

REPUBLIC OF KENYA



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Ref. No. MOALF/CS/ADM/21

26<sup>th</sup> August, 2020

Mr. Michael Sialai, EBS,  
The Clerk of the National Assembly,  
The National Assembly, Clerk's Chambers  
Parliament Buildings,  
P. O BOX 41842 – 00100,  
NAIROBI

LIBRARY

THE NATIONAL ASSEMBLY  
PAPER SAID

DATE: 10 SEP 2020

TABLED BY: [Signature]

CLERK AT TABLE: [Signature]

20 Register and table

Dear

**RE: THE CROPS (NUTS & OIL CROPS) REGULATIONS, 2020**

Please refer to the above subject matter.

Following the enactment of the Crops Act, 2013, the Ministry of Agriculture, Livestock, and Fisheries & Cooperatives has now prepared the Crops (Nuts & Oil Crops) Regulations, 2020 for the nuts and oil crops sub-sector. The said regulations have gone through the requisite statutory processes and have been published through the Office of the Attorney General.

In line with the provisions of the Statutory Instruments Act, please find attached the said regulations together with the requisite statutory documents for consideration by the National Assembly Committee on Delegated Legislation:

- a) The Crops (Nuts & Oil Crops) Regulations 2020 (The hard copy from the Government printers will be availed once available).
- b) Explanatory Memorandum.
- c) Regulatory Impact Statement.
- d) Regulatory Impact Assessment Report
- e) The Kenya Gazette and Newspaper Advert
- f) Report on stakeholder Comments and Submissions.
- g) The certificate indicating compliance with provisions of the Statutory Instruments Act.

Yours

*Sincerely*

Hon. Peter Munya, MGH  
CABINET SECRETARY

Encls.

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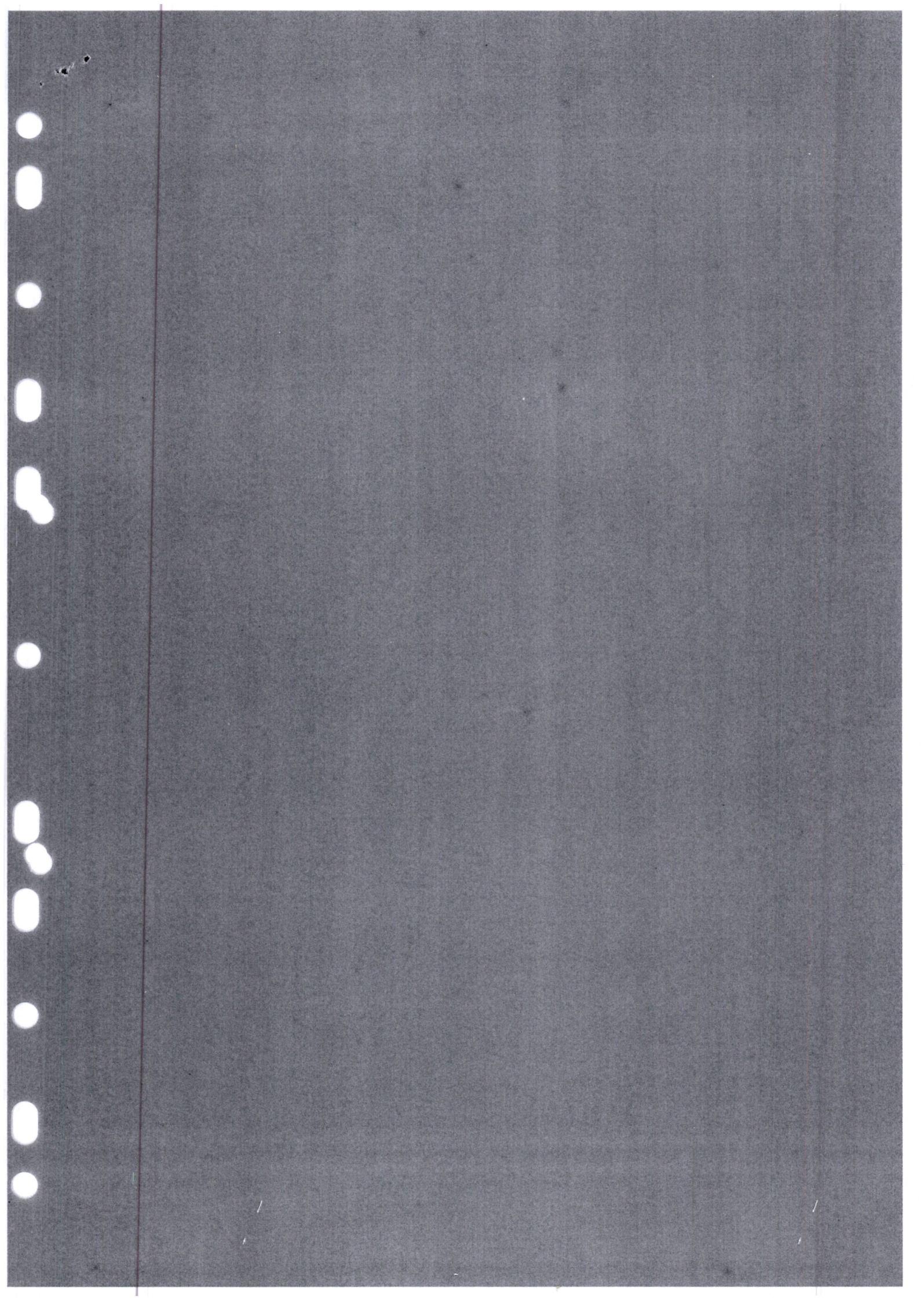
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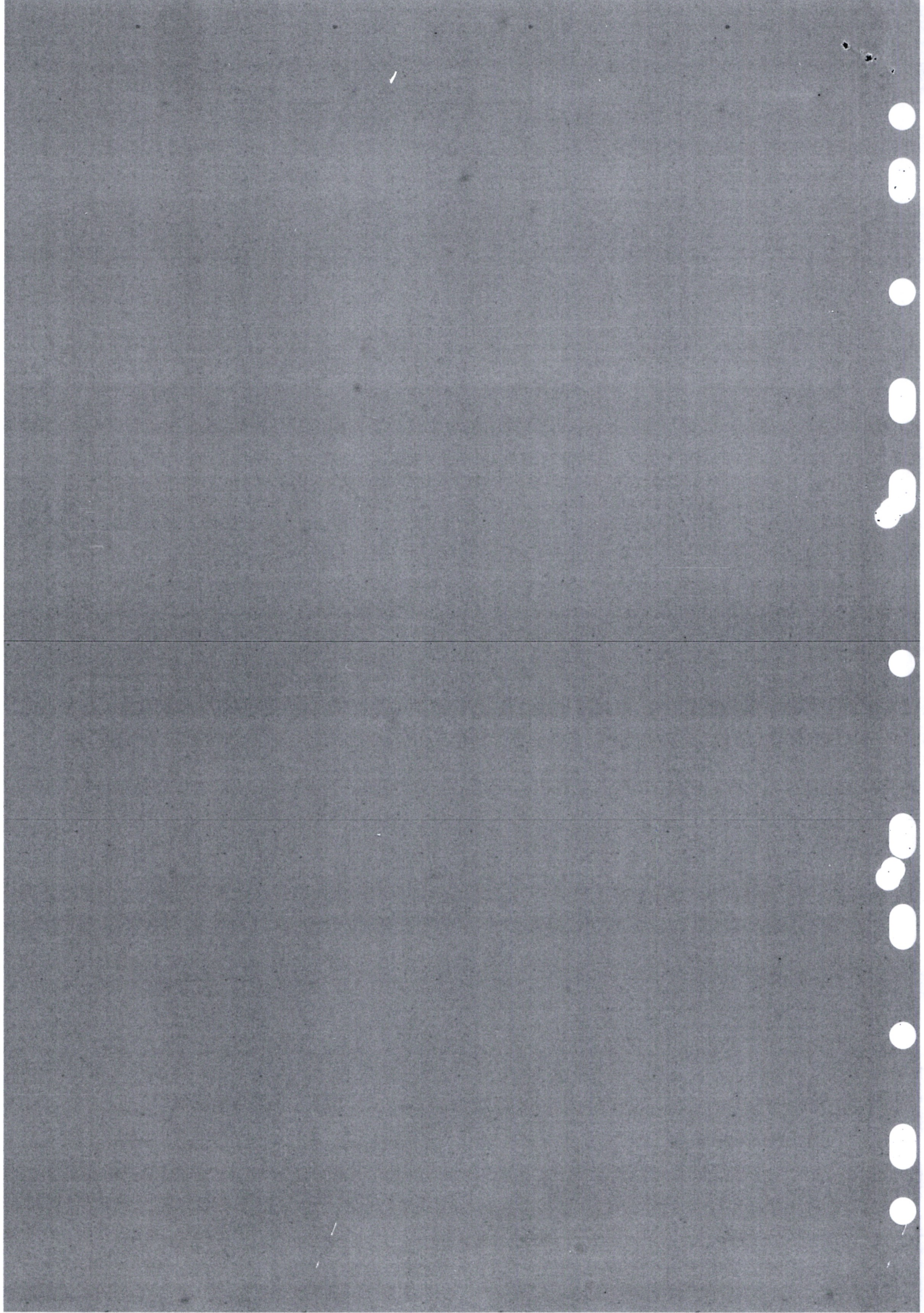
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# **THE CROPS (NUTS & OIL CROPS) REGULATIONS, 2020**

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**THE CROPS (NUTS AND OIL  
CROPS) REGULATIONS, 2020**

(Legislative Supplement No. 95)

LEGAL NOTICE NO. 164

THE CROPS ACT

(No. 16 of 2013)

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020

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## 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 Agriculture and Food Authority and the County Governments, makes the following Regulations—

THE CROPS (NUTS AND OIL CROPS) REGULATIONS,  
2020.

## PART I—PRELIMINARY

1. These Regulations may be cited as the Crops (Nuts and Oil Crops) Regulations, 2020. Citation.
2. In these Regulations unless the context otherwise requires— Interpretation
- “Act” means the Crops Act 2013; No. 16 of 2013.
- “agent” means a dealer acting on behalf of a licensed player and can be a marketing agent or clearing agent;
- “annual crop” means plants that complete their entire life cycle from seed to flower and to seed within a single growing season in this case includes rape seed, groundnuts, sesame, castor bean, sunflower, safflower, linseed, jojoba and any other similar nut and oil crop as may be scheduled;
- “authorized agent” means a person appointed in writing by the Authority to carry out specific duties and functions in the nuts and oil crops subsector on behalf of the Authority;
- “Authority” means the Agriculture and Food Authority established by section 3 of the Agriculture and Food Authority Act, 2013; No. 13 of 2013
- “certificate” means a document issued by the Authority or the County Government for a specified purpose upon fulfilling certain requirements;
- “collection center” means a designated site that is established for the purposes of storage and marketing of different nuts and oil crops produce and products;
- “commercial nursery” means an approved site where nuts and oil crops seedlings are raised for sale;
- “County Government” shall have the meaning assigned to it under Article 176 of the Constitution;
- “crop inspectors” means persons appointed as inspectors in accordance with section 27 of the Act;
- “dealer” includes a person engaged in either collecting, transporting, storing, distributing, or buying and selling nuts and oil crops produce, products or by-products and includes marketing agents, exporter, importer and ship chandler. For purposes of these regulations, a commercial nursery operator is also a dealer;

“Directorate” means the Directorate established under the Agriculture and Food Authority Act, 2013 for the time being responsible for matters related to scheduled nuts and oil crops;

“export” means to move or ship locally (Kenyan) produced nuts and oil crops produce or products to another country;

“grower” means any person who cultivates nuts and oil crops in Kenya and may be a small-holder or plantation grower;

“grower associations” means any association, common interest group, community-based group, co-operative, union or federation of nuts and oil crops growers or any other legal entity comprised of nuts and oil crops growers;

“import” means to bring into Kenya, nuts and oil crops produce or products from another country;

“licensee” means a person who holds a license granted under the Crops Act, 2013 or these Regulations;

“manufacture” means the processing of all nuts and oil crops produce and products and includes cracking, grading, packaging, labelling and distribution of nuts and oils crops products for sale; and does not include de-husking and drying;

“manufacturer” means a processing facility that transforms nuts and oil crops produce or products into various end use products;

“mother block” means an area set aside with selected plants for the purpose of obtaining clean planting, grafting and budding material;

“mother plant” means a tree that has been identified and approved by the relevant authority as a source of planting, grafting or budding material;

“nuts and oil crops” means any of the crops listed under the First Schedule and includes such other crops that the Cabinet Secretary may on the advice of the Authority, *gazette* to be a scheduled crop under section 7 of the Crops Act, 2013;

“perennial crop” means plants that persist for many growing seasons and in this case includes macadamia, cashew, coconut, oil palm, and any other nuts and oil crop that may be scheduled from time to time;

“person” includes an individual, company, firm, co-operative society, association or a corporation;

“plantation grower” means a grower with fifty acres or more for perennial crops or ten acres or more for annual crops;

“raw macadamia nut” means unprocessed produce still in shell, whether wet or dry;

“raw cashew nut” means unprocessed produce still in shell;

“record” means a written or electronic data or information relating to a process or procedure;

“rootstock” means the part of a plant which forms the root system of the plant, and into which a scion cultivar is grafted or budded;

“scion” means a detached shoot or bud used in vegetative propagation in the process of grafting or budding;

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

“single window system” means a platform hosted by a government agency responsible for trade facilitation for clearing exports and imports electronically;

“small-holder grower” means a grower with less than 50 acres under perennials or less than 10 acres under annuals for nuts or oil crop;

“stakeholder” means any person involved directly or indirectly in the nuts and oil crops industry; and

“traceability” means ability to track nuts and oil crops produce and products from production to the final consumer and vice versa.

3. These Regulations shall apply to the nuts and oil crops set out in the First Schedule.

Application.

4. (1) The purpose of these Regulations is to guide the development, promotion, and regulation of scheduled nuts and oil crops for the benefit of the growers and other stakeholders in the nuts and oil crops industry.

Purpose of Regulations.

(2) Without prejudice to the generality of sub-regulation (1), the purpose of these Regulations is to provide for—

- (a) the production, harvesting, processing and marketing of nuts and oil crops;
- (b) promotion of best practices in the sub sector;
- (c) registration and licensing of all players along the value chain;
- (d) the recommendation of general industry agreements or contracts;
- (e) the development and enforcement of quality and safety standards for compliance;
- (f) the collection, collation, maintenance and management of statistical data related to the sub sector;
- (g) the imposition and administration of levies; and
- (h) regulation of the sub sector.

#### PART II—REGISTRATION AND LICENSING

5. (1) A small-holder grower may, for purposes of accessing economies of scale, register with an association, common interest groups, community based organizations and co-operatives registered by the respective County Government under these Regulations.

Registration of small-holder growers and grower associations.

(2) A small-holder grower association cultivating nuts and oil crops shall apply to the respective County Government for registration in Form A1 as set out in the Second Schedule.

(3) The respective County Government shall issue a certificate of

registration to small-holder grower associations in Form A2 as set out in the Second Schedule.

(4) All small-holder grower associations cultivating nuts and oil crops shall maintain a register of their members in the manner set out in Form A3 of the Second Schedule.

(5) The Authority shall, in consultation with the respective county government, using the information obtained from a duly filled Form A3 of the Second Schedule, maintain a register of all smallholder growers associations in the manner set out in Form A4 of the Second Schedule.

6. (1) A nuts and oil crops plantation grower may apply to the Authority for registration as set out in Form B1 of the Second Schedule.

Registration of  
plantation growers.

(2) The Authority shall issue a Certificate of Registration to a registered plantation grower in Form B2 as set out in the Second Schedule.

7. (1) A person who intends to establish or operate a commercial nursery in any area shall register with the Authority and apply for a licence in Form C1 set out in the Second Schedule.

Commercial Nursery  
registration and  
licensing.

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

8. (1) The Authority shall issue a licence to a successful applicant in Form C2 set out in the Second Schedule within thirty days, upon payment of fee set out in Third Schedule.

Issuance of  
commercial nursery  
license.

(2) The Authority shall, before issuing the licence under sub regulation (1), satisfy itself that the applicant has met all the requirements as set out in the Part A of the Fourth Schedule.

(3) An unsuccessful applicant shall be notified in writing within seven days of the decision, of the reasons for the rejection of the application.

(4) The applicant under sub regulation (2) may re-apply for registration upon fulfilment of all the necessary requirements.

(5) A person who contravenes the provisions of this regulation commits an offence.

9. (1) A persons who intends to establish a nuts and oil crops mother plant and mother block for use as source of clean planting materials or scions for grafting or budding shall register the mother plant/mother block with government agencies responsible for national plant protection matters.

Mother plants/  
mother block  
registration

(2) The national plant protection agencies shall share the details of persons registered under sub regulation (1) with the Authority and with the respective County Government.

(3) A nursery operator shall only source their planting materials from mother plant /mother blocks registered under these Regulations.

10. (1) A person who intends to aggregate, trade, retail, transport, distribute or warehouse nuts and oil crops produce and products for commercial purposes shall make an application for

Registration and  
licensing of traders,  
retailers,  
transporters,  
marketing agents,

registration and licensing to the Authority in Form D1 as set out in the Second Schedule.

warehousemen and distributors.

(2) The Authority shall issue a licence to a successful applicant under sub regulation (1) in Form D2 set out in the Second Schedule upon payment of fees set out in the Third Schedule.

(3) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction, to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings, or to both.

11. (1) A person who intends to import or export nuts and oil crops produce or products shall make an application for registration and licensing to the Authority in Form E1 as set out in the Second Schedule and meet the requirements set out in Part C of the Fourth Schedule.

Registration and licensing of importers and exporters.

(2) The Authority shall, within fourteen days of the application, issue a successful applicant with a licence in Form E2 set out in the Second Schedule and upon payment of the fee set out in Third Schedule.

(3) A person who contravenes the provisions of this regulation commits an offence and shall upon conviction, be liable to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings, or to both.

12. (1) A person who intends to establish a new manufacturing facility shall, before establishing the manufacturing facility, apply for approval from the Authority using the application form set out in Form F1 in the Second Schedule.

Application for approval to establish a manufacturing facility.

(2) The Authority shall within thirty days of the application, verify that the applicant under sub regulation (1) has fulfilled all the requirements set out in Form F2 of the Second Schedule before issuing the applicant with a letter of interim authority.

(3) Upon completion of the facility, the applicant shall make a written application for inspection of the facility to the Authority and pay the inspection fee set out in Third Schedule.

(4) Upon receipt of the letter under sub regulation (3) the Authority shall conduct an inspection of the facility and issue the applicant with a letter indicating the outcome of inspection within thirty days of the inspection.

(5) The letter of interim authority issued under sub regulation (2) shall be valid for a period two years and shall be renewable once for a period of one year where the construction of the facility is not completed within the first two years.

13. (1) A person who intends to manufacture nuts and oil crops produce or products shall make an application for a licence to the Authority in Form G1 as set out in the Second Schedule.

Issuing of Manufacturing Licence.

(2) The Authority shall consider the application under paragraph (1) and notify the applicant of the decision on grant within thirty days.

(3) The Authority shall, at least thirty days before granting a licence under these Regulations, give notice of the proposed grant in the *Gazette*.

(4) Upon the expiry of the notice issued under sub regulation (3), and where no objections have been raised, the Authority shall issue a licence to a successful applicant in Form G2 set out in the Second Schedule upon payment of the fee set out in the Third Schedule.

(5) Where, upon the publication of the notice under sub regulation (3) an objection is raised, the aggrieved party may appeal to the Cabinet Secretary in the manner set out in regulation 18.

14. (1) Every licence granted under these Regulations shall expire on 30th of June following the date of issue unless otherwise stated or earlier cancelled.

Renewal of  
Licences.

(2) Applications for renewal shall be made to the Authority not later than the first day of the month of June in which the current license is due to expire.

(3) Where the applicant fulfils all the requirements necessary for the renewal of the licence and pays the renewal fee set out in Third Schedule, the Authority shall renew the licence within fifteen days after the expiry of the current licence.

15. The Authority or the county government as the case may be, may require an applicant to supply such additional information as it may consider necessary in relation to the application for registration, licence or renewal of a licence or registration.

Additional  
information.

16. (1) The Authority or the county government as the case may be shall, when considering an application for new registration or renewal of registration, make a decision within fifteen days of the application.

Decision on  
registration,  
licensing and  
renewal.

(2) The Authority shall, when considering an application for a new licence under these Regulations, make a decision within thirty days upon receipt of a complete application and shall forward the details of successful applicants for publication in the *Gazette* for thirty days.

(3) The Authority shall, when considering an application for renewal of a licence under these Regulations, make a decision within thirty days upon receipt of an application

(4) In case of an unsuccessful application, the Authority shall review re-submitted application for consideration upon fulfilling the set requirements.

17. Every dealer and manufacturer shall pay the licensing fee set out in the Third Schedule.

Licensing fee.

18. (1) The Authority may revoke, suspend or vary a licence issued to a dealer or manufacturer if the person—

Revocation,  
suspension or  
varying of a licence

(a) fails to comply with these Regulations or the conditions set

out in the licence; or

- (b) commits an offence under the Act, these Regulations or any other written law in respect of the activity for which they have been licensed.

(2) An applicant for a licence who is aggrieved by the decision of the Authority in respect of the grant, refusal renewal, variation or revocation or the conditions imposed on the licence may appeal to the Cabinet Secretary for a review of the decision of the Authority in accordance with section 25 of the Act.

(3) The appeal 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.

(4) The Cabinet Secretary shall consider the appeal and give a written feedback to the affected party within forty five days of receipt of the appeal.

19. A certificate of registration, licence or permit issued under these Regulations shall not be transferrable to any other entity and shall only be applicable to the parcel of land, nursery or premise to which it has been issued.

Certificate of registration, license or permit not transferable.

### PART III— PRODUCTION, PROCESSING AND MARKETING PROVISIONS

20. (1) A person growing nuts and oil crops shall procure seeds or planting materials or seedlings from sources approved by the government agencies responsible for inspection and certification of seeds and planting materials or seedlings.

Approved seed or planting material source.

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

21. (1) A mother plant and mother block for use as source of clean planting material shall be established in accordance with the guidelines issued by the relevant government agencies in consultation with the respective County Government from time to time.

Mother plants/ mother block and nursery establishment.

(2) A nursery shall be established in accordance with any guidelines issued by the Authority in consultation with the respective County Government from time to time.

(3) A person who contravenes the provisions of this regulation commits an offence.

22. (1) A registered dealer or manufacturer shall—

- (a) sign a contract with the grower and register the contract with the respective County Government as set out in Part B of the Fifth Schedule;
- (b) notify the Authority and the relevant County Government of any breach to the contract within thirty days of the breach for purposes of initiating an arbitration process.

Contracts between grower or dealer or manufacturer.

(2) A person who contravenes the provisions of these regulation commits an offence.

23. (1) Nuts and oil crops produce and products shall be produced, harvested, sorted, graded, packaged, transported and stored or warehoused in accordance with the guidelines set out in Part C of the Fifth Schedule and the applicable national, regional and international standards.

Production and processing.

(2) Every grower and dealer shall harvest, sort, grade, pack, transport and store or warehouse nuts and oil crops when the produce is physiologically mature for the intended use.

(3) Physiological maturity indicators vary from crop to crop and the intended use of the produce but shall include the following—

- (a) in the case of macadamia and cashew nut, fruit left to fall to the ground before being collected;
- (b) in the case of macadamia, float test;
- (c) in the case of macadamia and peanut, a chocolate brown inner side of husk or pod;
- (d) in the case of peanut, a mature pod that is hard to split;
- (e) in the case of sunflower, the flower head should turn light yellow or brown and the seeds shall be dry and protruding from flower head;
- (f) in the case of sesame, the plant and capsule shall be dry and the seed to have at least six percent moisture content.

(4) Notwithstanding the provisions of sub-regulation (3), the county government in consultation with relevant stakeholders may from time to time identify and enforce the maturity indicators applicable to the crops grown.

(5) All premises for storage and processing of nuts and oil crops produce and products shall comply with the provisions of these Regulations and the national, regional and international food safety and quality standards where applicable.

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

24. (1) The Authority may develop, implement and maintain a detailed traceability system to track and trace the history and location at all stages of production, processing and distribution of the nuts and oil crops produce and products and keep the records for at least two years

Traceability of produce and products.

(2) Every manufacturer or dealer shall develop and maintain records of who they buy from and who they sell to for the purpose of feeding into the traceability system of the Authority.

(3) Every grower shall develop and maintain production records for at least two years for annual crops and five years for perennial crops, setting out—

- (a) source of planting material;
- (b) planting date;

- (c) application rates and date of farm inputs use;
- (d) farm operations type and date done;
- (e) harvesting dates and quantities; and
- (f) post-harvest management records.

(4) A person who contravenes the provision of this regulation commits an offence.

25. The Authority shall conduct a bi-annual routine verification of the traceability of produce and products along the value chain.

Bi-annual verification of traceability.

26. (1) A person shall not manufacture or be in possession of a scheduled nuts and oil crop product for sale without a licence issued in accordance with these Regulations.

Manufacturing and being in possession of scheduled nuts and oil crops.

(2) A person who manufactures or is in possession of a scheduled nuts and oil crops produce or product in contravention to the provisions of these Regulations commits an offence and shall be liable, upon conviction, to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding five years, or both.

27. (1) For purposes of traceability, the buying and selling of nuts and oil crops produce and products from small-holder farmers for commercial purposes, may be done in collection centers.

Buying and selling of nuts and oil crops produce.

(2) Nuts and oil crops produce and products from plantation growers may be sold directly to the market as long as clear and verifiable traceability system is used.

28. (1) The Authority shall, in consultation with the respective County Government use guidelines as set out in Part A of the Fifth Schedule for the establishment and uses of collection centers.

Collection centers.

(2) The collection centers may be owned or managed by county governments, growers' associations, dealers or the manufacturers.

(3) The guidelines under sub regulation (1) may be reviewed from time to time as and when necessary.

29. (1) All nuts and oil crops produce and products shall be imported or exported through a customs port of entry or exit.

Importation and exportation of nuts and oil crops produce and products.

(2) A licensed importer or exporter of nuts and oil crops produce and products shall apply for an export or import permit electronically through single window system for each consignment of imported or exported nuts and oil crops produce or products.

(3) Each consignment of nuts and oil crops produce or products for import or export shall be declared at the port of entry or exit and may be physically verified by the Authority or its authorized agent.

(4) During the verification of a consignment under sub-regulation (3), a licensed importer or exporter shall provide, on request by the Authority or its authorized agent—

- (a) original copies of importation or exportation documentations;

(b) evidence of payment of duties and levies.

(5) Upon satisfying the conditions for import or export of nuts and oil crops produce and products under these Regulations, the Authority shall approve for release of the consignment to the consignee.

(6) The Authority shall, in collaboration with other government agencies detain, at the cost of the consignee, any consignment that is not accompanied by the documents required under paragraph (5) until the requisite documentation is availed for verification.

(7) A consignment whether repacked or in the original package shall bear, in bold print, the name and contact details of the consignor, consignee and the country of origin.

(8) The Authority shall together with other government agencies, at the cost of the owner, seize, or remove in an appropriate manner, any consignment of nuts and oil crops produce and products that does not conform to the quality standards set by the Authority.

30. (1) The Authority and county government together with other government agencies responsible for ensuring quality produce and products may conduct field inspection of nuts and oil crops grown to ascertain quality control during production.

Field and  
Manufacturing  
facility inspection.

(2) The Authority shall conduct the first inspection of newly established manufacturing facility upon payment of fee as set out in Third schedule, to ensure compliance with national, regional and international standards on food safety and good manufacturing practices.

(3) The Authority shall conduct quarterly inspections, upon payment of fees as set out in Third schedule, on existing manufacturing plants to ensure conformity to standards

31. (1) The Authority shall conduct inspection of farms, nurseries, manufacturing facilities, stores and warehouses and transport vehicle for all scheduled nuts and oil crops produce and products to ascertain compliance with the requirements of the Act, these Regulations and other relevant regional and international standards.

Crop inspectors  
appointment.

(2) For farm inspection the Authority may jointly conduct inspections in consultation with the County Executive Committee Members responsible for matters agriculture.

(3) The Authority shall gazette inspectors upon their appointment.

(4) A person appointed as an inspector under sub regulation (2) shall have the following minimum qualifications—

- (a) be a Kenyan citizen;
- (b) satisfy the requirements of Chapter Six of the Constitution;
- (c) be a holder of diploma in agriculture or related agricultural field from a recognized institution and a minimum of two years of relevant experience; or

- (d) be a bachelor's degree holder in agriculture or agriculture-related field from a recognized university; and
- (e) have basic training in any relevant course on crop inspection.

32. A crop inspector shall perform the following functions—

Functions of crop inspectors.

- (a) conduct inspection and compliance audit to growers, dealers and manufacturers from time to time to ensure compliance to these Regulations;
- (b) monitor activities associated with production, dealing, handling and processing of nuts and oil crops produce and product; and
- (c) undertake regular and periodic surveillance and audits to ensure adherence to the Act, these Regulations and any other laws.

33. In the exercise of the powers of entry and inspection, crop inspectors shall be guided by the provision of sections 28, 29 and 30 of the Act

Entry inspection and obstruction of crop inspectors.

34. All nuts and oil crops produce or products offered for sale shall comply with relevant national, regional and international standards and where applicable food safety and hygiene requirements and phytosanitary requirements.

Compliance with quality standards.

35. (1) The Authority in collaboration with other government agencies shall randomly sample, test and analyze different nuts and oil crops produce and products in collection centers, warehouses, markets and manufacturing facilities to ensure conformity to food safety and quality standards as provided for in national, regional, international and any other relevant laws.

Sampling and testing of produce and products

(2) The Authority shall issue an annual standards conformity certificate to a buyer, warehouseman, transporter, importer and exporter.

(3) The Authority shall seize or remove at the cost of the owner any produce or product that does not conform to food safety, quality and any other requirement in the Regulations.

(4) The Authority shall immediately liaise with other relevant government agencies for disposal or destruction of the seized or removed product or produce.

#### PART IV—GENERAL PROVISIONS

36. (1) An agreement to refer a dispute between a grower and a crop dealer for arbitration under this regulation may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

Dispute Resolution procedure.

(2) A dispute arising between a grower and other crop dealers may be notified in writing and presented by the aggrieved party or their advocate to an arbitrator that has been mutually agreed between the parties and shall have attached thereto copies of the relevant documents

relating to the dispute.

(3) The aggrieved parties are free to agree on the procedure to be followed by the arbitrator in the conduct of the proceedings.

(4) Failing an agreement under sub-regulation (3), the arbitrator may conduct the arbitration in the manner they 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.

37. All licenses and annually renewed certificates of registration issued under these regulations shall remain in force until the thirtieth of June next following the date of issue, unless earlier cancelled.

Validity of licenses and certificates of registration

38. (1) The Cabinet Secretary may charge fees for inspections and licenses for the dealers and manufacturers and impose levies on imports and exports as set out in the Third Schedule.

Fees and levies.

(2) Neither the Authority nor the county governments shall charge any registration fee.

39. (1) Any person who registers small holder growers shall submit annual returns to the respective county government in Form H1 as set out in the Second Schedule by 30<sup>th</sup> of January every year.

Submission of returns.

(2) A plantation grower of nuts and oil crops produce and product shall submit annual returns to the Authority in Form H1 as set out in the Second Schedule by 30<sup>th</sup> of January every year.

(3) Every registered nursery operator shall not later than the fifteen day of the first month of every quarter of a financial year complete and submit to the respective county government, statistical returns in Form H2 as set out in the Second Schedule.

(4) Every dealer and manufacturer of nuts and oil crops produce and product shall fill quarterly returns to the respective county government in Form H3 as set out in the Second Schedule not later than the tenth day of the first month after the end of the quarter.

(5) An importer or exporter of nuts and oil crops produce and products shall submit annual returns of the imports or exports transactions to the Authority in Form H3 as set out in the Second Schedule.

40. A person who commits an offence under these Regulations, for which no penalty is provided, shall be liable upon conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding one year or to both in accordance with section 37 of the Act.

General penalty.

41. All licenses in respect of nuts and oil crops existing before the coming into operation of these Regulations shall remain valid until their expiry, and subsequent licenses shall be issued under these Regulations.

Transition.

## FIRST SCHEDULE



## NUTS AND OIL CROPS

(R.3)

Coconut.....	<i>Cocos nucifera</i> L.
Cashew nut.....	<i>Anacardium occidentale</i> L.
Macadamia nut.....	<i>Macadamia tetraphylla</i> (L. Johnson)
Macadamia nut.....	<i>Macadamia integrifolia</i> (Maiden & Betche)
Ground nuts.....	<i>Arachis Hypogaea</i> L.
Castor beans.....	<i>Ricinus communis</i> L.
Sunflower.....	<i>Helianthus annuus</i> L.
Oil Seed or Rapeseed.....	<i>Brassica napus var. oleifera</i> L.
Jjoba.....	<i>Simmondsia Chinensis</i> (link) C.K Shneid
Safflower.....	<i>Carthamus tinctorius</i> L.
Sesame.....	<i>Sesamum Indicum</i> L.
Linseed.....	<i>Linum usitatissium</i> L.
Oil Palm.....	<i>Elaeis guineensis</i> . Jacq.
Bambara nut.....	<i>Vigna subterranea</i> . (L.) Verdc.

*All others except scheduled oil crops*



## SECOND SCHEDULE

COUNTY GOVERNMENT OF .....

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020

## FORM A1

Serial No.; County code/commodity/000(serial per licensing period) (R.5(2))

APPLICATION FOR REGISTRATION OF SMALLHOLDER GROWERS AND  
GROWERS ASSOCIATIONS.

(To be filled in triplicate)

Full name of the entity .....

Postal Address .....

Registered Office .....

L. R. No. .... Street .....

Tel. No. .... Fax No. ....

E-mail .... Website .....

Location of premise /collection centre:

Village/area .....

Ward .....

Sub-County .....

County .....

Number of growers/traders in the group..... Acreage under production .....

Directors/Officials

Name	Tel No.	ID/Passport No.	PIN No.

Attach copies of registration certificate, ID/Passport of officials/Directors and tax compliance certificate

Types of Produce/ Products .....

Declaration

I/ We declare that the information given above is accurate and complete.

Chairman/Director.....Signature.....Date.....

Secretary.....Signature.....Date.....

Treasurer.....Signature.....Date.....

FOR OFFICIAL USE

<u>County Government Approval</u>
Checked by: County Director of Agriculture/Authorized Officer
Name.....Signature.....Date.....
Approved by: CEC in charge of Agriculture
Name.....Signature.....Date.....
Official stamp/seal

Terms and Conditions

The smallholder growers and grower growers associations shall produce such documentary evidence on the collection Centre/premise, group membership and the volumes produced/ handled on quarterly basis.

COUNTY GOVERNMENT OF.....  
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020  
FORM A2

Serial No; County code/commodity/000(serial per licensing period) (R.5(3))

CERTIFICATE OF REGISTRATION OF GROWER ASSOCIATIONS

Name.....

Postal Address: ..... Tel..... Email.....

L.R. No. ....

Street: .....

is hereby registered as a grower association under these Regulations for the following crops:

.....  
.....

Category:

- Grower Association
- Common Interest Group
- Community Based Organization
- Co-operative

Others (*Specify*).....

Registration number .....

Date of Registration .....

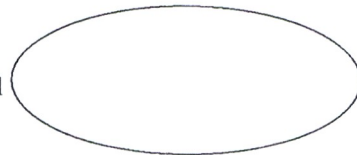
The registration expires on.....

Signed

Name .....

(CEC in charge of Agriculture)

Official stamp/seal



COUNTY GOVERNMENT OF.....

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020

FORM A3

Serial No.; County code/commodity/000(serial per licensing period) (R.5(4))

REGISTER OF GROWERS ASSOCIATIONS.

1. Full name of the entity .....
2. Postal Address.....
3. Registered

Office.....

L. R. No. Street

Tel. No. Fax No. ....

E-mail Website .....

4. Location of premise /collection centre:

Village/area.....

Ward.....

Sub-County.....

County.....

**5. Membership**

<i>Name of the Member</i>	<i>Date of Registration</i>	<i>Membership No.</i>	<i>ID/No.</i>	<i>Village/ Area</i>	<i>Telephone</i>	<i>Commodity</i>	<i>Acreage</i>	<i>Date of Exit</i>

**6. Directors/Officials**

<i>Name</i>	<i>Tel No.</i>	<i>ID/Passport No.</i>	<i>PIN No.</i>

*Attach copies of registration certificate, ID/Passport of officials/Directors and tax compliance certificate*

**Declaration**

I/ We declare that the information given above is accurate and complete.

Chairman/Director.....Signature..... Date .....

Secretary.....Signature..... Date .....

Treasurer.....Signature..... Date .....



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE

FORM A4  
REGISTER OF GROWER ASSOCIATIONS

Serial No. AFA/NOCD/001

(r.5(5))

No.	Name of the Entity	Contact details	Location of entity	Number of Reg. growers	Type of crop grown	Area under crop	Date of submission of returns

Compiled by;

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

Verified by:

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



AGRICULTURE AND FOOD AUTHORITY  
(NUTS AND OIL CROPS DIRECTORATE)

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020

FORM B1

Serial No.; AFA/NOCD/002

r.6(1))

APPLICATION/RENEWAL FOR REGISTRATION OF PLANTATION GROWER

(To be filled in triplicate)

Full name of the grower.....

Postal Address.....

Registered Office.....

L. R. No. .... Tel. No. ....

E-mail..... Website.....

Location of plantation:

Village/area.....

Ward.....

Sub-County.....

County.....

Crop..... Acreage under production.....

Do you use irrigation?..... Source of water.....

Do you carry out processing/value addition (Yes/ No).....

If yes: state type of Produce/ Product.....

Directors/Officials

<i>Name</i>	<i>Tel No.</i>	<i>ID/Passport No.</i>	<i>PIN No.</i>

*Attach copies of certificate of registration or incorporation, ID/Passport of officials/Directors and tax compliance certificate*

Declaration

Chairman/Director.....Signature.....Date .....

Secretary.....Signature.....Date .....

Treasurer.....Signature.....Date .....

FOR OFFICIAL USE:

Authority Approval
Checked by: Authorized Officer
Name.....Signature.....Date .....
Approved by: Director General Agriculture and Food Authority
Name.....Signature.....Date .....
Official stamp/seal

Terms and Conditions:

The applicant shall meet all the prerequisite requirements



AGRICULTURE AND FOOD AUTHORITY  
 NUTS AND OIL CROPS DIRECTORATE  
 FORM B2

Serial No; AFA/NOCD/003

(r.6(2))

CERTIFICATE OF REGISTRATION OF A PLANTATION GROWER

Name.....

Postal Address: ..... Tel..... Email.....

L.R. No. ....

Street: .....

is hereby registered as a Plantation Grower under this Regulation for the following crop(s):

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

Crop Acreage:

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

Registration number .....

Date of Registration .....

Signed .....

Name .....

Director-General

Agriculture and Food Authority

*This Licence is granted subject to the provisions of the Crops Act 2013 and is not transferable*



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE  
FORM C1

Serial No.; AFA/NOCD/004

(r.7(1))

APPLICATION FOR COMMERCIAL NURSERY LICENSE

(To be filled in triplicate)

**Part I**

1. Full name of Applicant .....
2. PIN No..... ID No.....
3. Postal Address..... Tel..... Email.....
4. County..... Sub-County..... Ward..... Sub location.....
5. L.R. No/ Street Name .....
6. Type of planting material to be produced:

<i>Crop/variety</i>	<i>No. of Seedlings</i>	<i>Source of Seed</i>

Applicant's signature..... Date.....

PART II

FOR OFFICIAL USE

**Authority Approval**

Checked by: Authorized Officer

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

Approved by: Director General: Agriculture and Food Authority

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

Official stamp/seal

Terms and conditions for registration

1. Application for licensing shall be made to the Authority.
2. The applicant shall demonstrate proof of adequate knowledge in nursery management.
3. The nursery operator shall submit quarterly returns to the Authority.
4. The nursery operator shall ensure all planting material has been inspected and approved by an officer from Kephis.
5. The nursery operator shall comply with the guidelines on nursery management as issued by the Authority from time to time.



3. All planting material shall be sourced from approved sources.
4. A nursery operator shall ensure that the planting material has been inspected and a phytosanitary certificate issued by the relevant government agency before sale of the planting material.
5. All certified planting materials not sold within six months of certification, will be subjected to re-certification.
6. Nursery operators shall remit statistical returns to the Authority on quarterly basis.



AGRICULTURE AND FOOD AUTHORITY  
(NUTS AND OIL CROPS DIRECTORATE)

FORM D1

Serial No.; AFA/NOCD/006

(r.10(1))

APPLICATION FOR REGISTRATION AND LICENSING OF TRADERS,  
RETAILERS, TRANSPORTERS AND DISTRIBUTORS  
OF .....PRODUCE

*(To be filled in triplicate)*

Full name of Applicant .....

Postal Address.....PIN No / ID. No. ....

Registered Office.....

L. R. No. .... Street .....

Tel. No. .... Fax No.....

E-mail .....Website

.....

Place where the premise is located:

Ward.....

Sub-location.....Location.....

Sub County.....

*The dealer (agent) should declare all premises (buying centres)*

Details of the Buying Centres/Warehouses

Buying Centre Name/No	Volume handled (metric tons)	Location	Street/Avenue / Village	Contact Person	Mobile No.

Please note that new buying centre(s) established by the dealer have to be notified to the county government in writing within 7 days.

Type of dealership e.g. Trader/Retailer/ Transporter/Distributor  
(Specify)

.....

Types of Produce/ Products .....

Sources of supply for Produce .....

Destination for Produce .....

Declaration

I declare that the information given above is accurate and complete.

Name.....

Signature .....

Date .....

FOR OFFICIAL USE

Registration number.....	Date of Registration.....
Authority Approval	
Checked by: Authorized Officer	
Name.....	Signature.....Date .....
Approved by: Director General: Agriculture and Food Authority	
Name.....	Signature.....Date .....
Official stamp/seal	

Terms and Conditions:

1. When considering an application for registration as a dealer the Authority shall satisfy itself that the applicant has complied with requirements and conditions set out in

Part A,B and C of the Fourth schedule, applicable national & international Standards, Code of Practice and any other legal requirements.

2. The dealer shall produce such documentary evidence for the purchases and deliveries to support the statements made above.

3. The dealer shall provide a copy of the contract signed with the buyer/manufacturer/growers.



AGRICULTURE AND FOOD AUTHORITY  
(NUTS AND OIL CROPS DIRECTORATE)

FORM D2

Serial No: AFA/NOCD/007

(r.10(2))

PRODUCE AND/OR PRODUCT DEALER LICENSE

Name .....  
Postal Address: ..... Tel..... Email.....  
L.R. No. ....

Street: .....  
is hereby licensed as a dealer of Nuts and Oil Crops produce and products under these Regulations for the following:

Category:

- Trader
- Retailer
- Transporter
- Distributor
- Marketing Agent

Others (specify).....

License number ..... Date of Licensing .....

Signed .....

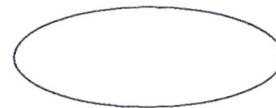
Name.....

(Director General Agriculture and Food Authority)

Official stamp/seal

Terms and Conditions

This License is issued subject to compliance with the provisions of the Crops Act 2013





AGRICULTURE AND FOOD AUTHORITY  
(NUTS AND OIL CROPS DIRECTORATE)

FORM E1

Serial No.; AFA/NOCD/008

(r.11(1))

APPLICATION/RENEWAL FOR AN IMPORTER/EXPORTER REGISTRATION  
AND LICENSING

*(To be filled in triplicate)*

Full name of Applicant .....

Postal Address.....

Registered Office.....

L. R. No. .... Street .....

Tel. No. .... Fax No. ....

E-mail ..... Website .....

Premise Location:

Town/Street.....

Ward.....

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

Directors:

Name	ID/Passport No	Citizenship	Shares

*(Attach copies of certificate of registration/incorporation, ID/Passport of Directors, tax compliance certificate and current Single Business Permit)*

Type of dealership: Exporter/Importer (*specify*).....

Types of Produce/Products .....

Sources of supply for Produce .....

Destination for Produce .....

Declaration

I declare that the information given above is accurate and complete.

Name.....

Signature ..... Date .....

FOR OFFICIAL USE

Authority Approval

Checked by: Authorized Officer

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

Approved by: Director General AFA

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

Official stamp/seal

Terms and Conditions

1. When considering an application for registration and licensing as an importer/exporter the Authority shall satisfy itself that the applicant has complied with requirements and conditions set out in Part A, B and C of the Fourth schedule, applicable national & international Standards, Code of Practice and any other legal requirements
2. The importer/exporter shall produce such documentary evidence for the purchases and deliveries to support the statements made above.



AGRICULTURE AND FOOD AUTHORITY  
 NUTS AND OIL CROPS DIRECTORATE  
 FORM E2

Serial No.: AFA/NOCD/009

(r.11(2))

EXPORTER/IMPORTER LICENSE

Type of License.....

(Grant /renewal)

License No.....

This License is issued to .....

of Postal Address ..... and authorizes the said entity to carry on the business of .....at the premise situated at .....for

the period of ..... beginning on the ..... day of ..... 20..... and ending on the 30<sup>th</sup> day of June 20..... (both days inclusive)

Issued on the ..... day of ..... 20.....

Signed.....

Name .....

Director General  
Agriculture and Food Authority

*This License is granted subject to the provisions of the Crops Act 2013 and to the conditions below:*

1. This License is not transferable
2. This License is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled
3. This License does not authorize the export of raw cashew nuts and raw macadamia nuts



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE

FORM F1

Serial No.; AFA/NOCD/010

(r.12(1))

APPLICATION FOR LETTER OF INTERIM AUTHORITY

To

The Director General  
Agriculture and Food Authority

1) I/We.....

(Director/directors/agent of.....

(Name of business enterprise) apply for a Letter of Interim Authority for .....

(Name of Nuts and Oil Crops project).

2) The registered office of company will be situated

at.....

3) The intended location of the processing facility will be;

a) County..... b) Sub County..... c)

Ward..... d) Village/street.....

4) produce source

a) own farm..... Acres..... production (in Kg) .....

b) contracted..... Number of farmers.... Acres..... production( in Kg).....

5) Copies of the following documents are attached to this application —

- (a) project approval letter from the respective county
- (b) the Memorandum and Articles of Association or partnership agreement;
- (c) the Certificate of Incorporation/Registration;
- (d) the profiles of the investor(s), directors or principal officers;
- (e) a copy of the project profile or feasibility study showing the implementation period, program of implementation and operation dates; and
- (f) evidence of financing and land ownership for the project.

6) Declaration

I declare that the information given above is accurate and complete.

Name..... Signature..... Stamp.....

FOR OFFICIAL USE

Authority Approval

Checked by: Authorized Officer

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

Approved by: Director General AFA

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

Official stamp/seal



AGRICULTURE AND FOOD AUTHORITY  
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020  
FORM F2

Serial No.; AFA/NOCD/011  
(Authority Letterhead)

(r.12(2))

.....  
(Current Date)

.....  
(Applicant's /Company (address))

Dear .....

RE: LETTER OF INTERIM AUTHORITY

.....(name of applicant entity) has demonstrated its commitment to the implementation of the ..... project in ..... County by meeting all the set pre-requirements.

The Authority is satisfied that applicant will: -

- (a) carry out a detailed project study to facilitate environmental impact assessment;
- (b) organize and contract ..... (specify the nuts and oil crop) growers for raw material supply;
- (c) participate in growth and development to the industry;
- (d) install processing machinery and equipment that will match relevant quality and food safety standards;
- (e) apply for a manufacturing license after successful completion of the processing plant; and
- (f) execute the project within the next two years from the date of this letter after which this letter of interim authority shall be invalidated.

The Authority is satisfied with the intentions of ..... (name of the company) in implementing the proposed project and is hereby issued with a Letter of Interim Authority valid up to ..... (two years from the date of this letter)

Yours faithfully,

.....

Director-General  
Agriculture and Food Authority

*Note: - This letter of Interim Authority does not authorize the bearer to purchase, transport, process, export or import nuts and oil crops produce or products*



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE

## FORM G1

Serial No.; AFA/NOCD/012

(r.13(1))

## APPLICATION FOR GRANT/RENEWAL OF A MANUFACTURING LICENSE

*(To be filled in triplicate)*

Full name of Applicant .....

Postal Address .....

Registered Office .....

L. R. No. .... Street .....

Tel. No. .... Fax No. ....

E-mail ..... Website .....

Place where the premise is located:

Town/Street .....

Ward .....

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

Directors:

<i>Name</i>	<i>ID/Passport No</i>	<i>Citizenship</i>	<i>Shares</i>

*(Attach copies of certificate of registration/incorporation, ID/Passport of Directors, tax compliance certificate and current Single Business Permit)*

Types of Produce/ Products .....

Sources of supply for Produce .....

Destination for Products .....

## Declaration

I declare that the information given above is accurate and complete.

Name .....

Signature ..... Date .....

FOR OFFICIAL USE

Authority Approval		
Checked by: Authorized Officer		
Name.....	Signature.....	Date .....
Approved by: Director General AFA		
Name.....	Signature.....	Date .....
Official stamp/seal		

Terms and Conditions

1. When considering an application for licensing as a manufacturer the Authority shall satisfy itself that the applicant has complied with requirements and in condition as set out in part A, B and C of the Fourth schedule, applicable national & international Standards, Code of Practice and any other legal requirements.
2. The manufacturer shall produce such documentary evidence for the purchases and deliveries to support the statements made above.
3. A manufacturer shall pay the prescribed registration fees to the Authority.
4. This certificate is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE  
FORM G2

Serial No.; AFA/NOCD/013

*(r.13(4))*

## MANUFACTURING LICENSE

Type of License.....

(Grant /renewal)

License No.....

This License is issued to

.....  
of Postal Address ..... and authorizes the said entity to carry on the  
business of .....at the premise situated at .....for  
the period of .....beginning on the .....day of .....20.....and  
ending on the 30<sup>th</sup> day of June 20..... (Both days inclusive)

Issued on the .....day of .....20.....

Signed.....

Name .....

Director General

Agriculture and Food Authority

*This License is granted subject to the provisions of the Crops Act 2013 and to the conditions below:*

1. This License is not transferable
2. This license is not for export or import of raw materials or manufactured products
3. The Manufacturer shall pay the applicable fees
4. This license is valid until the thirtieth day of June next following the date of issue, unless earlier cancelled
5. The license does not authorize the export of raw cashew nuts and raw macadamia nuts



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE  
and

COUNTY GOVERNMENT OF.....  
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2020  
FORM H1

Serial No.; AFA/NOCD/014; County code/commodity/000(serial per licensing period)  
(R.39(1),(2))

GROWERS STATISTICAL RETURNS FORM

*(To be completed in triplicate)*

Name of the Growers Association/Plantation Grower.....

ID No/ Certificate No. ....  
 PIN Certificate No. ....  
 Telephone/ Mobile number ..... Postal Address ..... Town.....  
 Location of the farm:  
 Location ..... Ward .....  
 Sub County ..... County.....  
 Period (Year).....  
 Declaration:

Crop	Quantity of produce/product harvested	Quantity of produce/product sold/ distributed	Balance of produce/product	Average price of a produce/product sold per unit over the period (KES)

I declare that the information given above is accurate and complete.

Name.....

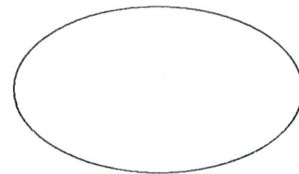
Signature ..... Date .....

For official use only:

Name of the officer who verified the records .....

Date .....Signature .....

Official Authority/CECM Agriculture Stamp



*NB*

This form must be filled and submitted to the Authority or county government as the case may be, not later than the fifteenth day of the first month of a new year



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE  
FORM H2

Serial No.; AFA/NOCD/015

(r.39(3))

## NURSERY OPERATOR STATISTICAL RETURNS FORM

(To be completed in triplicate)

Name of the Nursery operator .....

ID No/ VAT Certificate No. .... PIN Certificate No. ....

Telephone/ Mobile number ..... Postal Address  
..... Town.....

Location of the nursery: Ward .....

Sub-location..... Location.....

Sub County ..... County.....

Period of returns: July -September  October -December  January -  
March  April - June 

(Tick where applicable)

Declaration:

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

I declare that the information given above is accurate and complete.

Name.....

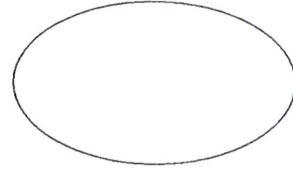
Signature ..... Date .....

For official use only:

Name of the officer who verified the records .....

Date .....Signature .....

Official Authority Stamp



*NB*

This form must be filled and submitted to the Authority, not later than the fifteenth day of the first month of every quarter of a financial year



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE  
THE CROPS (NUTS AND OILCROPS) REGULATIONS, 2020  
FORM H3

Serial No.: AFA/NOCD/016

(R. 39(4), (5))

DEALER/MANUFACTURER STATISTICAL RETURN FORM

*(To be completed in triplicate)*

Return for the quarter..... Year .....

PART A

Name of Dealer/Manufacturer .....

Postal address: ..... Code ..... Town .....

Telephone No. .... Fax .....

Email..... Website .....

Company registration certificate No. ....

KRA PIN Certificate No. ....

Business Location (premise):

Street/Area..... Ward.....

Sub-location ..... Location .....

Sub County ..... County .....

Dealer/Manufacturer License or Certificate number.....

Category of Dealership/Manufacturer: specify).....

PART B (to be filled by local traders, transporters, distributors)

Product/Produce	Unit of measure (Specify)	Quantity traded/handled	Total value of produce/product (KES)

PART C (To be filled by exporters/importers)

Product/Produce	Country of origin	Country of Destination	Unit of measure (Specify)	Quantity handled during the month	Total value of produce/product handled (KES)

NB: Attach copies of KRA export/import entries and bill of lading

PART D (To be filled by manufacturer)

Product/Produce	Unit of measure (Specify)	Quantity handled		Total value of produce/product (KES)		Quantity exported (if any)		Value of export (KES)		Export destination country	
		Raw material	Processed	Raw material	Processed	Raw material	Processed	Raw material	Processed	Raw material	Processed

NB: Attach copies of KRA export entries and bill of lading

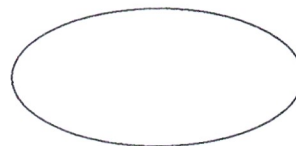
Declaration

I declare that the information given above is accurate and complete.

Name.....

Signature ..... Date .....

Official Company stamp/seal

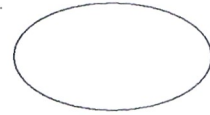


FOR OFFICIAL USE ONLY

Checked By ..... Designation.....

Signature ..... Date.....

Official stamp



Terms and Conditions:

- (1) Those filling Part B (Local traders, distributors, transporters and marketing agents) shall file their returns to the Authority
- (2) Those filling Part C (importers and exporters) shall file their returns with the Authority.
- (3) Those filling Part D (manufacturer) shall file their returns to the Authority.
- (4) Every dealer/manufacturer shall, not later than the tenth day of the first month of every quarter of a financial year complete and submit statistical returns to the Authority.

## THIRD SCHEDULE



## AGRICULTURE AND FOOD AUTHORITY

## NUTS AND OIL CROPS DIRECTORATE

R. 8(1), 10(2), 11(2), 12(5), 13(4), 14(3), 17, 29 (4)(b), 30(2)(3)

## NUTS AND OIL CROPS INDUSTRY FEES AND LEVIES

REGISTRATION AND PERMIT/ LICENSES CATEGORIES	LICENCE FEES (KSH)	RENEWAL FEES (KES)
LICENSES		
Dealers (commercial nursery operators, transporters, distributors, marketing agents, ship chandlers, exporters and importers)	5,000	5,000
MANUFACTURERS		
Cottage Processors (Gross turnover of KES 5,000,000 and below per year) and new applicants	5,000	5,000
Established/Big Processors (Gross turnover of more than KES 5,000,000 per year)	25,000	25,000
INSPECTION FEES		
Commercial Nursery/mother block/farms (per visit)	1,000	
Processing facility inspection (per visit)		
Cottage Processors (Gross turnover of KES 5,000,000 and below per year) and new applicants	5,000	
Established/Big Processors (Gross turnover of more than KES 5,000,000 per year)	10,000	
LEVIES ( per consignment)		

Export levy on raw produce, (except those prohibited under section 43 of Agriculture and Food Authority Act 2013)	Ksh 2 per Kg FOB	
Export levy – Finished products	0.25% of FOB	
Import levy – Finished products	4% of CIF	
Import levy – Raw materials	2% of CIF	

FOURTH SCHEDULE



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE

(R.8(2))

PART A

MINIMUM REQUIREMENTS APPLICABLE TO NURSERY REGISTRATION AND  
LICENSING

1. High standards of field hygiene in the nursery
  - Disease free seedlings
  - Free from organic and inorganic litter
  - Clear separation of operation (soil mixing and potting, seeding area, grafting area, hardening area and dispatch)
  - Year round source of water
2. Soil media is treated (see evidence of treatment area)
3. Nursery layout is well secured from animals and other walking pests
4. Nursery layout is East to West orientation, gentle slope and allows for good drainage
5. structures are in place for the nursery operations (shade nets, polytunnels and insect proof net for passion fruit. For TC a lab and hardening off area)
6. Scion source if from registered mother block
7. Source of seeds/rootstock for each fruit type is from approved source
8. Nursery block with grafted seedlings is well labeled with the seedling type.
9. Seedlings ready for dispatch is tagged with the seedling variety
10. Distribution records of the nursery showing buyer's name, County, district, location, postal address and varieties purchased.
  - Nursery certificate is well displayed

FOURTH SCHEDULE



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE

(R.13(4))

PART B

MINIMUM LICENSING REQUIREMENTS APPLICABLE TO A  
MANUFACTURING FACILITY

- (a) Duly filled application form (*Grant/Renewal*)
- (b) Copy of Certificate of Incorporation or Registration Certificate (*Grant*)
- (c) Copy of dully signed Articles and Memorandum of Association or CR 12 (*Grant*)
- (d) Copies of ID or Passports of Company Directors & Valid Work Permit where applicable (*Grant*)
- (e) Copy of valid County Government's Single Business Permit (*Grant/Renewal*)
- (f) Copy of KRA's PIN Certificate for the company (*Grant*)
- (g) Copy of valid KRA's Tax Compliance Certificate (*Grant/Renewal*)
- (h) Copy of valid NEMA's Environmental Impact Assessment or Environmental Audit Certificate where applicable (*Grant/Renewal*)
- (i) Copy of Public Health's Food Drugs and Chemical Substances License where applicable (*Grant/Renewal*)
- (j) Facility Inspection report (Authority to inspect)
- (k) Food Safety Certification (where applicable)

*Note: In the event of change in directorship of a company, updated CR12 and Copies of ID'S or passport & valid work permit shall be submitted to the Directorate*

FOURTH SCHEDULE



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE

(r.11(2))

PART C

MINIMUM REGISTRATION AND LICENSING REQUIREMENTS APPLICABLE  
TO AN EXPORTER/IMPORTER

1. Duly filled application form (Grant/Renewal)
2. Copies of ID'S or passport & valid work permit shall be submitted to the Directorate
3. Copy of Certificate of Incorporation or Registration Certificate (Grant)
4. Copy of dully signed Articles and Memorandum of Association or CR 12 (Grant)
5. Copies of ID or Passports of Company Directors & Valid Work Permit where applicable (Grant)
6. Copy of valid County Government's Single Business Permit (Grant/Renewal)
7. Copy of KRA's PIN Certificate for the company (Grant)
8. Copy of valid KRA's Tax Compliance Certificate (Grant/Renewal)
9. Warehouse Inspection report (Authority to inspect)

*Note:* In the event of change in directorship of a company, updated CR12 and Copies of ID'S or passport & valid work permit shall be submitted to the Directorate

FIFTH SCHEDULE



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE

(r.28(1))

PART A

GUIDELINES FOR ESTABLISHMENT, USES AND MANAGEMENT OF NUTS  
AND OIL CROPS PRODUCE COLLECTION CENTRE

1. The collection center shall—
  - (a) be accessible to both buyers and farmers;
  - (b) be designed to allow for a store, an office, working area and an appropriate cooling facility where applicable;
  - (c) have floors, doors, wall surfaces made of impervious, non-toxic, washable materials, which are easy to clean and disinfect;
  - (d) be constructed to allow for adequate ventilation, lighting, effective produce inspection and made of acceptable materials
  - (e) adequate water and toilet facilities;
  - (f) have waste disposal facilities; and
  - (g) have clear documentation procedures and document control systems
2. The collection centers may be used as –
  - (a) sites for bulking and grading of nuts and oil crops produce and products to achieve marketable volumes;
  - (b) collective bargaining and negotiations and signing of contractual agreements between producing clusters and traders;
  - (c) points for lodging and arbitration of disputes between aggrieved parties;
  - (d) centers of information dissemination on prices, markets and other technologies on nuts and oil crops industry improvement.

FIFTH SCHEDULE



AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE

(r.22 (1)(a))

PART B

GUIDELINES FOR CONTRACTUAL AGREEMENT BETWEEN A GROWER,  
DEALER AND OR MANUFACTURER IN THE NUTS AND OIL CROPS  
INDUSTRY:

AGREEMENT made this .....Day of .....  
two Thousand and .....

BETWEEN:

..... of ..... a  
registered DEALER OR MANUFACTURER (Registration No.  
.....) hereinafter called "dealer" which expression shall where the  
context so admits include its successors and assignees of the First part:

AND

.....of ..... a GROWER  
entity of nuts and Oil crops produce (Registration No. ....)  
hereinafter called the "grower" which expression shall where the context so admits  
include its successors and assignees) of the second part

WHEREAS

the dealer/manufacturer is duly registered under these regulations and the grower has  
requested the dealer/manufacturer to provide services referred to below and the  
dealer/manufacturer has agreed to provide such services to the grower upon the terms and  
conditions appearing hereinafter.

IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:

AIMS AND OBJECTIVES OF CONTRACTS

The guidelines shall:

Act as a memorandum of understanding between the grower and dealer/ manufacturer of  
..... produce.

Serve as a guideline for the grower and dealer/manufacturer in order to conduct good business practices, which will be mutually beneficial and help promote the well-being of the nuts and oil crops industry in Kenya.

Act as guideline or framework to development of a legally binding contract to be executed by the grower and dealer/manufacturer.

OBLIGATIONS OF THE GROWER AND DEALER/MANUFACTURER  
TERMS AND CONDITIONS

THE ESSENTIAL ELEMENTS THAT A CONTRACT SHALL HAVE INCLUDE:

Quantity and quality of produce to be supplied at a particular time and contract prices:-

- ( ) Seed and other Inputs:-
- (a) General Accepted Production Practices:-
- (b) Record Keeping:-
- (c) Field support and Training:-
- (d) Harvesting and Post-Harvest Practices:-
- (e) Inspection and Grading:-
- (f) Packaging Supply and Procedures:-
- (g) Conditions of Collection or Delivery:-
- (h) Rejected Produce:-
- (i) Payment terms including maximum payment period and Mechanism:-
- (j) Penalties
- (k) Termination Clause:
- (l) Natural Calamities and No-Commercial Risks (Force majeure):-

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

SIGNED for and on behalf of the

Dealer/Manufacturer.....Grower.....

Name: .....Name: .....

Date: .....Date:.....

Witness: .....Witness:.....

Date: .....Date:.....

Witnessed by County Government representative

Name:.....Designation:.....

Signature: ..... Official stamp and Date.....

FIFTH SCHEDULE

AGRICULTURE AND FOOD AUTHORITY  
NUTS AND OIL CROPS DIRECTORATE

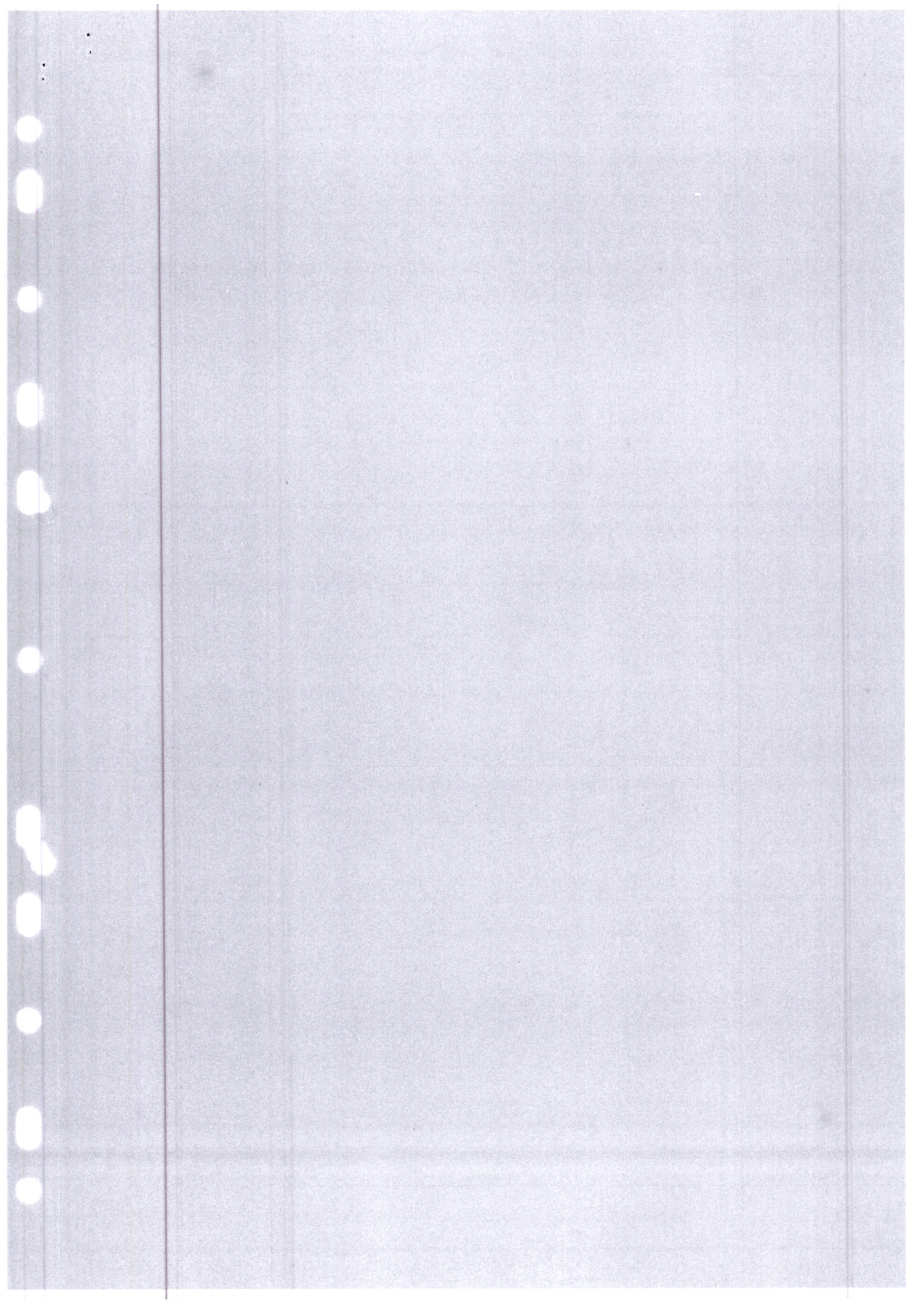
*(r.23(1))*

PART C

GUIDELINES FOR FIELD HANDLING AND GRADING OF NUTS AND OIL  
CROPS PRODUCE

1. High standards of field hygiene shall be maintained during harvesting operations.
2. All harvested produce SHALL be at the right stage of physiological maturity for intended use.
3. Harvested produce shall be protected from adverse weather conditions
4. Appropriate harvesting equipment shall be used for each crop.
5. Produce unfit for marketing shall be separated from marketable produce at the field level.
6. All produce shall be sorted and graded as appropriate.
7. Physical handling of produce shall be minimized at all stages.
8. All harvested produce shall be aggregated at the collection centers before being sold to traders

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





**EXPLANATORY  
MEMORANDUM**



**SCHEDULE**  
**[Section 8]**  
**EXPLANATORY MEMORANDUM**  
**EXPLANATORY MEMORANDUM TO**  
**THE CROPS (NUTS AND OIL CROPS) REGULATIONS**  
**[2020] No [ ]**

**PART I**

<b>Name of the Statutory Instrument:</b>	The Crops (Nuts and Oil Crops) Regulations, 2020
<b>Name of the Parent Act:</b>	The Crops Act, 2013 (No. 16 of 2013)
<b>Enacted Pursuant to:</b>	Section 40 of the Crops Act, (No. 16 of 2013)
<b>Name of the Ministry/Department:</b>	Ministry of Agriculture, Livestock, Fisheries and Irrigation  State Department for Crops Development
<b>Gazetted on:</b>	
<b>Tabled on:</b>	

**PART II**

**1. Purpose of the Statutory Instrument**

- 1.1 The purpose of the Crops (Nuts and Oil Crops) Regulations is to provide guidelines in the development and promotion of the nuts and oil crops industry and in particular to provide for:
- (a) The procedure and forms for application, registration and licensing of nursery operators, growers, dealers and manufacturers.

- (b) The conditions for registration or licensing.
- (c) The recommendation of general industry agreements or contracts.
- (d) The production, harvesting, processing and marketing of nuts and oil crops.
- (e) The filing of statistical data for nuts and oil crops.
- (f) The imposition and administration of levies.

## **2. Legislative Context**

- 2.1 The nuts and oil crops sub-sector has over the years been characterized by multiple coordinating authorities that often left out some crops and outdated legislations that frustrated its growth and development. Attempts to develop rules and regulations for this industry were never realized due to an inadequate legislative framework to realize its objectives thus necessitating the development of the Crops (Nuts and Oil Crops) Regulations, 2020 to foster its growth and development.
- 2.2 Thus the enactment of the Crops Act, 2013 and the Agriculture and Food Authority (AFA) Act, 2013 have provided an opportunity for the development of such rules and regulations in full cognizance of the fact that agriculture is a concurrent function. In so doing, it is expected that the challenges that have bedeviled the nuts and oil crops subsector will be addressed.

## **3. Policy Background**

- 3.1 The objective of the AFA Act in part is to provide for the consolidation of laws for the regulation and promotion of agriculture in addition to providing for the concurrent roles of the national and county governments.
- 3.2 Cognizant of the wide array of the crops covered by the Crops Act, 2013 specific legislations that address specific issues of the different crops are being derived from this parent act to ensure growth and development. The development of the Crops (Nuts and Oil Crops) Regulations began with the development of the Nuts and Oil Crops Industry Policy that was based on the premise that the nuts and oil crops subsector faces various constraints in input supply; production; storage and distribution; processing; marketing and trade consumption; and support services. The legal and institutional framework guiding the subsector was also unfavorable. The policy therefore targeted to address the constraints in all these areas with the aim of proposing the necessary interventions needed to make the subsector vibrant.

- 3.3 From stakeholder consultations, it was apparent that the development of the Crops (Nuts and Oil Crops) Regulations was required as a matter of priority. This was to provide for the growth and development of the subsector and in particular to help in the implementation of the Crops Act, 2013 through attaining the objectives mentioned above.
- 3.4 Consequently, the formulation of the Crops (Nuts and Oil Crops) Regulations are necessary to effectively implement the provisions of the Crops and AFA Acts such as prescribing the licensing and registration procedures for the nuts and oil crops industry players and applicable fees, approval of exports and imports, promotion of nut and oil crops trade internationally, ensuring conformity to international and national standards. The Regulations also provide for the roles of the National and County Governments.
- 3.5 Basically, the regulations are aimed at the Nuts and Oil Crops industry players, with the aim of the development; processing; marketing and market research; trade promotion; compliance to quality and food safety standards for the Nuts and Oil Crops Industry.

### **Challenges being addressed**

The nuts and oil crops subsector in Kenya is underdeveloped resulting in huge importation of vegetable oils. Local production accounts for less than 5% of the demand. Importation of vegetable oils has been increasing steadily with importation in 2015 reaching over 591, 338.5 metric tons valued at Kshs. 54.7 billion up from 502, 505 metric tons valued at Kshs. 12.5 billion in 2011. However, Kenya is a net exporter of nuts and exports have also been on the increase with exports of nuts increasing from 11, 170 metric tons valued at Kshs. 0.34 billions in 2001 to over 13, 057 metric tons valued at Kshs. 3.1 billion in 2015(KNBS, 2017).

Thus the industry has a potential to contribute immensely to the country's economy but this endeavor is constrained by:

- (a) Inadequate high yielding and early maturing varieties of nuts and oil crops trees.
- (b) Aged and unproductive nuts and oil crops trees and seasonal alternate bearing due to poor management.
- (c) Unexploited potential of other less produced nuts and oil crops e.g. macadamia, ground nuts, simsim, etc.
- (d) Inadequate community based warehousing facilities for bulking of produce to benefit from economies of scale operations.

- (e) Low volumes and quality of domestic production to support the installed processing capacity.
- (f) There is an underdeveloped marketing system as a result of low and scattered volumes of produce resulting to high cost of aggregation.
- (g) Relatively high oil and nut product prices that limit their consumption.
- (h) There is inadequate collaboration between actors in research at the various stages of the commodity value chains.
- (i) Large volumes of postharvest handling losses.

#### 4. Consultation outcome

- 4.1 There is an interest in the developing of these regulations arising out of the fact that unscrupulous businessmen have taken advantage of the amorphous legislation in the subsector that have led to exploitation of industry players, particularly the farmers.
- 4.2 There were vast consultations that took place. Various stakeholders' views' were taken into consideration in the formulation of the Crops (Nuts and Oil Crops) Regulations. Some of the stakeholders were: KALRO, KRA, NGOs, SAGAs, and private companies like Portcross limited, and County Government through CECs.

The consultations outcomes are captured below:

NO.	PROPOSALS	OPINION (STAKEHOLDERS)	BY	RESPONSE BY MINISTRY
1.	The composition of the NOCD-Technical Advisory Committee	Stakeholders to have representatives on the Directorate Technical Advisory Committee		
2.	Penalty for illegal manufacture.	Penalty imposed on a processor manufacturing without license is too high, thus be reduced to be commensurate with what is imposed on other sectors.		The penalty is commensurate with the parent Act, section 19 (1) of the Crops Act, 2013.
3.	Levies on exportation of raw produce	Make levies of exporting raw produce punitive to discourage		The Regulation requires an import and export permit that spells out requirements.

		the exportation of raw produce.	
4.	Falling of trees	Be specific on the tree. Charges on tree felling; propose permits of specified amount regardless of the number of tree you want to harvest. Different crops to be put specific prices.	There is provided a blanket fee of KE 500 per tree to be felled pursuant to FORM D4 A. as read with FORM E5 of the schedules to the regulations.
5.	Quality control	The regulations have no parameters and what is supposed to be complied with.	Every commodity will have its own guidelines for the parameters and what is supposed to be complied with.

## **5. Guidance**

Once these regulations come into operation, the Ministry shall undertake the following activities:

- (a) Stakeholders sensitization for the different players along the nuts and oil crops value chains
- (b) Training and capacity building for the staff in the County Governments.
- (c) Consultations with the County Governments during the implementation of the regulations.

## **6. Impact**

### **6.1 Impact on the Public Sector**

- (i) Full implementation of these regulations will aid to advance the food security, health and manufacturing pillars of the National Government's Big Four Agenda through increased productivity of nuts and oil crops, value addition through nuts and oil crops manufacturing and improved health through enhanced nutrition security.
- (ii) The regulations will result in increased farm incomes, increased export revenues and foreign exchange earnings.
- (iii) The Government will, for the first time, establish a coherent nuts and oil crops sub-sector for streamlined oversight and better management.
- (iv) County Governments will have a reference point for direct interventions at the local level for mobilization of resources for implementation and provision of agricultural advisory services to the farmers, thus promoting the sub sector development in the counties.
- (v) The AFA (Nuts and Oil Crops Directorate) will have well developed structures in the sector for effective sector regulation and informed planning.

### **6.2 Impact on the Private Sector**

- (i) Farmers and farmer organizations will access quality planting materials and market information more readily, access enhanced advisory services and support, improved and diverse market access, benefit from improved prices.

- (ii) Processors – consistent and reliable supply of quality raw materials for better business planning and operation and legal recognition of the many businesses now viewed as informal or illegal.
- (iii) Commodities dealers - legal recognition of the informal businesses, regular supply of produce for sustainable businesses, consistent product quality, and reliable and stable markets.
- (iv) Marketers and exporters - regular supply of products for sustainable businesses, consistent product quality, and development of reliable and stable markets.
- (v) Nursery operators - Legal recognition of nurseries, advisory services and support, reliable market for planting materials

### **6.3 Impact on Fundamental Rights and Freedoms**

- (a) The proposed regulations were benchmarked against the Bill of Rights in the Constitution and they do not impact negatively on the fundamental rights and freedoms contained therein.
- (b) The proposed regulations are expected to have positive impact on the rights and freedoms of individuals and communities. They will provide better returns on their produce and investment to existing and new farmers. The regulations will also create wealth and employment for more Kenyans in the rural areas. This would contribute to improved household incomes and enhance capacities to afford an adequate standard of living envisaged in article 43 of the Constitution.
- (c) Further, the proposed regulations seek to advance the government policy of implementing reforms in the nuts and oil crops sub-sector aimed at achieving the national goals of agricultural sector being a key driver of economic growth and value addition as set out in the Kenya Vision 2030. The regulations will not only enhance public participation of the players in the sub-sector but also ensure consumers of the nuts and oil crops products are of high quality and safe to consume as required in article 46 of the Constitution.

## 7.0 Monitoring and Review

- (i) It is expected that review, monitoring and evaluation will be a subject of great interest to all stakeholders in the sub-sector particularly because of its potential to offer improvement in incomes, increase foreign exchange earnings, create employment, reduce poverty and enhance living standards of Kenyans. The Ministry of Agriculture, Livestock, Fisheries and Irrigation working together with AFA and County Governments will thus work hand in hand to promote research with an aim of reviewing the adequacy and effectiveness of the Regulations towards promoting the growth and development of this vibrant sub-sector that will increase the market for nuts and oil crops locally, regionally and internationally
- (ii) The RIA deduced that the establishment of a nuts and oil crops databases will be maintained that includes growers and other players' registers, nursery returns, production and market trends.
- (iii) RIA further noted that as part of the monitoring and evaluation (M&E) framework, County technical departments and other complimenting regulatory agencies are also being mandated to monitor specific issues within the counties and maintain resultant data and information to inform future regulations reviews.
- (iv) Enhance compliance with national and international standards will result in higher quality, improved prices and reduced complains from nuts and oil buyers.
- (v) Due to stakeholders' consultations on the regulations, stakeholders' compliance levels will increase.
- (vi) Improved relations between national and county governments will lead to increased consultations, harmonized nuts and oil policies and joint forums.

The outcomes will be subject to internal reviews by the Nuts and Oil Crops Directorate after every 12 months and the regulations may be amended accordingly. The regulatory impact assessment will also be conducted on an annual basis to inform the need for additional changes within the regulations.

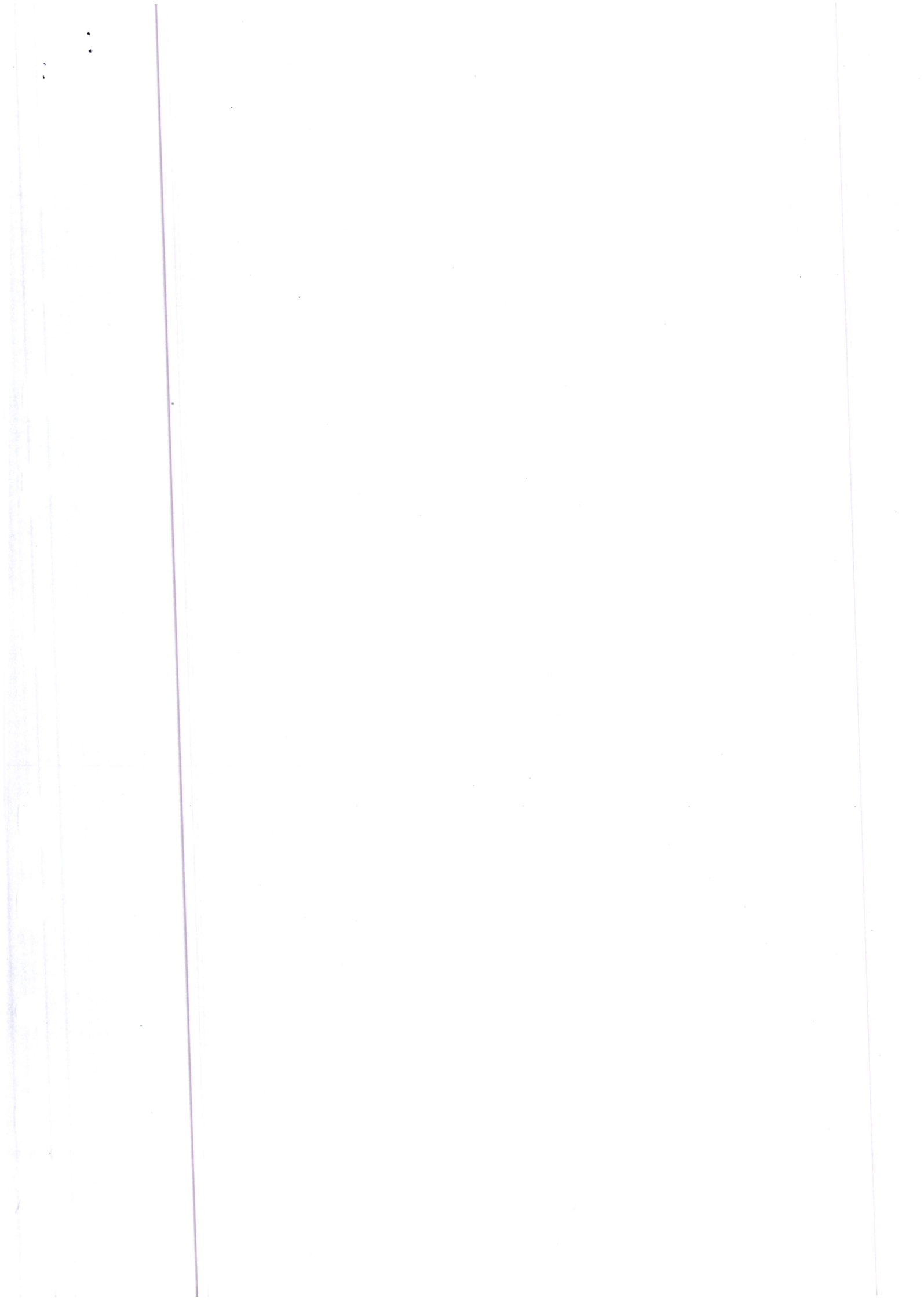
## **8. Contact**

The Principal Secretary  
State Department for Crops Development  
Ministry of Agriculture, Livestock, Fisheries and Irrigation  
Kilimo House, Cathedral Road  
P.O. Box 30028  
Nairobi.  
Or by Email: [psagriculture@kilimo.go.ke](mailto:psagriculture@kilimo.go.ke)

The Director General  
Agriculture and Food Authority  
Tea House, Naivasha Road off Ngong Road,  
P.O Box 37962-00100  
Nairobi.

Or by Email: [info@agricultureauthority.go.ke](mailto:info@agricultureauthority.go.ke)

# **REGULATORY IMPACT STATEMENT**



# **REGULATORY IMPACT STATEMENT**



**MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND  
IRRIGATION**

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**REGULATORY IMPACT STATEMENT (RIS)  
THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020**

**FEBRUARY, 2019**

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## Introduction

The Regulatory Impact Statement for the proposed Crops (Nuts and Oil Crops) Regulations, 2020 was prepared in accordance with the provisions of sections 6 and 7 (1) and (2) of the Statutory Instrument Act, 2013 (No. 23 of 2013). Section 6 of the Act requires the regulation making authority to prepare a regulatory impact statement for the proposed regulations indicating the costs and benefits of the proposed regulations on the public and stakeholders. Section 7(1) and (2) of the Act set out the contents of a regulatory impact statement for the proposed regulations as follows:

### 1.0 A Statement of the Objectives and Reasons for the Proposed Regulations

The regulatory objective and justification is to provide guidelines in the development and promotion of the Nuts and Oil Crops industry and in particular provide for:

- (a) Conditions and registration/licensing of nursery operators, growers, dealers and manufacturers.
- (b) Application, processing procedures and various forms.
- (c) Recommendation of general industry agreements or contracts.
- (d) Production, harvesting, processing and marketing.
- (e) Filing of statistical returns.
- (f) Imposition and administration of levies.
- (g) The regulations will significantly support the realization of the National Government's *Big Four Agenda* through improved food security, nutrition security and thus by extension will also contribute to improved health in the country.
- (h) In addition, the regulations will promote value addition of various nuts and oil crop commodities through agro-processing and thus also contribute to the realization of the manufacturing pillar while also creating more jobs in the nuts and oil crops sub-sector.
- (i) Such any other matters as may be deemed necessary for the better carrying into effect of the provisions of these regulations.

## **2.0 Statement on the Effect of the Proposed Regulations**

### **2.1 Effects on the Public Sector**

- (i) Full implementation of these regulations will advance the food security, health and manufacturing pillars of the National Government's *Big Four Agenda* through increased productivity of nuts and oil crops, value addition through nuts and oil crops manufacturing and improved health through enhanced nutrition security.
- (ii) The regulations will result in increased farm incomes, increased export revenues and foreign exchange earnings.
- (iii) The Government will, for the first time, establish a coherent nuts and oil crops sub-sector for streamlined oversight and better management.
- (iv) County Governments will have both the policy and its implementation strategy as a reference point for direct interventions at the local level, especially the mobilizations and providing agricultural advisory services to the farmers, and promoting sector development in the counties, and regulation of the industry at the county level.
- (v) Nuts and Oil Crops Directorate will have well developed structures in the sector for effective sector regulation and informed planning.

### **2.2 Effects on the Private Sector**

- (i) Farmers and farmer organizations will access quality planting materials and market information more readily, access enhanced advisory services and support, improved and diverse market access, benefit from improved prices.
- (ii) Processors – consistent and reliable supply of quality raw materials for better business planning and operation and legal recognition of the many businesses now viewed as informal or illegal.
- (iii) Commodities dealers - legal recognition of the informal businesses, regular supply of produce for sustainable businesses, consistent product quality, and reliable and stable markets.
- (iv) Marketers and exporters - regular supply of products for sustainable businesses, consistent product quality, and development of reliable and stable markets.
- (v) Nursery operators - legal recognition of nurseries, advisory services and support, reliable market for planting materials.

## **2.3 Effects on Fundamental Rights and Freedoms**

- (i) The proposed regulations were benchmarked against the Bill of Rights in the Constitution of Kenya, 2010 and they do not impact negatively on the fundamental rights and freedoms contained therein.
- (ii) The proposed regulations will engender fundamental rights and freedoms of players in the nuts and oil crops value chain. They will provide better returns on their produce and investment to existing and new farmers. The regulations will also create wealth and employment for more Kenyans in the rural areas. This would contribute to improved household incomes and enhances capacities to afford an adequate standard of living envisaged in Article 43 of the Constitution.
- (iii) Further, the proposed regulations seek to advance the government policy of implementing reforms in the nuts and oil crops sub-sector aimed at achieving the national goals set out in the Kenya Vision 2030 whereby the agricultural sector shall be a key driver of economic growth and value addition. The regulations will not only enhance public participation of the players in the nuts and oil crops sub-sector but also ensure consumers of Nuts and Oil Crops have quality and safe products to consume as required in article 46 of the Constitution.

## **3.0 Statement on Regulatory and Non-Regulatory Option**

### **3.1 Option 1: Maintaining the *Status Quo***

Retaining the current regulatory status will have undesirable outcomes. In the longer term, this option means that the sector will continue to operate under outdated and uncoordinated legislation.

### **3.2 Option 2: Passing the Regulations**

Government can achieve its policy objectives by using taxpayer's money, or through a range of non-spending interventions, including regulation. Regulation aims to set rules to protect and benefit people, businesses and the environment, stabilizing markets and addressing market failures to support economic growth. Regulation can also create costs for businesses, the third and the public sectors.

It can, if overused, poorly designed or implemented, stifle competitiveness and growth.

The passing and operationalization of the proposed regulations will strengthen the institutional, legal and regulatory framework in the nuts and oil crops value chain as follows:

- (i) Support increased participation of the more efficient private sector in the nuts and oil crops sub-sector as opposed to middlemen controlling the sector, allowing for new investments in processing, produce aggregation, product formulation and product export.
- (ii) Enhance access to quality planting materials to meet demand for new crop establishment and renewal of existing fields.
- (iii) Streamline coordination of players within the sub-sector and remove underhand dealings that negatively impact on the sub-sector and especially exploitation of farmers by middlemen.
- (iv) Maintain a realistic data base on the sub-sector for better planning.
- (v) Facilitate increased crop research and improved extension advisory services to farmers for increased production and improved produce quality.
- (vi) The passing and operationalization of the proposed regulations will therefore facilitate the revitalization and development of the Nuts and Oil Crops sub-sector for the sector to effectively contribute to the realization of the objectives of the Vision 2030, the National Agriculture Sector Development Strategy and the "Big 4" Agenda.

### **3.3 Option 3: Other Practical Options**

Alternatives to regulation include information and education, market-based structures, self-regulation and co-regulation. In addition, existing policies can be improved, without further regulation, using techniques such as behavioral insight or changing enforcement practices to improve compliance. Such approaches may be better or worse for business and the economy than an equivalent regulatory measure.

## 1. Alternatives to regulation

The alternatives to regulation include:

- (i) **Information and education:** Information and education can be used to empower stakeholders to make their own decisions, improving choice for mutual benefit of all. There are potential risks associated with this. Information and education can take time to make an impact. Access to information and the ability to use it can vary within a community and so may not reach all equally. It may also not be straightforward to assess how people will react or change their behaviour in response to the information provided and it will increase costs for government and businesses that will be providing the information and education required.
- (ii) **Incentive/market-based structures:** The government can use economic instruments, such as taxes, subsidies, quotas and permits, vouchers etc. as initiatives to realize the desired objectives. These initiatives however are only practically possible in well-developed and efficiently functioning sectors which have well defined structures unlike the Nuts and Oil Crops sub-sector. Further, often these sorts of systems need their own regulations to establish the framework and may have additional costs to the government.
- (iii) **Self-regulation:** An industry or a profession can self-regulate, for example through the use of codes of conduct, customer charters, standards or accreditation. In many cases rules and codes of conduct will be formulated by other industry representative or organization under their own initiative.
- (iv) **Co-regulation:** Co-regulation is an intermediate step between state-imposed and self-regulation that involves some degree of explicit government involvement where industry may work with government to develop a code of practice and enforcement would be by the industry or a professional organization and accredited by government.

#### **4.0 Costs-Benefit Analysis (CBA)**

The implementation of policies and regulatory frameworks comes with gains and losses as well as benefits and penalties. Whereas the losses and penalties can be summed up as costs or inputs, the gains and benefits are summed up as outputs or products. All these occur over a span of time calling the capture of this stream of costs and products over time.

#### **4.1 Economic, Environmental and Social Impacts**

The economic impacts of the regulations will include:

- (i) Increased agricultural production of nuts and oil crops.
- (ii) Increased exports of nuts and oil crops produce and products.
- (iii) Increased savings and investment by nuts and oil crops farmers.
- (iv) Foreign direct investment through new investments in production, warehousing/processing and marketing of nut and oil Crops - the returns will outweigh the initial costs.
- (v) Improved terms of trade - substitution of imported nuts and oil crops from increased local production.
- (vi) Increased job creation in the nuts and oil crops subsector.

The social impacts of the regulations will include:

- (i) Decreased poverty level among the nuts and oil crops farmers and the community in general.
- (ii) Improved income distribution among the nuts and oil crops farmers and the community in general.
- (iii) Improved access to social amenities among small growers as spin-off from investment along the nuts and oil crops value chain.
- (iv) Improved health status of the farmers and the community resulting to reduced child and maternal mortality and reduced disease incidences
- (v) Improved education levels and reduced illiteracy.

The environmental impacts of the regulations will include:

- (i) Improved land conservation, utilization and management will be a cost for the regulations that can easily balance out with improved access to clean affordable water by the households.
- (ii) Improved access to quality affordable energy by households.
- (iii) Reduced carbon emission.
- (iv) Reduced deforestation.
- (v) Soil degradation due to improved plant cover and reduced soil operations is a neutral cost impact.

#### **4.2 Administration and Compliance Cost**

- (i) Administration and ensuring compliance to the regulations is not costly bearing in mind the inherent structure already in place under the Ministry of Agriculture, Livestock, Fisheries and Irrigation that cascades to the county level and these regulations describe the roles at each level. Besides, implementation and compliance with the regulations will generate income from registration fees of farmers, importers and exporters. As such the regulatory framework is self-sustaining.
- (ii) On the part of farmers, increased production of Nuts and Oil Crops as well as increased quality of produce by far outweighs the initial cost that may be incurred by farmers in complying with the regulations.
- (iii) There will be additional cost in training staff in related institutions including County Governments for harmony of implementation. The benefit would be reduced costs due to joint training budgets.

#### **4.3 Assessment of Return on Investment (Benefit)**

The RIA has noted that operationalization of the regulations will be critical in assisting the nuts and oil crops farmers attain a level of productivity that will guarantee improved incomes for the farmer and thus improved livelihoods and social welfare for communities, while also guaranteeing other businesses within the value chains good returns and higher export volumes for the country. In broad terms, the RIA noted the following benefits:

- (i) Regulation will streamline and organize the sector for better functioning while allowing for fair competition and this will result to enhanced efficiency and development of the sector.
- (ii) The regulations will spur investment in the nuts and oil Crops value chain due to increased farmer confidence, thereby raking in venture capital.
- (iii) Increased access to quality planting materials by smallholders will result to increased acreage under nuts and oil Crops and increased yields and improved quality.
- (iv) New processors, dealers and other value chain actors will invest in the sector providing farmers with alternative market options for their produce.
- (v) Processors, dealers, and other value chain actors will be assured of sufficient quantities of produce and of acceptable quality for sustained operations of their businesses.
- (vi) A comprehensive sector data base will be maintained to inform sector planning and future investments.
- (vii) All businesses which have been operating illegally within the value chain will be legitimized and thus contribute more to the development of the sector and the economic sustainability.
- (viii) Increased national production and value addition will translate to increased exports of the different commodity products.
- (ix) Increased production will translate to increased job creation through farm labour and processing.
- (x) Increased production will also translate to increased exports and thus increased foreign exchange earnings.
- (xi) Research in the sector will be focused to address identified issues and support further development of all spheres of the sector.

#### **4.4 Quantification of the Benefit**

The nuts and oil crops have immense potential to contribute to the Kenya's agricultural development and contribute to the realizations of national development objectives. The coconut crop is reported to have a potential of contributing over Kshs. 13 billion but its current contribution is about Kshs. 3.2 billion (AFA, 2015).

The current production of cashew nut averages 24,000 Metric tons, valued at about Kshs.891m, whereas the potential is estimated to be about 63,000 MT earning of over Kshs. 2 billion (NOCD/AFA, 2016). Currently coconut industry

supports over 350,000 people directly and another 500,000 indirectly, while cashew nut supports 70,000 people directly another 100,000 indirectly (AFA, 2015).

Macadamia is quickly evolving from a shade tree for coffee and macadamia nuts production is expanding fast and is rapidly replacing coffee in traditional coffee growing areas. In 2017, some 41,416 MT of macadamia nuts were produced earning some Kshs. 7.49 billion. The potential from the macadamia industry is enormous and is projected to exceed 100,000MT earning a possible over Kshs.18 billion in the next few years. Many farmers that are dependent on this sub-sector will earn their livelihoods from this crop (AFA, 2017).

There are other nuts and oil crops which though currently are considered less important than these three have huge potential and can contribute significantly to the national food security. These emerging export crops include: sunflower, ground nuts and sesame (simsim) among others. The development of these commodity industries will also contribute to improving livelihoods for millions of farmers while also creating job opportunities along different levels of the value chains.

#### **4.5 Distribution of Impacts**

The operationalization of the Regulations will generate more positive than negative impact/risks if the regulations are implemented with sufficient financial, logistical, technical and human resources with the impacts and more heavily on the government but positively on the private sector. The regulations are expected to translate to quickly turn around of each of the commodity industries and translate to improved productivity, both in quantity and quality.

The streamlined commodity industries will be a motivation to farmers to increase the area under these crops as well to improve crop husbandry practices. The increased production will directly result in increased incomes for the farmers and thus improved livelihoods through reduced Poverty Levels, improved income Distribution, better access to Water and sanitation, access to better health care and thus reduced child and maternal mortality, and access to better education and thus reduced illiteracy. The increases of the growing of these crops which are all perennial crops improve the land use management, reduce soil degradation and deforestation. In addition the increased production and development of

these industries will create many new job opportunities both at the farm level and within the different processes along these value chains.

The public sector, the regulation and coordination of a streamlined nuts and oil crops sector will be significantly improved. The improved production and value addition will contribute to increased exports and earning in foreign exchange for the country. In addition development of the nuts and oil crops sector in processing and value addition and especially will increase the availability of raw materials for local cooking oil and soap manufacturers who currently depend on imports and thus saving the foreign exchange used to finance these imports.

## **5.0 Reasons why other Regulatory Options are not Appropriate**

### **5.1 Option 1: Maintaining the *Status Quo***

Maintaining the *status-quo* will only sustain the challenges facing the nuts and oil crops sub-sector and allow further decline in this sub-sector, including the following:

- (i) Continued traditional farming and neglecting of Nuts and Oil Crops due to poor confidence in the key sector players and in the commodities themselves.
- (ii) Limited access to high quality seeds and seedlings for crop establishment and renewal.
- (iii) Limited private sector participation, leaving the sub-sector to cartels who heavily exploit the farmers, demotivating them to improve production.
- (iv) Declining and unreliable production and further diminishing of Kenya's importance in the respective global commodities market.
- (v) County Governments will not play any role in the regulation of the sub-sector thus contravening the Fourth Schedule of the Constitution, Section 6 of the Crops Act, Section 29 of the AFA Act and relevant provisions of the County Governments.

The situation is not sustainable and thus maintaining the status quo is not a viable option for revitalization and development of the nuts and oil crops sub-sector.

### **5.2. Other Practical Options**

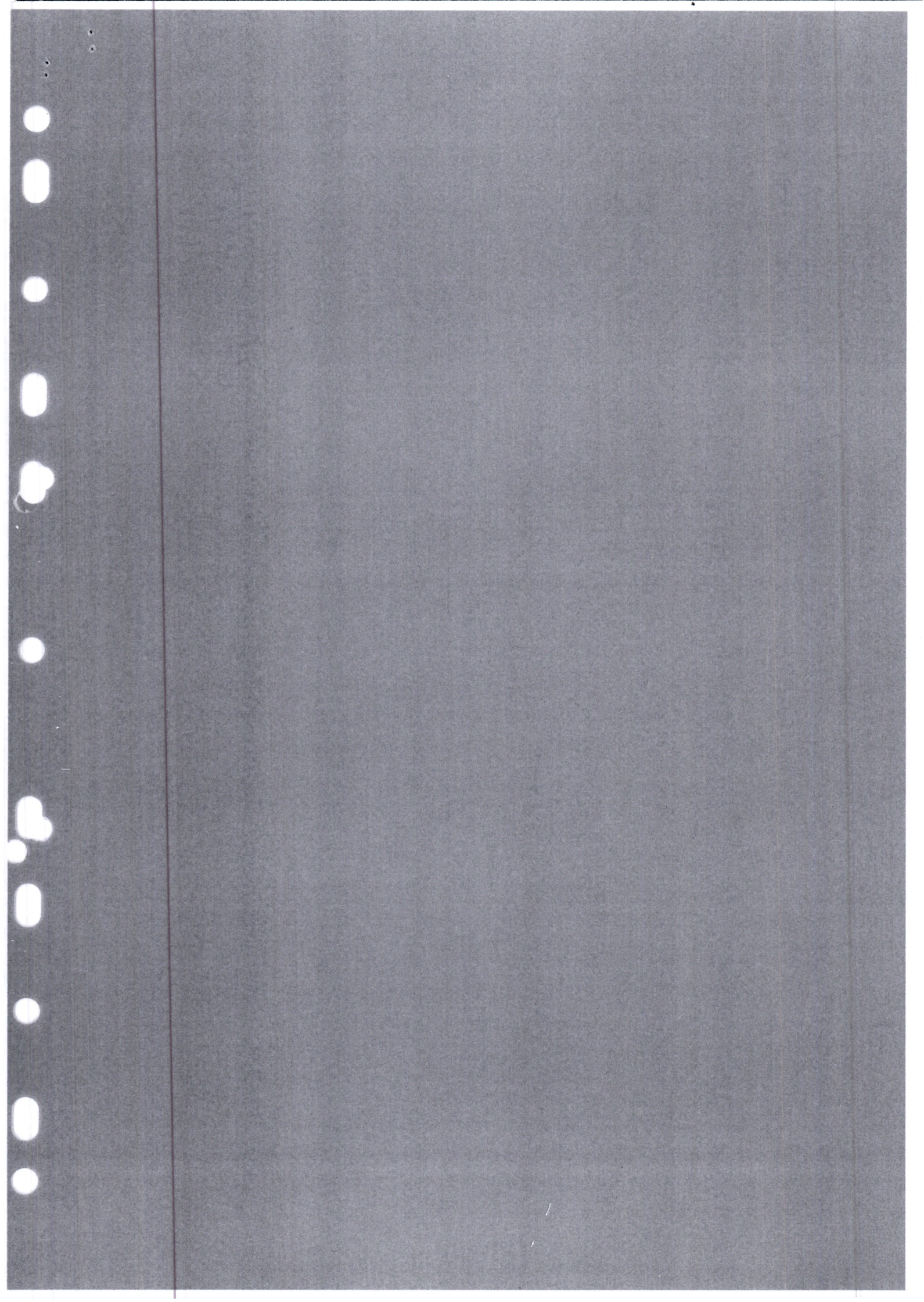
The other practical options set out in **section 3.3** above were weighed against the need to pass the proposed regulations. Therefore, considering the cost benefit analysis; the economic, environmental and social costs; administration and compliance costs; assessment of the return on investment; and quantification of the benefit of the proposed regulations, it is concluded that the Nuts and Oil Crops Regulations should be passed and operationalized whereas the other practical options identified herein are not viable option. However, they can complement the regulations where no operational conflicts are apparent.

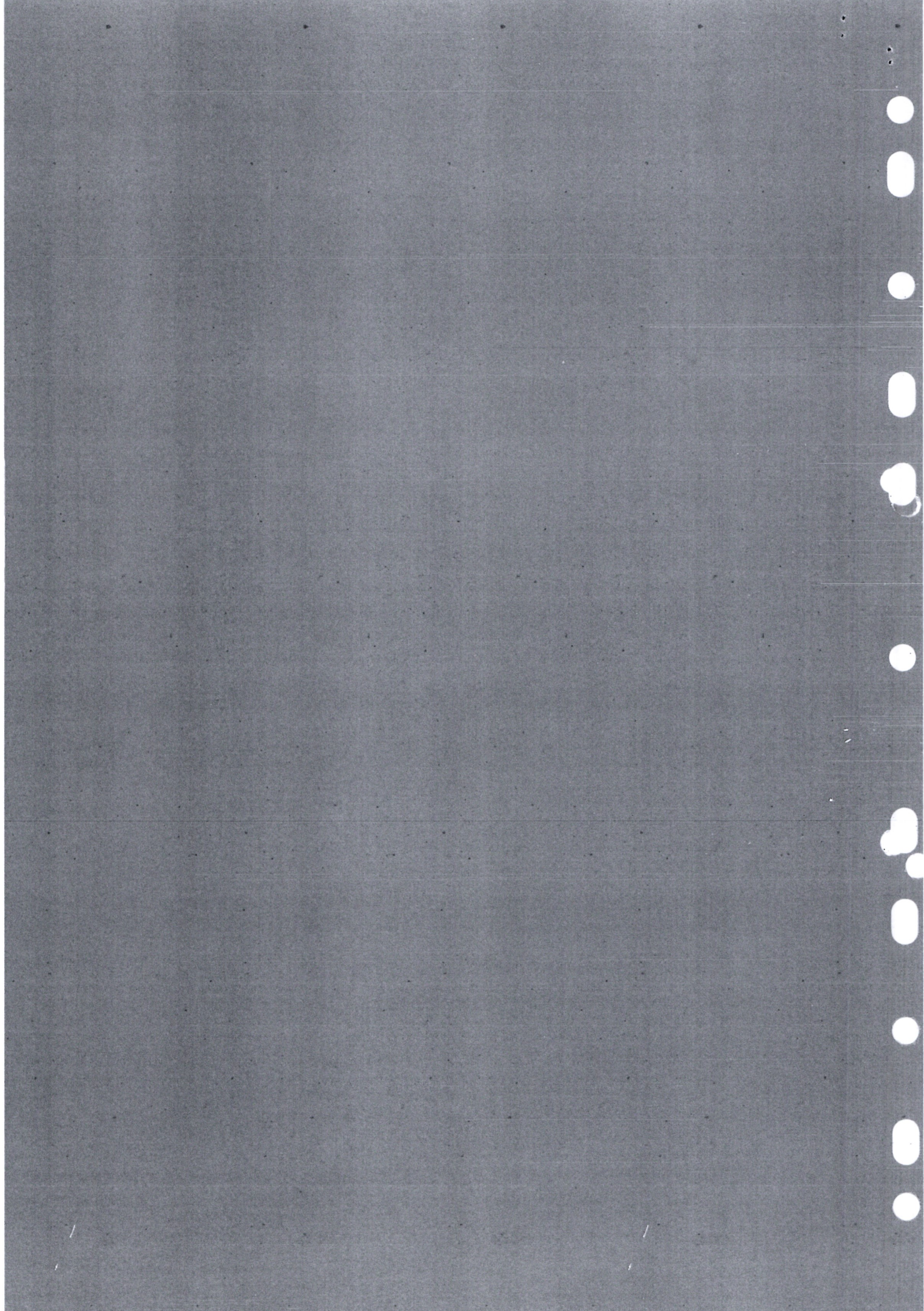
## **6.0 Conclusion**

The sum assessment of the impacts of the proposed regulations makes a compelling case for passing and implementation of the Nuts and Oil Crops Regulations. The proposed regulations bear much promise in streamlining production, trade and problematic interactions among key players in the nuts and oil crops sub-sector.

## **7.0 Recommendations**

The Regulatory Impact Assessment recommends the passing and operationalization of the proposed Crops (Nuts and Oil Crops) Regulations, 2020.





**REGULATORY IMPACT**  
**ANALYSIS REPORT**



**MUNYAO, MUTHAMA & KASHINDI**

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**FINAL REGULATORY IMPACT ANALYSIS REPORT**  
**THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020**  
**FOR**  
**AGRICULTURE AND FOOD AUTHORITY (AFA)**

**FEBRUARY, 2019**

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## LIST OF ABBREVIATIONS

AFA	Agriculture Food Authority
ASDS	Agriculture Sector Development Strategy
CAP	Chapter of the Laws of Kenya
CBA	Cost Benefit Analysis
GDP	Gross Domestic Product
IEBC	Independent Electoral and Boundaries Commission
KALRO	Kenya Agricultural and Livestock Research Organization
KG	Kilogram
KRA	Kenya Revenue Authority
Ksh	Kenya Shillings
LTD	Limited
MOALF	Ministry of Agriculture, Livestock and Fisheries & Irrigation
MT	Metric Tons
NASA	National Super Alliance
NGO	Non-Governmental Organizations
NOCD	Nuts and Oil Crops Directorate
OECD	Organization for Economic Cooperation Development
RIA	Regulatory Impact Assessment
RIS	Regulatory Impact Statement
SAGA	Semi-Autonomous Government Agencies
UK	United Kingdom
USA	United States of America

## **1.0 INTRODUCTION AND BACKGROUND**

### **1.1 Background**

Agriculture remains the backbone of the Kenyan economy. It provides for the livelihoods of a vast majority of the Kenyan population, earns the country foreign exchange, reduces poverty levels and enhances the living standards of Kenyans. According to the Kenya National Bureau of Statistics Economic Survey 2017, agriculture is the single largest sector of Kenya's economy accounting for about 31% of the gross domestic product (GDP); and it is an important source of economic growth. For the sector to thrive as well as it does, there has to be adequate and proper regulations.

Before the enactment of Agriculture and Food Authority Act, 2013(No. 13 of 2013) (AFA Act) and the Crops Act, 2013 (No. 16 of 2013), the role of developing, promoting and regulating the nuts and oil crops sub-sector was largely amorphous. The Kenya Coconut Development Authority was tasked with the responsibility of developing, promoting and regulating the coconut industry while Horticultural Crops Development Authority, among other functions, focused on other horticultural crops including macadamia. The Ministry of Agriculture, Livestock, Fisheries and Irrigation handled the rest of the nuts and oil crops.

In 2013, the AFA Act was enacted. Section 3 of the Act established Agriculture and Food Authority (AFA) as the regulatory authority for the food and agriculture sector in Kenya. The Act also consolidates the laws on the regulation and promotion of agriculture and makes provision for the respective roles of the national and county governments in agriculture and related matters, in line with the provisions of the Fourth Schedule of the Constitution of Kenya, 2010.

Article 93 of the Constitution of Kenya, 2010 establishes Parliament that has a tripartite mandate i.e. representative, legislative and watchdog of other arms of government through checks and balances. Article 94(5) of the Constitution vests the power to make provisions that have a legal force to the Parliament. However, Article 94(6) confers a State organ, State officer or person with authority to make provisions that have a legal force. The delegated legislative mandate must be within express specification, purpose and objectives.

The Crops Act, 2013 was enacted in 2013. Its objectives are to accelerate the growth and development of agriculture in general; enhance productivity and

incomes of farmers and the rural population; improve investment climate and efficiency of agribusiness and develop agricultural crops as export crops that will augment the foreign exchange earnings of the country; through promotion of the production, processing, marketing, and distribution of crops in suitable areas of the country.

Section 40 of the Crops Act, 2013 as read together with section 46 of the AFA Act gives power to the Cabinet Secretary in consultation with the AFA and county governments to make regulations for the better carrying into effect of the provisions of the Act. The Act provide for the formulation of various regulations, rules and guidelines to operationalize both the AFA Act and the Crops Act, 2013.

The Statutory Instruments Act, 2013 (No. 23 of 2013) came into operation on the 25th of January 2013. It compels administrative authorities and officials to observe the provisions of the Act in coming up with regulations and policies with an aim of promoting legal effectiveness, clarity and intelligibility of proposed regulations to anticipated users through an '*explanatory memorandum*' that gives a brief description of its purpose, legislative context, policy background, impact, among other considerations. The key requirements of this Act are: consultations with stakeholders in line with section 5 and preparation of a regulatory impact statement in line with section 6, 7 and 8 of the Act.

The Nuts and Oil Crops Directorate assumed the mandate of the hitherto Kenya Coconut Development Authority. Other than coconut, this Directorate was added additional nuts and oil crops such as macadamia, cashew nuts, sunflower, simsim and ground nuts among others.

The nuts and oils crops are predominantly grown by small scale farmers in Kenya with the main crops being coconuts and cashew nuts which are mainly grown in the coastal counties of the country and more recently introduced to other inland of the country, macadamia mainly grown in central and eastern parts of the country and ground nuts mainly grown in western part of the country.

### **1.1.2 Rationale and justification for Regulatory Impact Assessment**

Over the last few decades, Regulatory Impact Assessment (RIA) has emerged as a key instrument to support evidence-based and coordinated policy-making. The systematic use of RIA is recognized as a key means to improve the efficiency, transparency and accountability of decision making. RIA typically also encourages several “good governance” features and contributes to a better business-enabling environment. Starting in the US and the UK in the 1980s, RIA gained popularity and traction in the second half of the 1990s. By 2015, all 34 members of the OECD at the time reported to have “some form of RIA” in place.

RIA is a flexible tool that helps governments make better regulatory and other policy decisions based on information and empirical analysis about the potential consequences of government action. The aim of RIA is to ensure that better policy options are chosen by establishing a systematic and consistent framework, including stakeholder consultation, for assessing the potential impacts of government action.

A systematic application of RIA, when embedded in the policy process, trains decision-makers to ask and answer targeted questions, at the beginning of the policy cycle, about the need for and goals of regulation, and the possible consequences of government action. The many methods used in RIA – including benefit-cost, cost-effectiveness, and least-cost tests, and partial tests such as administrative burden and small-business tests – are means of giving order to complex qualitative and quantitative information about the potential effects of regulatory measures.

The final products of this systematic process of analysis are self-contained documents called RIAs or Regulatory Impact Statements (RISs). The RIAs deal with substantive policy issues, are read and utilized by decision makers, and normally available for public scrutiny and subject to the evaluation, but increasingly so in parallel with the drafting phase of an independent oversight authority. Although methodologies vary across countries, a number of key elements are common. An RIA normally includes:

- (a) Problem definition and justification for regulatory action;
- (b) Data, on which the analysis is based;
- (c) Results of the consultation with affected parties and stakeholders;
- (d) Identification of a number of feasible policy options;

- (e) Estimation and comparison of the different (qualitative and quantitative) impacts of each policy option;
- (f) Selection of a preferred option accompanied by a prospective analysis of its implementation and, more recently, providing basis for ex-post review.

There is no single RIA model. The institutional set-up for RIA depends on legal, political, economic and social conditions. However, good practices have been identified internationally, and there are converging patterns of how RIA is institutionalized. The institutional framework for RIA often includes legal provisions which embed RIA in the policy formulation process, and stipulates criteria about its scope of applicability. A governmental body is often tasked with the oversight of the quality of RIA documents and the RIA process.

RIA is abroad tool now used in most developed countries and an increasing number of developing and transition countries to improve the understanding of economic and social welfare impacts of regulation. It is widely recognized as an important mechanism, which can contribute to improving the business environment, and to promote regulatory efficiency and effectiveness. RIA allows policy makers to assess trade-offs, consider new ways to regulate and identify the most suitable alternatives to regulation. In essence, RIA is a method of:

- (i) systematically and consistently examining the positive and negative impacts arising from proposed government actions; and
- (ii) Communicating the information to decision makers and other stakeholders.

RIA is an important factor in designing a good-quality law as it helps to provide valid arguments supporting a planned regulation. The process is designed to improve the quality of regulation by ensuring that the decision maker is fully informed when making regulatory instruments. The RIA process is designed to encourage careful consideration, at an early stage, of the fundamental question of whether regulatory action is required or whether policy objectives can be achieved by alternate or non-regulatory measures, with lower costs for business and the community. RIA may sometimes indicate that non-legislative measures are the best solution to a particular social and economic problem. Thus, RIA helps to avoid the production of redundant laws and reduce the bureaucratic burden on enterprises.

Kenyan courts have made decisions to underscore the importance of RIA in coming up with regulations. In *Kenya Association of Manufacturers & 2 others v Cabinet Secretary, Ministry of Environment and Natural Resources & 3 others* [2017] eKLR the court demonstrated that it is strictly incumbent on a regulation-making body to make assessment of the regulations on the stakeholders and that failure to conduct it has the potential of rendering a statutory Instrument null and void if challenged on that basis.

Accordingly, Kenyan courts have underscored the need to strictly comply with the Statutory Instruments Act. First, the courts have found that a regulatory impact assessment must begin with consulting stakeholders as that is the only sure way of determining the regulatory impact on the stakeholders, whether individual or juridical persons. Secondly, as was addressed in *British American Tobacco Ltd v Cabinet Secretary for the Ministry of Health & 4 others* [2015] eKLR the mode of consultations key but this depends on the circumstances of each case as was held in the case of *Republic v MOALF & others Ex parte Council of Governors and Harrison Munyi (as the Chairman of the New National Farmers Association)* [2016] eKLR.

Regarding the process that the assessment ought to take, the court in *Okiya Omtatah Okoiti v Commissioner General, Kenya Revenue Authority & 2 others* [2017] eKLR posited the chronology of the procedure as follows; consultation of stakeholders; regulatory impact assessment; preparation of an explanatory memorandum and tabling of the statutory instrument in the relevant house and consideration of the same by Committee of Delegated Legislation. This is in line with the requirements of the Statutory Instruments Act, 2013.

### **1.1.3 Objective of the Assignment**

Section 40 of the Crops Act, 2013 gives the Cabinet Secretary in charge of Agriculture the powers to make regulations for the better carrying out of the provisions of the Act. In light of this, AFA in consultation with the county governments and relevant stakeholders came up with draft Crops (Nuts and Oil Crops) Regulations, 2020. AFA engaged the firm of Munyao, Muthama and Kashindi Advocates to undertake the Regulatory Impact Assessment of the draft Crops (Nuts and Oil Crops) Regulations, 2020.

The main objective of the assignment was to conduct a Regulatory Impact Assessment (RIA) of the draft Crops (Nuts and Oil Crops) Regulations. The RIA seeks to evaluate the impact and effects of the draft regulations both on the public and private sectors to inform the choice of the most appropriate way to achieve objectives of the proposed regulations by evaluating the major feasible alternatives of intended legislative action and other practical non-regulatory options.

The specific objectives of the following assignment were to:

- (i) Undertake an assessment of the draft regulations in terms of its economic, environmental and social impact and the likely administration and compliance costs.
- (ii) Assess the impact of the draft Regulations on the private and public sectors.
- (iii) Assess the effect of the draft Regulations on fundamental rights and freedoms;
- (iv) Assess the effects of the draft Regulations.
- (v) Indicate other practicable means of achieving the objectives of the draft regulations including other regulatory or non-regulatory options and reasons for or against these means.
- (vi) Prepare regulatory impact statements for the draft Regulations.
- (vii) Prepare an explanatory memorandum for the draft Regulations.
- (viii) Prepare notices on the Regulatory Impact Statements for publication in the *Kenya Gazette* and other 2 other daily newspapers of wide circulation;
- (ix) Prepare for the Cabinet Secretary a compliance certificate for the draft regulation as per section 7 (3) & (4) of the Statutory Instruments Act, 2013.
- (x) Assess any other pertinent issue with respect to the draft Regulations.
- (xi) Prepare and submit a final legislative and policy review report on the draft regulations to the Board for their consideration.

#### **1.1.4 Methodology and Approach**

The approach to the assignment entailed detailed desk review and synthesis of the Draft regulations, Crops Act, 2013, AFA Act, Agriculture policy and strategies, Vision 2030, Constitution of Kenya, 2010 and other key policy documents, qualitative analysis, quantitative analysis, comparative analysis, trend analysis of data from these documents, trend analysis of judicial decisions on regulatory impact assessment and public participation and key informant interviews and

focused group discussions to validate secondary data obtained from the documents.

### **1.1.5 Policy Background for the draft Crops (Nuts and Oil Crops) Regulations**

The performance of most nuts and oil crops such as coconut, cashew nuts, groundnuts, sesame (*simsim*) and sunflower have been on a decline over the decades with production, quality and value declining fast. Many farmers are therefore unwilling to invest in in this sub- sector as a source of income and livelihoods and raw materials for the many agro and cottage industries. The only exception has been the macadamia nuts which have realized steady growth over the same period.

This sub-sector remains poorly organized and developed for the following reasons: inefficient marketing systems; limited policy and institutional support; limited farm support and access to quality planting materials and limited value addition resulting to most of the produce being marketed raw and heavy exploitation of farmers by middlemen due to absence of or inefficient commodity marketing structures hence the need for an effective regulatory framework to guide the transformation of the sub-sector.

The objective of the AFA Act in part is to provide for the consolidation of laws for the regulation and promotion of agriculture in addition to providing for the concurrent roles of the national and county governments.

Cognizant of the wide array of the crops covered by the Crops Act, 2013 specific regulations that address specific issues of the different crops are being derived from this parent Act to ensure growth and development. The development of the Crops (Nuts and Oil Crops) Regulations began with the development of the nuts and oil crops industry policy that was based on the premise that the nuts and oil crops subsector faces various constraints in input supply; production; storage and distribution; processing; marketing and trade consumption; and support services. The legal and institutional framework guiding the subsector was also unfavorable. The policy therefore targeted to address the constraints in all these areas with the aim of proposing the necessary interventions needed to make the subsector vibrant.

From stakeholder consultations, it was apparent that the development of the Nuts and Oil Crops Regulations was required as a matter of priority. This was to provide

for the growth and development of the sub-sector and in particular to help in the implementation of the Crops Act, 2013 through attaining the objectives mentioned above.

Consequently, the formulation of the Crops (Nuts and Oil Crops) Regulations are necessary to for the better carrying out into effect the provisions of the Crops and AFA Acts such as prescribing the licensing and registration procedures for the nuts and oil crops industry players and applicable fees, approval of exports and imports, promotion of nut and oil crops trade internationally, ensuring conformity to international and national standards. The Regulations also provide for the roles of the national and county governments.

Basically, the regulations are aimed at the nuts and oil crops industry players, with the aim of the development; processing; marketing and market research; trade promotion; compliance; standards and food safety.

#### **1.1.6 Objectives of the draft Crops (Nuts and Oil Crops) Regulations**

The regulatory objective is to provide guidelines in the development and promotion of the nuts and oil crops industry and in particular provide for: -

- (a) Procedure and forms for application for registration and licensing of nursery operators, growers, dealers and manufacturers.
- (b) Conditions for registration or licensing.
- (c) Recommendation of general industry agreements or contracts.
- (d) Production, harvesting, processing and marketing.
- (e) Filing of statistical returns.
- (f) Imposition and administration of levies.
- (g) Support the realization of the national government's *Big Four Agenda* through improved food security, nutrition security and by extension will also contribute to improved health in the country.
- (h) Promote value addition of various food items through agro-processing and thus also contribute to the realization of the manufacturing pillar while also creating more jobs in the nuts and oil crops sub-sector.
- (i) Such any other matters as may be deemed necessary for the better carrying into effect of the provisions of these regulations.

## **1.2 Assessment of the Nature and Extent of the problem**

This section describes the nature and extent of the problem in the nuts and oil crops sub-sector which calls for a better regulatory framework.

### **1.2.1 The Nature of the Problem**

The nuts and oil crops sub-sector has the potential to drive economic development in the traditional growing areas of Kenya and in the other emerging potential growing areas. The industry however faces a number of serious challenges that cut across the entire value chains and constrain its capacity to thrive. The performance of the main nuts and oil crops which are coconut, macadamia nuts and cashew nuts have fluctuated over the years but have generally been way below the potential production, and often have been on a decline.

Marketing is one of the key challenges facing the nuts and oil crops sub-sector. Distribution and marketing channels are generally dominated by traders and middlemen/brokers who though play an important role in getting the farmers' produce to the markets, heavily exploit them, denying them the full value of their products. Generally the sub-sector has no formal marketing channels in existence; the cooperative societies on which farmers would have relied have collapsed or are inefficient and there is no direct connection between farmers and the processors. Other challenges of the sub-sector include low production brought about by ageing crop trees and poor crop husbandry, poor quality produce, limited supply and access and high cost of quality planting material, heavy losses due to pests and diseases, lack of affordable credit, high cost of production, inadequate extension, dependence on a few external markets, poor governance of farmer cooperatives inadequate agricultural market information, and climate change and unpredictable weather.

### **1.2.2 The Extent of the Problem**

Kenya currently produces on average of about 24,000 metric tons of cashew nuts annually valued at about Kshs. 891 million though there is potential to produce more than 63,000 metric tons per year (NOCD/AFA, 2016).

An intervention by the Government to ban raw cashew nuts exports in 2009 after lobbying by local processors has led to oversupply and even more depressed prices resulting in exploitation of farmers by processors and middlemen who manipulate prices, with producer prices said to have plummeted to less than Kshs. 30 from the KSh. 80/Kg exporters offered before the ban. Despite the ban, export of raw nuts has continued informally across the border with Tanzania with middle men taking advantage of the poor cashew nut market structure in Kenya to source nuts cheaply from farmers and which is ferried across the border. The negative effect of this high demand for exported nuts for this market is that the quality of nuts is compromised due to the harvesting and selling of premature nuts. This was the main reason that made China pull out of the Kenyan cashew nut market and impose a ban on importation of Kenyan nuts due to low quality (ITC, 2014).

Coconut has a potential of generating over Kshs. 13 billion up from the current Kshs. 3.2 billion annually but the production has remained low with no significant growth. The Department of Trade estimates that the country would cut its oil import and save over Sh8 billion annually if it increases oil production from the coconut. Figures from Ministry of Trade indicate that the country imports approximately 400,000 metric tons of oil annually at a value of Kshs. 14 billion of which, 120,000 metric tons or 30 per cent is used in soap manufacture. Further, due the absence of a formal marketing system, local farmers complain of continued exploitation by traders who buy nuts from them cheaply and transport them to Tanzania (KNBS, 2017).

Kenya is emerging as one of the most important producer of macadamia nuts in the world and was ranked 3rd highest producer behind South Africa and Australia. Kenya's macadamia industry has large potential to even expand further as many coffee farmers are substituting coffee with macadamia in their farms. The challenges affecting the industry include, limited access to quality planting materials, weak marketing systems, lack of research on development technologies and innovations on value addition, among others, that must be addressed to sustain the growth of the industry. Macadamia production in 2017 for example, increased by 5% to 41416 Tons with an estimated value of Kshs. 7.49 billion and the potential is immense especially with the dwindling fortunes of the once lucrative coffee sector (AFA, 2017).

### **1.3 Regulatory Contextualization**

After independence, the Government *gazetted* coffee, tea, cashew nuts and coconut as scheduled crops. However, coconut and cashew nuts were dropped from the list in 1997. In 2007 the coconut crop was re-scheduled through the Kenya Coconut Development Authority Order, leaving cashew nuts and the other crops to operate under unclear legal and policy framework in terms of development in the areas of production, processing, marketing, and processing and crop research. Some restrictive laws such as the Liquor Licensing Act (Cap. 121)(now repealed) have confined further use, development and exploitation of other coconut related products while the Government ban on raw cashew nuts exports in 2009 distorted the marketing of the crop. Macadamia sub-sector on the other hand has remained regulated under the Horticultural Crops Development Order, 2011 attracting many players including foreigners who really exploit the farmers and concentrate in aggregating raw nuts for primary processing before exports. Export of raw macadamia nuts was also banned in 2009 (ID & MS, 2007).

Before the enactment of AFA Act, 2013 and Crops Act, 2013, the role of developing, promoting and regulating the nuts and oil crops sub-sector was largely amorphous with overlapping roles of different agencies including the Kenya Coconut Development Authority, Horticultural Crops Development Authority and The Ministry of Agriculture, Livestock and Fisheries and Irrigation and now more recently the County Governments.

There is therefore need to review the current policy and regulations on nuts and oil crops for the development of this sector and particularly to support the development of effective and efficient formal marketing structures with clearly defined roles of key players and regulations to govern their conduct and operations in the sub-sector which is important to incentivize growers to increase production and quality of output.

### **2.0 EFFECTS OF THE PROPOSED REGULATIONS**

This chapter outlines the groups of persons likely to be affected by the proposed regulations and the impacts of the proposed regulation on both public and private sectors. It also examines the likely impacts of the proposed regulations on the realization of fundamental rights and freedoms of the affected groups.

## 2.1 Affected Groups

The regulations will affect all actors within the value chains and these include:

- (i) National Government.
- (ii) County Governments.
- (iii) Farmers.
- (iv) Farmer organizations.
- (v) Processors.
- (vi) Value chain commodities dealers.
- (vii) Marketers and exporters.
- (viii) Commodities dealers.
- (ix) Nursery operators.

## 2.2 Effects on the Public Sector

- (i) Full implementation of these regulations will aid to advance the food security, health and manufacturing pillars of the National Government's *Big Four Agenda* through increased productivity of food crops, value addition through nuts and oil crops manufacturing and improved health through enhanced nutrition security.
- (ii) The regulations will result in increased farm incomes, increased export revenues and foreign exchange earnings.
- (iii) The Government will, for the first time, establish a coherent nuts and oil crops sub-sector for streamlined oversight and better management.
- (iv) County Governments will have a reference point for direct interventions at the local level for mobilization of resources for implementation and provision of agricultural advisory services to the farmers, thus promoting the sub sector development in the counties.
- (v) The AFA (Nuts and Oil Crops Directorate) will have well developed structures in the sector for effective sector regulation and informed planning and decision making.

## 2.3 Effects on the Private Sector

- (i) Farmers and farmer organizations will access quality planting materials and market information more readily, access enhanced advisory services and

support, improved and diverse market access, benefit from improved prices.

- (ii) Processors – consistent and reliable supply of quality raw materials for better business planning and operation and Legal recognition of the many businesses now viewed as informal or illegal.
- (iii) Commodities dealers - Legal recognition of the informal businesses, regular supply of produce for sustainable businesses, consistent product quality, and reliable and stable markets.
- (iv) Marketers and exporters - regular supply of products for sustainable businesses, consistent product quality, and development of reliable and stable markets.
- (v) Nursery operators - Legal recognition of nurseries, advisory services and support, reliable market for planting materials.

## **2.4 Effects on Fundamental Rights and Freedoms**

Article 43 of the Constitution provides for the economic and social rights. It affirms the rights of individuals and communities to an adequate standard of life including right to accessible and adequate housing, right to adequate food of acceptable quality and right to clean and safe water in adequate quantities. The State has an obligation to allocate and provide resources for the progressive realization of these rights. Article 55 of the Constitution requires the State to take measures to ensure the youth can access employment and other opportunities for social and economic advancement. Thus the State has a constitutional obligation to promote investment, income and wealth creation in the agricultural sectors and other sectors of the economy. In addition, the Government has an international obligation to promote the right to work in the country.

The proposed regulations shall have a positive impact. They will provide better returns to farmers and nurture a favorable investment environment to existing and new value chains players. The regulations will also create wealth and employment for more Kenyans in the rural areas. This would contribute to improved household incomes and enhanced capacities to afford an adequate standard of living envisaged in Article 43 of the Constitution.

Further, the proposed regulations seek to advance the government policy of implementing reforms in the nuts and oil sub-sector aimed at achieving the national goals of the agricultural sector being a key driver of economic growth

and value addition as set out in the Kenya Vision 2030. The regulations will not only enhance public participation of the players in the sub-sector but also ensure consumers of the nuts and oil crops products have good quality and safe products to consume as required in Article 46 of the Constitution.

### **3.0 REGULATORY AND NON-REGULATORY OPTIONS**

This chapter highlights other regulatory and non-regulatory options that could be adopted by AFA in regulating the nuts and oil crops sub-sector in Kenya.

Alternatives to rule-based regulation are more flexible than a rule-based approach, since they do not require setting the rules out in legislation which then takes more time and effort to develop and change.

#### **3.1 Option 1: Maintaining the *Status Quo***

Before considering new interventions, it is important to consider whether the problem could be resolved by making changes to practices within the existing legislative and regulatory framework, thus maintaining the *status quo*. Examples of this are:

- (i) making use of existing regulations;
- (ii) simplifying or clarifying existing regulations;
- (iii) improving enforcement of existing regulations; or
- (iv) making legal remedies more accessible or cheaper.

#### **3.2 Option 2: Passing the Regulations**

Government can achieve its policy objectives by using taxpayer's money, or through a range of non-spending interventions, including regulation. Regulation aims to set rules to protect and benefit people, businesses and the environment, stabilizing markets and addressing market failures to support economic growth. Regulation can also create costs for private businesses and to the public sector. It can, if overused, poorly designed or implemented, stifle competition and growth.

The passing and operationalization of the proposed regulations will:

- (a) Support increased participation of the more efficient private sector in the nuts and oil crops sub-sector thus allowing for new investments in processing, produce aggregation, product formulation and products export.
- (b) Enhance access to quality planting materials to meet demand for new crop establishments and renewal of existing fields.

- (c) Streamline coordination of players within the sub-sector and remove underhand dealings and exploitation that negatively impact on the sub-sector.
- (d) Facilitate increased crop research and improved extension advisory services to farmers for increased production and improved produce quality.
- (e) The passing and operationalization of the proposed regulations will therefore facilitate the revitalization and development of the nuts and oil crops sub-sector for the sector to effectively contribute to the realization of the objectives of the Vision 2030, the national Agriculture Sector Development Strategy and the *Big 4 Agenda*.

### **3.3 Option 3: Other Practical Options**

Alternatives to regulation include information and education, market-based structures, self-regulation and co-regulation. In addition, existing policies can be improved, without further regulation, using techniques such as behavioral insight or changing enforcement practices to improve compliance. Such approaches may be better or worse for business and the economy than an equivalent regulatory measure.

#### **1. Alternatives to Regulation**

The alternatives to regulation include:

##### **(a) No new intervention/do nothing:-**

This may include making use of existing regulation; simplifying or clarifying existing regulation; improving enforcement of existing regulation; or making legal remedies more accessible or cheaper and as discussed in 3.1 above, *status quo* in the sub-sector are likely to remain, stifling revitalization and growth of the nuts and oil sub-sector.

##### **(b) Information and education:**

Information and education can be used to empower stakeholders to make their own decisions, improving choice for mutual benefit of all. There are potential risks associated with this. Information and education can take time to make an impact. Access to information and the ability to use it can vary within a community and so may not reach all equally. It may also not be straightforward to assess how people will react or change their behaviour in

response to the information provided and it will increase costs for government and businesses that will be providing the information and education required.

**(c) Incentive/market-based structures:**

The Government can use economic instruments, such as taxes, subsidies, quotas and permits, vouchers etc. as incentives to realize the desired objectives. These initiatives however are only practically possible in well-developed and efficiently functioning sectors which have well defined structures unlike the nuts and oil crops sub sector. Further, often these sorts of systems need their own regulations to establish the framework and may have additional costs to the Government.

**2. Alternatives models of regulation**

The alternative modes of regulations include:

**(a) Self-regulation**

An industry or a profession can self-regulate, for example through the use of codes of conduct, customer charters, standards or accreditation. In many cases rules and codes of conduct will be formulated by other industry representative or organization under their own initiative.

**(b) Co-regulation**

Co-regulation is an intermediate step between state-imposed and self-regulation that involves some degree of explicit government involvement where industry may work with government to develop a code of practice and enforcement would be by the industry or a professional organization and accredited by government.



## 4.0 COST-BENEFIT ANALYSIS (CBA)

This chapter provides an analysis of the potential costs and benefits of using the proposed regulations in regulating the nuts and oil sub-sector. It analyses the economic, environmental and social impacts as well as the administrative and compliance costs of adopting the proposed regulations. It also assesses and quantifies the return on investments of the proposed regulations; and how the impact of the proposed regulations is likely to be distributed between the public and private sectors.

### 4.1 Economic, Environmental and Social Impacts

Economic impacts of the regulations will include:

- (i) Increased agricultural production of nuts and oil crops farmers.
- (ii) Increased exports of nuts and oil crops produce and products.
- (iii) Increased Savings and Investment by nuts and oil crops farmers.
- (iv) Foreign Direct Investment through new investments in production, processing and marketing of nuts and oil crops.
- (v) Improved terms of trade - Substitution of imported nuts and oil crops from increased local production.
- (vi) Increased job creation in the nuts and oil crops sub-sector.

Social impacts of the regulations will include:

- (i) Decreased poverty level among the nuts and oil crops farmers and the community in general.
- (ii) Improved income distribution among the nuts and oil crops farmers and the community in general.
- (iii) Improved access to water and sanitation among the nuts and oil crops farmers due to increased incomes.
- (iv) Improved health status of the nuts and oil crops farmers and the community resulting to reduced child and maternal mortality and reduced disease incidences.
- (v) Improved education levels and reduced illiteracy.

Environmental impacts of the regulations will include:

- (i) Improved Land conservation, utilization and management.

- (ii) Improved access to quality affordable energy by households.
- (iii) Improved access to clean affordable water by the households.
- (iv) Reduced carbon emission.
- (v) Reduced deforestation.
- (vi) Reduced soil degradation due to improved plant cover and reduced soil operations.

#### **4.2 Administration and Compliance Cost**

The RIA has noted that resources would be required for operationalization of the regulations which will include human resource and operation costs for enforcement as well as awareness creation of the regulations to the different stakeholders in the nuts and oil crops sub-sector. More resources will go to the implementation of the wider National Agriculture Policy which supports extension services for strengthening knowledge transfer and technology distribution among the farmers.

#### **4.3 Assessment of Return on Investment (Benefit)**

The RIA has noted that operationalization of the regulations will be critical in assisting the attain a level of productivity and product price that will guarantee improved incomes for the farmer and thus improved livelihoods and social welfare for communities, while also guaranteeing other businesses within the value chains good returns and higher export volumes for the country. In broad terms, the RIA noted the following broad benefits:

- (a) Regulation will streamline and organize the sub-sector for better functioning while allowing for fair competition thus resulting in efficient development of the sub-sector.
- (b) Improved farmers' confidence in the nuts and oil crops sub-sector will motivate them to increase production.
- (c) Increased access to quality planting materials by smallholders will result to increased acreage under nuts and oil crops, increase yields and improved quality.
- (d) New processors, dealers and other value chain actors will invest in the sector providing farmers with alternative market options for their produce.

- (e) Processors, dealers, and other value chain actors will be assured of sufficient quantities of produce and of acceptable quality for sustained operations of their businesses.
- (f) A comprehensive sector data base will be maintained to inform sector planning and future investments.
- (g) All businesses which have been operating illegally within the value chain will be legitimized and thus contribute more to the development of the sub sector and the economy sustainably.
- (h) Increased national production and value addition will translate to increased exports of the different commodity products.
- (i) Increased production will translate to increased job creation at the farm and manufacturing levels.
- (j) Increased production will also translate to increased exports and thus increased foreign exchange earnings.
- (k) Research in the sector will be focused to address identified issues and support further development of all spheres of the sector.

#### **4.4 Quantification of the Benefit**

The nuts and oil crops have immense potential to contribute to the Kenya's agricultural development and contribute to the realization of national development objectives. The coconut crop has a potential of contributing over Kshs. 13 billion but its current contribution is about Kshs. 3.2 billion. The current production of cashew nut averages 24,000m ton, valued at about Kshs. 891million, whereas the potential is estimated to be about 63,000 MT earning of over Kshs. 2 billion.

Macadamia nuts production is expanding fast and is rapidly replacing coffee in traditional coffee growing areas. In 2017, some 41,416 MT of macadamia nuts were produced earning some Kshs. 7.49 billion. The potential for the macadamia industry is enormous and is projected to exceed 100,000MT earning a possible over Kshs.18 billion in the next few years. There are other nuts and oil crops which though currently are considered less important than these three have huge potential and can contribute significantly to the national food security and as emerging export crops. The development of these commodity industries will also contribute to improving livelihoods for millions of nuts and oil crops farmers while also creating job opportunities along different levels of the value chains. Currently coconut industry supports over 350,000 people directly and another 500,000

indirectly, while cashew nut supports 70,000 people directly another 100,000 indirectly. Macadamia is quickly evolving from a shade tree for coffee and in the few years many farm families that were dependent on coffee will earn their livelihoods from this crop.

#### **4.5 Distribution of Impacts**

The operationalization of the regulations will generate more positive than negative impacts/risks if the regulations are implemented with sufficient financial, logistical, technical and human resources. The operationalization will initially impact heavily on the government but positively on the private sector. The regulations are expected to quickly turn around of each of the commodity industries and translate to improved productivity, both in quantity and quality.

The streamlined commodity industries will be a motivation to farmers to increase the area under these crops as well to improve crop husbandry practices. The increased production will directly result in increased incomes, improved livelihoods, and reduced poverty levels for the farm households. This will result to improved income distribution, better access to water and sanitation, and access to better health care thus reducing child and maternal mortality and access to better education (reduced illiteracy) for the rural populations. The increased growing of these crops, some of which are perennial, will improve the land use management, reduce soil degradation and deforestation. In addition, the increased production and development of these industries will create many new job opportunities both at the farm level and within the different processes along these value chains.

To the public sector, these regulations will enhance coordination and streamlining of the nuts and oil crops sector. The improved production and value addition will contribute to increased exports and earning in foreign exchange for the country. In addition development of the nuts and oil crops sector in processing and value addition will increase the availability of raw materials for local cooking oil and soap manufacturers who currently depend on imports and thus saving the Country foreign exchange used to finance these imports.

## 5.0 REASONS WHY OTHER REGULATORY OPTIONS ARE NOT APPROPRIATE

This chapter provides justifications why other regulatory and non-regulatory options highlighted in chapter three are not appropriate in regulating the nuts and oil subsector in Kenya.

### A). Maintaining the *Status Quo*

Maintaining the status-quo will only sustain the challenges facing the nuts and oil crops sub-sector and allow further decline in this sub-sector, including the following:

- i. Continued traditional farming and neglecting of nuts and oil crops due to poor confidence in the key sector players and in the commodities themselves.
- ii. Limited access to high quality seeds and seedlings for crop establishment and renewal.
- iii. Limited private sector participation, leaving the sub-sector to players who heavily exploit the farmers, demotivating them thus leading to declining production.
- iv. Declining and unreliable production and further diminishing of Kenya's importance in the respective global commodities market.
- v. County Governments will not play any role in the regulation of the sub-sector thus contravening the Fourth Schedule of the Constitution of Kenya, 2010, section 6 of the Crops Act, 2013, section 29 of the AFA Act and relevant provisions of the County Governments Act, 2012 (No. 17 of 2012).

The situation is not sustainable and thus maintaining the *status quo* is not a viable option for revitalization and development of the nuts and oil crops commodities industries.

## **B. Other Practical Options**

Possible practical options include:

### **1. Alternatives to regulation**

#### **(a) No new intervention/do nothing**

This may include making use of existing regulation; simplifying or clarifying existing regulation; improving enforcement of existing regulation; or making legal remedies more accessible or cheaper but with this approach, status quo in the sub-sector is likely to remain and thus this is not a viable option.

#### **(b) Information and education of stakeholders for adoption collective actions**

Information and education can be used to empower stakeholders to make their own decisions, improving choice for mutual benefit of all. However, information and education can take time to make an impact and still may not be acceptable to and this approach may increase costs for government and businesses that will be providing the information and education required. The desired objectives are unlikely to be realized within reasonable time for the common good of all and thus this is not a viable option.

#### **(c) Incentive/market-based structures**

The government can use economic instruments, such as taxes, subsidies, initiatives to realize the desired objectives. These incentives however are only practically possible in well-developed and efficiently functioning sectors which have well defined structures and often these sorts of systems need their own regulations to establish the framework and may have additional costs to the government and are unlikely to be effective in the nuts and oil crops industries. This therefore is not a viable option.

### **2. Alternatives models of regulation**

#### **(a) Self-regulation**

The nuts and oil crops industry does not have a well-developed industry representative to formulate and implement codes of conduct, customer charters, standards or accreditation system for self-regulation is not possible in the sector. This therefore is not a viable option for now.

**(b) Co-regulation**

Co-regulation is an intermediate step between state-imposed and self-regulation that involves some degree of explicit government involvement where industry may work with government to develop a code of practice and enforcement would be by the industry or a professional organization and accredited by government. The nuts and oil crops industry has no such organization at the moment and thus co-regulation is practically not possible. This therefore is not a viable option.

## 6.0 OUTCOME OF STAKEHOLDER PARTICIPATION

This chapter examines the legal requirements for public participation. It also analyses the outcomes of the public consultations conducted in coming up with the proposed regulations with an aim of assessing whether those consultations meet the threshold set for public participation in Kenya.

### 6.1 Legal Basis for Public Participation

Government authorities such as AFA have a duty to consult those likely to be affected by their decisions to enable them give their views and influence the substance of the decisions.

Article 10 of the Constitution provides for national values and principles of good governance and participation of the people of Kenya and also provides for the involvement of the people in the enactment of any law, regulation and policy. On the other hand, section 5 of the Statutory Instruments Act, 2013 requires AFA to invite participation in public hearings on the proposed Regulations.

The courts of law have in several instances provided for the modes of ensuring public participation is effective and adequate. For instance, in *IEBC v NASA-Kenya & 6 others* [Para 164-5]; the Court of Appeal stated,

*"...the mode, degree, scope and extent of public participation is to be determined on a case by case basis. What is critical is a reasonable notice and reasonable opportunity for public participation. In determining what is reasonable notice a realistic time frame for public participation should be given. In addition, the purposes and level of public participation should be indicated. Reasonableness is also to be determined from the nature and importance of legislation or decision to be made, and the intensity of the impact of the legislation or decision on the public. The length of consultation during public participation should be given and the issues for consultation. Mechanisms to enable the widest reach to members of public should be put in place; and if the matter is urgent the urgency should be explained."*

Further, in *Poverty Alleviation Network & others v President of the Republic of South Africa & 19 others*, CCT 86/08 [2010] ZACC 5; public participation was emphasized in the following terms;

*"...engagement with the public is essential. Public participation informs the public of what is to be expected. It allows for the community to express concerns, fears and even to make demands. In any democratic state, participation is integral to its legitimacy. When a decision is made without consulting the public the result can never be an informed decision."*

The totality of all those judicial decisions above sets out the following cardinal points that:

- (a) Public participation was never intended to be a suggestion, superfluous or ornamental, rather to have a substantive bite, enforced and implemented. It must be put into practice.
- (b) Public participation must never be of mere cosmetic venture, formality and public relations exercise, rather to be conducted in a manner that informs the public of what is at stake, how it will impact on the society and the end document should mirror and reflect the spirit of the public in concern.
- (c) Public participation should never be equated to mere consultations. The product of legislation ought to be a true reflection of the public participation so that the end product bears the seal of approval by the public.

## **6.2 Stakeholder Engagement**

The Constitution of Kenya, 2010 and Statutory Instruments Act, 2013 require AFA to conduct a stakeholders mapping and engagement with the players in the nuts and oil crops sub-sector in Kenya when coming up with regulations. The Nuts and Oils Crops Regulations shall have a direct impact on the dealers, transporters, distributors, producers, owners of produce handling and processing facilities, importers and exporters of the produce and county governments. Consumers of nuts and oil products are also affected indirectly.

Various stakeholders are affected with regards to the requirements for registration and licensing, restriction on tree felling and approval of planting materials or seed source, traceability requirements, safety and quality standards, compliance with national, regional and international standards, payment of levies among other requirements.

The draft Regulations were subjected to public participation. Public consultation sessions were held with stakeholders between November 2014 and September 2016. The comments of the stakeholders were considered and incorporated in the draft Regulations. However, comments which were rejected were properly justified.

### **6.2.1 National Level Consultations (Government)**

Consultations were made with representatives of various national government agencies including Kenya Agricultural, Livestock and Research Organization (KALRO), Kenya Revenue Authority (KRA), Export Promotion Council and the Nuts and Oils Crops Directorate, Kenya, Forest Service and Semi-Autonomous Government Agencies.

### **6.2.2 Private Sector Consultations**

Consultations were made with the private sector representatives such as AFRIMAC, Portcross Limited, Diamond Industries Limited, Navida Foods Ltd, Cocovita Ltd and farmers.

### **6.3.3 County Governments/Level**

Consultations were made with representatives of county governments including County Executive Committee members from various counties such as Tharaka Nithi, Taita Taveta, Mombasa, Kilifi, Kwale, and Tana River.

#### **6.3.4 Experts and Academia**

Consultations were made with representatives from the academia and research institutions such as Pwani University, Technical University of Mombasa and KALRO.

#### **6.4 Stakeholder Views**

Most public hearings were held in Embu and Mombasa counties. For instance on 15<sup>th</sup> September, 2015 at Mombasa Beach Hotel 98 stakeholders including representation from national government, county governments, civil society, farmers and members of the public. Various proposals were made on the establishment of collection centres that will help stabilize the nuts and oil crops produce prices which was their major concern to the farmers. Other issues raised by stakeholders included: a proposal to include a stakeholder representative in the NOCD Technical Advisory Committee; penalty imposed for illegal manufacture is too harsh; review penalties for exportation of raw produce to discourage exporters from engaging in exportation; and there is need to differentiate charges for felling trees from different crops.

The draft regulations were reviewed to capture the useful comments received stakeholders and justifications provided for non-inclusion of certain comments received from stakeholders.

#### **6.5 Assessment of Adequacy**

There was a multi-level stakeholder consultation before coming up with the draft regulations. Consultations were conducted at national and county levels. Letters of invitation were sent out to various stakeholders including national and county governments' officials, civil societies, private companies, experts, researchers, farmers and members of the public inviting them to attend various public consultation forums and submit their comments relating to the draft regulations. There were programs of the training sessions, pictorial evidence of presentations and participations, signing sheets of attendance and minutes of the meeting held and summary reports of the outcome of the consultations. The presentations were made by AFA officials to stakeholders to help them understand the contents of the draft regulations and give their input. The questions and answer session gave stakeholders an opportunity to ask questions regarding the provisions of the

regulations and seek clarifications on provisions that were not clear to them in the draft regulations.

There was a consultative meeting on 15<sup>th</sup> October 2015 at Izaak Walton Hotel in Embu. The consultative sessions began at 9:00 a.m. and closed at 4:00 p.m. Mombasa County was the epicenter for all the other consultative meetings involving various stakeholders from different sectors including national and county governments' representatives, representatives of civil societies, academia, research institutions, farmers, and members of the public.

Overall, there was adequate, meaningful and effective public participation as required by section 5 of the Statutory Instruments Act, 2013 (No. 23 of 2013) and in line with judicial decisions on the question of adequacy and meaningful public participation in coming up with a policy or regulation. Stakeholders including experts and county government officials were properly mapped out and invited to participate. The plenary discussions also show that stakeholders were afforded reasonable opportunity to make submissions and their concerns were all addressed during public hearings and plenary sessions and where their concerns were excluded, such exclusions were properly justified.

## 7.0 ENFORCEMENT AND COMPLIANCE

This chapter looks at the effectiveness of the enforcement measures and compliance requirements provided in the proposed regulations.

The Fourth Schedule to the Constitution of Kenya, 2010 provides that agriculture is both a national government and a county government function. The national government has the task of developing agricultural policy while the county governments retain the vast majority of the agricultural functions including crop and animal husbandry. In line with this provision, the Regulations provide for Agriculture and Food Authority (AFA), a national agency, and the structures within the county governments as administrative bodies that shall ensure compliance with its provisions.

Assuming the draft Nuts and Oil Crops Regulations are adopted, the following regulatory tools have been proposed to aid in ensuring their compliance: licenses, registration certificates and criminal sanctions (fines and imprisonment). Section 13 of the regulations provides for registration of traders, retailers, transporters and distributors while section 15 provides for registration of growers and associations. These requirements shall ensure strict adherence to the standards set in the regulations. Non-compliance shall attract criminal sanctions.

Section 15 of the regulations requires manufacturers (processors) of nuts and oil crops produce or products to obtain a licence from AFA. AFA has the power to revoke, suspend or cancel licence as a tool of ensuring compliance with the provisions of the Crops Act, 2013 and the Regulations as well as conditions in the licence.

If the regulations are adopted, the AFA through Nuts and Oil Crops Directorate and relevant county government would be responsible for enforcing the regulations which would be undertaken within the Authority's and county government's budgetary allocations respectively. This would include monitoring and inspection by appointed inspectors in line with the section 27 of the Crops Act, 2013 as read with section 36 of the Regulations who will conduct crop inspection regularly and ensure full compliance with provisions of the Crops Act, 2013 and the Regulations. The Directorate and relevant county government shall also be responsible for regulating and coordinating activities of stakeholders and organizations within the nuts and oil crops sub-sector.

The draft regulations also detail out the roles of the Directorate, national government agencies, county governments, as well as by the private sector, development partners and farmers. All players will be required to regularly report on their responsibilities.

The Crops Act, 2013 and section 39 of draft regulations provides for specific and general penalties to be imposed for non-compliance with the Act and various clauses in the proposed Regulations.

In relation to imports and exports of nuts and oil crops, the Authority or its authorized agencies shall have the power to verify the custom documentation on exports and imports and issue an import/export release order or deny the same if it is in contravention of the Crops Act, 2013 or section 27 of the draft regulations. The Authority would also liaise with KRA customs department to ensure imported nuts and oil meet the required quality, safety and health standards set by relevant government agencies

County governments shall be the only authority empowered to grant the felling (logging) of nuts and oils crops tree permit in the circumstances provided for in section 37 of the draft regulations.

To ensure effectiveness and efficiency in implementation, AFA, other regulatory agencies and county governments will be expected to continuously audit the work done by various stakeholders to whom task assignments have been extended in as far as the implementation of these regulations is concerned as per their mandates. Specific actionable sanctions for the contravention and/or non-compliance to the various sections are spelt out in the regulations.

## **8.0 REVIEW, MONITORING AND EVALUATION**

This chapter provides for reviews and monitoring and evaluation techniques that could be adopted by AFA to ensure full implementation of the proposed regulations.

It is expected that review, monitoring and evaluation will be a subject of great interest to all stakeholders in the sub-sector particularly because of its potential to offer improvement in incomes, increase foreign exchange earnings, create employment, reduce poverty and enhance the living standards of Kenyans. The Ministry of Agriculture, Livestock, Fisheries and Irrigation working together with AFA and county governments will thus work hand in hand to promote research with an aim of reviewing the adequacy and effectiveness of the regulations towards promoting the growth and development of this vibrant sub-sector that will increase the market for nuts and oil crops locally, regionally and internationally.

The RIA deduces that the establishment and regular maintenance of a nuts and oil crops databases including registers of growers and other players' nursery returns, production and market trends, will enhance prudent planning and decision making process. It further notes that as part of the monitoring and evaluation (M&E) framework, county technical departments and other complimenting regulatory agencies are also being mandated to monitor specific issues within the counties and maintain resultant data and information to inform future regulations reviews.

## 9.0 CONCLUSION AND RECOMMENDATIONS

This chapter provides other laws and policies that could complement the proposed regulations. It also provides concluding observations regarding the proposed regulations and makes a specific recommendation on whether the proposed regulations should be adopted and implemented.

### 9.1 Linking the Regulation to other Regulations

The assessment by the RIA certifies that the Nuts and Oil Crops Regulations will be complimented by other policies with overlapping objectives including:

- (a) Constitution of Kenya, 2010.
- (b) Agriculture Sector Development Strategy (ASDS, 2010-2020).
- (c) Vision 2030.
- (d) Crops Act, 2013 (No. 16 of 2013).
- (e) AFA Act, 2013 (No. 13 of 2013).
- (f) National Trade Policy.
- (g) National Land Policy.
- (h) Seeds and Plant Varieties Act (Cap. 326).
- (i) Pest Control Products Act (Cap. 346).
- (j) National Agricultural Research Systems Policy.
- (k) National Agricultural Sector Extension Policy.
- (l) Environment and Development Policy.
- (m) National Social Protection Policy.
- (n) Biotechnology Policy.
- (o) Micro and Small Enterprises Policy.
- (p) Cooperatives Policy.
- (q) National Productivity Policy.
- (r) Water Policy.
- (s) National Food and Nutritional Security Policy.
- (t) National Livestock Policy.
- (u) Relevant County Policies and Legislations.

### 9.2 Conclusion

The proposed regulations if effectively implemented will provide a favorable environment to make the nuts and oil crops sub-sector once again attractive to

potential growers and to investors in the industries, revitalizing the once successful industries.

### **9.3 Recommendations**

The RIA recommends the passing and operationalization of the proposed Crops (Nuts and Oil Crops) Regulations, 2020.

## 10.0

### PERTINENT ISSUES

All the pertinent issues relating to the draft regulations raised by the consultant were addressed in the revised draft regulations. These issues included:

- (a) Grammatical errors in the draft regulations. The same were rectified in the revised regulations.
- (b) Mismatch between the numbering of clauses in the table of content and exact provisions in the text of the Regulations. Numbering was revised.
- (c) Some levies that were not beneficial to the private sector were also removed.

However, it is important for AFA to review some of the sanctions imposed by the Regulations because they could be contrary to the provisions of section 24(5) of the Statutory Instruments Act, 2013 which require that subsidiary legislation should not impose penalties of more than Kshs. 20,000 and 6 months imprisonment. This applies to all provisions which impose sanctions including Regulation 28. There has been previous litigation on the issue in the case of *British American Tobacco Ltd v Cabinet Secretary for the Ministry of Health & 4 others [2015] eKLR* and regulations which contravened this requirement on penalties were declared invalid.

(A detailed written legal opinion on this was provided to AFA via email and a hard copy of the same is available in the file for future reference.)

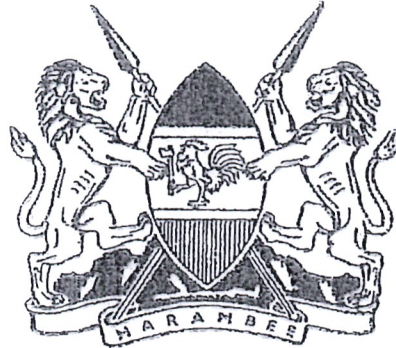
## 11.0 REFERENCES

1. NOCD/AFA, 2016, Cashew Nut Annual Market Research Report.
2. Kenya National Bureau of statistics, 2017, *Economic Survey 2017*.
3. Annual market research report – Nuts and Oil Crops Directorate, AFA, 2016
4. International Trade Centre, 2014, Cashew nut (Kenya) sector developments.
5. Institution Development & Management Services 2007, ABD-DANIDA/CDA Coconut tree survey.
6. Constitution of Kenya, 2010
7. County Governments Act, 2012 (No. 17 of 2012)
8. Statutory Instruments Act, 2013 (No. 23 of 2013)
9. Crops Act, 2013 (No. 16 of 2013)
10. Agriculture and Food Authority Act, 2013 (No. 13 of 2013)





**GAZETTE NOTICE AND  
NEWSPAPER ADVERT**



# THE KENYA GAZETTE

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## CORRIGENDA

IN Gazette Notice No. 1215 of 2019, *amend* the expression printed as "Njuki Mwaniki, (Rtd.) Major Gen." to read "Njuki Mwaniki, (Rtd.) Lt. Gen."

IN Gazette Notice No. 12428 of 2018, Cause No. 21 of 2018, *amend* the second petitioner's name printed as "Joseph Kahigia Kamunge" to read "Joseph Kahigia Kamunge", the name of deceased person printed as "Joseph Maina Eliud" to read "Njenga Gituru", the date of death printed as 22nd March, 2017" to read "3rd August, 2017" and the place of death printed as "Kiserian" to read PCEA, Kilcuyu Hospital in Kenya" where it appears.

IN Gazette Notice No. 4224 of 2018, Cause No. 2 of 2018, *amend* the expression printed as "for a grant of letters of administration intestate" to read "for a grant of letters of administration with will annexed" and the place of death printed as "Bishop Kioko Hospital" to read "M.P. Shah Hospital" where it appears.

IN Gazette Notice No. 1266 of 2019, *amend* the expression printed as "deceased's son and daughter" to read "the deceased's brother and sister" where it appears.

IN Gazette Notice No. 1457 of 2019, *amend* the proprietor's name printed as "Charles Newton Wanjiku" to read "Charles Newton Wanjuki".

IN Gazette Notice No. 5474 of 2018, *amend* the expression printed as "Cause No. 284 of 2018" to read "Cause No. 284 of 2017".

IN Gazette Notice No. 1602 of 2019, *amend* the expression printed as "(ID/3015607)" to read "(ID/30156107)".

IN Gazette Notice No. 1626 of 2019, *amend* the expression printed as "Mutira/Kangai/1254" to read "Mutira/Kangai/1254 and 1255" where it appears.

## GAZETTE NOTICE NO. 1906

## THE KENYA INFORMATION AND COMMUNICATIONS ACT

(No. 2 of 1998)

## EXTENSION OF TERM

IT IS notified for public information that the Cabinet Secretary for Information, Communications and Technology has extended the period of appointment of the Taskforce for Developing a Policy and Regulatory Framework for Privacy and Data Protection in Kenya contained in Gazette Notice No. 7857 of 2018, for a period of six (6) months, with effect from the 15th September, 2018.

Dated the 18th February, 2019.

JOE MUCHERU,

*Cabinet Secretary for Information, Communications and Technology.*

## GAZETTE NOTICE NO. 1907

## THE STATE CORPORATIONS ACT

(Cap. 446)

## KENYA YEARBOOK ORDER

(L. N. 187 of 2007)

## APPOINTMENT

IN EXERCISE of the powers conferred by paragraph 3 (2) (j) of the Kenya Yearbook Order, 2007, the Cabinet Secretary for Information, Communications and Technology appoints—

Caroline Mukeli  
Nemaisa Kiereini  
Wilson Kipkazi

to be members of the Kenya Yearbook Board for a period of three (3) years, with effect from the 8th February, 2019.

Dated the 8th February, 2019.

JOE MUCHERU,

*Cabinet Secretary for Information, Communication and Technology.*

## GAZETTE NOTICE NO. 1908

## THE CROPS ACT

(No. 16 of 2013)

## REQUEST FOR COMMENTS

REQUEST for Comments on the Regulatory Impact Statement and on the Crops (Tea Industry) Regulations, 2019; Crops (Horticulture) Regulations 2019; Crops (Nuts and Oil) Regulations, 2019; Crops (Fibre) Regulations, 2019 and Crops (Pyrethrum) Regulations, 2019.

The Cabinet Secretary, Ministry of Agriculture, Livestock, Fisheries and Irrigation is in the process of promulgating the following Regulations as provided for under section 40 of the Crops Act, 2013.

- The Crops (Horticulture) Regulations;
- The Crops (Tea Industry) Regulations;
- The Crops (Nuts and Oil) Regulations;
- The Crops (Fibre) Regulations;
- The Crops (Pyrethrum) Regulations.

In compliance with the provisions of the Crops Act, 2013 and the Statutory Instruments Act, 2013, the Ministry announces to the public the availability of the regulations listed herein above as well as the Regulatory Impact Statements for each of the regulations.

The main objective of the above Regulations, is to provide for the regulation, promotion and development of the respective industry value chain in Kenya. The respective Regulatory Impact Statement contains detailed information on each of the regulation.

The Constitution of Kenya, 2010, Crops Act, 2013 and the Statutory Instruments Act, 2013 provides that the public participates in the decision making process through the submission of comments to the Ministry. It is in this spirit that we request the public to participate by submitting their comments to the Ministry through the provided address.

All interested persons should submit written comments on the Regulations listed herein above and on the respective Regulatory Impact Statement using prescribed public comments form, to reach the undersigned not later than fourteen (14) days from the date of publication of this notice.

The draft Regulations and the Regulatory Impact Statement for all the regulations as well as public comments form can be accessed through the following websites: [www.agricultureauthority.go.ke](http://www.agricultureauthority.go.ke); [www.kilimo.go.ke](http://www.kilimo.go.ke). The draft Regulations, and Regulatory Impact Statements are also available on request at the Agriculture and Food Authority offices, Tea House Office, Naivasha Road, off Ngong Road during normal working hours.

Public forums to discuss the draft Regulations, and the respective Regulatory Impact Statement shall be held as per the schedule below:

Regulation	Venue	Date	Time
The Crops (Horticulture) Regulations.	HCD Offices, Nairobi Horticultural Centre, Embakasi North, Mazao Road, Nairobi	26th March, 2019	9.00 a.m.
The Crops (Tea Industry) Regulations.	AFA, Tea Directorate Offices, Tea House, Nairobi	25th March, 2019	9.00 a.m.
	Tea Trade Centre, Nyerere Avenue Mombasa	29th March, 2019	10.00 a.m.

Regulation	Venue	Date	Time
The Crops (Nuts and Oil) Regulations.	National Horticulture Research Institute Kalro, Kandara, Murang'a	28th March, 2019	9.00 a.m.
	Kenya School of Government, Matuga Kwale	9th April, 2019	9.00 a.m.
The Crops (Fibre) Regulations.	Machakos University College Machakos	2nd April, 2019	9.00 a.m.
	Maseno ATC, Kisumu	4th April, 2019	9.00 a.m.
The Crops (Pyrethrum) Regulations.	Pyrethrum Processing Company (PPCK) Offices, along General Mathenge Road, Nakuru	3rd April, 2019	9.00 a.m.

Send your written comments to either:

The Principal Secretary  
State Department for Crops Development  
Ministry of Agriculture, Livestock, Fisheries and Irrigation  
Kilimo House, Cathedral Road,  
P.O. Box 30028,  
Nairobi.  
Or by Email: psagriculture@kilimo.go.ke

The Director-General  
Agriculture and Food Authority  
Tea House, Naivasha Road, off Ngong Road,  
P.O. Box 37962-00100,  
Nairobi.  
Or by E-mail: info@agricultureauthority.go.ke

Dated the 22nd February, 2019.

MWANGI KIUNJURI,  
Cabinet Secretary  
for Agriculture, Livestock, Fisheries and Irrigation.

#### GAZETTE NOTICE No. 1909

##### TASKFORCE OF SUGAR INDUSTRY STAKEHOLDERS TO MAKE RECOMMENDATIONS FOR THE DEVELOPMENT OF THE SUGAR INDUSTRY IN KENYA

###### EXTENSION OF TERM

IT IS notified for the general information of the public that the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation has further extended the period of the Taskforce appointed *vide* Gazette Notice No. 11711 and extended *vide* Gazette Notice No. 345 of 2019 to the 31st March, 2019 (both days inclusive), with effect from the 7th January, 2019.

Dated the 19th February, 2019.

MWANGI KIUNJURI,  
Cabinet Secretary  
for Agriculture, Livestock, Fisheries and Irrigation.

#### GAZETTE NOTICE No. 1910

##### TASKFORCE OF MAIZE INDUSTRY STAKEHOLDERS TO MAKE RECOMMENDATIONS FOR THE DEVELOPMENT OF THE MAIZE INDUSTRY IN KENYA

###### EXTENSION OF TERM

IT IS notified for the general information of the public that the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation has further extended the period of the Taskforce appointed *vide* Gazette Notice No. 11710 and extended *vide* Gazette Notice No. 344,

from the 7th January, 2019 to the 31st March, 2019 (both days inclusive), with effect from the 7th January, 2019.

Dated the 19th February, 2019.

MWANGI KIUNJURI,  
Cabinet Secretary  
for Agriculture, Livestock, Fisheries and Irrigation.

#### GAZETTE NOTICE No. 1911

##### MINISTRY OF SPORTS, CULTURE AND HERITAGE

##### THE ORGANIZING COMMITTEE (OC) FOR THE INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATIONS (IAAF) WORLD, UNDER 20 CHAMPIONSHIPS, NAIROBI, 2020

###### APPOINTMENT

IT IS notified for general information that following the successful bid by Kenya to host the 2020 International Association of Athletics Federations (IAAF) World Under 20 Championships and the signing of the Event Organisational Agreement (EOA) for the Championships that will be held in Nairobi, the Cabinet Secretary for Sports, Culture and Heritage has appointed committees to be known as the Steering Committee (SC) and Organizing Committee (OC).

###### (a) Steering Committee Representatives of:

Office of the President  
Governor, Nairobi County  
Cabinet Secretary, Ministry of Sports, Culture and Heritage  
Cabinet Secretary, Ministry of Interior and Co-ordination of National Government  
Cabinet Secretary, The National Treasury  
Cabinet Secretary, Ministry of Transport, Infrastructure, Housing Development and Public Works  
Cabinet Secretary, Ministry of Foreign Affairs  
Principal Secretary/ Sports, Ministry of Sports, Culture and Heritage  
Chairman, IAAF World Under 20 Championships  
Chief Executive Officer, IAAF World Under 20 Championships, 2020  
Director-General, Sports Kenya

to be members of the Steering Committee effective from the 1st January, 2019 for a period of one (1) year and eight (8) months.

###### (b) Organizing Committee (Secretariat):

Chairman—Gen. Jackson Tuwei  
Chief Executive Officer—Michael Agwingi Rabar  
Assistant, Chief Executive Officer—Mary Mwaki  
Chief Operations Officer—Regina Gachora  
Director of Ticket Operations and Knowledge Management—Barnabas Korir  
Assistant Director of Ticket Operations and Knowledge Management—Maxwell Nyamu  
Director, Finance and Administration—Farrah Kasim  
Assistant Director, Finance and Administration—David Miano  
Director, Legal—Emmanuel K. Gichohi  
Assistant Director, Legal—Christine Mangwana  
Director of ICT—Gatwiri Kenya  
Assistant Director, ICT—Hesbon Malwenyi  
Director, Security and Accreditation—Joseph Kiget  
Assistant Director, Security and accreditation—Joseph Chirchir  
Director, Protocol—Colonel Matigo Marwanga  
Assistant Director, Protocol—Susan Kamau  
Director, Technical and Competition—Ibrahim Hussein  
Assistant Director, Technical and Competition—Paul Mutwii  
Director, Marketing and Commercial—Zaheeda Suleiman  
Assistant Director, Marketing and Commercial—Robert Nyanga'aya  
Director, Media, Broadcasting and Communication—Michael Okinyi  
Assistant Director, Media, Broadcasting and Communication—Chris Mbaisi  
Director, Transport—Charles Welangai  
Assistant Director, Transport—Vincent Kaduki  
Director, Logistics—Douglas Wakihuri  
Assistant Director, Logistics—Mohamed Bashir Ibrahim  
Director, Medical and Ant-Doping—Jared Nyakiba (Dr.)

Assistant Director, Medical and Anti-Doping—Dr. Victor Bargariga  
 Director, Volunteers—Mary Chege  
 Assistant Director, Volunteers—Elizabeth Wangare Thiro  
 Director, Accommodation—Mercy Ndung'u  
 Assistant Director, Accommodation—Peter Angwenyi  
 Director, Legacy—Peter Ngentu  
 Assistant Director, Legacy—Jabil Maalim Mohamed  
 Assistant Director, Legacy—Patrick Openbe  
 Director-General, Sports Kenya—Pius Metto

to be members of the secretariat and Organizing Committee effective from the 1st January, 2019 for a period of one year eight months.

2. The Chairman of the organizing committee shall chair the meetings of the committee and in his absence, the Vice - Chairman shall chair and in the absence of both, the members present shall elect a member of the committee to chair the meeting.

3. The function of the steering committee shall be to offer the best high level organizational standards for hosting the world championships in Nairobi. Policy decisions for Government of Kenya, and review health of the championships at each stage of the lifecycle.

4. In the performance of the functions of the Secretariat and the Organizing Committee shall, with approval of the Cabinet Secretary, open and operate a bank account at National Bank of Kenya, Harambee Avenue Branch.

5. The term of office – the committees and Secretariat shall be in office as specified in 1 (a), (b) and (c) above unless a longer period than this is required by the signed Event Organizational Agreement.

6. Winding up of the event – Upon the completion of its work as per the event Organisational Agreement and in accordance with Government Regulations, the committee shall:

- (a) Organize an event to appreciate the Government support, well wishers and show appreciation to local participants;
- (b) Compile a report of the event and audited accounts to be submitted to the Cabinet Secretary responsible for Sports within three months after the conclusion of the event;
- (c) Compile and present a report of the event and audited account to be submitted to the IAAF within three months after the conclusion of the event;
- (d) Surrender/handover all outstanding assets, including credit balances in bank and moveable assets to the Cabinet Secretary for Sports, Culture and Heritage or as agreed by the Steering Committee.

7. The Secretariat:

- (a) The Secretariat of the Organizing Committee shall lease offices from Sports Kenya at Moi International Sports Centre, Kasarani (Championships main venue) as identified.
- (b) The Chief Executive Officer shall be the head of the Secretariat and shall be responsible for carrying out the functions set out in paragraph (6) above, and
  - (i) Such number of staff as shall be deemed appropriate by the committee who shall be recruited and /or provided by the Ministry or Athletics Kenya;
  - (ii) The Secretariat of the Organizing Committee under the general direction of the Chief Executive Officer shall be responsible for;
  - (iii) Providing appropriate background briefing to the committee and sub-committees;
  - (iv) Supervising and controlling the day to day operations of the committee and sub-committees;
  - (v) Preparing the committee's report and disseminating information deemed relevant by the committee;
  - (vi) Recommending hiring of technical staff or any such staff that may be deemed appropriate for the purpose of the committee;

- (vii) Preparing the budget and accounts of the committee and the sub-committees;
- (viii) Ensuring in consultation with the Chairman of the committee and with guidance from the Ministry's Accounting Officer.
- (ix) Overall coordination of all activities of sub-committees;
- (x) Coordinating the activities of the committee and in particular ensuring liaison with the chairman of the committee and directors of various sub-committees;
- (xi) Matters relating to protocol, public relations and procuring consultancy services for the committee and the sub-committees;
- (xii) Organizing and coordinating travel and accommodation for members of the committee and sub-committees;
- (xiii) Setting up the championships administration centre;
- (xiv) Communicating with IAAF and other partners in consultation with Chairman and Athletics Kenya;
- (xv) Executing the various programmes and plans approved by Steering and Organizing Committees like legacy, global promotion, Athletics legends and youth agenda;
- (xvi) Implementation of the Event Organisation Agreement obligations with Ministry of Sports, Culture and Heritage, Athletics Kenya and the County of Nairobi; and
- (xvii) Performing such other assignments as may be assigned from time to time by the committee in the exercise of its mandate.
- (xviii) A detailed Terms of Reference (TOR) shall be provided for each of the directorate.

8. Funding:

- (a) The activities of the Organizing Committee (OC) shall be funded through the regular Government Budget on grant basis.
- (b) The Organizing Committee may also receive grants from well wishers and sponsors to finance any of its planned activities; and
- (c) The Chief Executive Officer shall forward to the Principal Secretary at least once every two months a report on the expenditure of the committee for onward submission to the Cabinet Secretary.

Dated the 21st February, 2019.

RASHID ECHESA MOHAMMED,  
 Cabinet Secretary,  
 Ministry of Sports, Culture and Heritage.

GAZETTE NOTICE No. 1912

THE NATIONAL POLICE SERVICE ACT, 2011

DESIGNATION OF A POLICE STATION

IN EXERCISE of the powers conferred by section 40 (1) of the National Police Service Act, 2011, the Inspector-General designates Kanjeria Police post in Kiambu County, map Reference BJ 659970 as Kanjeria Police Station for purposes of the Act.

Dated the 20th February, 2019.

JOSEPH BOINNET,  
 Inspector-General, National Police Service.



**MINISTRY OF AGRICULTURE, LIVESTOCK,  
FISHERIES AND IRRIGATION**

**STATE DEPARTMENT FOR CROPS**

**THE CROPS ACT  
(No. 16 of 2013)**

**REQUEST FOR COMMENTS**

Request for Comments on the Regulatory Impact Statements and on the Crops (Tea Industry) Regulations, 2019; Crops (Horticulture Crops) Regulations, 2019; Crops (Nuts and Oil Crops) Regulations, 2019; Crops (Fibre Crops) Regulations, 2019 and Crops (Pyrethrum) Regulations, 2019.

The Cabinet Secretary, Ministry of Agriculture, Livestock, Fisheries and Irrigation is in the process of promulgating the Regulations as provided for under Section 40 of the Crops Act, 2013 (No. 16 of 2013).

- a) The Crops (Horticulture Crops) Regulations;
- b) The Crops (Tea Industry) Regulations;
- c) The Crops (Nuts and Oil Crops) Regulations;
- d) The Crops (Fibre Crops) Regulations;
- e) The Crops (Pyrethrum) Regulations.

In compliance with the provisions of the Crops Act, 2013 and the Statutory Instruments Act, 2013 (No. 23 of 2013), the Ministry announces to the public the availability of the regulations listed herein above as well as the Regulatory Impact Statements for each of the regulations.

The main objective of the above Regulations, is to provide for the regulation, promotion and development of the respective industry value chain in Kenya. The respective Regulatory Impact Statement contains detailed information on each of the regulations.

The Constitution of Kenya, 2010, the Crops Act, 2013 and the Statutory Instruments Act, 2013 provides that the public participates in the decision making process through the submission of comments to the Ministry. It is in this spirit that we request the public to participate by submitting their comments to the Ministry through the provided address.

All interested persons should submit written comments on the regulations listed herein above and on the respective Regulatory Impact Statement using prescribed public comments form, to reach the undersigned not later than **fourteen (14) days from the date of publication of this notice.**

The draft Regulations and the Regulatory Impact Statement for all the regulations as well as public comments form can be accessed through the following websites: [www.agricultureauthority.go.ke](http://www.agricultureauthority.go.ke); [www.kilimo.go.ke](http://www.kilimo.go.ke). The draft Regulations, and Regulatory Impact Statements are also available on request at the Agriculture and Food Authority offices, Tea House Office, Naivasha Road, off Ngong Road during normal working hours.

**Public forums to discuss the draft Regulations, and the respective Regulatory Impact Statement shall be held as per the schedule below;**

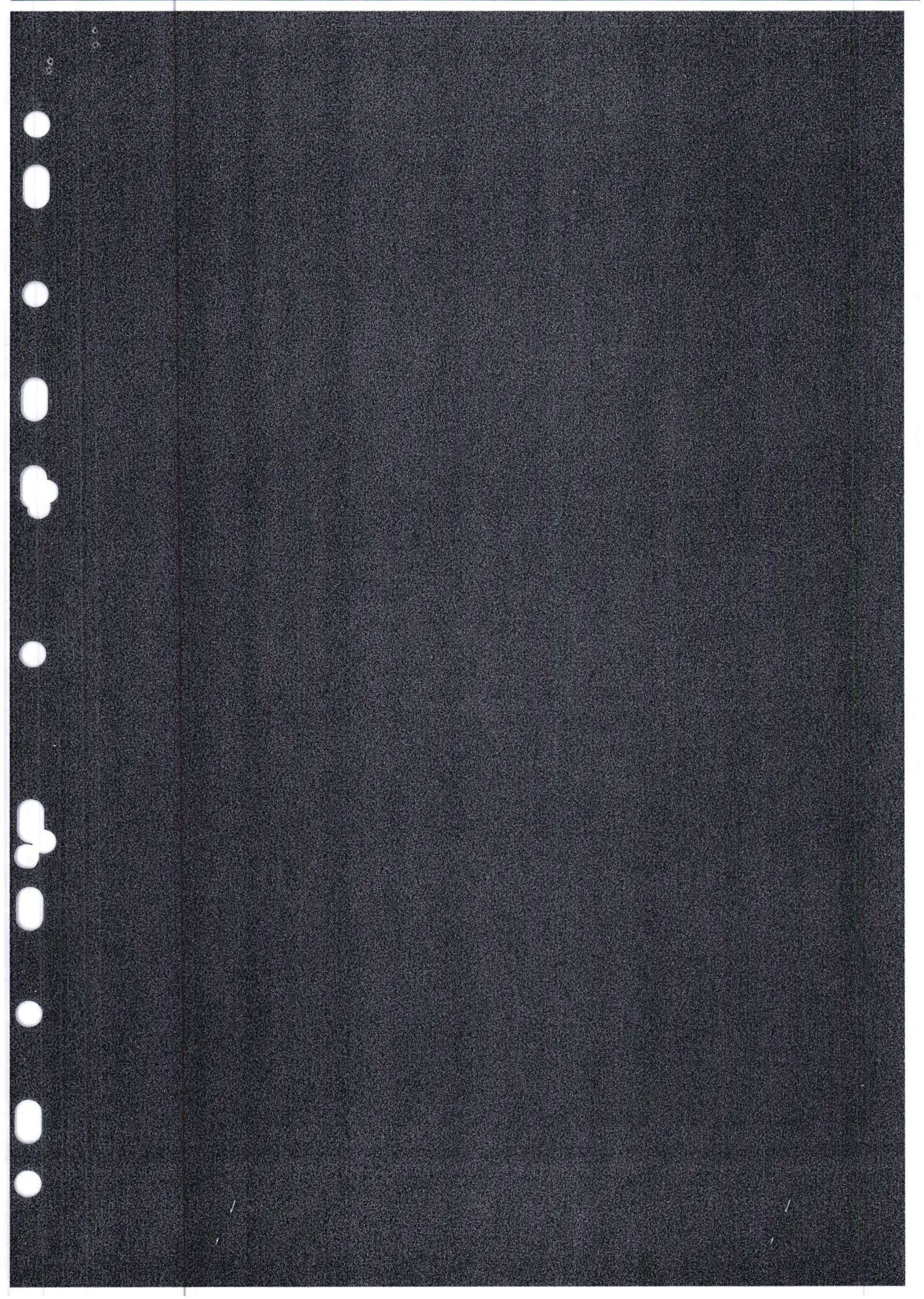
NO	REGULATION	VENUE	DATE	TIME
1.	The Crops (Horticulture Crops) Regulations.	Horticultural Crops Directorate Headquarters, North Airport Road, opposite the JKIA cargo terminal on Mazao road. <b>NAIROBI</b>	26 <sup>th</sup> March 2019	9.00am
2.	The Crops (Tea Industry) Regulations.	AFA-Tea Directorate Offices, Tea House, <b>NAIROBI</b>	25 <sup>th</sup> March 2019	9.00am
		Tea Trade Centre, Nyerere Avenue <b>MOMBASA</b>	29 <sup>th</sup> March 2019	10.00am
3.	The Crops (Nuts and Oil Crops) Regulations.	National Horticulture Research Institute KALRO, Kandara <b>MURANGA</b>	28 <sup>th</sup> March 2019	9.00am
		Kenya School of Government, Matuga <b>KWALE</b>	5 <sup>th</sup> April 2019	9.00am
4.	The Crops (Fibre Crops) Regulations.	Machakos University College <b>MACHAKOS</b>	2 <sup>nd</sup> April 2019	9.00am
		Maseno ATC <b>KISUMU</b>	4 <sup>th</sup> April 2019	9.00am
5.	The Crops (Pyrethrum) Regulations.	Pyrethrum Processing Company (PPCK) Offices along General Mathenge Road <b>NAKURU</b>	3 <sup>rd</sup> April 2019	9.00am

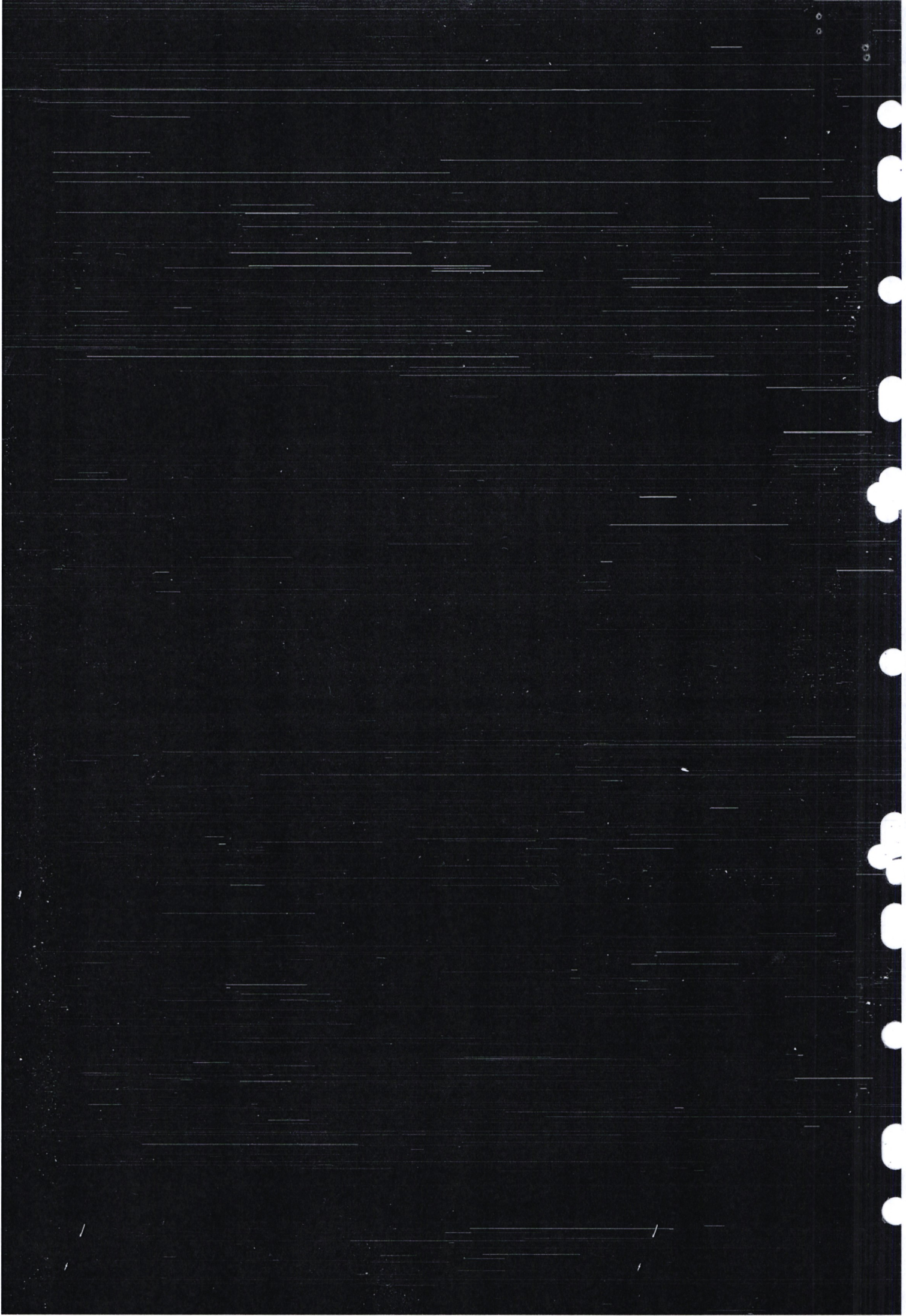
Send your written comments to either:

The Principal Secretary  
State Department for Crops Development  
Ministry of Agriculture, Livestock, Fisheries and Irrigation  
Kilimo House, Cathedral Road  
P.O. Box 30028  
Nairobi.  
Or by Email: [psagriculture@kilimo.go.ke](mailto:psagriculture@kilimo.go.ke)

The Director General  
Agriculture and Food Authority  
Tea House, Naivasha Road off Ngong Road,  
P.O. Box 37962-00100  
Nairobi.  
Or by Email: [info@aia.go.ke](mailto:info@aia.go.ke)

**HON. MWANGI KIUNJURI, EGH, MGH**  
Cabinet Secretary  
Ministry of Agriculture, Livestock, Fisheries and Irrigation





**REPORT ON STAKEHOLDER  
COMMENTS AND SUBMISSIONS**

**Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020**

<b>Regulation</b>	<b>Comments/ Issues by Stakeholders</b>	<b>Action taken</b>	<b>Remarks</b>	<b>Stakeholder</b>	<b>Period</b>
Reg 37	Have dispute resolution committee at county level	Amend the regulation to include county level committee	The County Government to decide on the membership composition in consultation with the Authority.	Mlannu Musa/Farmer; Luciana Sansua/CECM ALF Kilifi; Luka Rotich CEC Rep U/Gishu; Joseph Macharia Agric Dept/Nyeri	2019
Reg 22 (1)	Time taken to process the processing certificate should be reduced from 90 days to 30 days	Amend the regulation to include : 1- New applications within 60 days 2: renewals - within 15 working days	New applicants are required by the Act to be gazetted for 30 days	CECM Agric. Kilifi	2019
Reg. 12(2); 32 (2);	Reduce the penalty from millions to three hundred thousand shillings	No action taken	The penalties are provided for in the Act.	Farmer, Tana River County	20 19
Reg 41	levies and fees of a small scale processor and the lare scale processor should be different (segregated)	No action taken	The Counties to determine the fees they charge. CEC caucus to ensure uniformity of the fees.	CECM Agric. Trans Nzolia; CEC Rep, Vhiga; Hamisi Mwakumanya/Processor Mombasa	2019
Reg 31(3)	Cashewnuts and Coconut should be included in the harvesting season window since they have two harvesting seasons	To ammend the regulation to include cashew nut in gazettment of the harvesting season in consultation with the county government	The maturity of cocconut is continous unlike macadamia and cashew nuts which is seasonal	Mwakufunza/County Director of Agric, Lamu; Phyilister Yawa/Processor Kilifi	2019

Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

Reg. 2	Definition for small scale growers should consider for different crops eg 10 acres of groundnuts should be considered large scale and less than 5 acres a small scale. Other nuts and oil crops such as macadamia, coconut, cashewnut should be less than 50 acres for the small scale growers (cashewnut, coconut, castor and sesame with more than 50 acres and mechanised with permanent employees should be considered plantation)	To ammend the regulation considering perennials and annual crops	Defination plantation grower for macadamia, cashew and coconut. The rest to be defined as growers.	Stephen Mbuvi/Agric Dept/Lamu; John Muli/KEPHIS Mombasa; Peter Kimani/Farmer-Trans Nzoia.	2019
Schedule 1	Scheduled nuts and oil crops to consider introduced crops such as oil palm produced in Lamu and Kakamega and Bambara Nut produced in Lamu County	It's a working progress to have them scheduled	To be included in the regulations once scheduled	Steven Mbuvi/Agric. Dept-Lamu; Lukas Mukhamia CEC Rep. Vihiga	2019
Reg 5 & 6	Registration of growers by AFA and County Government may result to double taxation	No action taken	Registration of growers is not charged	Steve Mbuvi/Agric. Dept Lamu	
	What is the penalty for the offence	No action taken		Steven Mbuvi/Agric. Dept-Lamu;	

**Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020**

	Regular awareness creation and capacity building to stakeholders to be carried out	No action taken	just a comment	Mwango Karima Nyinge Bundacho Youth Group Kilifi;	
reg 15	The authority to support the establishment of collection centres	No action taken	not the mandate of the Authority	Mwango Karima Nyinge Bundacho Youth Group Kilifi;	
10 (2)	Penalty to be specific	this is as per regulation 44		Bearrice Gambo/ Pwani Ufanisi Farmers Coop/Mombasa	
6 and 7	May' should be replaced with 'Shall'	No action taken	this is as per the provisions of the Act		
	Include by products such as toddy to included in the regulations	No action taken	they are included as products of nuts and oil crops		
	Environmental friendly charcoal briquettes manufacture to be promoted to replace ordinary charcoal to curb climate change	No action taken	good comment	Mwango Karima Nyinge Bundacho Youth Group Kilifi;	
Reg 31(3)	Clarification on harvesting policy to encourage copra, fibre and cocopeat industries	No action taken	difficult to implement the proposal	Catherine Ngarnau/JKUAT	

Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

reg 41	All or most of the fees and levies have to be the county,	No action taken	fees will be shared by the county government while the Authority will be responsible for the levies	Michael Njunie/KALRO Mtwapa	2019
41 ( 3)	Is there mechanism by which the funds shall be availed for eg research in the centres from the county government? Is it possible to provide for the setting of a minimum price for buying and selling of nuts at the beginning of every season	No action taken	Research is the mandate of the national government	Michael Njunie/KALRO Mtwapa	2019
	Avail copies of rules and regulations to the farmers for reference	No action taken	liberalised market/industry hence the Authority cant dictate the prices	Jairus Sagurani Sheikh/Farmer Kipini Tana River	2019
Reg 8(1)	Non commercial nursery operator should not made to register	No action taken	Available in the Authority and Kilimo website	Said Hamadi Boga/ farmer Kwale	
	All nursery operators should network to ensure common price setting for seedlings	No action taken	provided for in the Act, Plant Protection Act and Seeds and Plant Variety Act	Kongo Vunga/Farmer Kwale	
	Rules and regulations ensure safeguard the farmer	No action taken	difficult to implement the proposal	Abeid Abdalla/Nursery Operator	
			all the stakeholders along the value chain should be safeguarded	Tabitha/ Nursery Operator	

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	AFA to carry out agricultural extension services in coconuts and cashew nuts.	No action taken	AFA in collaboration with the county government will carry out capacity building of extension officers	Said Jafari/ Farmer	
	AFA to set minimum farmgate prices for coconut and cashewnuts	No action taken	liberalised market/industry hence the Authority cant dictate the prices	Said Jafari/ Farmer	
Reg 34	Empower existing County Agricultural Officers as Crop Inspectors instead of recruiting new ones	No action taken	Provided for in the Act Section 27	Esther Kirigha/Coast Development Authority/Mombasa	
	County Govt to set farmgate prices during harvesting season to avoid exploitation of Farmers	No action taken	Liberalised market/industry hence the Authority cant dictate the prices	Esther Kirigha/Coast Development Authority/Mombasa	
	Translate a summarized version of the regulations into a Kiswahili	No action taken	A good recommendation for consideration	Esther Kirigha/Coast Development Authority/Mombasa	
	Participants to be given soft copy of the regulations for reference	No action taken	Available in the Authority and Kilimo website	Esther Kirigha/Coast Development Authority/Mombasa	
	Supports the document and suggests awareness creation after gazettelement	No action taken	Noted. Part of the process	Kombe Mwachiri/Farmer Kwale	

Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

Reg 41 2(a) & ©	Levies imposed are too high yet the counties charge other levies like cess	No action taken	the fees and levies will be applied at different levels of the value chain	Cosmas Mole/Kilifi County
Reg 41	Proposing establishment of a credit fund to support new processors, youth and women to grow their business	No action taken	There is already established commodities fund	Cosmas Mole/Kilifi County
	The regulations are silent on the issues of climate change and its effects on both growing of crops and manufacturing	No action taken	Provided for in the Environmental Management and Coordination Act and Kenya Climate Smart Agriculture Framework	Joel Koech/ Amor Cocco-Processor/Mombasa
Reg 14	Enforce regulation 14 to control access to farms by Tanzania buyers	No action taken	Noted	Raphael B Keah/ Farmer Kwale
	Regulate the export of raw coconuts to Tanzania	No action taken	no sufficient laws to restrict movement of raw materials outside the country	Raphael B Keah/ Farmer Kwale
Reg 15	All collection centres should be the mode of marketing under multi commodity collection markets managed by an administrator. The market should be open to registered producers and processors and not necessarily imposing the formation of associations	No action taken	Already catered for in Regulation 15 with necessary amendments done	Hannah Gitonga/Kenya School of Agric/Songa Mbele

**Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020**

Reg 41 (3)	Re-allocate percentages in each activity from the levy proceeds	No action taken	this will be guided through public finance management act (PFM) which provides for the allocation of resources for different activities as per approved work plan and budget	Jane Koima /KALRO Thika	
	Add regulation on tree felling/cutting in nuts and oil crops. There should be age limit for replacement and cutting down of trees	No action taken	difficult to implement the proposal	Agnes Kahonzi Thomas-Nursery Operator Kilifi	
reg 41	Fees and levies are more favourable to exporters, they should pay more than local dealers	No action taken	levies are only applicable to importers and exporters. Fees are charged by the county governments	Peter Kamau Ngige/ Wakesho CBO	
Reg 33	There is duplication with the Kebs roles on testing and sampling	No action taken	the Authority will collaborate with other government agencies where applicable. Already captured in regulation 33(1)	Peter Kamau Ngige/ Wakesho CBO	
	There should be clear role between the county government and AFA in implementation of the regulations	No action taken	Provided for in Section 6 of the Act	Peter Kamau Ngige/ Wakesho CBO	
Reg 18, 19	We should not licence exporters of raw materials of nuts and oil crops, unless they are for nursery purposes	No action taken	no sufficient laws to restrict movement of raw materials outside the country	Peter Kamau Ngige/ Wakesho CBO	

Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

Reg 37 (2)	Nomination of the two members representing the county government should be nominated by the chair CEC agriculture caucus	Amended	To amend that representation by the county government to be recommended by the CEC caucus chair in consultation with the chair of the agricultural committee and appointed by the CS.	Hamis Dzila/Kwale
Reg 32	Reduce licensing fee for the cottage industries to Ksh 1000 for those with a turnover of less than Ksh 2,000,000	No action taken	the fee will be charged as per the county finance bill	Lilian Hadullo/Agric. Dept Mombasa
Reg 32 (2)	Cottage processors who carryout processing of nuts and oil crops with a turnover of Ksh 500,000 should be exempted from paying registration fee	No action taken	the fee will be charged as per the county finance bill	Lilian Hadullo/Agric. Dept Mombasa
	Restrict export of raw coconut to Tanzania, because they export raw materials for coconut by products like bricquettes	No action taken	no sufficient laws to restrict movement of raw materials outside the country	Phylister Yawa/Processor Kilifi
	Introduce harvesting seasons for coconut	No action taken	coconut flowers throughout the year	Phylister Yawa/Processor Kilifi
	Conduct sensitizations on the use of coconut products to increase use of coconut products	No action taken	Noted.	Phylister Yawa/Processor Kilifi

**Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020**

Reg 41	Harmonization of NOCD regulations with the county government legislation to minimise conflicts	No action taken	there is clear separation of collection of fees and levies by both levels of government	Mwalimu Menza/ KALRO Mtwapa	2019
Reg 11	Treat mother blocks separately from nurseries because motherblocks are permanent and with very unique technical requirements	Ammend Regulation 11	seperate mother block/mother plant from nursery establishment	Mwalimu Menza/ KALRO Mtwapa	
Reg 11	KEPHIS and KALRO to be involved in establishment and maintainance of mother blocks	Ammend Regulation 11	the Authority will collaborate with other government agencies where applicable.	Mwalimu Menza/ KALRO Mtwapa	
	Support the formulation and implementation of rules and regulation as it will streamline the industry	No action taken	Noted	Dzidza Charo/ Farmer Kilifi	
	Has faith in the drafters of the regulations and has hope that the regulations will bring sanity to the industry	No action taken	Noted	Hamisi Shee Kulapha/ Farmer Kwale	
Reg 10(2)	It should not appear as if we are criminalizing stakeholder activity	No action taken	the Authority is not criminalizing stakeholders but ensuring order and best practices in the industry	Mwangi Hai/NOCD Retired Officer	2019
	Role of county government underated in most of the document hence need for clear role of both levels of government	No action taken	Clear roles are stipulated in the regulation	Luciana Sansua/CECM ALF Kilifi County	2019

## Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

	Conflicting roles of certification with agencies e.g nursery registration between AFA and Kephis	No action taken	Inspection and certification is done by KEPHIS while registration is done by licencing authority	Luciana Sansua/CECM ALF Kilifi County	2019
Reg 22	Proposal to reduce the licensing period from 90 days to 14 days	Amend the regulation to include : 1- New applications within 60 days 2: renewals - within 15 working days	New applicants are required by the Act to be gazetted for 30 days	Luciana Sansua CECM ALF Kilifi; Milanu Musa/Farmer T/River	2019
	Double taxation	No action taken	No taxation is proposed in the Regulations	Luciana Sansua/CECM ALF Kilifi County; Maria Nzomo CECM ALF Trans Nzoia	2019
	Who should collect the fees given that counties are looking for source of revenue	No action taken	County Government will charge fees for most of the services while the Authority will be responsible for the levies	Luciana Sansua/CECM ALF Kilifi County	
Reg 19 (8)	The consignment should be returned to the point of origin rather than destroy at the cost of the importer	No action taken	Will be dealt under KeBS	Luciana Sansua/CECM ALF Kilifi County	
Reg 20 (3)	Review the charges to be based on the number of days delayed	No action taken	The proposal is difficult to implement	Luciana Sansua/CECM ALF Kilifi County	
	Prescribed penalties for each of the offences	No action taken	Penalties are provided for in the Act	Luciana Sansua/CECM ALF Kilifi County	
	Guidelines to be given the county government to appoint crop inspectors at the county level	No action taken	Provided for in the Act Section 27	Luciana Sansua/CECM ALF Kilifi County	

**Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020**

Reg 37	Dispute resolution committee to be replicated at the county level for ease of abritration	Amend the regulation to include county level committee		not clear	MLanu Musa/Farmer; Luciana Sansua/CECM ALF Kilifi; Luka Rotich CEC Rep U/Gishu; Joseph Macharia Agric Dept/Nyeri	
	Produce and product delars should be categorized than review the levies	No action taken			Luciana Sansua/CECM ALF Kilifi County	
	Review import levie to make it prohibitive	No action taken		Other laws control this process	Luciana Sansua/CECM ALF Kilifi County	
Reg 6(1)	Need for definition of small holder grower	Ammend by deleting small holder		Replace all small holder growers with growers	John Muli/KEPHIS Mombasa	
Reg 8	Need to include a clause for a nursery for non commercial use	No action taken		Stricly follow the regulations in line with the relevant laws	Kongo Vunga/Farmer Kwale	
Reg 14(2)	Defination of dealers also include processor, exporter and importer	amend regulation 14(2)		To read "A dealer and manufacturer shall buy..."	John Muli/KEPHIS Mombasa	
	Transporter to be excluded in the definition of a dealer	No action taken		the Act provides for registration of all dealers	John Muli/KEPHIS Mombasa	
Reg 19(2)	Permit are issued at what stage	No action taken		Permits issued per government agencies involved in the import/export of the products	John Muli/KEPHIS Mombasa	

Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

Reg 19 (3)	change may be physically verified to must making it mandatory	amend regulation 19(3)	to read "...port of entry or exit and shall be physically verified..."	John Muli/KEPHIS Mombasa	2019
Reg 19 (4)	Listing of all documents during import documentation	amend regulation 19(4) to separate documents required during importation and during exportation		John Muli/KEPHIS Mombasa	2019
	Transportation of nuts and oil crop produce inter county- restrictions and different county regulations	No action taken	Provided for under joint agriculture secretariat	John Muli/KEPHIS Mombasa	
	Harmonization of NOCD regulations with the county government legislation to minimise conflicts	No action taken		Mwalimu Menza/ KALRO Mtwapa	
	Separation between a mother block and a nursery operator	Amend Reg. 11	Review Reg. 11 to provide for Establishment and maintenance of mother blocks	Mwalimu Menza/ KALRO Mtwapa	2019
	KEPHIS and KALRO to be involved in establishment and maintenance of mother blocks	Amend the regulation 11.	Review Reg. 11 to provide for Establishment and maintenance of mother blocks	Mwalimu Menza/ KALRO Mtwapa	2019
	Review of multiple licenses and registration kephis and county government	No action taken	the regulation has captured the same	Jane Koima/KALRO Thika	2019
Reg 41	Include funding mechanism for research and developments e.g for mother block maintainance	No action taken	Captured in section 41(3) (b)	Hannah Gitonga/Kenya School of Agric/Songa Mbele	

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	Strengthening of collection centres to streamline marketing aspect	No action taken		Hannah Gitonga/Kenya School of Agric/Songa Mbele	2019
Reg 31 (3)	Harvesting season closure should apply to other crops not only to macadamia	considered		Mwakufunza/County Director of Agric, Lamu; Phylister Yawa/Processor Kilifi	2019
Reg 32	Reviews of registration and renewal fee for the different stakeholders ( gross turnover > 2,000,000 kshs 1,000 for both renewal and registration respectively, >2,000,000 to 5,000,000 kshs 5,000 for both registration and renewal respectively)	No action taken	the fee will be charged as per the county finance bill		
	Scheduling of oil palm under the crops act	No action taken	work in progress		
Reg 8-11	Canola takes only three months to mature and no nursery is needed during the production. What section regulates the production of oil crops other than macadamia, cashew nut and coconut?	Amended	Ammend regulation 10 to provide for crops propagated by seed	David Kimondo - Kieni Canola/Nyeri	
Reg 8-11	Nuts and Oil Crops should be divided into biennials and perennials. The biennials that include sesame, canola, groundnuts should not be	Ammend regulation 10 to provide for crops propagated by seed	some are annuals others are biennials	David Kimondo - Kieni Canola/Nyeri	

Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

	regulated by the above regulations				
Reg 14	<p>Macadamia research has proposed a marketing model that is regulated by the government officials. The grower brings the nuts to a designated collection center where the buyers converge to buy. This model will be discussed with the Authority before a presentation to the stakeholders. The aim of this is to reduce the control of the agents that suppress the sector and economic growth of the farmers.</p>	No action taken	The collection centers are already provided for in regulation 15	Hannah Gitonga/Kenya School of Agric/Songa Mbele	

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Reg 41	The levies collected should facilitate research and development of macadamia sector. Macadamia research is not directly funded which hampers development of the industry. macadamia research competes for share of the research funds with other crops research. This makes the research not consistent. Levies for research should therefore be well stipulated in the regulations.	No action taken	Captured in section 41(3) (b)	Jane Koima/KALRO Thika James Njoroge/KALRO Njoro	
Reg 15	Who will manage the collection centers? It's not clear.	Amend regulation 15	add 15(...) to include management of the collection center by county government, farmer associations or the manufacturers	James Njoroge/KALRO Njoro	
Reg 10	For the provision of clean planting materials, some crops such as castor, jojoba, linseed and safflower have no released varieties. How will the farmers access the planting materials?	No action taken	This will go in tandem with research and development which will be supported through proposed fees and levies	James Njoroge/KALRO Njoro	2019

Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

Reg 41	Levies will be very important for research, seed bulking and registration of new varieties. It can also be used for joint crop production. (At KALRO Njoro, research on linseed, sunflower, safflower, castor and canola)	No action taken	Captured in section 41(3) (b)	James Njoroge/KALRO Njoro	2019
Reg 42(3)	Correction, first sentence word than missing. Need to read "Every registered nursery operator shall not later than the fifteenth day..."	Amended	Correction done	James Njoroge/KALRO Njoro	2019
	Is there national policy on nuts and oil crops? We need one	No action taken	Work in progress	Catherine Ngamau/JKUAT	2019
Reg 34-35	Since agriculture is fully devolved, can the crop inspectors be under the county government?	No action taken	Provided for in the Act Section 27	Jane Gitonga/Dept of Agric-Kiambu	
Reg 10	How will farmers get appropriate seeds?	No action taken	This will go in tandem with research and development which will be supported through proposed fees and levies	Elinah Wanyama Wakhiya-Mwale Heal CBO-Busia	
	Where will farmers get the market?	No action taken	not part of regulations	Elinah Wanyama Wakhiya-Mwale Heal CBO-Busia	

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	How will AFA assist farmers get subsidized fertilizer?	No action taken	The Commodity Fund prescribed in the Act provides for this and therefore not included in these Regulations	Elinah Wanyama Wakhiya-Mwale Heal CBO-Busia	
Reg 37	Whether the dispute resolution committee will be handling all the disputes that may arise at the county level? If it's only at the national level, how will the transfer of the mandate be done during transition. Establish a dispute resolution at the county level. Ensure capacity is done during transition.	Amend the regulation to include county level committee		Mlanu Musa/Farmer; Luciana Sansua/CECM ALF Kilifi; Luka Rotich CEC Rep U/Gishu; Joseph Macharia Agric Dept/Nyeri	
Reg 39	That the licence be for one year after issuance	No action taken	Validity of the licence is provided for in the Act	Sasocio Mwaniki Kandie- MFAK Embu	
	That the regulatios provide for intercounty government corporation especially those in the same ecological zone	No action taken		Sasocio Mwaniki Kandie- MFAK Embu	
	The new document requires editing before uploading and the old one deleted	Noted for action	Noted.	Nahashon Mugi/Fruit Tree Nursery Operators Association of Kenya/Muranga	

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reg 31(3)	Harvesting should be self regulating just like coffee, tomato, cashewnut and coconut	No action taken	co-regulation and self-regulation are also acceptable in the regulatory environment	Peter Muriithi Gichabi/Farmer Kirinyaga
Reg 37(2)	The composition of the dispute resolution committee favour AFA and there is no issue that can pass without the input of AFA	Amended	The domination of AFA has been minimised by recognition of County Dispute Resolution Committee and the Re. 37 (2) e be nominated by the relevant apex bodies	Peter Muriithi Gichabi/Farmer Kirinyaga
Reg 23&24	The licenced agents and the non-licenced ones are buying the nuts from the farmers without any special treatment to the licenced ones. Do something about that. Deploy more officials who will be checking whether the agents are registered	No action taken	the Authority will strengthen the enforcement of the regulation	Maina K. Joseph/Macadamia Agent
Reg 32(1)	Before registering any company, ensure they are able to handle the processing using their own products. Let them first have their own macadamia trees	Amend	Amend Second Schedule Form E1 to include produce source	Maina K. Joseph/Macadamia Agent
Reg 16	limit the number of licenced companies	No action taken	conditions for registration and licencing provided for in regulation 16	Maina K. Joseph/Macadamia Agent

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Reg 27	In contractual farming, county government should be the witness	Amend regulation 27(1) (a) and Fifth Schedule part B to include county government as a witness	to read "... sign a contract with the grower witnessed by respective county government..." Further,	Ezekiel Odeoh/Agro Environmental Farmers Association (AGEFA) Homa Bay	
	To cushion farmers they should have a direct access to market	No action taken		Ezekiel Odeoh/Agro Environmental Farmers Association (AGEFA) Homa Bay	
	there should be no monopoly of buying nuts	No action taken		Ezekiel Odeoh/Agro Environmental Farmers Association (AGEFA) Homa Bay	
	Counties to subsidize farm inputs in support of nuts and oil crops farming	No action taken		Ezekiel Odeoh/Agro Environmental Farmers Association (AGEFA) Homa Bay	
	The regulations should be customized by all implementing counties	No action taken	Counties to cascade once the regulations are gazetted	Ezekiel Odeoh/Agro Environmental Farmers Association (AGEFA) Homa Bay	
Reg 41 and third schedule	Harmonize taxation across board	No action taken	there is clear separation of collection of fees and levies by both levels of government	Ezekiel Odeoh/Agro Environmental Farmers Association (AGEFA) Homa Bay	

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Reg 31(4)	In the proposed regulations, lets consider and accommodate various market requirements eg organic and fair trade standards which are very particular on some regulations why is AFA coming up with new regulations when the old ones are not being followed	No action taken	considered in the regulation	Michael Waweru/Processor Jungle Nuts/Thika
	Why is afa giving the county government to regulate some things when they arent aware of the regulatios	No action taken	Sensitization of county governments is part of the process	John Nthei/Processor-Eureka Nuts Ltd/Machakos
	how is AFA going to assist farmers who don't have the ability to buy seedlings	No action taken	This is part of the promotion activities in collaboration with the county government	John Nthei/Processor-Eureka Nuts Ltd/Machakos
Reg 29(2)	Why should farmers keep records for years when the exporters are paying the revenue	Amend regulation 29(2)	Separate annuals and biennials crops records from perenial crops records	John Nthei/Processor-Eureka Nuts Ltd/Machakos
Reg 31(3)	Harvesting time to be determined according to the people on the ground	No action taken	considered in the regulation	John Nthei/Processor-Eureka Nuts Ltd/Machakos
Reg 41	Counties should be left with cess only	No action taken	there is clear seperation of collection of fees and levies by both levels of government	John Nthei/Processor-Eureka Nuts Ltd/Machakos

Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

	<p>Farmers should not allow brokers to harvest macadamia in their farm. If this continues, the farm production will continue to decline</p> <p>Exporting of in-shell nuts should be banned completely</p> <p>More nurseries to be developed</p>	<p>No action taken</p> <p>No action taken</p> <p>No action taken</p>	<p>Sensitization of farmers in collaboration with the county governments</p> <p>Provided for in the AFA Act only.</p>	<p>John Nthei/Processor-Eureka Nuts Ltd/Machakos</p> <p>John Nthei/Processor-Eureka Nuts Ltd/Machakos</p> <p>Zippy Butita/GNEL Bungoma</p> <p>Zippy Butita/GNEL Bungoma</p>	
Reg 27	<p>Enhance contract farming</p> <p>The regulations were read to participants who had not seen it before</p> <p>What is the role of NUTAK in the industry as far as macadamia is concerned - They just politicize the industry</p>	<p>No action taken</p> <p>No action taken</p> <p>No action taken</p>	<p>The Regulations were available in AFA and Kilimo Websites</p> <p>they are stakeholders in the industry</p>	<p>John Njiru Kathangu/NUTAK Embu</p> <p>Newton Njeru/Processor-Privam Nuts EPZ Ltd/Embu</p>	
Reg 39	<p>How can we eliminate brokers in the industry - by having each company register its own farmers and ensure the supply of the nuts is done by the farmers</p> <p>AFA licence ends on 30th June but the county has already proposed a calendar year.</p>	<p>No action taken</p> <p>No action taken</p>	<p>The Regulations are promoting Contract Farming</p> <p>The Act provides for the licence lifespan/duration</p>	<p>Newton Njeru/Processor-Privam Nuts EPZ Ltd/Embu</p> <p>Lukas Mukhamia CECM rep. Vihiga County</p>	

Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

Reg41	Counties already have fees for manufacture/processing licence	Amend regulation 17(1), (2) and (3) and the third schedule	Manufacturing licence fees shall be collected by county governments and will be amended accordingly in regulation	Lukas Mukhamia CECM rep. Vihiga County	
Reg 29 (2)	Traceability and quality in planting material is tricky for sesame, peanuts and castor beans- (AFA to promote castor bean)	Amend regulation 29(2)	Separate annuals and biennials crops records from perenial crops records	Lukas Mukhamia CECM rep. Vihiga County	
Reg 8 (1)	KEPHIS already licences nurseries. There is need to harmonise with AFA regulations	No action taken	KEPHIS inspects and certifies planting materials but does not register nursery operators	Lukas Mukhamia CECM rep. Vihiga County	
Reg 27 (1)	Contract engaging and MOUs	No action taken		Lukas Mukhamia CECM rep. Vihiga County	
Reg 34 (1)	Nuts and Oil Crops inspectors	No action taken	not clear	Lukas Mukhamia CECM rep. Vihiga County	
Reg 31 (3)	Some macadamia cultivars produce throughout the year hence the CEC in the counties to issue harvesting season	No action taken	considered in the regulation	Lukas Mukhamia CECM rep. Vihiga County	
First Schedule	Why not include oil palm as a schedule oil crop	It's a working progress to have them scheduled		Lukas Mukhamia CECM rep. Vihiga County	

Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

Reg 13 (1)	Who is a trader in the nuts marketing process	No action taken	the regulation is not confined to one crop but 11 scheduled crops with different marketing systems or channels	Peter Kimani/Farmer- Trans Nzoia	
	What is the difference of integrifolia and tetraphylla	No action taken	Scheduled as the two different cultivars of macadamia in the Act.	Peter Kimani/Farmer- Trans Nzoia	
Reg 2	Definition of retailers	amended	included in definition as part of dealers	Peter Kimani/Farmer- Trans Nzoia	
Reg 13(1)	Delete the word "trade, retail" and use the word dealer or define the two words	Amend regulation 13(1)	to read "A person who intends to deal in nuts and oil crops produce and products shall..."	Peter Kimani/Farmer- Trans Nzoia	
First Schedule	Delete the words tetraphylla and integrifolia and use the word macadamia or define the words	No action taken	This is as per the Gazette notice scheduling the crops	Peter Kimani/Farmer- Trans Nzoia	
Reg 2	Interpretation (small holder) reduce ten acres to five acres under nuts and oil crops	Amended	All small holder growers are referred to as growers	Peter Kimani/Farmer- Trans Nzoia	
Reg 2	Interpretation of dealer and agent mixed up because a dealer include even an agent	Amended		Luka Rotich CECM Rep Uasin Gishu County	
	Plantation grower should be registered at the county level	No action taken	Provided for in the Act	Luka Rotich CECM Rep Uasin Gishu County	

## Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

	Use the word cooperatives instead of association of growers	No action taken	Cooperatives and Association of growers are under different legislations.	Luka Rotich CECM Rep Uasin Gishu County
Reg 34	Instead of AFA appointing Crop Inspectors, why not use the county agricultural officers for the inspection work?	No action taken	Provided for in the Act- Section 27	Luka Rotich CECM Rep Uasin Gishu County
Reg 45	Transition clause is very important	No action taken	A good comment	Luka Rotich CECM Rep Uasin Gishu County
Reg 37	Dispute resolution committee need also to e at lower level	Amended		Luka Rotich CECM Rep Uasin Gishu County
	Need to recognize some standards in the regulation e.g organic standard	No action taken	The regulations has recognized various standards	Luka Rotich CECM Rep Uasin Gishu County
	They is need to harmonize the licenses and levy issues at the county level	done		Dr. Osia Mwanje CECM Agric. Busia
	Need to continue working together at both levels of gorverment	No action taken	The Authority collaborates with the county governments where necessary	Maria Nzomo/ CECM ALF Trans Nzoia/Chair Agric. Caucus
	Double taxation challenges being raised	No action taken	there is no taxation in the regulations	Maria Nzomo/ CECM ALF Trans Nzoia/Chair Agric. Caucus

**Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020**

	Crop Inspectors should be both at AFA and County Level and crop inspectors of AFA should build capacity for county crop inspectors	No action taken	Provided for in the Act	Maria Nzomo/ CECM ALF Trans Nzoia/Chair Agric. Caucus	
	All the contract between dealers should be witnessed by the county government	Amended		Maria Nzomo/ CECM ALF Trans Nzoia/Chair Agric. Caucus	
	Quality issues and food safety standards need to be stressed	No action taken	Noted	Maria Nzomo/ CECM ALF Trans Nzoia/Chair Agric. Caucus	
	County regional economic block need to harmonize the harvesting season	No action taken	Noted	Maria Nzomo/ CECM ALF Trans Nzoia/Chair Agric. Caucus	
	Need to customize and domesticate the regulations at the county level	No action taken	Noted. Part of the process	Maria Nzomo/ CECM ALF Trans Nzoia/Chair Agric. Caucus	
	All the levies should conform to the county finance bill	No action taken	Noted	Maria Nzomo/ CECM ALF Trans Nzoia/Chair Agric. Caucus	
Reg 41	Why levie without reason e.g the levies should be used in reaserch and capacity building	No action taken	Provided for in regulation 41(3) (b)	Abraham Barno/MoALF&I/Nairobi	
	Think about Self regulation	No action taken	co-regulation and self-regulation are also acceptable in the regulatory environment	Abraham Barno/MoALF&I/Nairobi	

Stakeholders Comments and Submissions on The Crops (Nuts and Oil Crops) Regulations, 2020

Reg 31	Re-think the concept of harvesting window for macadamia	No action taken	Provided for in Regulation 31(3)	Abraham Barno/MoALF&I/Nairobi	
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## AGRICULTURE AND FOOD AUTHORITY

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### NUTS AND OIL CROPS DIRECTORATE

Tea House | Naivasha Road, Off Ngong Road

P.O Box 37962 NAIROBI-00100

Email address: [nocdirectorator@gmail.com](mailto:nocdirectorator@gmail.com)

*When replying please quote*

**Ref. AFA/NOCD/RC1/VOL.4/161**

**18<sup>th</sup> March 2019**

The Managing Director,  
Kenya Plant Health Inspectorate (KEPHIS)  
P. O. Box 49592-00100  
**NAIROBI**  
Email: [director@kephis.org](mailto:director@kephis.org)

**Dear**

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

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The above subject matter refers.

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The purpose of this letter is to invite you to the public forum which will be held at **Kenya Agricultural and Livestock Organization (KALRO) Kandara, Murang'a on 28<sup>th</sup> March 2019 at 9.00 a.m.**

You are asked to confirm your participation to AFA-Nuts and Oil Crops Directorate through emails: [nocdirectorate@gmail.com](mailto:nocdirectorate@gmail.com)/[info@afa.go.ke](mailto:info@afa.go.ke) by **Tuesday 26<sup>th</sup> March 2019** to facilitate arrangements for the meeting.

  
**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



# AGRICULTURE AND FOOD AUTHORITY

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## NUTS AND OIL CROPS DIRECTORATE

Tea House | Naivasha Road, Off Ngong Road

P.O Box 37962 NAIROBI-00100

Email address: [nocdirectorate@gmail.com](mailto:nocdirectorate@gmail.com)

*When replying please quote*

**Ref. AFA/NOCD/RC1/VOL.4/161**

**18<sup>th</sup> March 2019**

Director  
Crops Resources, Agribusiness & Market Development  
Ministry of Agriculture, Livestock & Fisheries  
Head of Industrial Crops  
Off Cathedral Road, Nairobi  
P. O. Box 34188-00100  
**NAIROBI**

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
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**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



## AGRICULTURE AND FOOD AUTHORITY

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Tea House | Naivasha Road, Off Ngong Road

P.O Box 37962 NAIROBI-00100

Email address: [nocdirector@afanet.or.ke](mailto:nocdirector@afanet.or.ke)

*When replying please quote*

**Ref. AFA/NOCD/RC1/VOL.4/161**

**18<sup>th</sup> March 2019**

The Principal Secretary  
State Department for Crops Development  
Ministry of Agriculture, Livestock, Fisheries & Irrigation  
Off Cathedral Road, Nairobi  
P. O. Box 34188-00100  
**NAIROBI**

**ATT: Head Legal Unit**

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
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**Ref. AFA/NOCD/RC1/VOL.4/161**

**18<sup>th</sup> March 2019**

The Director  
Agricultural Policy Research & Regulations  
Ministry of Agriculture, Livestock & Fisheries  
Off Cathedral Road, Nairobi  
P. O. Box 34188-00100  
**NAIROBI**

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
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Email address: [nocdirector@ gmail.com](mailto:nocdirector@ gmail.com)

*When replying please quote*

**Ref. AFA/NOCD/RC1/VOL.4/161**

**18<sup>th</sup> March 2019**

The Director  
Kenya Agricultural & Livestock Research Organization  
FCRI-Njoro  
P. O. Box Private Bag  
**NJORO**

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
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Email address: [nocdirectorate@gmail.com](mailto:nocdirectorate@gmail.com)

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**Ref. AFA/NOCD/RC1/VOL.4/161**

**18<sup>th</sup> March 2019**

The Director  
Kenya Agricultural & Livestock Research Organization  
Non-Ruminant Research Institute  
P. O. Box 169-50100  
**KAKAMEGA**  
Tel: 020-2619792  
Email: [nrri@kalro.org](mailto:nrri@kalro.org)

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
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**Ref. AFA/NOCD/RC1/VOL.4/160**

**18<sup>th</sup> March 2019**

**All Stakeholders**

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
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# AGRICULTURE AND FOOD AUTHORITY

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**Ref. AFA/NOCD/RC1/VOL.4/160**

**18<sup>th</sup> March 2019**

**CEC, Agriculture, Livestock and Irrigation**

**Kakamega, Bungoma, Homa Bay, Migori, Busia, Trans Nzoia, Baringo**

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
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Ref. AFA/NOCD/RC1/VOL.4/160

18<sup>th</sup> March 2019

CEC, Agriculture, Livestock and Irrigation  
Embu, Kiambu, Muranga, Nyeri, Kirinyaga, Tharaka Nithi, Meru

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
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**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



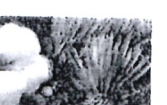
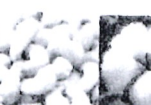
**AGRICULTURE AND FOOD AUTHORITY (AFA)  
PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS  
HELD ON 28<sup>TH</sup> MARCH 2019 AT KALRO KANDARA**

**ATTENDANCE LIST**

NO	NAME	DEPARTMENT/ DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
1.	...	...	...	F					
2.	...	...	...	F					
3.	...	...	...	F					
4.	...	...	...	M					
5.	Abraham Bas	Rural Dev	...	M					
6.	Christopher Muehan	Rural Dev	...	M					
7.	HEMIL DUBINO	Rural Dev	...	M					
8.	MARY ...	...	...	F					



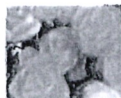
NO	NAME	DEPARTMENT/ DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									
21.									
22.	Dr. Sath Nohara	Water Resources	sathn@icar.org	M					



NO	NAME	DEPARTMENT/ DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
23.	Mangiku Nagalingo	NMK Advocates	umawattim@gmail.com	F		✓			
24.	M. Jona Wachira	Agri. Insp.	ujjwamwambwa@gmail.com	F			✓		
	Joseph MACHARIA	IPF/PLF	23312023@fki.com	M			✓		
25.	Ashani N. S. ...	NMARC	...	M			✓		
26.	STACIO KIPROT	...	...	M			✓		
27.	Edna S. ...	NMARC	...	F				✓	
28.	...	NMARC	...	M					
29.	John M. ...	NMARC/NATS	...	Male			✓		
30.	Maria ...	NMARC	...	M		✓			
31.	...	NMARC	...	M			✓		
32.	John M. ...	NMARC	...	M			✓		
33.	Sylvia ...	NMARC	...	M			✓		
34.	Mureithi Ngichaba	Private/FARMER	Ngichaba@fki.com	M				✓	
	WILLIS AUDI	FAA/NOCD	...	M			✓		



NO	NAME	DEPARTMENT/ DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
36.	[Handwritten Name]	MAAFC	[Handwritten Email]	M					[Handwritten Signature]
37.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	F					[Handwritten Signature]
38.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	F					[Handwritten Signature]
39.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	F					[Handwritten Signature]
40.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	F					[Handwritten Signature]
41.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	F					[Handwritten Signature]
42.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	F					[Handwritten Signature]
43.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	F					[Handwritten Signature]
44.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	F					[Handwritten Signature]
45.	[Handwritten Name]	NICRA	[Handwritten Email]	M					[Handwritten Signature]
46.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	M					[Handwritten Signature]
47.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	M					[Handwritten Signature]
48.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	F					[Handwritten Signature]
49.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	F					[Handwritten Signature]



NO	NAME	DEPARTMENT/ DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
50.	Lizzy S...	CIHEL	...	F		✓			
51.	Thom Mwangi	M.C.A.	...	M			✓	(TW)	
	Constance Mwangi	M.G.A		F		✓			
53.	Troquira Nandjira	Food & Transp.	-	F		✓			
54.	Mirinda Lingg	Farmer	blingg2012@gmail.com	F	✓				
55.	PERNA N...	...	...	F					
56.	Sally ...	Farmer	...	F					
57.	...	...	...	F					
58.	Raymond ...	DA ...	...	M			✓		
59.	...	...	...	F					
60.	Rafich Luka	U/GITHY COUNTY	cdomasingishu@yahoo.com	M		✓			
61.	Ala N...	...	...	M			✓		
62.	John ...	...	...	M			✓		
	John ...	...	...	M			✓		




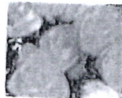
NO	NAME	DEPARTMENT/ DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
64.									
65.									
66.									
67.	Ronald W. M...	...	...	MALE					
68.	John ...	...	...	MALE					
69.									
70.	...	...	...						
71.									
72.									
73.									
74.									
75.				F					
76.	Eric Omo	ENP	...	F					
77.	...	...	...						



NO	NAME	DEPARTMENT/ DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
78.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	[Handwritten Gender]			✓		[Handwritten Sign]
79.	Simon Karimbi Kinyua	Agenda	Simonkarimbi@gmail.com	Male			✓		[Handwritten Sign]
80.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	[Handwritten Gender]			✓		[Handwritten Sign]
81.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	[Handwritten Gender]			✓		[Handwritten Sign]
82.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	[Handwritten Gender]			✓		[Handwritten Sign]
83.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	[Handwritten Gender]			✓		[Handwritten Sign]
84.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	[Handwritten Gender]			✓		[Handwritten Sign]
85.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	[Handwritten Gender]			✓		[Handwritten Sign]
86.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	[Handwritten Gender]			✓		[Handwritten Sign]
87.	Dickson Kattun	AFA - MIPED	dkattun@up.gov.gh	M			✓		[Handwritten Sign]
88.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	[Handwritten Gender]			✓		[Handwritten Sign]
89.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	[Handwritten Gender]			✓		[Handwritten Sign]
90.	Tawisa Mwakadi	AFA - MIPED	tmwakadi@up.gov.gh	F			✓		[Handwritten Sign]
91.	[Handwritten Name]	[Handwritten Dept]	[Handwritten Email]	[Handwritten Gender]			✓		[Handwritten Sign]

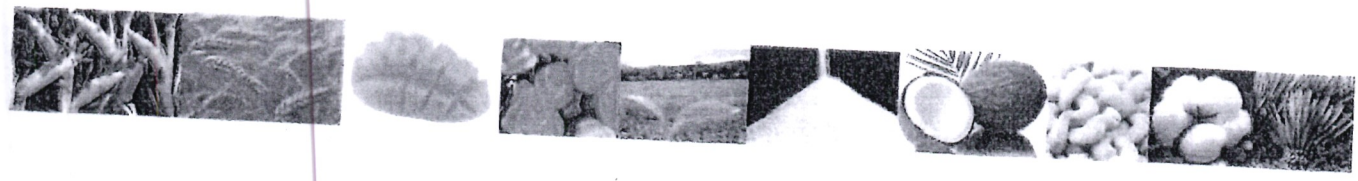


NO	NAME	DEPARTMENT/ DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
92.									
93.									
94.									
95.									
96.									
97.									
98.									
99.									
100.									
101.									
102.	Vincent Chirchir	DFA-NUD	0721386052	M		✓			
103.									
104.									
105.	Wilson Chem farmer								



NO	NAME	DEPARTMENT/ DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
106.	BERTHARD M. MUMBAO	INFORMATION (KWS)	berthard.mumboa@kws.go.ke	M					
107.	Joseph Wachira	Inoero	josephwachira@gmail.com	M					[Signature]
108.	Peter Njorge	Igaro FM	peter.njorge@gmail.com	M					[Signature]
109.	[Faint Name]	[Faint Dept]	[Faint Email]	[Faint Gender]					[Faint Signature]
110.	[Faint Name]	[Faint Dept]	[Faint Email]	[Faint Gender]					[Faint Signature]
111.	[Faint Name]	[Faint Dept]	[Faint Email]	[Faint Gender]					[Faint Signature]
112.	[Faint Name]	[Faint Dept]	[Faint Email]	[Faint Gender]					[Faint Signature]
113.	[Faint Name]	[Faint Dept]	[Faint Email]	[Faint Gender]					[Faint Signature]
114.	[Faint Name]	[Faint Dept]	[Faint Email]	[Faint Gender]					[Faint Signature]
115.	[Faint Name]	[Faint Dept]	[Faint Email]	[Faint Gender]					[Faint Signature]
116.	[Faint Name]	[Faint Dept]	[Faint Email]	[Faint Gender]					[Faint Signature]
117.	[Faint Name]	[Faint Dept]	[Faint Email]	[Faint Gender]					[Faint Signature]

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....  
 FEMALE:..... PWD:..... TOTAL NUMBER:.....







## AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100.

Ref. AFA/NOCD/RC1/VOL.4/161

28<sup>th</sup> March 2019

**Hon. Hassan Mwamba**  
County Executive Committee Member for Agriculture  
**Mombasa County**

Dear

*Hon. Mwamba*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

The above subject matter refers.

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The purpose of this letter is to invite you to the public forum which will be held at **Kenya School of Government (KSG) Matuga** on **9<sup>th</sup> April 2019 at 9.00 a.m.**

You are asked to confirm your participation to AFA-Nuts and Oil Crops Directorate through emails: [anthony.muriithi@afa.go.ke](mailto:anthony.muriithi@afa.go.ke) / [anthony.muriithi@kenya.go.ke](mailto:anthony.muriithi@kenya.go.ke) by **Thursday 4<sup>th</sup> April 2019** to facilitate arrangements for the meeting.

*Anthony Muriithi*

**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



## AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100

Ref. AFA/NOCD/RCI/VOL.4/161

28<sup>th</sup> March 2019

Hon. Abdulhakim Aboud,  
County Executive Committee Member for Agriculture  
Lamu County

Dear Hon Aboud,

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

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**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



# AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI -- 00100

Ref. AFA/NOCD/RCL/VOL.4/161

28<sup>th</sup> March 2019

Hon. Luciana J. Sanzua,  
County Executive Committee Member for Agriculture  
Kilifi County

**KILIFI**

Email: [lc.sanzua@krc.go.ke](mailto:lc.sanzua@krc.go.ke)

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
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**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



# AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100.

Ref. AFA/NOCD/RC1/VOL.4/161

28<sup>th</sup> March 2019

**Hon. Joanne N. Nyamasyo**

County Executive Committee Member for Agriculture

**Kwale County**

Email: [nyamasyo.joanne@kwailexco.go.ke](mailto:nyamasyo.joanne@kwailexco.go.ke) / [nyamasyo.joanne@afa.go.ke](mailto:nyamasyo.joanne@afa.go.ke)

Dear *Hon. Nyamasyo,*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

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You are asked to confirm your participation to AFA-Nuts and Oil Crops Directorate through emails: [nyamasyo.joanne@kwailexco.go.ke](mailto:nyamasyo.joanne@kwailexco.go.ke) / [nyamasyo.joanne@afa.go.ke](mailto:nyamasyo.joanne@afa.go.ke) by **Thursday 4<sup>th</sup> April 2019** to facilitate arrangements for the meeting.

**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



## AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100.

Ref. AFA/NOCD/RC1/VOL.4/161

28<sup>th</sup> March 2019

**Hon. Javan Bonaya**  
County Executive Committee Member for Agriculture  
**Tana River County**

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

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**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



## AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100

28<sup>th</sup> March 2019

Ref. AFA/NOCD/RCL/VOL.4/161

**Hon. Davis Mwangoma**  
County Executive Committee Member for Agriculture  
Taita Taveta County

Dear *Hon. Mwangoma,*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

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**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



## AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100.

29<sup>th</sup> March, 2019

**AFA/ADM/MOA/NOCD/VOL. I**

Managing Director  
Coast Development Authority

**MOMBASA**

Email: [cda@cda.go.ke](mailto:cda@cda.go.ke).

Dear *MD,*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

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**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



# AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI – 00100.

**AFA/ADM/MOA/NOCD/VOL. I**

**29<sup>th</sup> March, 2019**

Director General  
Kenya Agricultural & Livestock Research Organization  
Kaptagat Rd, Loresho Nairobi  
P.O.Box 57811, City Square, NAIROBI, 00200,

Dear *DG,*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
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OIL CROPS REGULATIONS, 2019**

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*Anthony Muriithi*  
**ANTHONY MURIITHI  
INTERIM DIRECTOR GENERAL**



# AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100.

29<sup>th</sup> March, 2019

**AFA/ADM/MOA/NOCD/VOL. I**

Dr. Theresia Munga

Centre Director

KALRO Mtwapa

Dear *Dr. Munga,*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
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**ANTHONY MURIITHI  
INTERIM DIRECTOR GENERAL**



# AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100.

**AFA/ADM/MOA/NOCD/VOL. I**

**29<sup>th</sup> March, 2019**

Managing Director  
Kenya Plant Health Inspectorate Services (KEPHIS)  
Oloolua Ridge, Karen, Off Ngong Road,  
**NAIROBI,**  
Email: [director@kephis.org](mailto:director@kephis.org), [kephisinfo@kephis.org](mailto:kephisinfo@kephis.org).

Dear *MD,*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
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*Anthony Muriithi*  
**ANTHONY MURIITHI  
INTERIM DIRECTOR GENERAL**



# AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI – 00100.

29<sup>th</sup> March, 2019

AFA/ADM/MOA/NOCD/VOL. I

The Vice Chancellor  
Machakos University College  
Email: [info@machakosuniversity.ac.ke](mailto:info@machakosuniversity.ac.ke)

Dear

VC,

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
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**ANTHONY MURIITHI  
INTERIM DIRECTOR GENERAL**



## AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI – 00100.

29<sup>th</sup> March, 2019

**AFA/ADM/MOA/NOCD/VOL. I**

Professor Mohammad Rajab  
The Vice Chancellor  
Pwani University College  
KILIFI

Dear

*Prof. Rajab,*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
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# AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI – 00100.

29<sup>th</sup> March, 2019

**AFA/ADM/MOA/NOCD/VOL. I**

The Vice Chancellor

Jomo Kenyatta University of Agriculture and Technology (JKUAT)

College of Engineering and Technology

Manufacturing Research Chair

Email: [manufrc@jkuat.ac.ke](mailto:manufrc@jkuat.ac.ke)

**ATT: Prof. B. W. Ikua (Ph.D, PE, MIEK) Research Chair**

Dear *Prof. Ikua,*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
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The purpose of this letter is to invite you to the public forum which will be held at **Kenya School of Government (KSG) Matuga** on **9<sup>th</sup> April 2019 at 9.00 a.m.**

You are asked to confirm your participation to AFA-Nuts and Oil Crops Directorate through emails: [nocdirector@jkuat.ac.ke](mailto:nocdirector@jkuat.ac.ke) / [info@afa.go.ke](mailto:info@afa.go.ke) by **Thursday 4<sup>th</sup> April 2019** to facilitate arrangements for the meeting.

*[Signature]*  
**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



## AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI – 00100.

29<sup>th</sup> March, 2019

**AFA/ADM/MOA/NOCD/VOL. I**

The Vice Chancellor  
Taita Taveta University (TTUC)  
VOI  
Email: [vc@ttu.ac.ke](mailto:vc@ttu.ac.ke)

Dear *VC*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

The above subject matter refers.

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**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



# AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI – 00100.

29<sup>th</sup> March, 2019

AFA/ADM/MOA/NOCD/VOL. I

The Chancellor  
Technical Univeristy of Mombasa (TUM)  
Tom Mboya Street, Mombasa

Dear *Chancellor,*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

The above subject matter refers.

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**ANTHONY MURIITHI  
INTERIM DIRECTOR GENERAL**



## AGRICULTURE AND FOOD AUTHORITY

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Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI – 00100.

29<sup>th</sup> March, 2019

AFA/ADM/MOA/NOCD/VOL. I

Centre Director  
KALRO Matuga

Dear 

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

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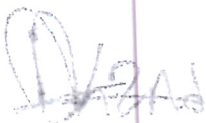
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**ANTHONY MURIITHI  
INTERIM DIRECTOR GENERAL**



# AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100.

29<sup>th</sup> March, 2019

AFA/ADM/MOA/NOCD/VOL. I

The Chief Executive Officer  
Micro Enterprise Support Programme Trust (MESPT)  
First Assurance Plaza, 2nd & 5th Flr Muthithi Rd,  
P.O.BOX 187-00606 Sarit Centre, Nairobi...

Dear CEO,

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

The above subject matter refers.

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**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



# AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100.

29<sup>th</sup> March, 2019

**AFA/ADM/MOA/NOCD/VOL. I**

The Chief Executive Officer (CEO)

Council of Governors (COG)

Delta House, Rhapta Road

NAIROBI

Tel: 0729 777281

Dear CEO,

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

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**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



# AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100.  
29<sup>th</sup> March, 2019

**AFA/ADM/MOA/NOCD/VOL. I**

The Co-ordinator  
Joint Agriculture Secretariate (JAS)  
Email: [vc@ttu.ac.ke](mailto:vc@ttu.ac.ke)

Dear *Co-ordinator*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
OIL CROPS REGULATIONS, 2019**

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**ANTHONY MURIITHI  
INTERIM DIRECTOR GENERAL**



## AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100.

29<sup>th</sup> March, 2019

AFA/ADM/MOA/NOCD/VOL. I

Dr. C. Omondi  
Institute Director  
Industrial Crops Research Institute  
KALRO Mtwapa

Dear Dr. Omondi

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
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**ANTHONY MURIITHI  
INTERIM DIRECTOR GENERAL**



# AGRICULTURE AND FOOD AUTHORITY

Tea House | Naivasha Road, Off Ngong Road,  
P.O. Box 37962 NAIROBI - 00100.

AFA/ADM/MOA/NOCD/VOL. I

29<sup>th</sup> March, 2019

Mr. Emmanuel Nzai  
The Chief Executive Officer  
Jumuiya za Kaunti za Pwani (JFK)

Dear *Mr. Nzai,*

**RE: INVITATION TO A STAKEHOLDERS MEETING TO GIVE COMMENTS  
ON THE REGULATORY IMPACT STATEMENT AND THE DRAFT NUTS AND  
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The purpose of this letter is to invite you and two members of your secretariat to the public forum which will be held at **Kenya School of Government (KSG) Matuga on 9<sup>th</sup> April 2019 at 9.00 a.m.**

You are asked to confirm your participation to AFA-Nuts and Oil Crops Directorate through emails: [nocdirectorare@gmail.com](mailto:nocdirectorare@gmail.com)/[info@afa.go.ke](mailto:info@afa.go.ke) by **Thursday 4<sup>th</sup> April 2019** to facilitate arrangements for the meeting.

**ANTHONY MURIITHI**  
**INTERIM DIRECTOR GENERAL**



**AGRICULTURE, FORESTRY AND FOOD AUTHORITY (AFFA)**  
**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS**  
**HELD ON 9<sup>TH</sup> APRIL 2019 AT KSG MATUGA**  
**ATTENDANCE LIST**

S. N O.	NAME	DEPARTMENT/DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
	Jawab Toruik	CWCB	0722849186 toruik1966@yahoo.com	M			✓		
	M.A.Mwaka DHUNDA	CDIA	0722849186 mawaka@cdia.go.ke				✓		
	Esther Mwangi Ngandu	JKURT	0722849186 estherm@jkurt.go.ke	F			✓		
	MWALIMU MERA	KALLO	0722849186 mwalimu11@gmail.com	M			✓		
	TESA YAKI	MA-NDEK	0722849186 tesayaki@gmail.com	M			✓		
	MWANGUK NYINGE	BUNDUCHO Y.G	0722849186 mwanguk@gmail.com	M		✓			
	HASSAN TSUNGU	PUFCC	0722849186 hassan2008@gmail.com	M			✓		

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....

.....FEMALE:.....PWD:.....TOTAL NUMBER:.....



**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS  
HELD ON 9<sup>TH</sup> APRIL 2019 AT KSG MATUGA  
ATTENDANCE LIST**

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						<35	35 to 59	>59	
1									
2									
3	MUSA	KALRO						✓	
4	Baldwin M. Muboko		baldwinm@kcal.gov	MALE					
5	Omaru M. Jambiri	FARM	0722734152	MALE				✓	
6	Michael Njunge	KALRO-MT	072351416	MALE					
7	Burai M. MBEU	KALRO	0724285351	MALE				✓	

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....

MALE:.....FEMALE:.....PWD:.....TOTAL NUMBER:.....

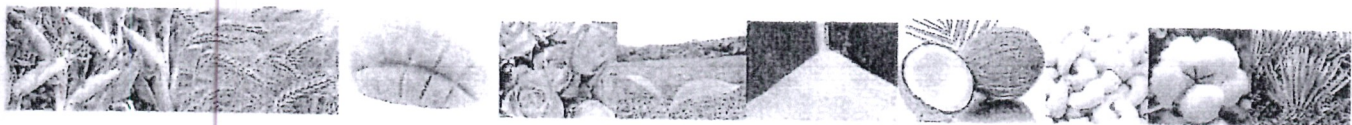




**AGRICULTURE, FORESTRY AND FOOD AUTHORITY (AFA)**  
**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS**  
**HELD ON 9<sup>TH</sup> APRIL 2019 AT KSG MATUGA**  
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S. N O.	NAME	DEPARTMENT/DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
	Jasub Torutt	CWCS	0722849186 torutt1966@yahoo.com	M			✓		
	M.A.Mwika DHUDU	SOA	0722849186 mawika@ksgmatuga.com				✓		
	Estherine Ngomau	JKURT	0722849186 estherine@ksgmatuga.com	F			✓		
	MWAUMU MEZA	KALLO	0722849186 mwaimu11@gmail.com	M			✓		
	TEBA YAKU	MA-NOK	0722849186 teba@ksgmatuga.com	M			✓		
	MWANGO K NYINGE	BUNDACHO Y.G	0722849186 mwango@ksgmatuga.com	M		✓			
	HASSAN TSUNGU	PUFCC	0722849186 hassan@ksgmatuga.com				✓		

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....  
 FEMALE:.....PWD:.....TOTAL NUMBER:.....





**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RTA & PUBLIC COMMENTS  
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						<35	35 to 59	>59	
1									
2									
3		NRCD							
4	Baidoo, Michael		bmoo@j.com	MALE					
5	Omar M. Ibrahim	FARLEY	0772732152	MALE			✓		
6	Michael Njunie	KALRO-MT	0123551416	MALE					
7	Braah M. MBEH	KALRO	0724285351	MALE			✓		

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....

MALE:.....FEMALE:.....PWD:.....TOTAL NUMBER:.....





**AGRICULTURE AND FOOD AUTHORITY (AFA)**  
**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS**  
**HELD ON 9<sup>TH</sup> APRIL 2019 AT KSG MATUGA**  
**ATTENDANCE LIST**

S. N. O.	NAME	DEPARTMENT/DIRECTORATE	E-MAIL ADDRESS/ TELEPHONE	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
	SPHE KOIMA	KALRO	sphe.koima@gmail.com 0729 565892	Female	-	-	✓	-	
	LILY LANGAT	AFA-NORD	lilylangatt@yahoo.com 0716 2116	F	-		✓		
	SUSAN MUKORO	AFA	susanmukoro@gmail.com	F	-		✓		
	BERTINE CIEMBO	Plant Development Authority	bertineciembo@gmail.com	F	-		✓		
	ESTHER KIRIGWA	COM-DIV. Agriculture KILIFI	estherkirigwa@gmail.com 0721278856	F	-		✓		
	SUSAN M. SONJE	Nursery Operator	susanmsonje@yahoo.com	F					
	ROSE THOMAS	Nursery OPERATOR	0718402495	F			✓		

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....  
 FEMALE:..... PWD:..... TOTAL NUMBER:.....



**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS  
HELD ON 9<sup>TH</sup> APRIL 2019 AT KSG MATUGA  
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						<35	35 to 59	>59	
	Frederick Nyang'oro	N. Operations	Frederick.Nyang'oro@KSG.or.ke	M					[Signature]
	MWANAMUKO JAMISI	FARMER - LIWONI		F			✓		MJK
	MWANAIKHA NIANENO	FARMER - MATUGA		F			✓		MM
	JOSHUA OLUYILY	MWAFI	Joshua.Oluily@KSG.or.ke	M			✓		[Signature]
	ROSEMARY ANJAWI KITHI	FARMER - MATUGA	0715570022	M					[Signature]
			0728000000	M					[Signature]

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....

MALE:.....FEMALE:.....PWD:.....TOTAL NUMBER:.....

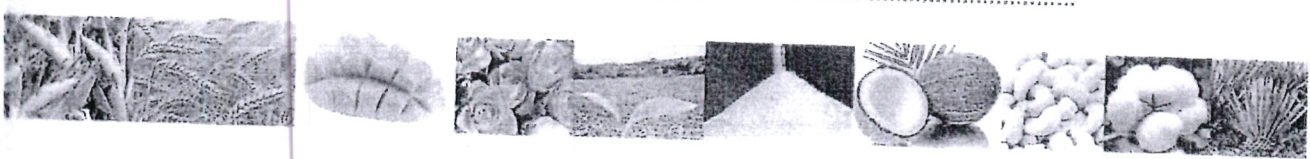




**AGRICULTURE AND FOOD AUTHORITY (AFA)**  
**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS**  
**HELD ON 9<sup>TH</sup> APRIL 2019 AT KSG MATUGA**  
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						<35	35 to 59	>59	
	Abraham Bwiro	ITA/AL/PL	abraham.bwiro@ita.com	M			✓		<i>Abraham Bwiro</i>
	Amos Ndlovu	KR/NOCD	amondlovu@krc.gov.zw	M			✓		<i>Amos Ndlovu</i>
	Raymond Kumbi	AA-ABCD	raymond.kumbi@afa.gov.zw	M			✓		<i>Raymond Kumbi</i>
	Sifani Zind	AA-ABCD	sifanzind@afa.gov.zw	M			✓		<i>Sifani Zind</i>
	Edward Muzira	AA-ABCD	edward.muzira@afa.gov.zw	M				✓	<i>Edward Muzira</i>
	Abel Muzira	AA-ABCD	abel.muzira@afa.gov.zw	M					<i>Abel Muzira</i>
	Esther Chigere	KWALE	esther.chigere@kwa.gov.zw	F			✓		<i>Esther Chigere</i>

AGE (YEARS): <35.....35 to 59.....>59.....  
 FEMALE:.....PWD:.....TOTAL NUMBER:.....





**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS  
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	Kumara Yakkalam	Kwale	071200033	M			✓		[Signature]
	Dr. J.P. Jayasinghe	Kwale	0718171349	M			✓		[Signature]
	Dr. A. H. Jayasinghe	Agri. Univ.	jayasinghe@agribank.lk	M			✓		[Signature]
	Dr. J. Jayasinghe	Agri. Univ.	jayasinghe@agribank.lk	F			✓		[Signature]
	Hanura Dissanayake	Kwale-South	hanurad@ksg.gov.lk	M			✓		[Signature]
	Y. Jayasinghe	Agri. Univ.	jayasinghe@agribank.lk	F			✓		[Signature]
	Dr. J. Jayasinghe	Agri. Univ.	jayasinghe@agribank.lk	F			✓		[Signature]

SUMMARY: AGE (YEARS): <35..... 35 to 59..... >59.....

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**AGRICULTURE AND FOOD AUTHORITY (AFA)**  
**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS**  
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S. N. O.	NAME	DEPARTMENT / DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
1	Walter Mwangi	MOALFSD	wmwangi@moal.fsi.go.ke	M		✓			[Signature]
2	Esther Mwangi	MOALFSD	esthermwangi@moal.fsi.go.ke	F			✓		[Signature]
3	Kennedy Mwangi	MOALFSD	kennedymwangi@moal.fsi.go.ke	M		✓	✓		[Signature]
4	Wendy Mwangi	MOALFSD	wendymwangi@moal.fsi.go.ke	F			✓		[Signature]
5	Sam Mwangi	MOALFSD	sammwangi@moal.fsi.go.ke	M			✓		[Signature]
6	Christopher Mwangi	MOALFSD	chris.mwangi@moal.fsi.go.ke	M			✓		[Signature]

FEMALE: AGE (YEARS): <35.....35 to 59.....>59.....

MALE:.....FEMALE:.....PWD:.....TOTAL NUMBER:.....



**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS  
HELD ON 9<sup>TH</sup> APRIL 2019 AT KSG MATUGA  
ATTENDANCE LIST**

S. N. O.	NAME	DEPARTMENT/ DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
1	...	...	...	...					...
2	...	...	...	...					...
3	...	...	...	...					...
4	...	...	...	M		✓			...
5	...	...	...	M		✓			...
6	DMCC Kipando	AFA - NDCS	...	M		✓			...
7	Mwakombi D...J	AFA - NDCS	...	M		✓			...

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....

MALE:.....FEMALE:.....PWD:.....TOTAL NUMBER:.....





**AGRICULTURE AND FOOD AUTHORITY (AFA)**  
**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS**  
**HELD ON 9<sup>TH</sup> APRIL 2019 AT KSG MATUGA**  
**ATTENDANCE LIST**

S. N. O.	NAME	DEPARTMENT/ DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
1	David ...	...	...	F					
2	...	...	...	F					
3	DR. TITUS T. KADEDE	FARMER	0722285437 titushacklove@gmail.com	M			✓		
4	SALPHAT OMENGA	FARMER	0711842866 salphatmenya@gmail.com	F		✓			
5	...	...	...	M			✓		
6	...	...	...	M			✓		
7	...	...	...	M			✓	✓	

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....

MALE:.....FEMALE:.....PWD:.....TOTAL NUMBER:.....







**AGRICULTURE AND FOOD AUTHORITY (AFA)**  
**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS**  
**HELD ON 9<sup>TH</sup> APRIL 2019 AT KSG MATUGA**  
**ATTENDANCE LIST**

S. N. O.	NAME	DEPARTMENT/ DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
	Edwin d- Pole	Driver	33781595	M			✓		
	Salim Dofu	Driver	13484605	M			✓		
	Ezekiel Shave	Driver	3756633	M			✓		
	Daniel HARRI	DRIVER	20314555	M			✓		
	Patrick Kama	Driver	P.kama@nrcsl.com	M			✓		
	Judith Kocio	Farmer	4752654	F			✓		
	Matheis Mbarok	Farmer	6489922	M			✓		

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....

MALE:.....FEMALE:.....PWD:.....TOTAL NUMBER:.....



DER

PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS  
 HELD ON 9<sup>TH</sup> APRIL 2019 AT KSG MATUGA  
 ATTENDANCE LIST

S. N. O.	NAME	DEPARTMENT/DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
	Dr. ...	...		F					
	...	...		F					
	...	...		M					
	...	...	...	F					
	...	...		F					
	...	...	...	F					
	...	...	...	F					

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....

MALE:.....FEMALE:.....PWD:.....TOTAL NUMBER:.....





**AGRICULTURAL AND FOOD AUTHORITY (AFA)**  
**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS**  
**HELD ON 9<sup>TH</sup> APRIL 2019 AT KSG MATUGA**  
**ATTENDANCE LIST**

S. N O.	NAME	DEPARTMENT / DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
1	COSMAS KIDUBI	ACCOUNTS	infocentre@afa.gov.ug	Male					[Signature]
2	CHRISTOPHER MUKASA	ATA NDCD	chrismukasa@afa.gov.ug	Male			✓		[Signature]
3	Colin Z. N. N.	ATA NDCD	colin@afa.gov.ug	M			✓		[Signature]
4	Sammy Jilla	KCG	Sammyj@afa.gov.ug	M			✓		[Signature]
5	Humphrey Bwalya	CEA		M			✓		[Signature]
6	Benson M. Kuba	Farmer-IT	kubafith@afa.gov.ug	M			✓		[Signature]
7	Diana Nyaga	Finance		F			✓		[Signature]

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....

MALE:.....FEMALE:.....PWD:.....TOTAL NUMBER:.....



AGRICULTURE  
**PUBLIC FORUM ON DRAFT CROPS (NUTS AND OIL CROPS) REGULATIONS 2019, RIA & PUBLIC COMMENTS  
 HELD ON 9<sup>TH</sup> APRIL 2019 AT KSG MATUGA  
 ATTENDANCE LIST**

S. N. O.	NAME	DEPARTMENT/DIRECTORATE	E-MAIL ADDRESS	GENDER	PWD	AGE (Years)			SIGN.
						<35	35 to 59	>59	
	Mr. M. S. S. S.	J/S/19		M			✓		
	Ms. K. S. S.			F			✓		

SUMMARY: AGE (YEARS): <35.....35 to 59.....>59.....

MALE:.....FEMALE:.....PWD:.....TOTAL NUMBER:.....





**REVIEW OF THE NUTS AND OIL CROPS DRAFT REGULATIONS HELD ON 13<sup>TH</sup> MARCH, 2019 HELD AT DAIRY TRAINING INSTITUTE NAIVASHA**

S.NO	NAME	DEPARTMENT/ ORGANIZATION	E-MAIL ADDRESS & CONTACTS	GENDER	Person With Disability		AGE (Years)			SIGNATURE
					YES	NO	< 35	35 to 59	> 59	
1.	K. S. Kulkarni	ASD, H&O	kskulkarni@karnataka.gov.in	M						
2.	N. S. Anand	ASD, H&O	nsanand@karnataka.gov.in	M						
3.	K. S. Lakshmi	ASD, H&O	kslakshmi@karnataka.gov.in	F						
4.	A. S. Kumar	ASD, H&O	askumar@karnataka.gov.in	M						
5.	M. S. Anand	ASD, H&O	msanand@karnataka.gov.in	M						
6.	G. S. Anand	ASD, H&O	gsanand@karnataka.gov.in	M						
7.	S. S. Anand	ASD, H&O	ssanand@karnataka.gov.in	M						
8.	C. S. Anand	ASD, H&O	csanand@karnataka.gov.in	M						





**REVIEW OF THE NUTS AND OIL CROPS DRAFT REGULATIONS HELD ON 13<sup>TH</sup> MARCH, 2019 HELD AT DAIRY TRAINING INSTITUTE NAIVASHA**

S.NO	NAME	DEPARTMENT/ ORGANIZATION	E-MAIL ADDRESS & CONTACTS	GENDER	Person With Disability		AGE (Years)			SIGNATURE
					YES	NO	< 35	35 to 59	> 59	
1.										
2.										
3.										
4.										
5.										
6.										
7.										
8.										





**REVIEW OF THE NUTS AND OIL CROPS DRAFT REGULATIONS HELD ON 14<sup>TH</sup> MARCH, 2019 HELD AT DAIRY TRAINING INSTITUTE NAIVASHA**

S.NO	NAME	DEPARTMENT/ ORGANIZATION	E-MAIL ADDRESS & CONTACTS	GENDER	Person With Disability		AGE (Years)			SIGNATURE
					YES	NO	< 35	35 to 59	> 59	
1.	Adnan Khan	NAI	adnan.khan@nai.gov.pk	M		✓				[Signature]
2.	Dr. Farhat Ishtiaq	NAI	farhat.ishtiaq@nai.gov.pk	F		✓				[Signature]
3.	Nadeem Akhtar	AFD	nadeem.akhtar@afd.gov.pk	M		✓				[Signature]
4.	Muhammad Anwar	AFD	muhammad.anwar@afd.gov.pk	M		✓				[Signature]
5.	Nadeem Akhtar	AFD	nadeem.akhtar@afd.gov.pk	M		✓				[Signature]
6.	Muhammad Anwar	AFD	muhammad.anwar@afd.gov.pk	M		✓				[Signature]
7.	Dr. Farhat Ishtiaq	NAI	farhat.ishtiaq@nai.gov.pk	F		✓				[Signature]
8.	Adnan Khan	NAI	adnan.khan@nai.gov.pk	M		✓				[Signature]





**REVIEW OF THE NUTS AND OIL CROPS DRAFT REGULATIONS HELD ON 14<sup>TH</sup> MARCH, 2019 HELD AT DAIRY TRAINING INSTITUTE NAIVASHA**

S.NO	NAME	DEPARTMENT/ ORGANIZATION	E-MAIL ADDRESS & CONTACTS	GENDER	Person With Disability		AGE (Years)			SIGNATURE
					YES	NO	< 35	35 to 59	> 59	
1.										
2.										
3.										
4.										
5.										
6.										
7.										
8.										





**REVIEW OF THE NUTS AND OIL CROPS DRAFT REGULATIONS HELD ON 15<sup>TH</sup> MARCH, 2019 HELD AT DAIRY TRAINING INSTITUTE NAIVASHA**

S.NO	NAME	DEPARTMENT/ ORGANIZATION	E-MAIL ADDRESS & CONTACTS	GENDER	Person With Disability		AGE (Years)			SIGNATURE
					YES	NO	< 35	35 to 59	> 59	
1.										
2.	Arb. ...	...	...	M						
3.	...	...	...	F						
4.	W. ...	...	...	M						
5.	...	...	...	M						
6.	...	...	...	M						
7.	...	...	...	M						
8.	...	...	...	M						

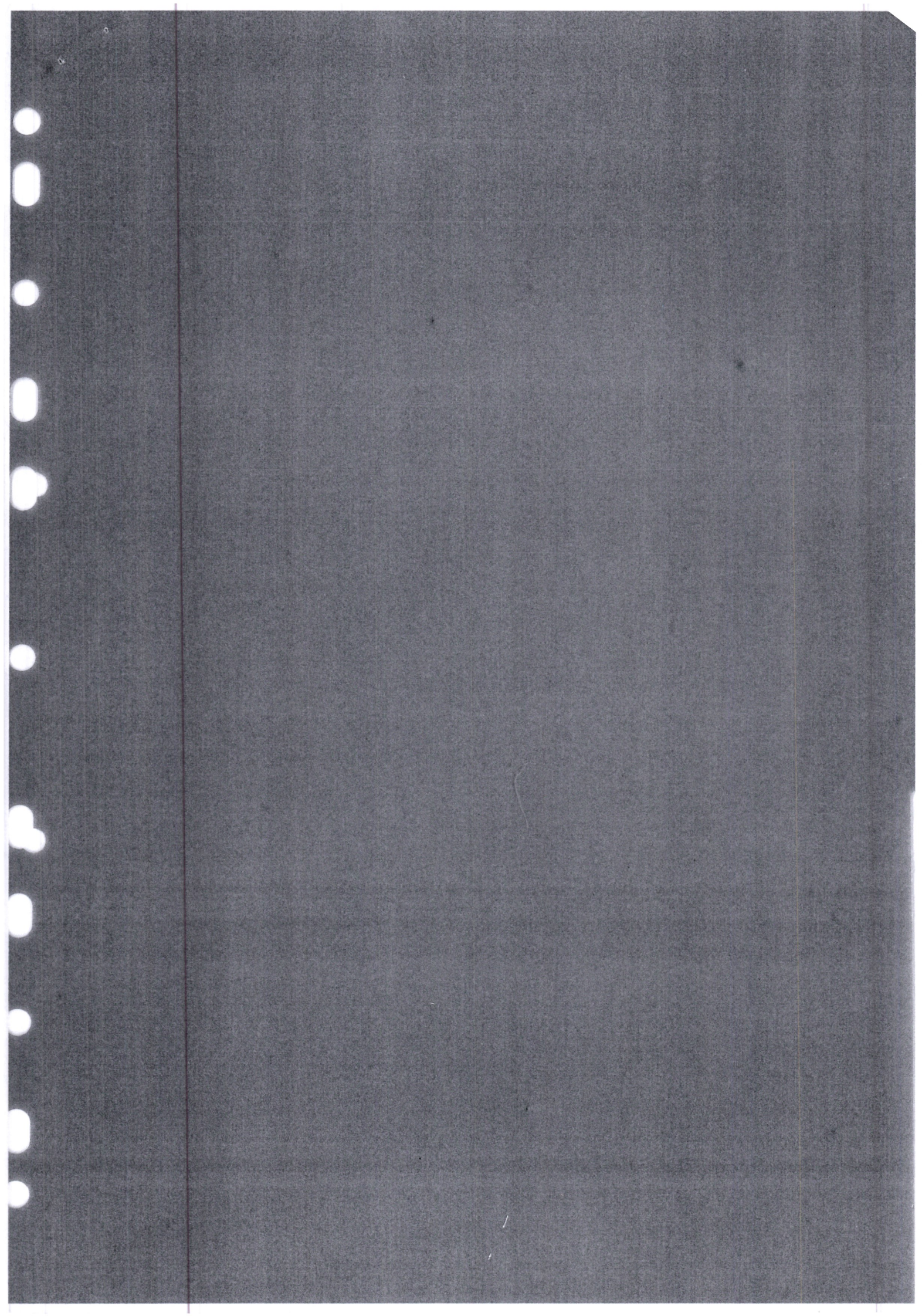


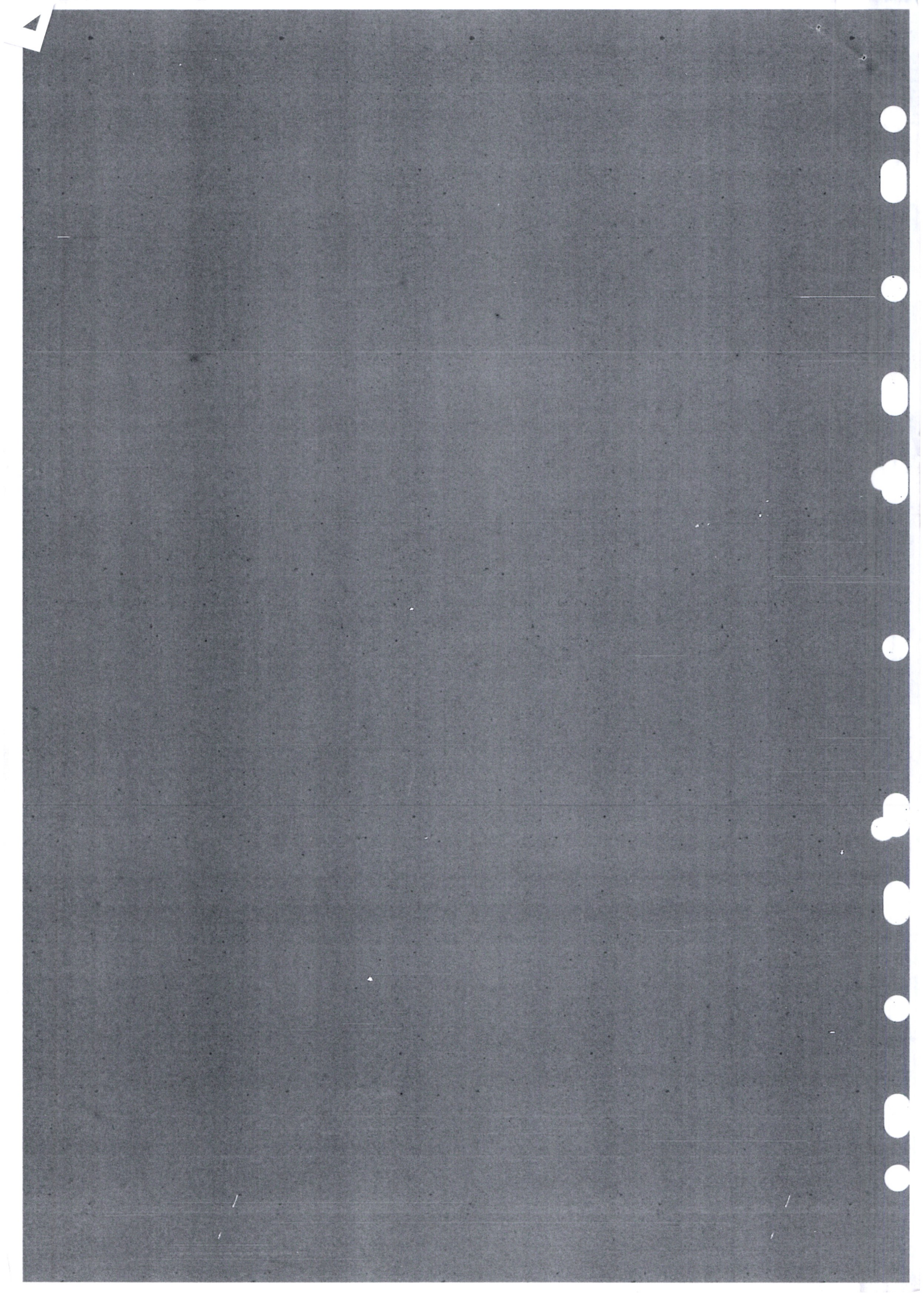


**REVIEW OF THE NUTS AND OIL CROPS DRAFT REGULATIONS HELD ON 15<sup>TH</sup> MARCH, 2019 HELD AT DAIRY TRAINING INSTITUTE MATVASHA**

S.NO	NAME	DEPARTMENT/ ORGANIZATION	E-MAIL ADDRESS & CONTACTS	GENDER	Person With Disability		AGE (Years)			SIGNATURE
					YES	NO	< 35	35 to 59	> 59	
1.										
2.										
3.										
4.										
5.										
6.										
7.										
8.										







# **CERTIFICATE OF COMPLIANCE**



STATUTORY INSTRUMENTS ACT, NO. 23 of 2013

CERTIFICATE OF COMPLIANCE

(UNDER THE STATUTORY INSTRUMENTS ACT, NO. 23 OF 2013, SECTION 7(4))

THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020

Whereas the Cabinet Secretary for Agriculture, Livestock, Fisheries and cooperatives has published the **Crops (Nuts and Oil Crops) Regulations, 2020** pursuant to the powers conferred by section 40 of the Crops Act No. 16 of 2013, IT IS HEREBY CERTIFIED that the aforesaid **Crops (Nuts and Oil Crops) Regulations, 2020**:

- a) Meet the requirements relating to regulatory impact statement in the Statutory Instruments Act No. 23 of 2013 and the guidelines have been complied with; and
- b) In my opinion, the regulatory impact statement adequately assesses the likely impact of the Proposed Crops (Food Crops) Regulations, 2020.

Dated this 25<sup>th</sup>..... Day of August.....2020

Signature of Cabinet Secretary

HON. PETER MUNYA, MGH

CABINET SECRETARY,

MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND COOPERATIVES