable means of any such plant.

5. Where in any area the Minister is of the opinion that pests or diseases cannot otherwise be readily or adequately controlled or eradicated, he may, by notice in the Gazette, declare such area to be an infected area, and thereafter no person shall move or cause to be moved any plant specified in such notice from such area without the permission of the Director of Agriculture or an officer of the Ministry of Agriculture authorized by him.

6. Where the Minister is of the opinion that any area is free from a particular pest or disease and that the movement of plants into that area from outside is likely to introduce that pest or disease into that area, he may by notice in the Gazette declare that no plant of any kind specified therein shall, except with the permission of the Director of Agriculture or an officer of the Ministry of Agriculture authorized by him in that behalf, be moved into the area, and thereafter no person shall move any such plant into the area without such permission.

PART III – MAIZE AND SORGHUM

(1) The Minister may, by notice in the Gazette, prohibit the planting in the areas specified in the Schedule for all purposes or for any purpose specified therein of maize and sorghum between such dates as may be specified therein; and the notice may specify different dates for different areas.

[Subsidiary]

(2) All maize and sorghum stalks, roots and other residues of maize and sorghum plants in any area set out in the Schedule shall be destroyed before such date as the Minister may, by notice in the *Gazette*, appoint:

Provided that this paragraph shall not apply to such maize and sorghum stalks, roots and other residues as may in such notice be specifically exempted therefrom.

8. No occupier or in the absence of the occupier no owner of land shall permit any maize or sorghum of the description known as volunteer maize or sorghum, or any ratoons of sorghum, to grow or be grown on his land in any area set out in the Schedule.

PART IV – COFFEE

9. If any coffee is found to be infested with an insect pest in a warehouse or coffee curing and cleaning factory, the keeper of such warehouse or coffee curing and cleaning factory shall forthwith notify the Director of the fact, and shall state the name of the owner of the plantation from which such coffee was delivered, and the Director or an inspector may order that the bags containing such infested coffee, and any other coffee immediately in contact with it, shall forthwith be effectively treated to his satisfaction for the destruction of such pest.

(1) All loose coffee of every description on or near any railway station, godown or cleaning mill, or any other place where coffee may be spilled, shall be collected and roasted or burnt before the first day of the month next following the month in which it was spilled or found near such railway station, godown, cleaning mill or other place.

(2) Failure to comply with this rule shall constitute an offence on the part of the person in charge of such station, godown, mill or other place.

PART V – LOCUSTS

11. In this Part—

“**hoppers**” means immature locusts that are not yet able to fly;

“**locusts**” means the insect *Schistocerca gregaria*, *Locusta migratoria*, *Nomadacris septemfasciata*, or any other species of the family Acrididae that have the swarming habit.

(1) The occupier or owner of land on which locusts have deposited their eggs shall forthwith—

- (a) report such fact to the nearest police officer, administrative officer, agricultural officer or inspector and state the locality on such land where such eggs have been laid, and give such Information as may be required; and
- (b) use his utmost endeavours to destroy such eggs.

(2) An inspector may give such written instructions or recommend the adoption of such measures for the destruction of such eggs as to him may seem meet, and the occupier or owner of such land shall carry out any such instructions or adopt any such measures as may be so given or recommended.

(1) As soon as any hoppers appear on any land, the occupier or owner thereof shall forthwith—

- (a) report such a fact to the nearest police officer, administrative officer, agricultural officer or inspector; and
- (b) use his utmost endeavours to destroy such hoppers.

(2) An inspector may give such written instructions or recommend the adoption of such measures for the destruction of such hoppers as to him may seem meet, and the occupier or owner of such land shall carry out any such instructions or adopt any such measures as may be so given or recommended.

(1) As soon as any flying locusts settle on any land the occupier or owner thereof shall forthwith—

- (a) report such fact to the nearest police officer, administrative officer, agricultural officer or inspector; and
- (b) use his utmost endeavours to destroy such flying locusts.

(2) An inspector may give such written instructions or recommend the adoption of such measures for the destruction of such flying locusts as to him may seem meet, and the occupier or owner of such land shall carry out any such instructions or adopt any such measures as may be so given or recommended.

15. Where it appears to any District Commissioner, Government entomologist, agricultural officer, assistant agricultural officer or justice of the peace that for the effective destruction of hoppers or locusts in any area the employment of additional labour and supervisory staff is necessary, he may, by notice in writing, requisition from the occupier of any land the labour, or any portion thereof, employed or resident on such land, and may require such labour to proceed to the infested area and there assist in the destruction of hoppers or locusts for such period as may be required.

16. Where, under the powers conferred by rule 15, labour is employed on land outside the occupation of the employer, the District Commissioner shall, from funds provided for the destruction of hoppers and locusts, on receipt of a claim therefor, pay to the employer the actual cost to him of such labour for such time as it is employed on hopper or locust destruction, together with the cost, if any, incurred by the employer in transporting the labour to and from the place of employment.

17. No occupier or owner of land, as the case may be, shall be held liable under rule 12, 13 or 14 if he proves that he did not know of the presence on his land of the eggs of locusts, hoppers or flying locusts, as the case may be, and that it would have been unreasonable in all the circumstances of the case for him so to know.

18. No person shall wilfully drive or attempt to drive or permit hoppers to be driven on to his neighbour's land.

SCHEDULE

[Rules 7 and 8.]

The districts of Nakuru, Uasin Gishu, Trans Nzoia and Nandi.

The area of land forming part of the districts of Western Province the boundaries whereof, commencing at a beacon at the westernmost corner of L.R. No. 6439/2 on the generally south-eastern boundary of the Mount Elgon Forest Reserve;

run thence generally south-easterly along the part of the generally eastern boundary of Bungoma District, to the junction of Bungoma, Uasin Gishu and Kakamega District boundaries at the westernmost corner of L.R. No. 4099/3;

thence south-easterly and south-westerly along the part of the eastern boundary of Kakamega District to the junction of Kakamega, Uasin Gishu and Nandi Districts at the westernmost corner of L.R. No. 4130;

[Subsidiary]

thence north-westerly by a straight line to the junction of the main Kakamega-Kitale road and the Turbo-Eldoret road at Matete, approximately four miles south-east of Broderick Falls Trading Centre;

thence generally northerly along part of the eastern boundary of the main Kakamega-Kitale road, through Broderick Falls Trading Centre, to its intersection with the Kimilil (Kabisi) river;

thence up-stream along that river to its intersection with the generally south-eastern boundary of the Mount Elgon Forest Reserve;

thence generally north-easterly along the latter boundary to the point of commencement.

These boundaries are more particularly delineated in red, on Boundary Plan No. 374, deposited in the Survey Records Office, Survey of Kenya, Nairobi, a copy of which is filed in the office of the Director of Agriculture, Nairobi.

PROHIBITIONS UNDER RULE 2 OF THE ABOVE RULES

[L.N. 216/1956, L.N. 294/1962, L.N. 35/1965, L.N. 163/1969.]

The planting and the growing of the crops specified in the First Schedule hereunder are prohibited in the area specified in the Second Schedule hereunder.

FIRST SCHEDULE

Agave sisalana.

Agave amaniensis.

Agave of any other species.

Furcraea gigantea.

Furcraea of any other species.

SECOND SCHEDULE

The area of land the boundaries whereof, commencing at the Trigonometrical Station, Chyulu, on the Chyulu or Ngulia Range;

run thence north-easterly by a straight line for a distance of approximately 32 miles to the confluence of the Masongoleni River and the Athi River;

then downstream by the course of the latter river to the confluence of the Mbololo River;

thence south-westerly by a straight line to a point in the vicinity of Kedai at the north end of the Sigaso-Kedai pipeline;

thence north-westerly by a straight line through Ngulia Hill to the point of commencement.

The above boundaries are more particularly delineated and edged green on Boundary Plan No. 339, which is deposited in the Survey Records Office, Survey of Kenya, Nairobi.

[L.N. 216/1956.]

The planting in the Nyanza Province of—

- (a) the Coimbatore varieties known as Co. 270, 290, 301, 312, 396 and 419;

(b) the Hawaiian varieties known as H.38/2915, 39/7028 and 44/3098, of sugar-cane, which are susceptible to “Smut” disease caused by *Ustilago scitaminea*, is prohibited, except when carried out by an officer of the Ministry for the purpose of research with the permission of the Minister.

The planting, inadvertent or otherwise, of prohibited varieties of sugar-cane which may be contaminants of non-prohibited varieties of sugar-cane is prohibited.

[L.N. 294/1962.]

The movement into and within the Nyandarua District of potatoes in amounts exceeding 14 lb. is prohibited, except where the potatoes are certified to be free from bacterial wilt and a movement authority is issued by or on behalf of the District Agricultural Officer, Nyandarua.

[L.N. 35/1965.]

The planting of all plants of *Pinus* species in the area commencing at the easternmost corner of Dagoretti Forest (Map Reference BJ 424577 on 1/50000 Sheet 148/3 edition 8), thence generally southwesterly to the junction of the Embakasi and Dagoretti Forest Boundaries (Map Reference BJ 398558 on 1/50000 Sheet 148/3 edition 8), thence by the Masai-Kikuyu boundary to Trigonometrical point 148 U 75 (Map Reference BJ 293785 on 1/50000 Sheet 148/1 edition 6), thence easterly to meet the railway line north of Limuru Town (Map Reference BJ 380785 on 1/50000 Sheet 148/1 edition 6), thence southerly by the Nairobi-Nakuru road to a road junction (Map Reference BJ 429586 on 1/50000 Sheet 148/3 edition 8), thence southwesterly by the road forming the Nairobi Municipality Boundary to the point of commencement.

A copy of the map showing these boundaries may be inspected at the Ministry of Agriculture, Nairobi.

[L.N. 163/1969.]

INFECTED AREAS DECLARED UNDER RULE 5 OF THE ABOVE RULES

[G.N. 331/1950, L.N. 522/1957, L.N. 365/1964, Sch.]

The Coast Province is declared to be an infected area, infected with *Scyphophorus acupunctatus*, the Sisal Weevil, and no person shall move or cause to be moved from the Coast Province, without the permission of the Director of Agriculture or an officer of the Ministry of Agriculture, any plant of the following—

Agave sisalana (Sisal);

Agave amaniensis;

Agave, of any other species;

Furcraea gigantea (Mauritius Hemp);

Furcraea, of any other species.

[G.N. 331/1950.]

The Coast Province and the Nyanza Province and Western Province are declared to be an infected area, infected with *Cosmopolites sordidus*, the Banana Weevil, and no person shall move or cause to be moved from the area of the Coast Province and the Nyanza Province and Western Province, without the permission of the Director of Agriculture or an officer of the Ministry of Agriculture any plant of the following—

Banana, *Musa* all species (excluding Banana fruits for consumption).

[L.N. 522/1957, L.N. 365/1964, Sch.]

[Subsidiary]

DECLARATIONS UNDER RULE 6 OF THE ABOVE RULES

[L.N. 153/1958, L.N. 177/1959, L.N. 558/1960.]

No plant of *Coffea* species shall, except with the permission of the Director of Agriculture or an officer of the Ministry of Agriculture authorized by him in that behalf, be moved into any of the following areas (being areas which in the opinion of the Minister are free from Coffee Berry Disease (*Colletotrichum coffeanum*))—

The districts of Taita, Machakos and Naivasha.

The following County Districts of the County of Nakuru—

Njoro Rural District;

Rongai Rural District;

Ravine Rural District;

Nakuru East Rural District.

The Turi-Elburgon Ward of the County of Nakuru.

The Municipality of Nakuru.

DATES APPOINTED UNDER RULE 7(2) OF THE ABOVE RULES

[Cap. 178 (1948), Sub. Leg. L.N. 365/1964.]

The dates specified in the second column hereunder are appointed as the dates before which in every year all maize and sorghum stalks, roots and other residues of maize and sorghum shall be destroyed in the areas respectively specified in the first column hereunder

Uasin Gishu District	1st February.
Nakuru District	1st March.
That part of the Kakamega District described in the Schedule to the rules	1st February.
Nandi District	1st February.
Trans Nzoia District	15th February.

PLANT PROTECTION (TOBACCO) RULES

[Cap. 178 (1948) Sub. Leg., L.N. 49/1959, L.N. 593/1961, L.N. 365/1964.]

1. These Rules may be cited as the Plant Protection (Tobacco) Rules, and shall apply to the areas specified in the Schedule.

(1) Every grower of tobacco plants shall uproot and burn such plants and the stalks and residues thereof before such date as the Minister may from time to time appoint by notice in the *Gazette*.

(2) No person shall leave tobacco plants growing on land of which he is the occupier or owner before or after such date or between such dates as the Minister may from time to time appoint by notice in the *Gazette*.

3. On land which has in any year borne tobacco of the type known as light flue-cured leaf, no tobacco shall be planted by any person in the following two years, except with the consent of the Director of Agriculture.

4. On land which has within any period of twelve months borne tobacco of the type known as light flue-cured leaf, no other crop shall, except with the consent of an officer of the Ministry of Agriculture, be planted by any person within the same period of twelve months.

SCHEDULE

[Rule 1.]

District	Area
Murang'a	Kigwainis Location.
Embu	The whole of Embu District.
Kitui	Changweithia, Nyambani and Matinyani Locations.
Kirinyaga	The whole of Kirinyaga District.

DATES APPOINTED UNDER RULE 2 OF THE ABOVE RULES

[Cap. 178 (1948), Sub. Leg., L.N. 365/1964.]

The 21st April is appointed as the date before which in every year every grower of tobacco plants in the Kigwainis Location of the Murang'a District or in the Embu District or the Kirinyaga District shall uproot and burn such plants and the stalks and residues thereof.

The 21st April and the 15th October are appointed as the dates between which no person shall in any year leave tobacco plants growing on land of which he is the occupier or owner in the Kigwainis Location of the Murang'a District or in the Embu District or the Kirinyaga District.

PLANT PROTECTION (FINES) RULES, 1948

[G.N. 953/1948.]

1. These Rules may be cited as the Plant Protection (Fines) Rules, 1948.
2. An inspector may, in his discretion, take such action as he may consider necessary to inspect, disinfect or treat any plant, part of a plant, seed or fruit (other than dried, canned or bottled fruits) imported.
- [Infra.]
3. For any inspection, disinfection or treatment carried out by an inspector under rule 2, or under paragraph 6 of the Plant Protection (Importation) Order, the following fines shall be imposed—

	Sh.
(a) for the first bag, bundle, parcel or other package in any one consignment	10
(b) for each subsequent bag, bundle, parcel or other package in the same consignment	2

PLANT PROTECTION (POTATOES) RULES, 1968

[L.N. 15/1968.]

1. These Rules may be cited as the Plant Protection (Potatoes) Rules, 1968.
2. No potatoes of the Bernadette and or Petra varieties shall be grown or moved into any of the areas specified in the Schedule.
3. Any person who contravenes the provisions of rule 2 shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two months.

SCHEDULE

- (i) The Kilifi District and the Taita District in the Coast Province.
- (ii) The Embu District, the Meru District, the Kitui District and the Machakos District in the Eastern Province.
- (iii) The Kirinyaga District and the Murang'a District in the Central Province.
- (iv) The South Nyanza District in the Nyanza Province.

PLANT PROTECTION (IMPORTATION) ORDER

[Cap. 178 (1948). Sub. Leg., G.N. 277/1950, G.N. 289/1954, L.N. 634/1960, L.N. 665/1961, L.N. 325/1962, L.N. 211/1965, L.N. 276/1965, L.N. 186/1967, L.N. 5/1968, L.N. 286/1988.]

1. This Order may be cited as the Plant Protection (Importation) Order.**(1) Subject to this Order—**

- (a) no plant; and
- (b) no seed of any plant specified in the First Schedule,

shall be imported into Kenya except under and in accordance with the conditions of a permit previously obtained from, and signed by, the Director of Agriculture or an officer of the Ministry of Agriculture authorized by the Director of Agriculture for the purposes of this Order.

(2) Notwithstanding the provisions of this paragraph but subject to the provisions of any other written law, any plant and the seeds of any plant may be imported without a permit if such plant was grown in and is exported from Tanzania or Uganda or such seeds were taken from such plant:

Provided that this subparagraph shall not apply in respect of any plant or the seeds of any plant specified in the Second Schedule.

3. All applications for permits shall state—

- (a) the full name and address of the applicant;
- (b) the name and address of the person or firm from whom the plants or seeds are to be obtained;
- (c) the names and quantities of the plants or seeds to be obtained;
- (d) the name of the farm or estate on which the plants or seeds are to be planted and the district in which it is situated.

4. No plant shall be imported except through one of the following ports or places of entry—

- (a) Mombasa;
- (b) Kisumu;
- (c) Nairobi.

5. All plants, seed and fruit, other than canned or bottled fruits imported, shall be examined by an inspector:

Provided that, in the case of any plant, seed or fruit specified in the Third Schedule, the inspector may, if he is satisfied that such plant, seed or fruit is being imported for consumption, processing, manufacture or any purpose other than propagation, dispense with inspection, and thereupon, notwithstanding the provisions of paragraph 2, no permit shall be required for importation.

6. The inspector may—

- (a) direct, authorize or carry out the disinfection or treatment of any plant and of any article believed by him to be infected or infested with or in any way carrying a pest or disease, or likely to infect any plant with a pest or disease;

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[Subsidiary]

- (b) direct, authorize or carry out the immediate destruction of any imported plant or article which on inspection appears to be infected or infested with or in any way carrying any pest or disease where, in the opinion of an inspector, disinfection or treatment is impracticable or will not be a complete safeguard, or the delay caused by disinfection or treatment would give rise to the risk of the introduction or spread of any pest or disease; and
- (c) direct, authorize or carry out the disinfection or fumigation of any vessel, vehicle or aircraft which in the opinion of the inspector is harbouring any pest or disease, or an article likely to infect any plant with a pest or disease.

(1) Any package or parcel containing any plant or seed imported otherwise than by post shall be delivered to an inspector by the Commissioner of Customs and Excise.

(2) Any package or parcel containing any plant or seed imported by post shall be delivered to an inspector by the Managing Director of the Kenya Posts and Telecommunications Corporation.

(3) After examination and treatment as provided in subparagraphs (1) and (2), the package or parcel shall, except where such package, parcel, plant or seed has been destroyed under the instructions of such inspector, be returned by such inspector to the Commissioner of Customs and Excise or the Managing Director of the Kenya Posts and Telecommunications Corporation, as the case may be, for delivery to the addressee.

8. No compensation shall be payable in respect of any package, parcel, article, plant or seed destroyed or damaged in any treatment required to be carried out under this Order.

9. The Director of Agriculture may require imported plants to be detained in quarantine or in special nurseries or places approved by him, for such period as he may think fit.

10. The importation of all species of fruit trees and fruit grown in or consigned from Japan, China, Korea or Manchuria is prohibited.

11. No plant or part of any plant of the order Gramineae (except seeds) intended for use as fodder shall be imported.

12. No living insects or invertebrate animals in any stage shall be imported except by virtue of a permit previously obtained from and signed by the Director of Agriculture and under the conditions stated in such permit.

13. Any person who contravenes or fails to comply with any of the provisions of this Order shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two months.

FIRST SCHEDULE

[Paragraph 2.]

Maize	Zea Mays.
Conifer	Abies spp.
Conifer	Abies spp.
Conifer	Acer pseudoplatanus.
Quercus spp.	Acorn.
Conifer	Actinostrobus spp.
Baobab	Adansonia spp.

FIRST SCHEDULE—continued

Bengal quince	Aegle spp.
Horse chestnut	Aesculus spp.
Conifer	Agathis spp.
Sisal	Agave spp.
Tung	Aleurites spp.
	Alnus spp.
Cashew	Anacardium spp.
Groundnut	Arachis hypogaeae.
Conifer	Araucaria spp.
Bunya-bunya pine	} Arceuthobium spp.
Monkey puzzle	
Conifer	Athrotaxis spp.
	Aquatic plants.
	Avena spp.
Birch	Baphia spp.
Barbery	Berberis spp.
	Bernoullia spp.
Birch	Betula spp.
	Bombacaceae.
	Bombacopsis spp.
	Bombax spp.
	Boscia spp.
Conifer	Calitris spp.
	Calophyllum spp.
	Calycophyllum spp.
	Campostemon spp.
Indian hemp	Cannabis spp.
Chillies	Capsicum spp.
Hornbeam	Carpinus spp.
	Carya spp.
	Caryocar spp.
Spanish chestnut	Castanea spp.
	Casuarina spp.
	Catostemma spp.
Java Mahogany	Cedrela spp.
Conifer	Cedrus spp.
Kapok	Cedra spp.
Conifer (Japanese Yew)	Cephalotaxus spp.
Conifer	Chamaecyparis spp.
	Chloroxylon spp.
Pyrethrum	Chrysanthemum cinerariifolium.
Camphor	Cinnamomum spp.
Citrus	Citrus spp.
Coconut	Cocos nucifera
	Coelostegia spp.

Plant Protection

[Subsidiary]

Cocaine	<i>Erythroxylum coca</i> .
Blue gum	<i>Eucalyptus</i> spp.
Cloves	<i>Eugenia</i>
Conifer	<i>caryophyllata</i> .
Birch	<i>Euiacta</i> spp.
Conifer	<i>Fagus</i> spp.
Conifer	<i>Fitzroya</i> spp.
Conifer	<i>Flindersia</i> spp.
Ash	<i>Fokienia</i> spp.
Conifer	<i>Fraxinus</i> spp.
Mauritius hemp	<i>Frenelia</i> spp.
Soya bean	<i>Furcraea</i> spp.
Cotton	<i>Gragebira</i> spp.
Grasses	<i>Glycine</i> spp.
Sunflower	<i>Gossypium</i> spp.
Conifer	<i>Grevillea</i> spp.
	<i>Gramineae</i>
	<i>Gyranthera</i> spp.
	<i>Hampea</i> spp.
	<i>Helianthus</i> spp.
	<i>Hemiptelea</i> spp.
	<i>Hesperopeuce</i> spp.

FIRST SCHEDULE—*continued*

Coffee	<i>Coffea</i> spp.
Kola	<i>Cola</i> spp.
Conifers	<i>Coniferae</i> .
Conifer (Japanese cedar)	<i>Cordia</i> spp.
Conifer	<i>Cryptomeria</i> spp.
Conifer (Cypress)	<i>Cullenia</i> spp.
Dodder	<i>Cunningia</i> spp.
Star grass	<i>Cunninghamia</i> spp.
Conifer	<i>Cupressus</i> spp.
Beans	<i>Cuscuta</i> spp.
Durio spp.	<i>Cyclobalanopsis</i> spp.
Aquatic plant (Water hyacinth)	<i>Cynodon dactylon</i>
Oil palm	(<i>Indian strain</i>)
Millet	<i>Dacrydium</i> spp.
	<i>Dialycarpa</i> spp.
	<i>Dicarpidium</i> spp.
	<i>Diselma</i> spp.
	<i>Dolichos</i> spp.
	<i>Durian</i> .
	<i>Eichhomia</i> spp.
	<i>Elaeis</i> spp.
	<i>Eleusme</i> spp.
	<i>Ensete</i> spp.
	<i>Eriodendron</i> spp.

FIRST SCHEDULE—continued

Rubber	Hevea spp.
Barley	Hippocastanum spp.
Aquatic plant (Water rice)	Hordium spp.
Hop	Hottotia spp.
	Humulus spp.
	Hura spp.
	Hygroyza spp.
Walnut	Juglans spp.
Juniper	Juniperus spp.
Conifer	Keteleeria spp.
African mahogany	Khaya spp.
Beans	Lablab spp.
	Lahia spp.
Conifer	Laricopsis spp.
Conifer	Larix spp.
Sweet Pea	Lathyrus.
Lentils	Lens spp.
Conifer	Libocedrus spp.
Aquatic plant (Water snow flake)	Limnanthemum spp.
Flax and Linseed	Linum spp.
	Lithocarpus spp.
	Lolium rigidum.
	Lolium temulentum.
	Loranthus spp.
	Lovoa spp.
Tomato	Lycopersicum spp.
Conifer	Maba spp.
	Macrobiota spp.
Mango	Mahonia spp.
Cassava	Mangifera spp.
	Manihot spp.
	Matisia spp.
Lucerne	Maxwellia spp.
	Medicago spp.
	Melanorrhoea spp.
	Mellilotus spp.
Conifer	Mesua spp.
Conifer	Metasequoia spp.
Conifer	Microbiota spp.
Mimosa	Microcachrys spp.
	Mimosa spp.
	Montezuma spp.
Banana	Mora spp.
	Musa spp.
	Myrmecodendron spp.

Plant Protection

[Subsidiary]

FIRST SCHEDULE—continued

	<i>Neesia</i> spp.
	<i>Neobuchia</i> spp.
Tobacco	<i>Nicotiana</i> spp.
	<i>Ochroma</i> spp.
	<i>Odostemon</i> spp.
Olive	<i>Olea</i> spp.
Prickly pear	<i>Opuntia</i> spp.
	<i>Ornantes</i> spp.
	<i>Ornus</i> spp.
Rice	<i>Oryza</i> spp.
	<i>Ostrya</i> spp.
	<i>Pachira</i> spp.
Millet	<i>Panicum</i> spp.
Opium poppy	<i>Papaver somniferum</i> .
	<i>Paradombeya</i> spp.
Passion fruit	<i>Passiflora</i> spp.
Millet	<i>Pennisetum</i> spp.
Avocado	<i>Persea</i> spp.
Beans	<i>Phaseolus</i> spp.
Conifer	<i>Pterosphaera</i> spp.
Date palm	<i>Phoenix</i> spp.
Mistletoe	<i>Phoradendron</i> spp.
New Zealand Flax	<i>Phormium</i> spp.
Grass	<i>Phragmites</i> spp.
Conifer	<i>Phyllocladus</i> spp.
Conifer	<i>Picea</i> spp.
Pepper	<i>Piper nigrum</i> .
Aquatic plant (Water Lettuce)	<i>Pistia</i> spp.
Pea	<i>Pisum</i> spp.
	<i>Pochota</i> spp.
Conifer	<i>Podocarpus</i> .
Indian beech	<i>Pongamia</i> spp.
Aquatic plant	<i>Pontederia</i> spp.
Poplar	<i>Populus</i> spp.
Conifer	<i>Prumnopitys</i> spp.
Conifer	<i>Pseudolarix</i> spp.
Conifer	<i>Pseudotsuga</i> spp.
	<i>Pterocarpus</i> spp.
	<i>Pterocarya</i> spp.
	<i>Quararibea</i> spp.
Oak	<i>Quercus</i> spp.
Buckthorn	<i>Rhamnus</i> spp.
	<i>Rhus</i> spp.
Castor	<i>Ricinus</i> spp.
Aquatic plant	<i>Roripa</i> spp.

FIRST SCHEDULE—continued

Almond, Apple, Apricot, Cherry, Damson, Gage, Loquat, Medlar, Nectarine, Pear, Plum, Prune, Quince, Sloe	Rosaceous fruit trees.
Conifer	Sabine spp.
Sugar Cane	Saccharum spp.
Willow	Salix spp.
Conifer	Saxegothaea spp.
Aquatic plant	Sevicollella spp.
Aquatic plant	Schoenlandia spp.
Bombacaceae	Sciadopitys spp.
Rye	Scleronomia spp.
	Secale spp.
	Segethacea spp.
Conifer	Sequoia spp.
Simsim	Sebanium spp.
Millet	Setaria spp.
	Shorea spp.
Potato	Solanum tuberosum.
Sorghum	Sophia spp.
Aquatic plant	Sorghum spp.
	Sphaerostylax spp.
	Spirotheca spp.

Conifer	Steinhauera spp.
Conifer	Strobilus spp.
Aquatic plant	Stuckenia spp.
Aquatic plant	Susum spp.
	Swietenia spp.
Conifer	Syzygium spp.
Passion fruit	Taiwania spp.
Conifer	Taccaonia spp.
Conifer	Taxodium spp.
	Taxus spp.
Aquatic plant	Tectona spp.
	Tenagophario spp.
Conifer	Terminalia spp.
Aquatic plant	Tetradonia spp.
Tea	Thalia spp.
Citrus	Thea spp.
Conifer	Thredonia spp.
	Thuja spp.
Conifer	Thuya spp.
Aquatic plant	Tormenticola spp.
Conifer	Torreya spp.
	Toxivodendron spp.
	Trapa spp.

Plant Protection

[Subsidiary]

FIRST SCHEDULE—continued

Aquatic plant	<i>Trapella</i> spp.
Clover	<i>Tribroma</i> spp.
Aquatic plant	<i>Trifolium</i> spp.
Wheat	<i>Tristicha</i> spp.
Conifer	<i>Triticum</i> spp.
Conifer	<i>Tsuga</i> spp.
Aquatic plant	<i>Tumion</i> spp.
Aquatic plant	<i>Typha</i> spp.
Aquatic plant	<i>Typhanodorum</i> spp.
Aquatic plant	<i>Udora</i> spp.
Elm	<i>Ulmus</i> spp.
Aquatic plant	<i>Utricularia</i> spp.
Aquatic plant	<i>Vallisneria</i> spp.
Vanilla	<i>Vanilla</i> spp.
Aquatic plant	<i>Velophylla</i> spp.
Bean	<i>Vicia</i> spp.
Bean	<i>Vigna</i> spp.
Aquatic plant	<i>Villarsia</i> spp.
Mistletoe	<i>Viscum</i> spp.
Vine	<i>Vitis</i> sp.
	<i>Waltheria</i> spp.
Conifer	<i>Washingtonia</i> spp.
Aquatic plant	<i>Weddellia</i> spp.
Conifer	<i>Wellingtonia</i> spp.
Conifer	<i>Widdingtonia</i> spp.
Aquatic plant	<i>Wisneria</i>
Aquatic plant	<i>Wolffia</i> spp.
Aquatic plant	<i>Wolffella</i> spp.
Aquatic plant	<i>Xystrorobus</i> spp.
	<i>Zelkova</i> spp.
Aquatic plant	<i>Zeylanidium</i> spp.
Aquatic plant	<i>Zizania</i> spp.
Aquatic plant	<i>Zostera</i> spp.
Aquatic plant	<i>Zosterella</i> spp.

SECOND SCHEDULE

[Paragraph 2.]

[Deleted by L.N. 286 of 1988.]

THIRD SCHEDULE

[Paragraph 3.]

Beans and peas, all Grams and Pulses (*Excluding: Lens, Phasceolus and Glycine*).

Betel Leaves.

Cardamon.

Cashew Nuts (processed).
Cereals (Barley. Oats. Rye, Wheat).
Chestnuts.
Cloves (dried).
Cocoa Beans (roasted).
Coconuts (without husks).
Coffee Beans (hulled).
Coir.
Copra.
Cotton Lint (clean trade samples).
Dried fruits.
Flax and Linseed. (for oil extraction).
Flax fibre.
Ginger (dried).
Groundnuts (without husks).
Hops (processed).
Jute fibre.
Linseed Cake.
Millets and Sorghum.
Mushroom Spawn.
Oil Palm (nuts for oil extraction).
Osmunda fibre (sterilized).
Pepper (Black) Pods.
Pulses.
Rice (polished, milled or parboiled).
Simsim (for oil extraction).
Sisal fibre.
Soft fruits (frozen).
Tea (processed leaves).
Walnuts.
Yam.

PLANT PROTECTION (IMPORTATION OF FRUIT) ORDER

[Cap. 178 (1948), Sub. Leg.]

1. This Order may be cited as the Plant Protection (Importation of Fruit) Order.
 2. No consignment of fruit grown in countries outside Kenya shall be permitted to enter Kenya unless accompanied by a certificate, signed by an officer of the exporting country duly authorized by the government of that country, to the effect that a percentage (to be stated) of the packages in the consignment has been examined by him and has been found to be free from insect pests.
-

PLANT PROTECTION (PROHIBITION OF IMPORTATION) ORDER

[Cap. 178 (1948), Sub. Leg., G.N. 379/1955.]

1. This Order may be cited as the Plant Protection (Prohibition of Importation) Order.
 2. The importation of any rooting medium for plants which consists either wholly or in part of soil, whether or not it is attached to any plant, is prohibited.
 3. The importation of the following plants, including seeds thereof, is prohibited—
Indian Hemp (*Cannabis sativa*);
Coca (*Erythroxylum coca*);
Poppy (*Papaver somniferum*).
-

PLANT PROTECTION (IMPORTATION FROM ZANZIBAR) ORDER, 1956

[L.N. 379/1956.]

1. This Order may be cited as the Plant Protection (Importation from Zanzibar) Order, 1956.

2. No person shall import or cause to be imported directly or indirectly from Zanzibar any—

- (a) part of a plant, seed, grain or crop;
- (b) box, bag, sack or other container containing or having contained any part of a plant, seed, grain or crop;
- (c) box, bag, sack or other container which may possibly contain the pest *Trogoderma granarium* or any other pest or any disease.

without submitting the same to an inspector at the place of entry into Kenya within twenty-four hours of such entry.

3. Where an inspector is satisfied that any part of a plant, seed, grain or crop, or any box, bag, sack or other container, imported from Zanzibar contains or may possibly contain the pest *Trogoderma granarium* or any other pest or any disease, he may—

- (a) detain the same in a suitable place; or
- (b) destroy or cause the same to be destroyed without compensation to the owner or importer thereof if disinfection is impracticable or will not, in the opinion of the inspector, be a complete safeguard against the risk of the introduction or spread of any pest or disease, or if the delay caused by disinfection would give rise to the risk of the introduction or spread of any pest or disease; or
- (c) disinfect or cause the same to be disinfected in any manner suitable at the cost of the owner or person importing the same.

4. Where an inspector is satisfied that the plant, seed, grain or crop or the box, bag, sack or other container does not and is not likely to contain any pest or disease, he shall issue a certificate to that effect to the importer.

5. An inspector may direct that any ship, vehicle or aircraft entering Kenya either directly or indirectly from Zanzibar be disinfected in a suitable manner within a time to be specified by him.

6. Any box, bag, sack or other container containing or likely to contain any part of a plant, seed, grain or crop imported from Zanzibar by post or any other means, if not already submitted to an inspector by the owner or importer thereof, shall be delivered to an inspector by the Managing Director of the Kenya Posts and Telecommunications Corporation or the Commissioner of Customs and Excise without delay.

**PLANT PROTECTION (IMPORTATION OF
MALT AND MALT BAGS) ORDER, 1957**

[L.N. 344/1957, L.N. 430/1957.]

1. This Order may be cited as the Plant Protection (Importation of Malt and Malt Bags) Order, 1957.

2. In this Order—

“**certificate**” means a certificate endorsed by and stamped with the official stamp of an official of the Ministry of Agriculture of the exporting country;

“**date of shipping**” means the date on which the malt or bag containing or having contained malt was placed on or in any ship, vehicle or aircraft for the purpose of transporting the same into Kenya.

(1) No person shall import or cause to be imported any malt or any bag containing or having contained malt unless such person is in possession of a certificate to the effect that—

- (a) the malt of any such bag has been fumigated within seven days before the date of shipment; or
- (b) the malt has been treated and held at a temperature lethal to *Trogoderma granarium* and subsequently bagged in clean bags and stored to the satisfaction of the Ministry of Agriculture of the exporting country; or
- (c) the malt and the premises in which it was prepared and stored have been found free from *Trogoderma granarium*.

(2) Every person who imports or causes to be imported any malt or any bag containing or having contained malt shall submit the same to an inspector at the place of entry into Kenya within twenty-four hours of such entry.

4. Subject to the provisions of subparagraph (2), an inspector may—

- (a) order the disinfection of any malt or any bag containing or having contained malt which has been imported in contravention of the provisions of subparagraph (1) of paragraph 3;
- (b) notwithstanding production of a certificate which complies with subparagraph (1) of paragraph 3, order the disinfection of any malt, or any bag containing or having contained malt, to which such certificate relates.

(2) Where, in the opinion of the inspector, such disinfection as aforesaid is impracticable or will not be a complete safeguard against the risk of the introduction or spread of the pest *Trogoderma granarium*, or the delay caused by such disinfection would give rise to the risk of the introduction or spread of the aforesaid pest, he may destroy such malt or such bag or cause the same to be destroyed without compensation to the owner or importer thereof.

5. An inspector may direct that any ship, vehicle or aircraft found to contain living *Trogoderma granarium* insects in any stage of growth be disinfected in a suitable manner within a time to be specified by him.

PLANT PROTECTION (IMPORTATION OF TIMBER) ORDER, 1990

[L.N. 180/1990.]

1. This Order may be cited as the Plant Protection (Importation of Timber) Order, 1990.

(1) No consignment of timber grown in countries outside Kenya shall be permitted to enter Kenya unless accompanied by a certificate, signed by an inspector appointed under Gazette Notice No. 1463 of 1990. to the effect that such timber and any vehicles or vessels used for its importation has received a mandatory insecticidal treatment under the supervision of the plant inspector.

(2) The cost of the insecticidal treatment under paragraph (1) shall be borne by the importer.

PLANT PROTECTION (FEES AND CHARGES) RULES, 2000

[L.N. 12/2001.]

1. These Rules may be cited as the Plant Protection (Fees and Charges) Rules, 2000.
2. The fees and charges for services rendered by the Kenya Plant Health Inspectorate Service shall be as specified in the Schedule to these Rules.

SCHEDULE

SCHEDULE	
A. Analysis and Advisory Services	
1. Soil Analysis	
(a) Chemical Analysis	
(i) Fertility Evaluation	
	KSh.
(a) pH, macro nutrients and carbon	350
(b) micro nutrients (iron, zinc, copper and manganese)	150
(ii) detailed soil analysis for Soil Survey (texture, pH by water and KCL, Ece, CEC at pH 3.2 and exchangeable cations)	600
(iii) C.E.C. pH 7.0	300
(iv) Soluble Cations (including Ece)	400
(v) Gypsum	150
(vi) Calcium carbonate equivalent	150
(vii) Total Nitrogen	200
(viii) Nitrate nitrogen	200
(ix) Ammonium nitrogen	200
(x) Sulphate-sulphur	150
(xi) Organic carbon	200
(xii) Phosphorus by Olsen method	150
(xiii) Total calcium, magnesium, potassium and phosphorus	600
(xiv) Soil pH and Ec (each test)	40
(b) Physical Analysis	
(i) Texture:	
Hydrometer	150
Pipette method	250
Natural clay	100
(ii) Soil moisture characteristic (pF)	600
(iii) Bulk density	200
(iv) Particle density	300
(v) Hydraulic conductivity	300
(vi) Soil Constituency Limits	
Liquid limit	400
Plastic limit	400
Sticky limit	400
(vii) Dry Sieving	50
(viii) Moisture content	50
(c) Clay Mineralogy	1,000
(d) Isotope Analysis	

Plant Protection

[Subsidiary]

Soils, plant tissues, fertilizers	500
Pesticide each sample	1,000
2. Manures, Fertilizers and Amendments Analysis	
Each major constituent	170
Each trace element	50
3. Fungicides (Copper Based) Analysis	200
Other fungicides (each active ingredient)	200
4. Plant Tissue Analysis	
Nitrogen	200
Macronutrients (Phosphorus, Potassium, Calcium, Magnesium and Sulphur) (each)	300
Micronutrients (Copper, Zinc, Iron and Manganese)(each)	200
5. Water Analysis for Irrigation Purposes	
Quantitative analysis for quality	350
6. Proximate Analysis for Animal Feeds	
Crude Protein	200
Crude Fibre	250
Crude Oil	500
Vitamins (each)	600
Each major inorganic constituent	170
Amino acids (each)	1,000
7. Farm visits and attachments	
(i) Farm visits	1,000
Transport cost per km.	20
(ii) Attachment to the Laboratories	
(a) Students	
A period of up to 2 weeks per student	1,000
A period of one month per student	2,000
(b) Persons from commercial or industrial firms	
A period of up to 2 weeks per person	2,500
A period of 1 month per person	4,000
8. Plant Pathology Laboratories and Clinics: Identification Services for Phytopathogenic Agents	
(i) Routine single identification and diagnosis	400
(ii) Single identification and diagnosis requiring investigative work	500
(iii) Soil analysis for phytopathogenic agents per sample	500
(iv) Tissue analysis for phytopathogenic nematode per sample	400
(v) Consultancy and prescriptions	250
9. Agricultural related products for analysis of bacteria, fungi	

Plant Protection

[Subsidiary]

and nematodes:	
(i) Bacterial counts per sample	500
(ii) Fungal counts per sample	500
(iii) Nematode counts per sample	500
10. Entomology laboratories and clinics: Identification/diagnostic services/prescriptions:	
(i) Routine single identification and diagnosis	400
(ii) Detailed single identification and diagnosis requiring investigative work	500
(iii) Consultancy and prescription fees	250
(iv) Multiple pest species identification and diagnosis	600
11. Weed Science Laboratory and Herbaria: Identification/diagnosis service/prescriptions:	
(i) Routine single identification and diagnosis	400
(ii) Detailed single identification and diagnosis requiring investigative work	500
(iii) Consultancy and prescription fees	250
12. Phytosanitary (Plant Health) Inspections	
(i) Plant import permit	500
(ii) Phytosanitary Certificate (research materials)	500
(iii) Phytosanitary Certificate (commercial commodities)	1,000
(iv) Inspection sports of entry/exit Nairobi (transport provided)	800
(v) On-farm inspection including visits to open quarantine sites per hectare	800
(vi) Plus additional charge per hectare (excluding cost of transport)	250
(vii) Premises/commodity inspection routine (excluding cost of transport)	500
13. Other common services	
(i) Farm visits (transport provided) (per officer)	1,000
(ii) Farm visits (transport provided) (plus cost of transport)	1,000
(iii) Training courses in Post Harvest Technology, Practices and Principles	
(i) A period of one week per participant	4,000
(ii) A period of more than one week but not exceeding two weeks per participant	6,000
14. Grading and Inspection Services:	
(a) Local tea and coffee for Export	
Per entry or per consignee	20,000
Per Ex- Ware-house Export Entry	5,000
(b) Agricultural export products/produce per entry or consignment for all articles declared to be agricultural produce/products locally produced or on transit for export	5,000
(c) Imported agricultural produce/products per metric tonne or kilogramme for such products declared to be articles under section 2 of the Act.	10cts/Kg.
(d) Agricultural imports on transit as listed in paragraph 14(c) and any other produce per metric tonne or per kilogramme	5cts/Kg.
(e) Physical test/examination/inspection	
Empty ship inspection/survey	10,000
Large vessel (over 10,000 MTs)	5,000
Small vessel (less than 10,000 MT) (boats, dhows, canoes)	1,000
Large containers (40 ft.) inspection (each)	1,000
Small containers (20 ft.) inspection (each)	500
Moisture content determination per sample	1,000
Large aircrafts (each)	3,000
Small aircrafts (and balloons) (each)	1,500
(f) Sampling of minor consignment for quality examination per consignment per lot	5,000

PLANT PROTECTION (FEES AND CHARGES) RULES, 2009

[L.N. 48/2009.]

- These Rules may be cited as the Plant Protection (Fees and Charges) Rules, 2009.
- The fees and charges for services rendered by the Kenya Plant Health Inspectorate Services shall be as specified in the Schedule to these Rules.
- L.N. 12 of 2000 is revoked.*

SCHEDULE**PART A – ANALYTICAL SERVICES**

Plant Protection

[Subsidiary]

Analytical Sample	Analysis Requested	Charges (KSh.)
1. Fruits, vegetables and seed dressing	Dithiocarbamates	14,000
2. Fruits and vegetables (Ethyl acetate method)	Pesticide residues (screening)	22,000
3. Fruits and vegetables (Acetone method)	Pesticide residues (screening)	21,500
4. Water (DCM method)	Pesticide residues (screening)	17,500
5. Water Diethyl Ether method	Pesticide residues	15,000
6. Fruits and vegetables (HPLC method)	Pesticide residues (screening)	20,000
7. Soil & sediment (Ammonium chloride method)	Pesticide residues (screening)	20,500
8. Soils and sediment (Sovhiet method)	Pesticide residues (screening)	30,500
9. Animal tissue and fish	Pesticide residues (screening)	36,000
10. Cereals and seed (Sovhiet method)	Pesticide residues (screening)	31,500
11. Cereals and seed (Surface rinse analysis)	Pesticide residues (screening)	21,500
12. Formulated pesticide products	% Active ingredient per active ingredient	2,500
13. Granular fertilizer, foliar fertilizers and manure	Nitrogen	3,100
	pH	800
	Phosphorous	1,500
	Potassium	800
	Calcium	800
	Magnesium	800
	Sulphur	1,000
	Trace	800
	Total	12,100

SCHEDULE—continued

Analytical Sample	Analysis Requested	Charges (KSh.)
14. Animal feeds	Calcium	500
	Phosphorous	1,000
	Crude oil	2,200
	Crude fibre/ash	3,400
	Crude protein	1,100
	Moisture	300
	Total	8,500
15. Plant tissue	Nitrogen	2,600
	Phosphorous	800
	Sodium	600
	Potassium	600
	Calcium	200
	Magnesium	200
	Zinc	600
	Iron	600
	Copper	600
	Total	6,800
16. Soil analysis for fertility evaluation		2,500 per sample
17. Water analysis for irrigation suitability		3,500 per sample
18. Mycotoxin analysis		3,000 per sample

PART B – CHARGES ON PHYTOSANITARY SERVICES

Item	Charges (KSh.)
1. Identification services for phytosanitary agents	
(a) Routine identification and diagnosis of fungi (simple without culture)	500
(b) Single identification and diagnosis of fungi requiring culturing and further investigation—	
(i) Culture charges	1,500
(ii) Diagnosis requiring serology	3,000
(iii) Other specialized techniques	3,000
(iv) Fungal count per sample	500
(c) Diagnosis (aflatoxin test)	3,000
2. Identification and diagnosis of bacteria (simple, without culture)—	
(a) Bacteria counts per sample	500
(b) Diagnosis requiring culturing and further investigation	2,000
(c) Diagnosis requiring serology and other specialized techniques	3,000
3. Identification and diagnosis of virus and other phytoplasma—	
(a) Simple, routine tests	1,000
(b) Diagnosis using test plants	2,000

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[Subsidiary]

SCHEDULE—continued

Item	Charges (KSh.)
(c) Diagnosis using test serology per virus	1,500
(d) Additional diagnosis using other techniques e.g. PCR per single virus	3,000
4. Identification and diagnosis of Nematodes—	
(a) Soil analysis per sample	500
(b) Tissue analysis	1,000
(c) Nematode count per sample	500
5. Entomology Laboratories and Clinics—	
(a) Identification/Diagnostic Services/ Prescription—	
(i) Routine single identification and diagnosis	500
(ii) Detailed single identification and diagnosis requiring investigative work	1,000
(iii) Multiple pest species identification and diagnosis	2,000
6. Weed Science/Laboratory and Herbarium—	
(a) Identification/Diagnostic Services/Prescription—	
(i) Routine single identification and diagnosis	500
(ii) Detailed single identification and diagnosis requiring investigative work	1,000
(iii) Multiple pest species identification and diagnosis	2,000
7. Consultancy and prescriptions	500
8. Virus clean up (per first 10 plants)—	4,000
(a) Sale of virus free plant (per plant)	50
(b) Maintenance of plants green house (propagating) per month	2,000
9. Phytosanitary (Plant Health) Inspections—	
(a) Plant import permit	600
(b) (i) Phytosanitary certificate (Commercial commodities)	1,000
(ii) Phytosanitary certificate (Research material)	
(iii) Phytosanitary certificate for fresh produce	500
(iv) Fresh produce inspection 50 cents per kg (minimum charge of 100) + KSh. 500 per phytosanitary certificate	
(v) Search fee for phytosanitary documents	200
(vi) Amendment/Replacement of phytosanitary documents	1,000
(c) Inspection at ports of entry/exit (Nairobi)	1,000
(d) On-farm inspection including visits to open quarantine sites per hectare	1,000
(e) Plus additional charge per Ha. (Excluding charge of transport and subsistence)	2,500
(f) Premises/commodity inspection – Routine (Excluding transport costs and subsistence)	1,000
(g) Inspection of Quarantine facility	5,000
10. Farm visits	2,000
11. Nursery Inspections and Certification—	
(a) Inspection	2,000
(b) Certification	5,000
(c) Renewal of certificate	1,000 per year
12. Grading and inspection services—	
(a) Local tea and coffee for export—	
(i) Per entry/consignee	20,000

Plant Protection

[Subsidiary]

SCHEDULE—continued

Item	Charges (KSh.)
(ii) Per Ex-warehouse export entry	5,000
(b) Agricultural export products/produce per entry or consignment for all articles declared for export (local or transit)	5,000
(c) Imported agricultural produce/products per metric ton or kg for such products declared to be articles under	50 cts per kg.
(d) Agricultural imports on transit as listed in item 12(c) and any other produce per metric ton or per kg	50 cts per kg.
(e) Physical test/examination/inspection—	
(i) Empty ship inspection/survey	10,000
(ii) Large vessel (over 10,000 MTs)	5,000
(iii) Small vessel (less than 10,000 MT) (about, dhows, canoes)	1,000
(iv) Large containers (40 ft.) inspection (each)	1,000
(v) Small containers (20ft) inspection (each)	500
(vi) Moisture content determination per sample	1,000
(vii) Large aircrafts (each)	3,000
(viii) Small aircrafts (and balloons) (each)	1,500
(x) Sample of minor consignment for quality examination per consignment	5,000
13. Ensuring compliance to guidelines on wood packaging material—	
(a) Application fee (non refundable)	1,875
(b) Authorization for treatment and marking fee	7,500
(c) Renewal fee (annually)	18,750
(d) Treatment 20 ft. container	5,000
(e) Treatment-dunage, planks, wooden boxes, wedges and others	3,000
(f) Marking-Standard Pallet charges per pallet	25
(g) Marking damage, planks, wooden boxes, wedges and others per consignment	1,000
(h) Auditing and monitoring charges per audit	5,000
14. Transport cost per km	35

PART C – OTHER SERVICES

1. Training—	
(a) Locals Students—	
(i) Attachment	500 per day
(ii) Training	1,000 per day
(b) Others/non-students	2,500 per day.
(c) International attachment, training and others	\$6,000 per month or \$200 per day.
2. Consultancy—	
(a) Local	10,000 per day
(b) International	\$300 per day per person

[Subsidiary]

**PLANT PROTECTION (IMPORTATION OF PLANTS, PLANT
PRODUCTS AND REGULATED ARTICLES) RULES, 2009****ARRANGEMENT OF RULES***Rule*

1. Citation.
 2. Interpretations.
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 5. Import permits and phytosanitary certificates.
 6. Declaration of arrival of plants, plant products etc. to an inspector.
 7. Inspection and inspection hours.
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 11. Pest risk analysis and information.
 12. Import procedures and quarantines.
 13. Consignment for re-export.
 14. Consignment in transit.
 15. Importation of seeds.
 16. Authorities to assist and co-operate in minimizing threats from risks.
 17. Offences and penalties.
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PLANT PROTECTION (IMPORTATION OF PLANTS, PLANT PRODUCTS AND REGULATED ARTICLES) RULES, 2009

[Section 3, L.N. 108/2009.]

1. Citation

These Rules may be cited as the Plant Protection (Importation of Plants, Plant Products and Regulated Articles) Rules, 2009.

2. Interpretations

In these Rules, unless the context otherwise requires—

“**Authorized Officer**” means the Managing Director of the Kenya Plant Health Inspectorate Service;

“**consignment**” means a quantity of plants, plant products or regulated articles composed of one or more lots being moved from one country to another and covered by a single phytosanitary certificate;

“**import permit**” means an official document authorizing importation of a plant, plant product or regulated article in accordance with specified phytosanitary requirements;

“**interception**” means the refusal or controlled entry of an imported consignment due to failure to comply with phytosanitary rules;

“**National Plant Protection Organization**” means the Kenya Plant Health Inspectorate Service;

“**pest risk analysis**” means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;

“**phytosanitary certificate**” means the official document which attests to the phytosanitary status of any consignment affected by phytosanitary rules;

“**phytosanitary certificate for re-export**” means the official document which attests to the phytosanitary status of a consignment for re-export;

“**phytosanitary measure**” means any legislation or official procedure for the prevention of the introduction or spread of pests;

“**plant product**” means any unmanufactured material of plant origin including grain and those manufactured products that, by their nature or their processing, may create a risk of the introduction and spread of pests;

“**plant quarantine procedures**” means procedures followed for importation of risk-associated materials that require quarantine;

“**point of entry**” means an airport, sea port or land border point officially designated for the importation of consignments or entrance of passengers;

“**provisional quarantine area**” means an area where a quarantine pest is present and is being officially controlled on a temporary basis and may include among others, private farms and institutions;

“**quarantine station**” means an official station for holding plants, plant products or regulated articles under quarantine;

“**quarantine pest**” means a pest of potential economic significance to the area endangered and not yet present there, or present but not widely distributed and being officially controlled;

[Subsidiary]

“regulated article” means any packaging, conveyance, container, soil and other organism, object or material capable of harbouring or spreading pests, that requires phytosanitary measures;

“standard operating procedures” means documented steps and sequences established and amended by the National Plant Protection Organization indicating the methods for enforcing of plant health measures;

“treatment” means an officially authorized procedure for the killing, removal or rendering of pests inactive or infertile;

“risk” means the possibility of an undesirable phytosanitary situation.

3. Importation to conform to Rules

A person shall not import a plant, plant product or regulated article except in the manner provided for under these Rules.

4. Information on import requirements

(1) The National Plant Protection Organization shall from time to time provide information

-
- (a) for the purposes of application for phytosanitary certificate and import permit; and
 - (b) on the official designated points of entry for the importation of plant, plant product or regulated article.

(2) The information shall be availed in print, electronic or any other form or manner that ensures access and use by intending applicants.

5. Import permits and phytosanitary certificates

(1) A person shall not import a plant, plant product or regulated article unless that person has—

- (a) an import permit granted by the National Plant Protection Organization; and
- (b) the original phytosanitary certificate issued by the relevant authority of the exporting country.

(2) Notwithstanding paragraph (1), the National Plant Protection Organization may, upon the written approval by the Authorized Officer, exempt a plant, plant product or regulated article from the requirement of obtaining an import permit or phytosanitary certificate.

(3) An application for an import permit under paragraph (1)(a) shall be made to the National Plant Protection Organization in the prescribed form and the applicant shall pay the prescribed fees.

6. Declaration of arrival of plants, plant products etc. to an inspector

Any person who arrives in Kenya with a plant, plant product or regulated article whether as accompanied or checked-in baggage, shall declare such items to the inspector at the point of entry.

7. Inspection and inspection hours

(1) An importer shall, report the arrival of any consignment of plants, plant products or regulated articles and apply for phytosanitary inspection to the inspector in charge of a point of entry.

(2) An application for phytosanitary inspection under paragraph (1), shall be made in writing and delivered to the inspector in the prescribed form.

(3) Where a person who is in charge of a point of entry has knowledge of the arrival of any plant, plant product or regulated article in Kenya, that person shall report such arrival to the inspector, and retain custody of the plant, plant product or regulated article, until the inspector approves its release.

(4) An inspector shall inspect the plant, plant product, or regulated article at the point of entry and verify the documentation to ensure that the consignment complies with the import phytosanitary requirements.

(5) Where a consignment is sealed and labeled, the National Plant Protection Organization may, upon application by the importer and payment of the prescribed fees, require an inspection to be carried out by the inspector at the final destination.

(6) An inspection under paragraph (4) or (5) shall be carried out—

- (a) during regular business hours; or
- (b) at any other time upon the request of the importer and payment of the prescribed fee.

8. Tests and follow up inspections

The inspector shall on the basis of the import requirements and the nature of the imported material—

- (a) inspect the consignment;
- (b) take samples for laboratory tests; and
- (c) undertake follow up inspection during active growth stages.

9. Import clearance

An inspector shall not allow the entry of any imported plant, plant product or regulated article into Kenya unless—

- (a) an importer has presented to the inspector permit, certificate and any other document; and
- (b) the plant, plant product or regulated article has been presented to and released by the inspector in accordance with these Rules.

10. Notification of interceptions

(1) Where the inspector is satisfied that a consignment does not meet all the phytosanitary requirements, he shall intercept the consignment and notify the consignee and the relevant authority of the exporting country in writing.

(2) A consignment that is intercepted under paragraph (1), shall be seized, detained and treated, disposed or destroyed.

(3) An inspector who causes a consignment or plant, plant product or regulated article to be so seized, detained and treated, disposed of or destroyed shall, as soon as practicable, notify in writing the consignee through an interception notice.

11. Pest risk analysis and information

(1) Where risk associated with the imported plant, plant product or regulated article is unknown, the National Plant Protection Organization shall undertake a pest risk analysis.

(2) The National Plant Protection Organization may request for the pest risk analysis information from the relevant authority of the exporting country.

[Subsidiary]**12. Import procedures and quarantines**

(1) Where upon conducting a pest risk analysis it is determined that the risks associated with importation of a plant, plant product or regulated article are—

- (a) minimal, the National Plant Protection Organization may grant importation permit;
- (b) substantially high, the National Plant Protection Organization may grant permit for importation under plant quarantine procedures;
- (c) very high, the National Plant Protection Organization shall prohibit the importation except for the purpose of restricted essential scientific research and experiment or education.

(2) An inspector shall ensure that the importation of any plant, plant product or regulated article shall not present significant risk to agriculture or natural environment of Kenya and such plant, plant product or regulated article shall be subjected to the quarantine procedures specified in paragraph (1)(b).

(3) The National Plant Protection Organization may, while undertaking a quarantine procedure use its standard operating procedures to designate any of its substation as a quarantine station or specific area or facility as a provisional quarantine.

(4) Where a provisional quarantine facility has been designated within the property of the importer, the importer shall ensure that the product is not taken from the quarantine facility without the approval of National Plant Protection Organization.

(5) The National Plant Protection Organization shall regularly review the situation of any quarantine area or facility and as soon as—

- (a) the relevant quarantine pest is eradicated; or
- (b) it is of the opinion that it is no longer appropriate for the quarantine to be maintained in respect of some or all of the affected area,

the National Plant Protection Organization shall, by written notice served on all affected owners or occupiers of any area or premises, lift the quarantine.

13. Consignment for re-export

(1) Where a consignment imported for re-export is repacked or split up, but its phytosanitary integrity is not lost, the National Plant Protection Organization shall issue a phytosanitary certificate for re-export.

(2) Where a consignment imported for re-export—

- (a) loses its integrity;
- (b) is processed; or
- (c) is exposed to infection or infestation by a pest,

the National Plant Protection Organization shall consider the consignment as if it was being exported from Kenya.

(3) A re-export consignment shall be accompanied by its original phytosanitary certificates or a certified copy in addition to the re-export phytosanitary certificate.

14. Consignment in transit

(1) The National Plant Protection Organization shall not issue a phytosanitary certificate or a re-export phytosanitary certificate to an importer where a consignment is in transit through Kenya and the consignment has not been exposed to infestation or contamination by pest.

(2) Where the consignment in transit is handled in such a manner that it loses its integrity or is exposed to infection or infestation by pest, it shall be considered as a consignment for export and a phytosanitary certificate shall be issued in accordance to these Rules.

15. Importation of seeds

Any person who is importing seed shall, in addition to these Rules, comply with the requirements of the Seed and Plant Varieties Act (Cap. 326).

16. Authorities to assist and co-operate in minimizing threats from risks

A person in charge of a point of entry shall—

- (a) assist the inspector in ensuring that no threat is caused to the plant resources of Kenya where waste is being disposed off from—
 - (i) aircraft, ships, vehicles, rail and pleasure craft arriving in Kenya,
 - (ii) premises which process or wash imported plants, plant products, or regulated articles;
- (b) assist the inspector in the performance of their function and exercise of their powers under these Rules by providing such facilities and assistance as the National Plant Protection Organization may require to implement these Rules.

17. Offences and penalties

(1) A person who contravenes any of the provision of these Rules commits an offence and shall be liable on conviction to a fine of two thousand shillings or imprisonment for a term not exceeding six months or both.

(2) A plant, plant product or regulated article that has been imported into Kenya in contravention to the provisions of these Rules shall be—

- (a) intercepted and destroyed;
- (b) sent back to sender or origin; or
- (c) treated and released,

by the National Plant Protection Organization at the cost of the importer or the owner.

[Subsidiary]

