

17th September, 2004

LEGAL NOTICE NO. 103

**THE DAIRY INDUSTRY ACT (Cap. 336)**

IN EXERCISE of the powers conferred by section 19 of the Dairy Industry Act, the Minister for Livestock and Fisheries Development on the advice of the Kenya Dairy Board, makes the following Regulations

**THE DAIRY INDUSTRY (IMPORTS AND EXPORTS) REGULATIONS, 2004**

**1. Citation.**

These Regulations may be cited as the Dairy Industry (Imports and Exports) Regulations, 2004.

**2. Permit required for import and export.**

- (1) No person shall import or export dairy produce without or permit issued by the Board.
- (2) A permit shall be required for each consignment imported or exported.

**3. Application for a permit.**

- (1) An application for the issue of an import permit shall be in form 1 in the Second Schedule.
- (2) An application for the issue of an export permit shall be in form 2 in the second Schedule .
- (3) The applicant shall give to the Board such information and particulars as the Board may require.

**4. Form of permit.**

- (1) An import permit shall be in form 3 in the second Schedule.
- (2) An export permit shall be in form 4 in the Second Schedule.

**5. Fees.**

The fees set out in the First Schedule are prescribed as fees to be paid to the Board.

**6. Conditions for issuance of permit.**

- (1) The Board shall, before issuing the permit, take into account the interests of other producers and consumers.
- (2) An import permit shall not be issued unless the applicant obtains a no objection certificate from the veterinary department (which is the final authority on animal diseases) before a permit is issued.
- (3) An export permit shall not be issued unless the applicant obtains a veterinary approval that the milk to be exported is fit and that it meets the health requirements of the importing country.

**7. Clearance certificate.**

An importer, having met all the necessary requirements, shall be issued with a clearance certificate by the Board, in form 5 in the Second Schedule, at the port of entry or port of discharge.

### **8. Statement of particulars of dairy produce.**

Any person who imports dairy produce shall, within seven days of a written notice issued by or under the authority of the Board, deliver to the Board a statement in writing giving such information and particulars in relation to any dairy produce as may be required by the notice, and in particular and without prejudice to the generality of the foregoing, give information and particulars in relation to –

(a) the quantities of imported dairy produce held in stock previous to the notice or any other period as may be required by the Board, stating whether the dairy produce is held in bond or otherwise, and the date of such importation;

(b) the quantities of the dairy produce for which import orders have been placed, the anticipated date or dates of arrival in Kenya and the source of supply;

(c) The intended destination of imported dairy produce and the names and addresses of the intended distributors, wholesalers or retailers thereof.

### **9. Disclosure to inspector.**

A person suspected to have imported dairy produce may be required to disclose to an inspector of the Board or any other authorized person, the source or source of supply of the dairy produce and the dates of delivery and shall make that disclosure, if so required, in writing.

### **10. Penalty.**

Any person who-

(a) contravenes regulation 3;

(b) fails to comply with a notice issued under regulation 9;

(c) supplies any information or particulars required to be made or disclosed under these regulations which is or are in any respect incorrect, inaccurate or misleading; or

(d) fails to comply with any requirement of an inspector of the Board or any other person authorized by the Board under regulation 10;

is guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both.

**FIRST SCHEDULE**  
**FEEES PAYABLE UNDER THESE REGULATIONS**

*Item*

*Ksh.*

1. Application fee .....600  
2. Fee for the issue of permit ..... 1,000

**KENYA DAIRY BOARD**

**FORM 1**

**APPLICATION TO IMPORT MILK AND MILK PRODUCTS**

*(Note: This is not an authority to import milk and milk products. The Import permit is obtainable from the Chief Executive, Kenya Dairy Board after this form has been approved and on production of Veterinary no. objection Certificate).*

Part I: To be completed by applicant				
Application No.:		Date:		
Name of the Importer		PIN No.:		
Address:		VAT NO.:		
Tel. No.:		Business Location:		
E-mail:	Street/Road:		Town:	
Commodity: <i>(Valid for one consignment only)</i>		Value (C.I.F.) Ksh. <i>(in figures)</i>	Value: <i>(in words)</i>	
		Quantity- Kg. <i>(in figures)</i>	Quantity – Kg. <i>(in words)</i>	
Country of Origin*:	Destination:	Date of Manufacture:	Use by Date:	Route of Import:
Point of Entry:	Landing Date:	Storage Premises: L.R./Plot No.:	Town:	Street/Road: Warehouse No.:

Date of last import:	Quantity-Kg.:		Value Ksh. (C.I.F.):	
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Purpose of importation: Commercial/Donation/Domestic/Other (specify)

*(Tick where appropriate)*

Declaration:

I/we ..... The undersigned of ..... (*Company Name*) and being the agent/principal of .....(Importer) do hereby declare that the information and particulars declared herein are true and complete and I/We accept to comply fully with the conditions and requirements provided by the Dairy Industry Act or any other Law relating to exports of dairy produce.

Date ..... Signature of Applicant ..... Designation..... *Note. Part 1: to be completed by the applicant. Misleading information in part 1 may lead to invalidation of the application and/or prosecution.*

Part II: Evaluation – For Official Use Only

*For KENYA DAIRY BOARD*

I have examined the application

I recommend /do not recommend

1. ....

2. ....

3. ....

Name .....

Signed ..... Date .....

The form is valid for three months only, for only one consignment from the date of approval. (Relevant Act: Caps. 364,496,336,254,242) \*Country of origin – primary source of the produce.

**FORM2**

**APPLICATION TO EXPORT MILK AND MILK PRODUCTS**

*Note: This is not authority to export milk and milk products. The Export permit is obtainable from the Chief Executive, Kenya Dairy Board after this form has been approved and on productive of a Veterinary no. objection Certificate).*

Part 1: To be completed by applicant				
Application No.:		Date:		
Name of the exporter:		PIN No:		
Address:		VAT NO:		
Tel. No.:		Business Location:		
E-mail	Street/Road		Town:	
Commodity: (Valid for one consignment only)	Value (C.I.F.) Ksh. <i>(in figures)</i>		Value <i>(in words)</i>	
	Quantity –Kg. <i>(in figures)</i>		Quantity – Kg. <i>(in words)</i>	
Country of Origin*:	Destination:	Date of Manufacture	Use by Date:	Route of Export:
Point of Exit:	Shipment Date:	Storage Premises: L.R./Plot No.:	Town:	Street/Road: Warehouse No.:
Date of last export:	Quantity-Kg.:		Value Ksh. (C.I.F.)	
Purpose of Exportation: Commercial/Donation/Domestic/Other (specify)				
<i>(Tick where appropriate)</i>				

Declaration:

I/we ..... The undersigned of ..... (Company Name) being the agent/principal of ..... (Exporter) do hereby declare that the information and particulars declared herein are true and complete and i/we accept to comply fully with the conditions and requirements provided by **the Dairy Industry Act** or any other law relating to exports of dairy produce.

Date ..... Signature of Applicant ..... Designation .....

*Note- Part 1: to be completed by the applicant. Misleading information in part 1 may lead to invalidation of the application and/or prosecution.*

Part II: Evaluation – For Official Use Only

*For KENYA DAIRY BOARD*

I Have examined the application

I recommend/do not recommend

1.....

2.....

3.....

Name .....

Signed ..... Date .....

The form is valid for three months only, for only one consignment from the date of approval. (Relevant Act: Caps. 364,496,336,254,242) \*Country of origin – primary source of the produce.

**FORM 3**

**THE DAIRY INDUSTRY (IMPORT/EXPORTS) REGULATIONS, 2004**

*Import Permit for Dairy Produce*

Import Permit No.....

Attached Certificate of no objection No .....

This permit is granted under the provisions of the Dairy Industry (Imports/Exports) Regulations to:

Name .....

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

E-mail .....

To import the products listed below

No.	Product	Quantity (Kg./Litres)
1.		
2.		
3.		
4.		

As per application No ..... Dated .....20.....

Conditions: .....

This permit shall expire on ..... 20 .....

Fee paid Ksh .....

Date of Issue .....20 .....

.....

*For Kenya Dairy Board.*

*Note.* - This import permit is subject to the regulations prescribed under the Dairy Industry (Imports/Exports) Regulations, 2004.

**FORM 4**

**THE DAIRY INDUSTRY (IMPORT/EXPORTS) REGULATIONS, 2004**

*Export Permit for Dairy Produce*

Export Permit No .....

This permit is granted under the provisions of the Dairy Industry (Imports/Exports) Regulations to:

Name .....

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

E-Mail .....

To export the products listed below

No.	Product	Quantity (Kg./Litres)
1.		
2.		
3.		
4.		

As per application No ..... Dated .....20.....

*Conditions:*

.....  
.....

This permit shall expire on .....20.....

Fee paid Ksh .....

Date of Issue .....20.....

.....

*For Kenya Dairy Board.*

*Note-*This Export permit is subject to the regulations prescribed under the Dairy Industry (Import/Exports) Regulations, 2004.



FORM 5

KENYA DAIRY BOARD

*The Dairy Industry (Imports and Exports) Regulations*

**CLEARANCE CERTIFICATE FOR IMPORTED DAIRY PRODUCE**

This is to certify that the below named importer, having satisfied the conditions provided under the Dairy Industry (Import and Export) Regulations, 2004, is hereby cleared to release the dairy produce list below:

Name .....

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

E-mail .....

No.	Product	Quantity (Kg./Litres)
1.		
2.		
3.		
4.		

As per application No ..... Dated ..... 20 .....

Signature .....

*Clearing Officer*

Name .....

Designation .....

Official stamp .....

Dated the 13<sup>th</sup> August, 2004.

J.K. MUNYAO,  
*Minister for Livestock and Fisheries Development.*