



LEGAL NOTICE NO.....

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

**THE CROPS (BIXA) REGULATIONS, 2021**

**ARRANGEMENT OF REGULATIONS**

*Regulation*

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Crops (Bxa) Regulations Draft Zero

**THE CROPS ACT, 2013**

*(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 Cooperatives, in consultation with the Agriculture and Food Authority and the County Governments, makes the following Regulations—

**THE CROPS (BIXA) REGULATIONS, 2021**

**PART I-PRELIMINARY**

Citation. 1. These Regulations may be cited as the Crops (Bixa) Regulations, 2021.

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

No. 16 of 2013. “Act” means the Crops Act 2013;

No. 13 of 2013. “Authority” means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act, 2013;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to agriculture;

“County Executive Committee Member (CECM) means the member of the County executive committee for the time being responsible for matters relating to agriculture in bixa growing counties.

“nursery” means a site approved by the licensing Authority where bixa seedlings are raised;

“commercial nursery operator” means a person who propagates bixa planting material for sale;

“County Government” shall have the meaning assigned to it under Article 176 of the Constitution;

“crops inspector” means a person appointed as an inspector in accordance with section 27 of the Act;

“agent” means a person collecting, transporting, storing, buying bixa on behalf of a licensed processor;

“Directorate” means a directorate of the Authority established under section 11, of the Agriculture and Food Authority Act, 2013 to deal with

bixa matters;

“exporter” means a person licensed by the Authority to export bixa products;

“export permit” means a permit issued by the Authority to export bixa products;

“export or import consignment” means quantity declared by applicant;

“grower” means a person who cultivates bixa for seeds;

“importer” means a person licensed by the Authority to import bixa and bixa products;

“import permit” a permit issued by the Authority to import bixa and products;

“processor” means a person issued with a license under these regulations to extract bixin from bixa seeds or products;

“person” includes an individual, a company, an association, cooperative society or a corporate body;

“bixa” means the plant botanically known as *Bixa orellana* and or part of the plant or of any inter-specific hybrid involving this species or of any progeny of such hybrid and includes bixa seeds;

“bixa product ” means any extrac or substance obtained or derived from bixa by any treatment or processing, including bixin and norbixin;

Large scale and small scale growers

Mother-block means an area set aside with selected plants that are free from pests and diseases for the purpose of obtaining planting material

“Annatto” means an organic dye on the bixa seed coat;

grower associations.....

Traceability.....

Purpose.

3. (1) The purpose of these Regulations is to guide the promotion, development and regulation of bixa and bixa products.

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

- (a) procedures and conditions for registration commercial nursery operators, grower associations, agents, processors and exporters/importers;
- (b) procedure and conditions for licensing of commercial nursery operators, agents, processors and exporter/importers;
- (c) contracts between processors and growers;
- (d) issuance of export and import permits;
- (e) promotion of best practices in production, transportation, storage and processing of bixa; and
- (f) imposition of bixa levy;

## **PART II—REGISTRATION AND LICENSING**

Licensing of a  
commercial nursery  
operator

- 4. (1) A person shall not establish or operate a commercial nursery in any area unless the person has a valid licence from the respective County Government.
- (2) An applicant shall apply for a licence from County Government where they intend to establish the nursery in Form Bx1 as set out in the First Schedule.
- (3) The County Government shall issue an annual licence to a successful applicant within five working days in Form Bx2 as set out in the First Schedule.
- (4) Before issuing a licence, the County Government shall satisfy itself that the applicant has complied with the Act, these Regulations and any other relevant law.
- (5) A commercial nursery operator shall submit annual returns to the County Government as set out in Form Bx3 not later than the tenth day of the first month after the end of the financial year.
- (6) A person who operates a commercial nursery as such without license in accordance with this regulation commits an offence.

Registration of  
grower Associations

- 5. (1) All smallholder growers for purposes of accessing economies of scale may register with a growers' association registered by the Authority under these Regulations.

(2)The growers' associations shall apply to the Authority for

registration as set out in the first schedule in form Bx4.

(3)The Authority shall issue a certificate of registration to growers' associations in Form Bx5 as set out in the first Schedule.

(4)The growers' associations shall submit updated particulars of their members to the Authority not later than the tenth day of the first month after the end of each financial year.

(5) A person who contravenes regulations 5(2) commits an offence

Registration of an agent

6. (1) No person shall operate as a bixa agent without a valid certificate of registration from the Authority

(2) An applicant shall apply for registration to the Authority in Form Bx6, as set out in the First Schedule.

(3) If the Authority is satisfied that the applicant meets the registration requirements, the Authority shall issue a certificate of registration to an agent in Form Bx7, as set out in the First Schedule within 14 working days.

(4) A person who contravenes regulations 6(1) shall be liable upon conviction to a term not exceeding three years or a fine not exceeding five million shillings or to both.

Application for an agent's License

7. (1) No person shall operate as a bixa agent without a valid licence from the Authority

(2) An application for an agent's license in 7(1) above shall be made to the Authority in Form Bx8 as set out in the First Schedule.

(3) If the Authority is satisfied that the applicant meets the licence requirements, the Authority shall issue a licence to an agent in Form Bx9, as set out in the First Schedule within thirty working days.

(4) An agent shall submit quarterly returns to the Authority in Form Bx10as set out in the First Schedule not later than the tenth day of the first month after the end of that quarter.

Application for  
licensing of a bixa  
processor

8. (1) No person shall operate as a bixa processor without having been licensed by the Authority.
- (2) A person who wishes to be a bixa processor shall apply to the Authority in Form Bx11 set out in the First Schedule.
- (3) If the Authority is satisfied that the applicant meets the licence requirements, the Authority shall issue a letter of no objection to the applicant in Form Bx12, as set out in the First Schedule within thirty working days
- (4) The letter of no objection shall authorize the applicant to commence installing bixa processing factory and developing raw materials through establishing crop directly or by contracting bixa growers.
- (5) The letter of No objection shall have a validity of two years and may be renewed once upon evaluation of the progress made by the applicant by the Authority
- (6) The Authority may revoke a letter of no objection issued under regulation 8 above if —
- (a) the applicant made material misrepresentation or a false declaration in the application;
  - (b) the letter of no objection was otherwise obtained by corruption or fraud;
  - (c) a condition of the letter of no objection has been breached and no remedial measures have been made; or
  - (d) The applicant has contravened the provisions of the Crops Act or these Regulations.

Notification for  
Inspection

9. The applicant shall notify the Authority upon completion of construction of the processing factory and compliance with the conditions in the letter of no objection in Form Bx13 as set out in the First Schedule.

*The Crops (Bixa Regulations, 2019)*

Issuance of a  
Processing License

10. (1) Upon successful inspection, the Authority shall at least thirty days before granting a license under these Regulations, give notice of the proposed grant in the Kenyan Gazette and in such other manner as it may determine.

(2) The Authority shall issue successful applicants with a Processing License in Form Bx14 as set out in the First Schedule upon payment of a fee as set out in the FIFTH Schedule.

(3) The license issued under 10 (2) shall be renewed annually at a fee as set out in the FIFTH Schedule.

(4) Notwithstanding the provisions of sub-regulation (2) and (3) above, the Authority may suspend or revoke a license if there is contravention of these Regulations or the Act.

Contract between  
processors and  
growers.

11. (1) A processor shall—

(a) enter into a contract with its registered growers and register the contract with the respective County Government as set out in the Second Schedule;

(b) indicate in the contract the price payable to the grower based on the bixin content;

(c) pay growers for bixa delivered within thirty days from the date of collection; and

(d) not buy bixa from any other person other than the growers contracted by the processor.

(2) Provided that a processor may enter into an agreement with another processor in the event a processor is unable to buy bixa from its contracted growers.

(3) A person who contravenes 11(1) and (2) above commits an offence

Processors Returns.

12. (1) A processor shall submit quarterly returns to the Authority as set out in Form Bx15 not later than the tenth day of the first month after the end of that quarter.

(2) A processor who contravenes regulation 12(1) commits an offence.

Registration of a  
exporter and an  
importer.

13. (1) A person shall not carry out business as a bixa exporter or importer without a registration certificate from the Authority.

(2) A person who intends to carry on the business of importing and exporting of bixa shall apply to the Authority for registration in Form Form Bx16 as set out in the First Schedule.

- Licensing of an exporter
- (3) The Authority shall issue a bixa exporter or Importer certificate of registration to a successful applicant in Form Bx17, within 7 days as set out in the First Schedule.
14. (1) A registered exporter under regulation 13 shall apply to the Authority for a licence or renewal in Form Bx18 as set out in the First Schedule.
- (2) The Authority shall issue an export licence in Form Bx19 as set out in the First Schedule within thirty days and upon payment of a fee as set out in the FIFTH Schedule.
- (3) A person who contravenes the provisions of this regulation commits an offence
- Licensing of an importer.
15. (1) A registered importer under regulation 13 shall apply for a licence to the Authority in Form Bx 20 as set out in the First Schedule.
- (2) The Authority shall issue an import licence in Form Bx 21 in the first schedule within thirty days and upon payment of a fee as set out in the FIFTH schedule.
- (3) A person who contravenes the provisions of this regulation commits an offence.
- Renewal of licenses
16. (1) All licenses issued under these regulations shall remain in force until the thirtieth of June next following the date of issue unless earlier cancelled
- (2) An application for renewal under these regulations shall be made to the Authority or the County Government as the case maybe, not later than the first day of the month of June in which the current license is due to expire.
- (3) An importer or exporter shall apply to the Authority for the renewal upon payment of fee as set out in the FIFTH Schedule
- Revocation or suspension of license
17. (1)The licensing authority may revoke, alter, vary or suspend a license issued under this part if:
- (a) the conditions of issuance of the license are contravened or not complied with or
- (b) the licensee or an employee of the licensee commits an offence under the Act or in respect of the licensed activity under any written Law

(2) The holder of the license shall immediately surrender a license to the Authority or the County executive committee member as the case may be if the license is revoked under sub-regulation (1) or the purpose for which it is issued or ceases, and it shall cease to have effect forthwith. the license is revoked under sub-regulation (1) or the purpose for which it is issued or ceases, and it shall cease to have effect forthwith.

Appeals for registration and licences

18. (1) An applicant for registration or licensing who is aggrieved by the decision of the Authority in respect of the grant, refusal, renewal, variation, alteration or revocation or the conditions imposed thereof may appeal to the Cabinet Secretary for review of the decision.

(2) The appeal shall be in writing and be delivered to the Cabinet Secretary in writing within thirty days from the date of notification of the decision by the Authority

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

Transferability of licence or registration certificate

19. A license or a permit issued by the Authority or the County Government under these Regulations shall not be transferable to FIFTH parties.

Issuance of export permit.

20. (1) An exporter of bixa products shall not export bixa products unless they have a valid export permit issued by the Authority.

(2) An exporter shall apply to the Authority for an export permit for each exported consignment in Form Bx 22 as set out in the First Schedule.

(3) The Authority shall within two days after receiving an application in 20(2), consider the application and upon satisfying itself the requirements have been met and payment of the prescribed fee in the FIFTH Schedule issue an export permit in Form Bx 23 as set out in the First Schedule.

(4) The Authority shall not issue a permit if an exporter is in contravention of the provisions of the Act or any regulations made thereunder.

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

Issuance of an import permit

21. (1) An importer shall not import bixa and bixa products unless they have a valid import permit issued by the Authority.

(2) An importer shall apply to the Authority for an import permit for each

consignment in Form Bx 24 as set out in the First Schedule.

(3) Based on the prevailing National production levels of bixa and bixa extracts, the Authority shall consider issuance of an import permit

(4) The Authority shall upon satisfying itself issue an import permit as set out in Form Bx 25 in the First Schedule.

(5) Imported bixa and bixa products shall be through designated ports by a licensed importer.

(6) The Authority shall not issue a permit if an importer is in contravention of the provisions of the Act or any regulations made thereunder.

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

Bixa Export and  
Import quarterly  
returns

22. An exporter or importer shall submit quarterly returns to the Authority in Form Bx 26 as set out in the First Schedule.

### **PART III — PRODUCTION AND QUALITY ASSESSMENT OF BIXA AND BIXA PRODUCT**

Quality of  
planting  
materials.

23. (1) Any person propagating bixa shall ensure that the planting material is in compliance with the Act or any regulations made thereunder.

(2) A commercial nursery operator shall—

(a) supply quality planting material in accordance with sub regulation (1); and

(b) keep accurate records of distributed planting materials and shall produce such records on demand for purposes of inspection.

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

Quality assurance for  
harvesting and  
postharvest handling of  
bixa

24. (1) All produce handling facilities such as warehouse, stores and collection centers, working areas and designated shall be kept free of waste materials.

(2) The packaging shall be designed to suit the transport handling system and have capacity to meet market requirements.

(3) The package weight of the produce should not exceed fifty kilograms.

- (4) Bixa shall not be stored or transported together with other commodities, which may contaminate it or otherwise adversely affect its quality.
- (5) Vessels for transport shall be built and equipped to ensure maintenance of optimal temperatures and hygiene to prevent damage, contamination and spoilage of produce. \*(TO REVIEW)
- (6) A person handling the produce must be healthy, protected and trained on produce handling.
- (7) Quality assurance for handling, packaging, transportation harvesting and postharvest handling produce under this section shall be in accordance with the act and the regulations thereunder.
- (8) A person who contravenes regulation 24 commits an offence

Bixa Quality  
Assessment for  
processing

25. (1) All bixa received for processing shall be inspected by a qualified officer appointed by the processor for quality assurance,

(2) The person appointed under sub regulation (1) shall issue a goods received note showing a grower the net weight of the bixa received.

(3) The analysis of bixa seeds to determine the rate of payment shall be carried out by a person appointed by the processor.

(4) A person appointed under paragraph (3) shall determine the rate of payment in the following manner—

- i. A composite sample shall be extracted from each grower's consignment delivered to the processor; and shall be analysed using the method approved by the Authority to determine the bixin content
- ii. samples of each consignment delivered shall be analysed separately
- iii. each sample shall be registered and analysed, by the appropriate method, in the processors' laboratories to determine the bixin content of each grower's deliveries during the period; and
- iv. each grower registered sample shall be analysed and results of the analysis communicated by way of a statement to the grower not later than twenty-one days(\*TO REVIEW) of registration of the sample.

- v. The statement in (iv) shall indicate among others, the weight, bixin content and the payment rate.
- Capacity building/training
26. (1) The Authority in consultation with the County Executive Committee Member shall initiate and coordinate training programmes for service providers, growers, agents, processors, exporters and importers to enable them implement these regulations
- (2) The Authority in consultation with County Executive Committee Member and relevant stakeholders shall develop codes of practice to facilitate safe production and handling of produce as per the regional and international standards.
- Traceability
27. (1) The Authority in consultation with relevant stakeholders shall develop and build capacity for implementation of a traceability system for both export and locally consumed bixa products
- (2) An Agent and a processor shall—
- (a) Ensure that bixa and bixa products can be traced to the source by providing details in accordance with traceability requirements as set out in the Third schedule
- (b) Establish and maintain a distinct traceability code for every source of their produce and products
- (c) Put in place a system that ensures that bixa and bixa products failing to meet food safety standards and requirements can;
- (i) be identified and located for removal from the supply chain if necessary; and
- (ii) be withdrawn from the supply chain, in consultation with the Authority, due to immediate health risk
- (3) A person who contravenes the provisions of regulations 27 commits an offence.
- Inspectors.
28. (1) The Authority shall appoint inspectors to carry out inspections of bixa and bixa products to ensure they conform to these regulations, national, regional, international standards and any other stipulated requirements as provided in the Act
- (2) A County Government shall nominate County inspectors and forward to the Authority for appointment and gazettelement in

order to ensure compliance with these regulations within the respective County Government.

(3) A person appointed as a crops inspector and county crops inspector under these Regulations shall have the following minimum qualifications from a university or institution recognised in Kenya —

- (a) Bachelor's Degree in Agriculture or related field or
- (b) Diploma in Agriculture; and with two years' experience in extension service work.

(c) Comply with the provisions of the Article 6 and 232 of the Constitution of Kenya and the Public Officer's Ethics and Integrity Act, 2012.

(4) The inspector appointed under this regulation shall undergo a mandatory training on inspections offered or recommended by the Authority before gazettelement.

(5) The Authority shall gazette all inspectors who have successfully undertaken the training within thirty days.

(6) The Authority shall develop training curriculum and offer regular trainings of the inspectors to ensure effective carrying out of their duties.

(7) A person who purports to carry out the functions of an inspector without having been dully appointed through a gazette notice commits an offence and shall be liable upon conviction to penalties prescribed in Section 37 of the Act.

Inspection and  
verification

29. (1) The Authority shall;

(a) conduct inspections and compliance audits to grower associations, agents, processors, importers and exporters from time to time to ensure compliance to these regulations.

(b) provide feedback to the industry players on non-conformity and build the capacity for corrective measures pursuant to inspections and audits undertaken

(2) The inspector shall;

(a) monitor activities associated with bixa production, dealing, handling and processing to ensure compliance with these regulations;

(b) regularly undertake surveillance and inspections to ensure that growers, agents, processors, exporters and importers of bixa and bixa products adhere to the law, these regulations, the terms and conditions of registration and requirements that may be issued by the Authority from time to time.

(c) carry out periodic auditing of food safety management systems implemented by agents and processors.

(3) An inspector who has reasonable grounds may enter any land, premises or stop and enter into a vessel used for holding or transporting bixa and bixa products for purposes of ascertaining that it conforms to the requirements of these regulations or for the performance of the functions or powers conferred under the Act or any other written law.

#### **PART IV—GENERAL PROVISIONS**

Validity of licenses      **30.** All licenses issued under these Regulations shall remain in force until the thirtieth of June next following the date of issue, unless earlier cancelled.

Disputes resolution through arbitration      **31.** The Cabinet Secretary hereby for expeditious resolution of disputes between bixa growers, Commercial Nurseries, Agents, Processors, exporters and Importers establishes rules for their arbitration as set out in the Fourth Schedule.

Pricing Formula Committee      **32.** (1) There is hereby established a bixa Pricing Formula Committee (hereinafter referred to as “the Pricing Committee”) to determine the formula for pricing of bixa comprising of the following members appointed by the Cabinet Secretary—

(a) One representative from the ministry responsible for matters related to agriculture who shall be the chairperson;

(b) one representative from the ministry responsible for matters related to trade;

(c) two representatives from the Authority;

*The Crops (Bixa Regulations, 2019)*

(d) one representatives from Council of Governors representing bixa growing counties;

(e) two persons representing bixa growers;

(f) two representatives of the bixa processors

(g) A representative of the bixa Agents.

(2) The secretariat of the committee shall be provided by the Authority;

(3) The Committee may when necessary co-opt experts to provide technical advice.

(4) The main function of the Pricing Committee shall be to review and recommend bixa prices to be paid to growers.

(5) In carrying out the function under sub regulation (4), the Pricing Committee shall undertake the following—

(a) determine the parameters for computing the bixa prices;

(b) develop a formula for pricing of bixa

(c) provide information on bixa pricing to the Authority and;

(d) any other activity necessary for fulfillment of any of the above functions.

(6) The quorum for the conduct of the business for the Pricing Committee shall be half of the members provided that at least two members under (1) (e), (f) or (g) are present.

(7) Data presented at the Committee meetings shall be verified by the Authority or other certified professional or their bodies

Imposition of fees  
by County  
Government

**33.** A County Government shall not impose any fees on Bixa contrary to section 17 (3) of the Act.

Imposition of levies

**34. (1)** The Cabinet Secretary may by a notice in the gazette impose a levy on bixa products.

(2) The levy imposed shall be at a rate of two percent of the sale value of ex-factory bixa products and three percent of custom value for imports.

(3) The levy due under paragraph 2 shall be remitted to the Authority not later than the tenth day of the month following the month during which the levy was due.

*The Crops (Bixa Regulations, 2019)*

(4) Any levy imposed under this regulation which remains unpaid shall be recovered by the Authority, as a civil debt due to it from the person by whom it is payable.

(5) A person who fails, neglects or otherwise refuses to pay or remit the regulatory levy on time as provided for under these regulations shall, where directed by the Authority in writing, in addition to paying the regulatory levy pay an interest of 5% of the amount due for each month or part thereof which the amount due remains unpaid.

Fees

35. (1) The fees payable for licenses, renewal of licenses and permits under these regulations shall be as set out in the Fifth Schedule and may be reviewed from time to time

(2) Any charges on traded produce on transit shall be charged once at the point of exit in the County of origin.

(3) No other such charge shall be instituted on the same consignment as it traverses across counties

General penalty.

36. A person who commits an offence under these regulations for which no penalty is provided for, shall be liable, upon conviction, to the penalty provided under section 37 of the Act.

Crops (Bxa) Regulations

**FIRST SCHEDULE- FORMS**

Crops (Bxa) Regulations Draft Zero

FORM MPICD/1a

(r. 4(2))

THE COUNTY GOVERNMENT OF.....

Serial No. County code/Bixa/

APPLICATION FOR CERTIFICATE OF REGISTRATION FOR BIXA COMMERCIAL NURSERY OPERATOR

1. Personal Information

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

Where the applicant is registered business entity, they should supply the County with:

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

2. Nursery Information

i) County..... ii) Sub-County .....
iii) Ward .....
L.R No or Plot No .....

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

Signature: ..... Date: .....

Applications should be addressed to: -

The County Government of .....

FOR OFFICIAL USE

County Officer:
Name ..... Signature ..... Date.....
Comments (Recommended or Not recommended)

Approved by:

CECM: Name ..... Signature..... Date .....

Official Stamp.....

**FORM MPICD/1b**

**(r. 4(3))**

Certificate No .....

**THE COUNTY GOVERNMENT OF.....**

**BIXA COMMERCIAL NURSERY OPERATOR CERTIFICATE OF REGISTRATION**

Serial No: AFA/MPICD/----

THIS IS TO CERTIFY that ..... of postal address ..... of .....county, LR. No. .... has been duly registered as a Commercial Bixa Nursery Operator to propagate .....acres of bixa seedlings/clonal crop on Land parcel specified herein in accordance with these regulations.

**ISSUED** this ..... Day of .....20.....

Signed.....

CEC Agriculture:

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

Official Stamp.....

Crops (Bxa) Regulations Draft Zero

FORM MPICD/1c

(r. 5(1))

THE COUNTY GOVERNMENT OF.....

Serial No. County code/Bixa/

APPLICATION FOR LICENSE FOR BIXA COMMERCIAL NURSERY OPERATOR

Applicants' Personal Information

Name of Applicant (new/renewal-delete as appropriate): .....

Postal Address.....

Email..... Web Address: .....

Telephone: .....

Where the applicant is registered business entity, they should supply the County with:

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

Nursery Information

i) County..... ii) Sub-County .....

iii) Ward ..... iii) Name of Chief .....

L.R No or Plot No ..... Acreage .....

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

Signature: ..... Date: .....

FOR OFFICIAL USE

Checked by:

County Agricultural Officer:

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

Comments (Recommended or Not recommended)

Approved by:

CECM: Name ..... Signature.....Date .....

Official Stamp.....

FORM MPICD/1d

(r. 5(2))

License No .....

THE COUNTY GOVERNMENT OF .....

**BIXA COMMERCIAL NURSERY LICENSE**

Serial No: AFA/MPICD/----

This LICENSE is issued to ..... of

P.O. Box ..... located on LR/No

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

Village ..... and authorizes the holder to raise a bixa commercial nursery in

the Republic of Kenya at the specified location for a period of one year beginning on the

..... Day of ..... and ending on ..... day of

..... (both days inclusive).

This LICENSE is issued subject to compliance with the Crops Act, The Crops (Bixa) Regulations 201, County Government Act and to such other terms and conditions as are stipulated herein.

**Terms and Conditions:**

A Commercial Nursery Operator shall -

- a) Propagate planting material from accredited source
- b) Obtain and keep a receipt showing the source of the planting materials and the date of purchase,
- c) Comply with National standards on Plant Health and Sanitation.
- d) Issue a receipt for all sales of vegetative Planting materials and indicate on the receipt the name of the registered grower, the date and registration number of the grower and the processor where the grower is registered and any other relevant details

**CECM:**

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

.....

Official Stamp.....

FORM MPICD/1e

(r. 5(5))

THE COUNTY GOVERNMENT OF .....

Serial No.: AFA/MPICD/.....

**BIXA COMMERCIAL NURSERY BIANNUAL RETURNS**

Name of Nursey Operator. .... License No. ....

Postal Address.....Physical Location .....

Telephone..... E-mail. ....

Crop Year. .... Period. ....

S/NO	Location of Nursery	Number of seedlings			Quantity sold during the period	Balance c/f
		Quantity B/f	Quantity of new establishment	Total quantity		

Returns submitted by: .....

Signature: .....

Designation: .....

Date: .....

Official Stamp .....

*Note: It is an offence for a commercial nursery to fail to submit biannual returns as required by regulation*

Crops (Bxa) Regulations Draft Zero

FORM MPICD/1r

(r.6(1))

Name of Bixa Processor .....

**APPLICATION FOR BIXA GROWER REGISTRATION**

Application is hereby made to grow ..... hectares of bixa on the land parcel specified in Part B below-

**A - Particulars of Applicant**

1. Name of grower .....
2. National Identify Card No / Passport No. ....
3. Address.....
4. Telephone No.....

**B - Particulars of Land**

1. L.R. No. or No's.....
2. Location.....
3. Ward.....
4. Sub-County.....
5. County.....

Date.....Signature.....  
Applicant or his duly authorized agent

**FOR OFFICIAL USE:**

**Processor:**

..... Date.....

Name of signatory.....  
Authorized Signature.....

For: .....  
(Name of Processing Company)

FORM MPICD/1g

(r.6(2))

Certificate No. ....

**GROWER REGISTRATION CERTIFICATE**

Serial No: AFA/MPICD/----

Bixa

**THIS IS TO CERTIFY** that ..... of P.O. Box .....  
LR No.....in ..... Ward .....Sub-County .....has been duly  
registered as a bixa grower to grow and maintain .....acres of bixa in the Republic of Kenya on the  
.....day of ... /...20...

This Certificate is issued subject to compliance with the Crops Act, The Crops (Bixa) Regulations 2019 and conditions as are stipulated herein.

**Terms and Conditions:**

A Grower shall –

- a. Register with only one processor at a time
- b. Store and transport dry bixa seeds in gunny bags,
- c. Store dry bixa seeds at room temperature,
- d. Deliver bixa seeds to a processor within one month after harvesting
- e. Not deliver bixa seeds to any other processor other than the one appearing on this certificate,

ISSUED this ..... Day of .....20.....

Signed.....

Licensed processor

Crops (Bixa) Regulations Draft Zero

**GROWERS REGISTER BY THE PROCESSORS**

MPICD/1h

r6(7)

Name of processor .....

License No. .... Period .....

Date	Registration no	name	Phone no	ward	Sub-county	county	acreage	Variety/clone	

**Declaration**

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

**Prepared by**

Name ..... Sign ..... Date .....

Managing Director ..... Sign ..... Date .....

Official Stamp

Crops (Bxa) Regulations Draft Zero

MPICD/1i

r7(2)



**AGRICULTURE AND FOOD AUTHORITY  
BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**REGISTRATION OF SMALLHOLDER ASSOCIATIONS**

Application is hereby made for registration of ..... Smallholder bixa  
Association located in ..... County, ..... Sub-  
county..... ward .....Locations ..... Sub-location.

**Officials of the Association**

Name .....	ID. No. ....	position .....	Signature .....
Name .....	ID. No. ....	position .....	Signature .....
Name .....	ID. No. ....	position .....	Signature .....
Name .....	ID. No. ....	position .....	Signature .....

**Attachments**

- List of growers registered under the Association
- Copy of certificate of registration
- Copies of identification documents for the officials

Date.....Signature.....  
Applicant or his duly authorized agent

**FOR OFFICIAL USE:**

**Authority:**

Recommendation ..... Date.....  
Regulations and Compliance Officer..... Signature .....

**Recommendation**

(Approved/Not Approved) .....  
Director General remarks .....  
Authorized Signature.....

FORM MPICD/1j

(r. 8(2))



**AGRICULTURE AND FOOD AUTHORITY  
BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**APPLICATION FOR REGISTRATION FOR A BIXA DEALER**

Serial No: AFA/MPICD/.....

I/ We ..... of Ward.....Sub-County  
..... County.....Postal Address.....Telephone  
..... E-mail..... LR. No..... street .....  
hereby apply for registration to be a bixa dealer in the following counties  
.....

**Directors**

Full names, addresses and occupations of the directors where applicable:

	Name:	Address:
a.	.....	.....
b.	.....	.....
c.	.....	.....
d.	.....	.....

**Branch Office(s) if any**

Address: .....  
Building ..... Street .....  
Town or City ..... L.R. No. ....  
Telephone .....  
E-mail.....

I/We certify that the information given above is correct.

Name of Director..... Signature .....

Name of Director..... Signature .....

Name of Secretary .....Signature .....

**Attachments**

- a) Certificate of registration
- b) Copies of national identification or passports for the Directors
- c) Valid tax compliance certificate for the applicant
- d) Clearance letter from the relevant County Government

**FOR OFFICIAL USE**

Checked by:

**Regulations and Compliance Manager**

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

Comments (Recommended or Not recommended) .....

**Approved by:**

AFA DG: Name ..... Signature .....Date .....

Official Stamp.....

**Terms and conditions**

1. Paid up share capital of not less than three hundred thousand shillings
2. Any other requirements that may be prescribed by the Authority from time to time

Crops (Bxa) Regulations Draft Zero

FORM MPICD/1k

(r. 8(3))



**AGRICULTURE AND FOOD AUTHORITY  
BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**BIXA DEALER CERTIFICATE OF REGISTRATION**

Serial No: AFA/MPICD/----

Certificate No .....

This is to CERTIFY THAT ..... of  
P.O. Box ..... LR. No.....in..... Ward.....Sub-  
County.....County.....is duly registered as a dealer of Bixa seeds in the  
Republic of Kenya for a period of one year beginning on the ..... Day of  
..... and ending on ..... day of ..... (both days  
inclusive) for processor .....

This Certificate is issued subject to compliance with the Crops Act, The Crops (Bixa) Regulations 2019 and the terms and conditions stipulated hereunder.

**Terms and Conditions:**

A dealer shall -

- (a) Store and transport dry seeds in gunny bags,
- (b) Store dry bixa seeds at room temperature,
- (c) Deliver bixa seeds to a processor within a month after collection
- (d) Not collect, store or buy bixa seeds on behalf of any other processor other than the one appearing on this certificate,
- (e) Pay growers for flower deliveries within thirty days from the date of collection

ISSUED this ..... Day of .....20.....

Signed.....

*Director General,*

*Agriculture and Food Authority*

FORM MPICD/1

(r. 9(2))



**AGRICULTURE AND FOOD AUTHORITY  
BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE  
APPLICATION FOR A BIXA DEALER LICENSE**

Serial No: AFA/MPICD/....

Certificate No. ....

I/ We ..... of Ward.....Sub-County  
..... County.....Postal Address.....Telephone  
..... E-mail..... LR. No..... street .....  
hereby apply for registration to be a bixa dealer.

**Directors**

Full names, addresses and occupations of the directors where applicable:

Name:

Address:

- a. ....
- b. ....
- c. ....

I/We certify that the information given above is correct.

Name of Director..... Signature .....

Name of Director..... Signature .....

**Attachments**

- e) Certificate of registration
- f) Copies of national identification or passports for the Directors
- g) Valid tax compliance certificate for the applicant
- h) Copy of the certificate of registration by the Authority

**FOR OFFICIAL USE**

Checked by:

**Regulations and Compliance Officer**

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

Comments (Recommended or Not recommended) .....

**Approved by:**

Director General: Name ..... Signature ..... Date .....

Official Stamp.....

FORM MPICD/1<sub>m</sub>

(r. 9(3))



**AGRICULTURE AND FOOD AUTHORITY  
BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**BIXA DEALER LICENSE**

Serial No: AFA/MPICD/----

License No .....

This is to CERTIFY THAT ..... of  
P.O. Box ..... LR. No.....in..... Ward.....Sub-  
County.....County.....is duly Licensed as a bixa dealer in the Republic of  
Kenya for a period of one year beginning on the ..... Day of .....  
and ending on ..... day of ..... (both days inclusive) for processor  
.....

This License is issued subject to compliance with the Crops Act, The Crops (Bixa) Regulations 2019 and the terms and conditions stipulated hereunder.

**Terms and Conditions:**

A dealer shall -

1. Store and transport dry seeds in gunny bags,
2. Store dry bixa seeds at room temperature,
3. Deliver bixa seeds to a processor within a month after collection,
4. Pay growers for flower deliveries within thirty days from the date of collection
5. Submit quarterly stock returns to the Authority

ISSUED this ..... Day of .....20.....

Signed.....

*Director General*

*Official Stamp*

FORM MPICD/1<sub>n</sub>

(r.9(5))

Serial No.: AFA/MPICD/.....

Licence No. ....

**DEALER'S QUARTERLY RETURNS**

Name .....of ..... Processor Code. ....

Postal Address. .... Physical Location. ....

Telephone..... E-mail. .... Quarter .....

Date	Quantity seeds(Kg) b/f	of	Producing County	No. of Farmers contracted	Acreage

**Declaration**

I/We declare that the information given herein is true and complete

Submitted by: ..... Designation .....

Signature: ..... Date: .....

Official Stamp

Crops (Bxa) Regulations Draft Zero

FORM MPICD/1P

r10(2)



**AGRICULTURE AND FOOD AUTHORITY  
BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Serial No.: AFA/MPICD/.....

**APPLICATION FOR A BIXA PROCESSING LICENCE**

**Applicant particulars**

- Name of Applicant.....
- Address Postal ..... Email..... Telephone: .....
- The names of company directors or partners as the case may be;

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

**Location:**

- i) County..... ii) Sub-County .....
- iii) Ward .....

- L.R. No .....
- Processing capacity:
- Grinding..... tonnes per Month
- Extraction..... tonnes per Month
- Refining ..... tonnes per Month
- Other ..... tonnes per Month

**Attachments:**

- Certificate of registration/ Memorandum and Articles of association
- Copies of national identification or passports for the Directors
- Valid tax compliance certificate for the company
- Clearance letter from the relevant County Government
- Copy of feasibility study report for the project
- Copy of Title Deed/ Lease agreement

Application is made for registration as a bixa processor

Name..... Signed..... Date.....  
 Name..... Signed..... Date.....

**FOR OFFICIAL USE**

**Checked by:**

**Regulations and Compliance Officer AFA:**

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

Comments (*Recommended or Not recommended*) .....

**Approved by:**

Director General AFA: Name .....

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

Official Stamp.....

**FORM MPICD/1q**

**r.10(3)**



**AGRICULTURE AND FOOD AUTHORITY  
BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

AFA/MPICD/.....

Current Date .....

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

Dear .....,

**RE: LETTER OF NO OBJECTION**

..... (Name of applicant entity) has demonstrated its commitment to the implementation of bixa processing project in Kenya.

The applicant has further demonstrated commitment to taking advantage of the Kenyan Investment Policies.

Their processing facility shall be located on plot number(s) .....on .....  
Ward ..... Sub-county ..... County

The applicant shall

- a) Carry out an Environmental Impact Assessment,
- b) Have at least 300 acres of land under bixa crop or contracted farmers with equivalent acreage
- c) Install a processing plant
- d) Execute the project within one year from the date of issuance after which this letter of no objection shall be invalid.


The Authority may at any time vary the conditions of the letter of no objection and impose further conditions on the applicant as it may deem necessary

*This Letter of No Objection is Valid for 1 year from the date of Issue.*

Yours sincerely,

.....  
Director General  
Agriculture and Food Authority

**FORM MPICD/1r** **r.11**



**AGRICULTURE AND FOOD AUTHORITY**  
**BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**Notification for inspection of a bixa processor**

Date.....

I..... (Name of applicant entity) has complied with the terms and conditions of the letter of no objection and hereby notifies the Authority for readiness of inspection.

Attached herein are;

- (a) Environmental Impact Assessment certificate,
- (b) Evidence of 300 acres of land under bixa crop or contracted farmers with equivalent acreage
- (c) Installed a processing plant plan
- (d) Certified copy of insurance policy covering all risks related to bixa processing business
- (e) Qualifications of key technical staff in the farms, factory and chemical lab

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

Official Stamp .....

**Note:**  
*The Authority may at any time vary the conditions of the letter of no objection and impose further conditions on the applicant as it may deem necessary*

FORM MPICD/1u

r.12(2)



**AGRICULTURE AND FOOD AUTHORITY  
BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Serial No.: AFA/MPICD/.....

Processor's License. No.....

**BIXA PROCESSOR'S LICENCE**

Type of License: .....

*Grant/Renewal*

License issued to

..... of Physical Address:  
..... Postal Address .....  
Email..... Telephone: ..... located at  
County..... Sub-County ..... Ward  
..... Incorporation Certificate No.....

Is hereby authorized to operate a factory for the processing bixa at a premises located at  
County: .....Sub- county ..... L.R. No  
.....

Beginning on the ..... day of .... 20 .... And ending on the 30<sup>th</sup> day of June 20 ... (Both days inclusive)

Type of bixa processing (primary extraction or refining): .....

This License is issued subject to compliance with the Crops Act, The Crops (Bixa) Regulations 2019 and conditions as are stipulated herein.

Date: ..... Signed: .....

*Director General  
Agriculture and Food Authority*

**Terms and conditions:**

1. The processors shall submit their processing returns to the Authority on quarterly basis as prescribed in Form MPICD/1t
2. A minimum capacity to process one hundred tonnes of dry bixa seeds annually;
3. A processor shall maintain a certified copy of insurance policy covering all risks related to bixa processing business
4. The processor shall submit signed contracts between them and growers within 60 days of being licensed.



**Checked by:**  
**Regulations and Compliance officer:**  
 Name ..... Signature.....Date.....  
 Comments (*Recommended or Not recommended*) .....


**Approved by:**  
 Director General:  
 Name ..... Signature.....Date .....

Official Stamp .....

**Terms and Conditions**

1. A minimum capacity to process one hundred tonnes of dry bixa seeds annually;
2. A processor shall maintain a certified copy of insurance policy covering all risks related to bixa processing business
3. Any other requirements that may be prescribed by the Authority from time to time.
4. The processor shall submit signed contracts between them and growers within 60 days of being licensed.
5. File quarterly stock returns to the Authority

**FORM MPICD/1w** r.12(2)



**AGRICULTURE AND FOOD AUTHORITY**  
**BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Serial No.: AFA/MPICD/..... Processor's License. No.....

**BIXA PROCESSOR'S LICENCE (RENEWED)**

**Type of License:** .....  
*Grant/Renewal*

License issued to ..... of Physical Address:  
 ..... Postal Address .....

Email..... Telephone: ..... located at  
 County..... Sub-County ..... Ward  
 ..... Incorporation Certificate No.....

Is hereby authorized to operate a factory for the processing bixa at a premises located at  
 County: ..... Sub- county ..... L.R. No  
 .....

Beginning on the ..... day of .... 20 .... And ending on the 30<sup>th</sup> day of June 20 ... (Both days inclusive)

Type of bixa processing (primary extraction or refining): .....

This License is issued subject to compliance with the Crops Act, The Crops (Bixa) Regulations 2019 and conditions as are stipulated herein.

Date: .....Signed: .....

*Director General  
Agriculture and Food Authority*

**Terms and conditions:**

8. The processors shall submit their processing returns to the Authority on quarterly basis as prescribed in Form MPICD/1<sub>t</sub>
9. A minimum capacity to process one hundred tonnes of dry bixa seeds annually;
10. A processor shall maintain a certified copy of insurance policy covering all risks related to bixa processing business
11. The processor shall submit signed contracts between them and growers within 60 days of being licensed.
12. File quarterly stock returns to the Authority
13. A processing licence may be suspended where the licensee, without any good reason acceptable to the Authority, continues to default in submitting returns.
14. Contravention of the Act, the Regulation and any other applicable laws.

FORM MPICD/1<sub>x</sub>

r.14(1)



**AGRICULTURE AND FOOD AUTHORITY**

**BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Serial No.: AFA/MPICD/.....

Licence

Number.....

**PROCESSOR'S QUARTERLY RETURNS**

Processors Name: .....

Postal Address..... Physical Location. .... Telephone.

..... E-mail..... Quarter .....


Quantity of seeds(Kg) bf	Producing County	Oleo resin(kg)	Refined extracts	Exported Products	Estimated Sales(USD/Euros)

Prepared By: ..... Signature: .....

Designation ..... Date: .....

Official Stamp:

**FORM MPICD/1y** r.16(2)



**AGRICULTURE AND FOOD AUTHORITY**

**BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Serial No.: AFA/MPICD/..... Licence

Number.....

**APPLICATION FOR REGISTRATION AS A BIXA IMPORTER/EXPORTER**

**Applicant details**

Name of the applicant ..... Processor License No. ....

of P.O Box ..... Physical Address ..... Tel. No.

..... Email Address ..... hereby apply to be registered as a Bixa

Export/Importer (Delete appropriately)

**Attachment**

- i. Copy of Processors License
- ii. Copy of Certificate of Compliance

Name: ..... Sign ..... Date .....

Official Stamp .....

**FORM MPICD/1z**  **r.16(3)**

**AGRICULTURE AND FOOD AUTHORITY**  
**BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Serial No.: AFA/MPICD/..... Processor's License No.....

**EXPORTER/IMPORTER CERTIFICATE OF REGISTRATION**

**THIS IS TO CERTIFY** that ..... of  
..... Physical Address ..... Postal Address .....

Email.....Telephone: ..... located in .....

The Crops (Bixa Regulations, 2019)

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

Is hereby issued with a certificate of registration as a Bixa Exporter/Importer (Delete appropriately) beginning this .....day of .....20.....

Date: .....Signed: .....


Valid from ..... To.....

Official Stamp

*Director General,  
Agriculture and Food Authority*

***This certificate of Registration is not transferable***

FORM MPICD/1<sub>aa</sub> r16(4)

  
**AGRICULTURE AND FOOD AUTHORITY**  
**BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**APPLICATION FOR EXPORT/IMPORT LICENSE**

Serial No: AFA/MPICD/ ..... Processors License No. ....

**Applicant's Particulars**  
I/We ..... (Name of Applicant) of .....  
Address ....., Registered address .....  
Building..... Street ..... Town or City  
..... L.R. No. ....

Do hereby submit our application for a license as bixa Export { } Import { } for period

beginning ..... to .....


**FOR OFFICIAL USE**

**Approved by:**  
AFA Authorizing officer: Name ..... Signature.....Date .....

Designation.....

Official Stamp.....

**FORM MPICD/1bb** r.16(5)



**AGRICULTURE AND FOOD AUTHORITY**  
**BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**BIXA IMPORTER / EXPORTER LICENSE**

Serial No.: AFA/MPICD/..... Processor's License  
No.....

THIS IS TO CERTIFY that ..... of Address: Physical:  
..... Postal: ..... Email  
..... Telephone: ..... has been Licensed as a Bixa  
Exporter ( ) Importer ( )

License Issued on this ..... day of ..... 20 ....

License Valid until 30<sup>th</sup> June of 20 .....

Date: ..... Signed: .....

Director General,  
Agriculture and Food Authority

**Terms and conditions:**

1. There shall be no export of raw bixa seeds
2. Exporters/Importers shall comply with the Act, National and international standards

*Note: An export licence may be suspended where the licensee, without any good reason acceptable to the Authority, continues to default in submitting returns.*

FORM MPICD/1cc

r.19(2)



AGRICULTURE AND FOOD AUTHORITY  
BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE

Serial No.: AFA/MPICD/012

Exporter's License .....

**APPLICATION FOR BIXA EXPORT/IMPORT PERMIT  
(Confidential)**

**1. Applicants Details**

Name of exporter ..... Address  
..... Telephone No .....  
Email Address .....  
Registration certificate number ..... Details of  
consignment (Bixa Product) .....

**2. Destination**

Country of Destination / Origin ..... Shipment Date .....  
 Vessel .....  
 Consignee .....  
 Notify Address .....

**3. Consignment Details**

Contract No. .... Date ..... Quantity in contract ..... (tons).....  
 Local Contract No ..... Date .....

Processor Marks	Invoice No.	Type of product	No. of Packages	Net Weight (Kg)	Value of Consignment (USD/Euros)

Full name and address of buyer or consignee .....  
 Name and address of Warehouse where Bixa Product can be inspected .....

*Note:* Every exporter shall attach certified copies of the following documents for verification.  
 Sale contract showing (contract number, contract date);  
 Commercial invoice showing (unit price USD/Euros, terms of payment, port and country of destination); Certificate of Analysis; and Custom entry form

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

Date.....  
 .....

Authorized signature Stamp of Exporter

**FOR OFFICIAL USE**

Authentication by  
 Agriculture and Food Authority

Date.....

Signature and Stamp

**Terms and Conditions**

The Bixa export Permit form is issued in triplicate for distribution as follows-

1. One copy to be retained by the Bixa, Bixa and other Industrial Crops Directorate; and
2. Two copies to the exporter or processor one of which must be presented to the Kenya Revenue Authority together with relevant Export Entry form.

FORM MPICD/1dd

r.19(3)



**AGRICULTURE AND FOOD AUTHORITY**  
**BIXA, BIXA AND OTHER INDUSTRIAL CROPS DIRECTORATE**

**BIXA EXPORT/IMPORT PERMIT**

Serial No: AFA/MPICD/----/005

Processors' License No .....

This Permit is granted to M/s..... of P.O. Box  
..... and authorizes the said .....Importer/Exporter..... On this  
day of ..... 20....

This Permit is issued subject to compliance with the Crops Act, The Crops (Bixa) Regulations  
2019 and conditions as are stipulated herein. It is valid for 90 days.

Product	Quantity (Metric tons)	Price F.O.B (USD)	Freight (USD)	Total Value (USD)	Total Value (USD)

County of Destination/Origin ..... Date of Shipment .....  
 ..... Vessel ..... Consignee/Consigner

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

Signed.....  
**Director General – Agriculture and Food Authority**

**SECOND SCHEDULE**

**BIXA PROCESSOR - GROWERS CONTRACT**

This contract is made between .....of (physical address).....  
 (hereafter referred to as 'The company' which expression shall where the context so admits include its successors and assignees) on the one part; and  
 ..... of P.O Box.....  
 PIN/ID No..... Telephone No .....  
 (hereinafter referred to as the grower which expression shall where the context so admits include his/her personal representatives and assignees) on the other part

**WHEREAS:**

The company intends to engage the grower to supply bixa seeds to its processing factory and

**WHEREAS:** The grower is the owner of parcel LR. No..... Located in  
.....ward..... Sub-County..... County.....  
measuring..... Acres with an estimated annual production of ..... Kgs.

**NOW IT IS HEREBY AGREED BETWEEN THE COMPANY AND THE GROWER AS FOLLOWS:**

1. The grower has registered with the company and intends to supply bixa seeds for a period of ..... Years
2. The grower hereby undertakes to supply all their bixa seeds to the company during the duration of the agreement.
3. The grower agrees to grow at their cost ..... hectares of bixa from (Month/year) .....to .....
4. The grower shall;
  - a. be solely responsible for their entire bixa production registration, including allocation of suitable land, land preparation, planting, crop husbandry, harvesting and delivery of seeds.
  - b. ensure that he/she has sufficient funds, equipment and management expertise to fulfil his/her obligations under this contract.
  - c. not use pesticides or other chemicals on the crop which are not approved by the company.
  - d. Comply with quality specification as specified in the Bixa flower quality specification and packaging requirements **annex 1** (herein after referred to as **PQSP**) with respect to production, harvesting, storage, packaging, labelling, and transportation.
  - e. Deliver the bixa seeds within 30days of harvesting to a collection Centre within the growing area – to be agreed with the company

The cost of delivery and storage of flower at their store will be met by .....(specify whether company or grower)

5. The processor shall:
  - a) Appoint a qualified person to offer extension services to the grower on all aspects of bixa production including;
    - providing a grower’s manual outlining commonly used bixa production practices.
    - Periodic farm visits as maybe required during the development of the grower’s production.
  - b) Provide to the grower at the start of the contract with sufficient bixa seed to plant on the agreed area, if requested by the grower and such seed is reasonably available to the company.
  - c) Purchase seeds produced by the grower, subject to such seeds meeting the specifications stated in **annex 1** of this contract, according to the following procedure:

- Inspect, weigh and collect stored seeds meeting visual inspection criteria, from ..... collection centre within 30 days from time of harvesting
- Provide to the grower a Goods Received Note (GRN) for all flower collected and accepted by the company.
- Transport the seeds to its factory on behalf of the growers,
- The cost of transportation of flower to the factory will be met by ..... (specify whether company or grower) at ..... rate.

If the quality of bixa seeds delivered to the collection center does not meet the specifications outlined in **Annex 1**, the company will have the right to reject.

- d) On arrival at the factory, the company will make a detailed assessment of the quality of the seeds:
- Take a representative sample of the growers produce for pyrethrins analysis.
  - Retain a sample of the growers produce for a period of 30 days after delivery, in case there is a need to confirm the pyrethrins content at an independent laboratory.

e) Weighing machines for weighing dry bixa seeds shall be serviced, inspected and stamped by the Weights and Measures department in accordance with the Weights and Measures Acts, Cap. 513.

6. 1) The grower shall have the right to:
- Be present during the weighing at the collection centre.
  - To query the pyrethrins quality assessment made by the company within ten days after the receipt of the companies' quality report
- 2) In the event that the grower queries the company's pyrethrins quality assessment;
- The retention sample will be submitted to an independent laboratory appointed by the Agriculture and Food Authority for confirmation of pyrethrins content
  - The findings of the independent laboratory will be binding on both parties.
  - The cost of confirmation by the independent laboratory will be borne by the party whose assessment has the greatest deviation from the findings of the independent laboratory.

If the grower does not query the quality report in writing within ten days of receipt of the company's quality report, the report will be deemed to have been accepted by the grower.

7. The company shall pay the grower according to the percentage of pyrethrins content per kg of seeds delivered to the company.
8. The company shall use a pyrethrins analysis method developed by AOAC or such other method as may be approved by the Authority from time to time.
9. The price to be paid for 1% pyrethrins will be ..... prorated upwards or downwards

by ..... per 0.1% pyrethrins.

10. The company shall make the following deductions in the growers payments (specify) .....at .....rate.

11. Payment shall be made by ..... (Specify)

12. The company shall provide a monthly statement to the grower not later than the 5<sup>th</sup> day of every month stating the weight of the produce, the pyrethrins content percentage, the calculated value of the produce, any deductions for seed and transport provided by the company and the net amount paid for the seeds delivered in the previous month.

#### **Transfer of ownership of seeds**

13. Ownership of the seeds will transfer to the company once the seeds have been inspected at the collection centre once the quality is found to be in compliance with the quality requirements.

14. By delivering the seeds to the collection centre, the grower warrants that he /she is the rightful owner of the seeds, is legally entitled to sell the seeds to the company.

15. Any disputes regarding ownership of the seeds and subsequent claims from other parties will be the sole responsibility of the grower to resolve.

16. This contract shall commence on the .....day of .....month ....year and shall continue in force for a period of .....years subject to termination by either party giving to the other .....months written notice.

17. Notwithstanding anything to the contrary herein before contained, these contract may be terminated by either party as follows:

- By service pf a written notice of termination
- If a party fails to remedy any breach of this contract within 30 days after service of a written notice specifying the breach and requiring it to be remedied.
- Forthwith and without notice, if a party fails to comply with any legal or statutory requirement currently in force or hereinafter enacted relating to growing, delivering, transportation, processing of bixa
- If after one planting season the grower fails to plant a crop or if the grower continuously delivers seeds that do not meet the specified quality requirements.
- If he grower sells any of his/her seeds and or bixa plant to another party or registers to be a supplier to another bixa processor.
- If the company fails to purchase the growers bixa seeds or pay within the period specified in the regulations.

#### **Force Majeure:**

This contract may be terminated by either party giving the other 14 days' notice in writing should there be any event or occurrence that impacts the ability of the party to fulfill its obligations and which is behold the reasonable control of the party such as but not limited to war, civil strife, destruction of goods or facilities by fire, natural calamities

**18. The insolvency of either party**

Any party wishing to review the terms and conditions of the contract shall give at least 2 months written notice to the other party highlighting the term they wish to review

**19. Governing law and dispute resolution:**

All claims and disputes arising under or related to this agreement are to be settled by binding arbitration process rules under these regulations.

20. Neither party shall become or be authorized to act as the agent for the other, unless authorized to do so in writing.

Grower: ..... Name: ..... Date:  
.....

I certify that the contents of the document were first read out by me and interpreted to the grower and he/she fully understood the contents before appending his/her signature hereto.

Signed for the Company: ..... Name: ..... Date: .....  
Witnessed by: County Rep..... Signature..... Date.....

**Annex 1**

**Bixa flower quality specification and packaging requirements**

1. The bixa flower must comply with the quality standards stated in process's description
2. The seeds must be clean, composed of only whole seeds and seeds components (predominantly archeries) with no extraneous matter.
3. The seeds must be:
  - Dry with a characteristics aroma,
  - Free from rancid odor, mold or mustiness,
  - Free from foreign matter (twigs, weeds)
  - Free from pests and insects infestation, mites, insect fragments, excrement or other animal contamination,
  - Free from adulteration (chaff, sand, gravel, paper, cloth, wood, plastic etc.)
4. The pyrethrins content of the seeds must be at least 1.0% (measured by AOAC official)

5. The seeds delivered to the processor .....must have a moisture content below 10%
  - Seeds accepted by the processor with higher moisture content will be dried by the processor the farmer's cost and the weight adjusted pro rata to 10% moisture content
  - Seeds with moisture content above 12% will be rejected.
6. The seeds must be packed in clean and dry sisal bags dedicated to bixa seeds with 30 kg in each bag.
  - Initially the company will accept packaging in clean polypropylene bags; however the intention is after one growing season to move to sisal bags.
  - The use of any bags that have been used for any other material is strictly not permitted.
7. To ensure traceability of the seeds, all bags must be well labelled with the grower's name, farm location, net weight and where applicable the delivery note number.
8. The flower must be delivered to the area collection center within 30 days from the date of picking.

#### FIFTH SCHEDULE

<b>Dispute Resolution through Arbitration Procedures</b>
1. A dispute arising between bixa growers, Commercial Nurseries, Dealers, Processors, Exporters and Importers maybe notified in writing, presented by the aggrieved party or their advocate to an independent arbitrator and shall have attached thereto copies of the relevant documents relating to the dispute.
2. The aggrieved parties are free to agree on the procedure to be followed by the arbitrator in the conduct of the arbitration proceedings.
3. Failing an agreement under sub-regulation (2), the arbitrator may conduct the arbitration in the manner it considers appropriate, having regard to desirability of avoiding unnecessary delay or expense while at the same time affording the parties a fair and

reasonable opportunity to present their cases.

**FIFTH SCHEDULE**

**FEES**

<b>NO.</b>	<b>CATEGORY</b>	<b>NEW APPLICATIONS (Kshs)</b>	<b>RENEWAL FEES (Kshs)</b>
1.	Bixa Dealer License	50,000	25,000
2.	Bixa Processor's License	100, 000	50,000
3.	Importers license	100,000	50,000
4.	Exporters license	0	0