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REPUBLIC OF KENYA



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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- FOURTH SESSION (2020)

COMMITTEE ON DELEGATED LEGISLATION

REPORT ON THE CONSIDERATION OF THE CROPS  
(FIBRE CROPS) REGULATIONS, 2020

(Legal Notice No. 120 of 2020)

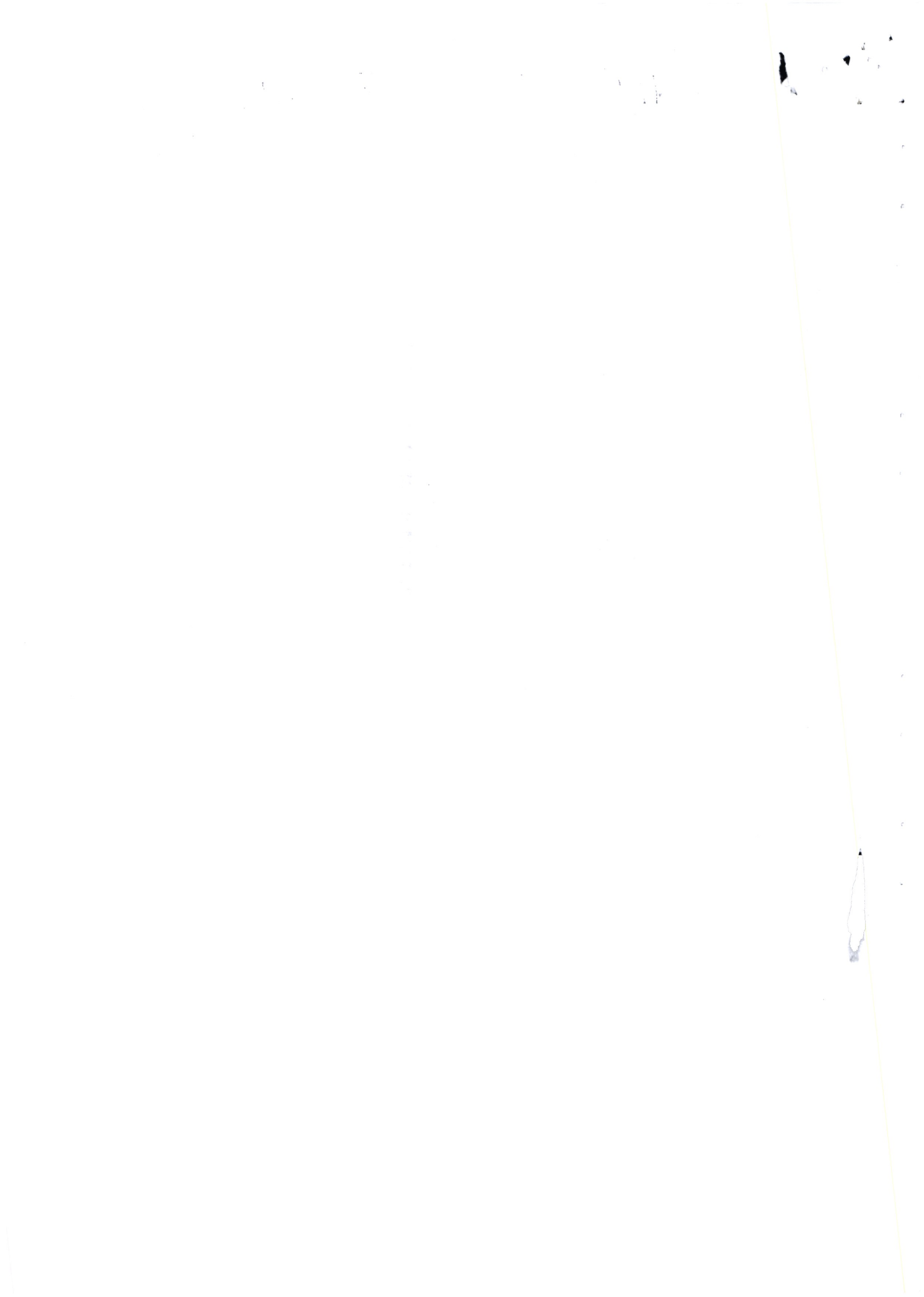
NOVEMBER, 2020

THE NATIONAL ASSEMBLY  
PAPER LAID

DATE: 17 NOV 2020 TUESDAY

CHAIR, DELEGATED  
LEGISLATION  
HON. WILLIAM KAMKET

*The Directorate of Committee Services*  
*The National Assembly,*  
*Parliament Buildings,*  
**NAIROBI.**



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## ABBREVIATIONS

<b>AFA</b>	<b>Agriculture &amp; Food Authority</b>
<b>L.N.</b>	<b>Legal Notice</b>
<b>SI</b>	<b>Statutory Instruments</b>
<b>SO</b>	<b>Standing Order</b>

## **CHAIRPERSON'S FOREWORD**

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 published the Crops (Fibre Crops) Regulations, 2020 vide Legal Notice No. 120 of 2020 on 8<sup>th</sup> July, 2020. The Regulations were submitted to the Clerk of the National Assembly on 5<sup>th</sup> August, 2020 and tabled before the House same day. The Regulations were subsequently referred to the Committee on Delegated Legislation for consideration.

The Regulations provide for guidelines in the development and promotion of the fibre crops, i.e., sisal and cotton.

Pursuant to section 16 of the Statutory Instruments Act, 2013, the Committee held pre-publication consultations with the regulation making authority on 21<sup>st</sup> August, 2019 and post-publication scrutiny on 27<sup>th</sup> October, 2020.

Having examined the Crops (Fibre Crops) Regulations, 2020 against the Constitution, the Interpretations and General Provisions Act (Cap 2), the Crops Act, 2013 and the Statutory Instruments Act (No. 23 of 2013), the Committee resolved to **annul the Regulations for failing to demonstrate that sufficient public participation was undertaken contrary to Articles 10 and 118 of the Constitution and sections 5, 5A and the Schedule to the Statutory Instruments Act.**

In conclusion, I wish to most sincerely thank the Speaker and the Office of the Clerk of the National Assembly for the invaluable support accorded to the Committee in the discharge of its mandate.

On behalf of the Members of the Select Committee on Delegated Legislation and pursuant to Standing Order 210 (4) (b), it is my pleasure and duty to present to the House, the **Committee's Report on the Consideration of the Crops (Fibre Crops) Regulations, 2020 (Legal Notice No. 120 of 2020)**

**HON. WILLIAM KASSAIT KAMKET, M.P.**

## 1.0 PREFACE

### 1.1 Establishment and Mandate of the Committee

1. The Select Committee on Delegated Legislation is established pursuant to *Standing Order No. 210* and is mandated to consider statutory instruments submitted to Parliament for consideration. The Committee is expected to consider in respect of any statutory instrument, whether it is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws.
2. The Committee is mandated to consider in respect of any statutory instrument, whether it:
  - a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws;
  - b) infringes on fundamental rights and freedoms of the public;
  - c) contains a matter which in the option of the Committee should more properly be dealt with in an Act of the Parliament;
  - d) contains imposition of taxation;
  - e) directly or indirectly bars the jurisdiction of the court;
  - f) gives retrospective effect to any of the provision in respect to which the Constitution does not expressly give any such power;
  - g) it involves expenditure from the consolidated fund or other public revenues;
  - h) is defective in its drafting or for any reason form or part of the statutory instrument calls for any elucidation;
  - i) appears to make some unusual or unexpected use of the power conferred by the Constitution or the Act pursuant to which it is made;
  - j) appears to have had unjustifiable delay in its publication or laying before Parliament;
  - k) makes rights, liberties or obligations unduly dependent upon non-renewable decisions;
  - l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
  - m) inappropriately delegates legislative powers;
  - n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
  - o) appears for any reason to infringe on the rule of law;
  - p) inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and
  - q) accords to any other reason that the Committee considers fit to examine.

## 1.2 Committee Membership

3. The Committee membership comprises –

**The Hon. William Kassait Kamket, M.P. (Chairperson)**

Tiaty Constituency

**KANU**

**The Hon. Muriuki Njagagua, M.P. (Vice Chairperson)**

Mbeere North Constituency

**Jubilee Party**

### COMMITTEE MEMBERS

The Hon. Waihenya Ndirangu, M.P.

Roysambu Constituency

**Jubilee Party**

The Hon. Ronald Tonui, M.P.

Bomet Central Constituency

**Jubilee Party**

The Hon. William Cheptumo, M.P.

Baringo North Constituency

**Jubilee Party**

The Hon. William Kamoti, M.P.

Rabai Constituency

**Orange Democratic Movement**

The Hon. Cecily Mbarire, MGH, M.P.

Nominated

**Jubilee Party**

The Hon. Martha Wangari, M.P.

Gilgil Constituency

**Jubilee Party**

The Hon. Alice Wahome, M.P.

Kandara Constituency

**Jubilee Party**

The Hon. Gideon Mulyungi, M.P.

Mwingi Constituency

**Wiper Democratic Movement – Kenya**

The Hon. Robert Mbui, M.P.

Kathiani Constituency

**Wiper Democratic Movement -Kenya**

The Hon. (Dr.) Wilberforce Oundo, M.P.

Funyula Constituency

**Orange Democratic Movement**

The Hon. Daniel Maanzo, M.P.

Makueni Constituency

**Wiper Democratic Movement -Kenya**

The Hon. George G. Murugara, M.P.

Tharaka Constituency

**Democratic Party**

The Hon. Timothy Wanyonyi, M.P.

Westlands Constituency

**Orange Democratic Movement**

The Hon. Jennifer Shamalla, M.P.

Nominated

**Jubilee Party**

The Hon. Munene Wambugu, M.P.  
Kirinyaga Central Constituency  
**Jubilee Party**

The Hon. Patrick Mariru, M.P.  
Laikipia West Constituency  
**Jubilee Party**

The Hon. Sammy Seroney, M.P.  
Nominated  
**Wiper Democratic Movement – Kenya**

The Hon. Tindi Mwale, M.P.  
Butere Constituency  
**Amani National Congress**

The Hon. Edith Nyenze, M.P.  
Kitui West Constituency  
**Wiper Democratic Movement – Kenya**

The Hon. Abdi Koropu Tepo, M.P.  
Isiolo South Constituency  
**Kenya Patriots Party**

The Hon. Robert Gichimu, M.P.  
Gichugu Constituency  
**Jubilee Party**

### **1.3 Committee Secretariat**

4. The secretariat facilitating the Committee comprises -

**Ms. Susan Maritim**  
*Senior Clerk Assistant (Team Leader)*

Mr. Mohamed Jimale  
*Clerk Assistant II*

Mr. Wilson Dima Dima  
*Principal Legal Counsel*

Mr. Josphat Motonu  
*Fiscal Analyst I*

Ms. Winnie Kiziah  
*Media Relations Officer II*

Mr. Anthony Wamae  
*Assistant Serjeant-at-Arms*

Mr. Charles Ayari  
*Superintendent of Electronics*

Ms. Mary Otieno  
*Office Superintendent*

## **2.0 CONSIDERATION OF THE CROPS (FIBRE CROPS) REGULATIONS, 2020**

### **2.1 Introduction**

5. 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 made the Crops (Fibre Crops) Regulations, 2020 vide Legal Notice No. 120 of 2020 on 8<sup>th</sup> July, 2020.
6. The Regulations were submitted to the Clerk of the National Assembly on 5<sup>th</sup> August, 2020 and tabled before the House on the same day on 5<sup>th</sup> August, 2020.

### **2.2 Object and Purpose of the Regulations**

7. The Regulations provide for the application, processing procedures and forms for fibre crops by setting procedures and conditions for registration, licensing of dealers for fibre crops as well as issuance of licences, among others.
8. The Regulations seek to consolidate the Regulations that relate to sisal and cotton which were previously regulated by different Regulations. The Regulations will also protect consumers in the fibre crops industry through setting the standards for fair trading and marketing in fibre crops and fibre crops products in Kenya.
9. In conclusion, the Regulations support the Government's Big Four Agenda by facilitating provision of raw materials for the manufacturing pillars and ensuring that smallholder farmers earn incomes from fibre crops to enhance food security within their households.

### **2.3 Overview of the Regulations**

10. **PART I (Preliminary)** provides for preliminary issues including citation, and interpretation of terms used in the Regulations, purpose and scope of application of these Regulations
11. **PART II (Registration and Licensing)** provides for registration of smallholder fibre crops growers, registration of fibre crops plantation growers, registration of commercial nurseries, designation of collection centres, setting up a new fibre crops products manufacturing factory, registration of exporters and importers and further provides for licensing of exporters and importers and its renewal.
12. **PART III (Standards and Quality Assurance)** provides for fibre crops seed requirements, obligation of growers and retailers, obligations of fibre crop products manufacturers, grading and inspection of fibre crops and fibre crops products. It further provides for classing and grading of cotton lint and prohibition against adulteration.
13. **PART IV (Trade and Marketing)** provides for fibre crops pricing committee, movement permit, and also provides for agreement between growers and dealers.
14. **PART V (Inspection and Compliance)** provides for appointment of crop inspectors, inspections and surveillance, illegal manufacturing and possession as well as notices issued to non-compliance.

15. **PART VI (Miscellaneous Provisions)** provides for miscellaneous provisions including revocation and surrender of certificates, licenses or permits, appeal process for grant, refusal, renewal, variation or revocation of the condition of licenses. It also provides for general penalty, fees and disputes resolution between growers and dealers.

#### **2.4 Legal Basis for Scrutiny**

16. The Committee examined the Crops (Fibre Crops) Regulations, 2020 against the Constitution, the Interpretations and General Provisions Act (*Cap 2*), the Crops Act, 2013 and the Statutory Instruments Act (*No. 23 of 2013*).
17. The scrutiny was undertaken following the tabling of the Regulations before the House on 5<sup>th</sup> August, 2020 and subsequent referral to the Committee on Delegated Legislation.

#### **2.5 Conferring with the Regulation Making Authority**

18. In accordance with section 16 of the Statutory Instruments Act, 2013, the Committee held a meeting with the regulation making authority, represented by Ms. Anne Nyaga, the Chief Administrative Secretary in the Ministry of Agriculture, Livestock, Fisheries and Co-operatives and the Agriculture and Food Authority (AFA) on 21<sup>st</sup> August, 2019 (pre-publication scrutiny) and 27<sup>th</sup> October, 2020 (post-publication).

### **3.0 COMMITTEE OBSERVATIONS**

19. Having examined the Crops (Fibre Crops) Regulations, 2020 against the Constitution, the Interpretations and General Provisions Act (*Cap 2*), the Crops Act, 2013 and the Statutory Instruments Act (*No. 23 of 2013*), the Committee observed THAT –

#### **3.1 Statutory Timelines – Section 11 of the SI Act**

- 1) The Regulations were published in the gazette as L.N. No. 120 of 2020 on 8<sup>th</sup> July, 2020, submitted to the Clerk of the National Assembly on 5<sup>th</sup> August, 2020 and laid on the table of the House on 5<sup>th</sup> August, 2020 being within the requisite statutory timelines under section 11(1) of the Statutory Instruments Act, 2013.

#### **3.2 Consultations/Public Participation – Section 5 of the SI Act**

- 2) The Regulation making authority attached copies of stakeholder forums held between themselves and stakeholders in the sisal and cotton industry. These included the Lower Eastern forum; Estates and Marketing Agents and Sisal Fibre processors; Coast forum; Lower Nyanza, Kenya Plant Health Inspection Services, Pest Control Products Board, National Bio-Safety Authority, Kenya Agricultural and Livestock Research Organization, Seed Trade Association of Kenya and Sisal Growers and Employers Association. Most of the engagement forums were conducted in 2014; thus, raising concerns that such information may have been rendered irrelevant and inapplicable due to lapse of time. The Committee was also concerned that the Coastal and Rift Valley fibre-growing regions (e.g. Nakuru and Baringo Counties) were not adequately consulted.

The extent of public participation did not, therefore, meet the requisite standard set out in Articles 10 and 118 of the Constitution and sections 5, 5A, of the Statutory Instruments Act.

### 3.3 Regulatory Impact Statement – Sections 6, 7 & 8 of the SI Act

- 3) The regulation making authority submitted a Regulatory Impact Statement as required by Sections 6, 7, and 8 of the Statutory Instruments Act, 2013.

### 4.0 COMMITTEE RECOMMENDATION

20. Having examined the Crops (Fibre Crops) Regulations, 2020 against the Constitution, the Interpretations and General Provisions Act (Cap 2), the Crops Act, 2013 and the Statutory Instruments Act (No. 23 of 2013), **the Committee recommends that the House annuls in entirety the said statutory instrument for failing to demonstrate that sufficient public participation was undertaken contrary to Articles 10 and 118 of the Constitution and sections 5, 5A and the Schedule to the Statutory Instruments Act.**

Signed.....

Date.....16/11/2020.....

**THE HON. WILLIAM KASSAIT KAMKET, M.P.  
(CHAIRPERSON)**

## **ANNEXURES**

- 1. Adoption List**
- 2. Legal Notice No. 120 of 2020 and the Explanatory Memorandum**
- 3. Committee Minutes**

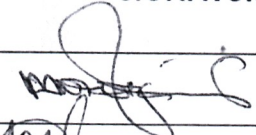


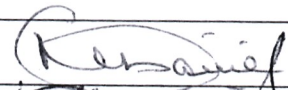
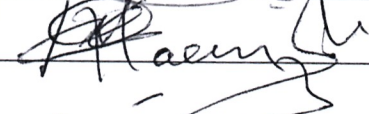


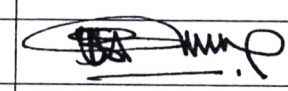
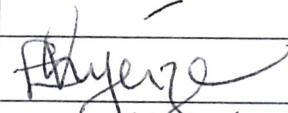
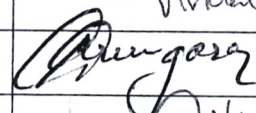
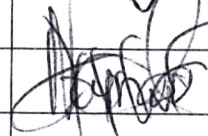
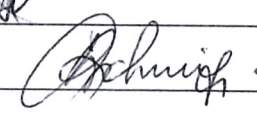
**COMMITTEE ON DELEGATED LEGISLATION**

**ADOPTION LIST**

**Adoption of the Report on the consideration of the Crops (Fibre Crops) Regulations, 2020  
Legal Notice No. 120 of 2020**

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 11 November 2020

	HON. MEMBER	SIGNATURE
1.	Hon. Kassait Kamket, MP (Chairperson)	
2.	Hon. Muriuki Njagagua, MP (Vice Chairperson)	
3.	Hon. Waihenya Ndirangu, MP	
4.	Hon. Robert Mbui, MP	-
5.	Hon. Alice Wahome, MP	-
6.	Hon. Cecily Mbarire, MGH, MP	
7.	Hon. Daniel Maanzo, MP	
8.	Hon. William Cheptumo, MP	-
9.	Hon. Martha Wangari, MP	
10.	Hon. Timothy Wanyonyi, MP	-
11.	Hon. William Kamoti, MP	-
12.	Hon. Patrick Kariuki Mariru, MP	
13.	Hon. Ronald Tonui, MP	-
14.	Hon. Munene Wambugu, MP	
15.	Hon. Gideon Mulyungi, MP	-
16.	Hon. Edith Nyenze, MP	
17.	Hon. Abdi Tepo, MP	Virtual attendance
18.	Hon. George Murugara, MP	
19.	Hon. Jennifer Shamalla, MP	Virtual attendance
20.	Hon. (Dr.) Wilberforce Oundo, MP	
21.	Hon. Robert Gichimu, MP	
22.	Hon. Sammy Seroney, MP	-
23.	Hon. Tindi Mwale, MP	-

**MINUTES OF THE 47<sup>TH</sup> SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY 27<sup>TH</sup> OCTOBER, 2020 AT 2.30 P.M. IN TAMANISHA CONFERENCE ROOM AT THE WHITESANDS RESORT, MOMBASA.**

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**PRESENT**

1. **The Hon. Kassait Kamket, M.P.** - **Chairperson (Virtual attendance)**
2. **The Hon. Muriuki Njagagua, M.P.** - **Vice Chairperson (Chaired meeting)**
3. The Hon. George Murugara, M. P
4. The Hon. Robert Mbui, M.P.
5. The Hon. Patrick Mariru, M.P.
6. The Hon. Waihenya Ndirangu, M.P.
7. The Hon. Alice Wahome, M.P.
8. The Hon. Cecily Mbarire, MGH, M.P.
9. The Hon. Daniel Maanzo, M.P.
10. The Hon. Kamoti Mwamkale, M.P.
11. The Hon. Martha Wangari, M.P
12. The Hon. Ronald Tonui, M.P.
13. The Hon. Timothy Wanyonyi, M.P.
14. The Hon. (Dr.) Wilberforce Oundo, M.P.
15. The Hon. Edith Nyenze, M.P
16. The Hon. Munene Wambugu, M.P.
17. The Hon. Robert Gichimu, M.P.
18. The Hon. Sammy Seroney, M.P.
19. The Hon. Abdi Tepo, M.P.
20. The Hon. Tindi Mwale, M.P.

**ABSENT WITH APOLOGY**

1. The Hon. William Cheptumo, M.P
2. The Hon. Gideon Mulyungi, M.P.
3. The Hon. Jennifer Shamalla, M.P.

**IN-ATTENDANCE**

**National Assembly Secretariat**

1. Ms. Susan Maritim - Senior Clerk Assistant
2. Mr. Mohamed Jimale - Clerk Assistant II
3. Mr. Dima Dima - Principal Legal Counsel
4. Mr. Josphat Motonu - Fiscal Analyst I
5. Mr. Charles Ayari - Superintendent of Electronics (Audio)
6. Mr. Anthony Wamae - Serjeant-at-Arms
7. Ms. Alice Kitur - Executive Secretary
8. Ms. Mary Otieno - Office Superintendent
9. Ms. Fiona Wanjiru - Pupil

## MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES & COOPERATIVES

1. Ms. Anne Nyaga - Chief Administrative Secretary
2. Ms. Phylis Njane - D/Director/Policy Analyst/Researcher
3. Mr. David Kithale - Assistant Director of Agriculture
4. Mr. Eliud M. Kamau - Assistant Director of Agriculture
5. Ms. Evelyne Heyi - Principal Agriculture Officer

## AGRICULTURE & FOOD AUTHORITY

1. Mr. Anthony Muriithi - Director General
2. Ms. Rosemary A. Awino - Interim Head, Sugar Directorate
3. Ms. Asa Okoth - Interim Manager, Tea Directorate
4. Mr. Oscar Kai - Interim Head, Seed Directorate
5. Mr. Andrew Osodo - Interim Head of Legal Services
6. Mr. Jude Chesire - Interim Manager, Regulation & Compliance, Seed Directorate
7. Mr. Jason Mugo - Manager, Regulations & Policy Development
8. Mr. Adhola John - Interim Manager, Regulations & Compliance, Fibre Crop Development
9. Ms. Josephine Simiyu - Interim Manager, Horticulture Directorate

## MIN.NO. /NA/CDL/2020/297 PRAYER AND RELIMINARIES

The session resumed at half past two o'clock with the Prayer.

## MIN.NO. /NA/CDL/2020/298 CONSIDERATION OF THE CROPS (FIBRE CROPS) REGULATIONS, 2020

The Chairperson reminded the meeting about the pre-publication consultations held with the Ministry on 21<sup>st</sup> August, 2019 where the Committee raised the following concerns –

- (i) Definition of fibre crops needs to be further enhanced;
- (ii) Registration should be closer to the farmers, i.e., within their localities while the dealers must register with Authority (AFA);
- (iii) Revocation of the licence in Reg 9 (5) needs further elaboration;
- (iv) Movement permit in Reg. 31 is too stringent for the investors of the fibre crops;
- (v) stakeholder consultations on the Regulations.

### Making of the Regulations

The Crops (Fibre Crops) Regulations, 2020 are made by the Cabinet Secretary for Agriculture, Livestock, Fisheries and Co-operatives pursuant to section 40 of the Crops Act, No. 16 of 2013, which requires the Cabinet Secretary in consultation with the Agriculture and Food Authority and the county governments to make regulations in respect to every scheduled crop.

Part 1 of the First Schedule to the Crops Act (*No. 16 of 2013*) lists cotton (*Gossypium spp.*) as a scheduled crop classified under crops with breeding program under compulsory certification and sisal (*Agave spp.*) listed in Part 3 of the same Schedule, under crops with no breeding program.

## **Purpose of the Regulations**

The purpose of the Regulations is to provide for the regulation, promotion and development of the fibre crops (**sisal and cotton**) and in particular:

- a) procedures and conditions for registration and licensing of dealers for fibre crops;
- b) Standards and quality assurance for fibre crops and fibre crops products;
- c) Collection and maintenance of data related to fibre crops
- d) Inspections and compliance aspects for fibre crops
- e) Pricing, sale and grading of fibre crops and fibre crops products.
- f) guidelines on contracts between stakeholders; and
- g) issuance of permits for exports and imports of fibre crops and its products;

## **Summary of the Regulations**

**Part I** deals with preliminary provisions including the citation, the definition of certain terminologies used in the Regulations as well as the scope of application of the Regulations.

**Part II** deals with registration and licensing, that is registration of smallholder fibre crop growers, fibre crop plantation growers, commercial nurseries, licensing of the commercial nurseries, registration of retailers, licensing of retailers, designation of collection centres, as well as setting up a new fibre crop products manufacturing factory.

**Part III** deals with standards and quality assurance that is, the fibre crops seed requirements, obligations of growers, obligation of retailers, obligations of fibre crop products manufacturers and baling.

**Part IV** deals with trade and marketing, that is, unprocessed sisal leaf, fibre crops products pricing, movement permit and agreements between growers and dealers.

**Part V** deals with appointment of crops inspectors, inspection and surveillance, illegal manufacture and possession, notices issued for non-compliance, revocations and surrender of certificates, licences or permits, appeal process for grant, refusal, renewal, variation of the conditions of licences, general penalty, fees, dispute resolution between growers and dealers and transitional provisions.

## **Plenary Discussions**

Having examined the Crops (Fibre Crops) Regulations, 2020 in line with the Constitution of Kenya, the Interpretations and General Provisions Act (*Cap 2*), Crops Act (*No. 16 of 2013*) and the Statutory Instruments Act (*No 23 of 2013*) and observed as follows -

### **1) Statutory Timelines**

The Order was published in the Gazette as L.N. No. 71/2020 on 8<sup>th</sup> July, 2020 submitted to the Clerk of the National Assembly on 5<sup>th</sup> August, 2020 and tabled the same day, being within the requisite statutory timelines under section 11(1) of the Statutory Instruments Act.

### **2) Consultation / Public participation**

Articles 10 and 118 of the Constitution, section 5, 5A and the schedule to the Statutory Instruments Act, read together with Standing Order 210 requires the regulation-making authority to conduct

public participation and sufficient consultation with the stakeholders and persons likely to be affected by the Regulations.

The Regulation making authority attached copies of stakeholder forums held between themselves and stakeholders in the sisal and cotton industry. These included the Lower Eastern forum; Estates and Marketing Agents and Sisal Fibre processors; Coast forum; Lower Nyanza, Kenya Plant Health Inspection Services (KEPHIS), Pest Control Products Board, National Bio-Safety Authority, Kenya Agricultural and Livestock Research Organization (KALRO), Seed Trade Association of Kenya and Sisal Growers and Employers Association. Most of the engagement forums were conducted in 2014 and thus raising concerns that such information may have been rendered irrelevant and inapplicable due to lapse of time.

The Committee was also concerned that the Coastal and Rift Valley fibre-growing regions (e.g. Nakuru and Baringo Counties) were not adequately consulted.

### 3) Regulatory Impact Statement

The Regulations do not require a Regulatory Impact Statement within the meaning of sections 6, 7, and 8 of the Statutory Instruments Act, as they are not likely to impose significant costs on the community and will only affect persons interested or dealing with the industry. Nevertheless, the Authority submitted a regulatory impact statement on the Regulations.

#### 4) Other matters – section 13 (q) of the SI Act

- i) **Interpretation:** fibre crops include cotton and sisal crops (Regulation 2);
- ii) **Revocation of license:** to be undertaken in accordance with section 23 of the Crops Act.
- iii) **Movement permit:** permits to be issued by County Governments to the transporters. (Reg. 29)
- iv) **Collection centres:** collection centres will be designated by AFA in consultation with county governments and relevant industry stakeholders. (Regulation 11).

### Committee Resolution

Having examined the Crops (Fibre Crops) Regulations, 2020 against the Constitution, the Interpretations and General Provisions Act (Cap 2), the Crops Act, 2013 and the Statutory Instruments Act (No. 23 of 2013), the Committee resolved to **annul in entirety** the said statutory instrument for failing to demonstrate that sufficient public participation was undertaken, contrary to Articles 10 and 118 of the Constitution and sections 5, 5A and the Schedule to the Statutory Instruments Act as proposed by Hon. (Dr.) Wilberforce Oundo, M.P. and seconded by Hon. Sammy Seroney, M.P.

MIN.NO. /NA/CDL/2020/299

### CONSIDERATION OF THE CROPS (NUTS AND OIL CROPS) REGULATIONS, 2020

The Committee was informed that the Regulations seek to guide the promotion, development and Regulations of the following scheduled nuts and oil crops: Coconut, Cashew nut, Macadamia nut,

Ground nuts, Castor beans, Sunflower, Oil Seed or Rapeseed, Jojoba, Safflower, Sesame and Linseed. The Regulations provide for conditions for registration and licensing of all players along the value chain.

### Plenary discussions

Members observed THAT –

- 1) **Public participation:** The Committee was satisfied with the extent of public participation undertaken in development of the Regulations.
- 2) The Regulations do not provide for a dispute resolution mechanism although section 41 of the Crops Act, 2013 requires the Cabinet Secretary to prescribe Rules for such a mechanism. The Rules are yet to be prepared.

### Committee Resolution

Having examined the Crops (Nuts and Oil Crops) Regulations, 2020 against the Constitution, the Interpretations and General Provisions Act (Cap 2), the Crops Act, 2013 and the Statutory Instruments Act (No. 23 of 2013), the Committee resolved to **approve** the Regulations as proposed and seconded by Hon. Cecily Mbarire, MGH, M.P. and Hon. Kamoti Mwamkale, M.P. respectively.

### MIN.NO. /NA/CDL/2020/300      ADJOURNMENT

The meeting was adjourned at 4.15 p.m. to be reconvened the following day on 28<sup>th</sup> October, 2020 at 9.00 a.m. with the National Treasury and Planning.

Signed.....

Date.....

**HON. KASSAIT KAMKET, M.P.**

**(CHAIRPERSON)**

REPUBLIC OF KENYA



D L 8 P  
8  
30/07/2020

MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND IRRIGATION  
OFFICE OF THE CABINET SECRETARY

Telephone: 2718870/9  
Website: [www.kilimo.go.ke](http://www.kilimo.go.ke)  
Email: [cabinetsecretary@kilimo.go.ke](mailto:cabinetsecretary@kilimo.go.ke)  
When replying please quote

KILIMO HOUSE  
CATHEDRAL ROAD  
P.O. Box 30028-00100  
NAIROBI

Ref. No. MOALF/CS/ADM/43

Mr. Michael Sialai, EBS,  
The Clerk of the National Assembly,  
The National Assembly, Clerk's Chambers,  
Parliament Buildings  
NAIROBI

		27 <sup>th</sup> July, 2020
THE NATIONAL ASSEMBLY PAPERS LAID		
DATE: 05 AUG 2020		DAY:
TABLED BY:		
CLERK OF THE NATIONAL ASSEMBLY		

Dear

*Clerk*

**RE: THE CROPS (FIBRE 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 (Fibre Crops) Regulations, 2020 for the fibre 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:

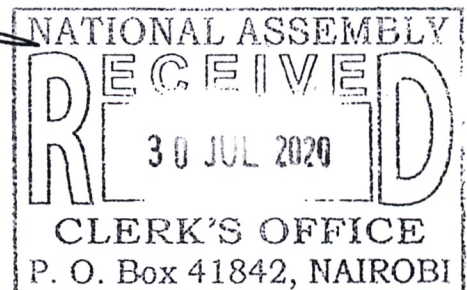
- a) The Crops (Fibre Crops) Regulations 2020 (The hard copy from the Government printers will be availed once available).
- b) Explanatory Memorandum.
- c) Regulatory Impact Statement.
- d) Regulatory Impact Assessment Report
- e) The Kenya Gazette and Newspaper Advert
- f) Report on stakeholder Comments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

Yours

*Sincerely*

Hon. Peter Munya, MGH  
CABINET SECRETARY

Encls



# **THE CROPS (FIBRE CROPS) REGULATIONS, 2020**

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**THE CROPS (FIBRE CROPS)  
REGULATIONS, 2020**

EXPLANATORY  
MEMORANDUM



**SCHEDULE**

**[Section 8]**

**EXPLANATORY MEMORANDUM**

**EXPLANATORY MEMORANDUM TO**

**THE CROPS (FIBRE CROPS) REGULATIONS, 2020**

**No. [    ]**

**PART I**

Name of the Statutory Instrument:	<b>The Crops (Fibre 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, 2013 (No 16 of 2013)</b>
Name of the Ministry/Department:	<b>Ministry of Agriculture, Livestock, Fisheries and Cooperatives State Department for Crops Development</b>

*Gazetted on:*

*Tabled on:*

**PART II**

**1. Purpose of the Statutory Instrument**

The main purpose of the Crops (Fibre Crops) Regulations, 2020 is to implement and enforce the provisions of the Crops Act in as far as they relate to fibre crops. The regulations are intended to provide guidelines in the development and promotion of the fibre crops industry and in particular to provide for:

- a) Application, processing procedures and forms for fibre crops.

- b) Procedures and conditions for registration, licensing of dealers for fibre crops as well as issuance of licences.
- c) Provide guidelines on contracts between stakeholders;
- d) Consolidate the regulations that relate to sisal and cotton which were previously regulated by different regulations.
- e) Ensure a level-headed competition for various players in the fibre crops industry.
- f) Encourage and provide for collaboration between the county governments and the national government in the regulation of fibre crops industry.
- g) Protect the consumers in the fibre crops industry through setting the standards of fair trading and marketing in fibre crops and fibre crops products in Kenya.
- h) Support the government's Big Four Agenda by facilitating provision of raw materials for the manufacturing pillars and ensuring that smallholder farmers earn incomes from fibre crops to enhance food security within their households.

## **2. Legislative Context**

- 2.1 The Crops (Fibre Crops) Regulations, 2020 are to bring into effect the provisions of the Crops Act, 2013 and to a certain extent, the Agriculture & Food Authority Act, 2013 (AFA).
- 2.2 The AFA Act became operational on 17<sup>th</sup> January 2014 while the Crops Act became effective from 1<sup>st</sup> August, 2014.
- 2.3 At the point of enacting the Crops Act, a number of Acts were repealed so as to reduce duplication and overlap of functions among the former Agricultural regulatory institutions and increase operational efficiency.
- 2.4 The Fibre Crops Directorate established under the Crops Act replaced the former Cotton Development Authority and Kenya Sisal Board.
- 2.5 The Crops and AFA Acts consolidated and repealed various Acts relating to Crops including the Cotton Act and Sisal Industry Act.

## **3. Policy Background**

- 3.1 When the Economic Recovery Strategy for Wealth and Employment Creation 2003 (ERS) and the Strategy for the Revitalization of Agriculture 2004 (SRA) was formulated, there was need for reforms in the Agriculture Sector in Kenya.
- 3.2 The policy document, Strategy for the Revitalization of Agriculture (SRA), was as a result of the interpretation of the Economic Recovery Strategy for

Wealth and Employment Creation (ERS-WEC-2003). This was launched in 2005 for the period running from 2004 to 2014.

- 3.3** It was noted and observed that the legal and regulatory framework in the agriculture sector was outdated and that they overlapped and lacked coherence which led to low competitiveness and effectiveness in this sector.
- 3.4** Kenya Vision 2030 also recognizes agriculture as the key driver to the long term agenda on Social, Economic and Political transformation as it would aid in achieving of the 10% annual economic growth rate envisaged in the Economic Pillar of the Vision.
- 3.5** The background set out above led to a repeal of the laws and regulations which brought into being the three main acts now applying in the agricultural sector which are: The Agriculture and Food Authority Act 2013 (AFA), the Crops Act, 2013 and the Kenya Agricultural and Livestock Research Act, 2013 (KARLO).
- 3.6** As already stated above, the Crops (Fibre Crops) Regulations, 2020's main objective is to provide for the operationalization and implementation the provisions of Crops Act, 2013 in so far as it relates to the fibre crops considering that the Act provides for fundamental and substantive provisions for the growth and development in all scheduled crops in general.
- 3.7** The government's plan for implementing the Big Four Agenda which amongst other things it is set to achieve the provision of raw materials for manufacturing and enhance food security which ties in closely to the country's strategy for agriculture development that is all inclusive with major focus on supporting smallholder farmers to become food secure. Cultivation of fibre crops under an improved policy and regulatory framework will help the government achieve this vision.

#### **4. Consultation outcome**

- 4.1** The relevant county governments, specific to fibre crops cultivation were extensively consulted when formulating the Regulations.
- 4.2** Other key stakeholders were also consulted, and various consultations were held all over the country. These included the Lower Eastern Forum; Estates and Marketing Agents and Sisal Fibre processors; Coast Forum; Lower Nyanza; Kenya Plant Health Inspection Services (KEPHIS); Pest Control Products Board; National Bio Safety Authority; Kenya Agricultural and Livestock Research Organization (KALRO), Seed Trade Association of Kenya, and Sisal Growers and Employers Association.
- 4.3** The following is the outcome of the Consultations:

No.	QUESTIONS/OPINIONS BY STAKEHOLDERS	MINISTRY'S RESPONSE
1.	What is the difference between a buyer, dealer and a marketing agent?	<p>The marketing agent has more rights and obligations than the buyer.</p> <p>The definition of the dealer is derived from the Crops Act but excludes all activities of crop production.</p>
2.	What is the relationship between farmers and ginners?	Most ginners don't care about farmers and only come to buy when the crop is ready. Regulation 10 and 47 on contracts between farmers and dealers will enhance that relationship.
3.	Clarification on whether the import and export levies were applicable to the East Africa Community countries.	There is an East African Trade Protocol on imports and exports, the fees are common external tariffs therefore the levy is not applicable to goods moving within East African member states.
4.	What are the issues of the contracts and arbitration between farmers and dealers?	Under the Fourth Schedule on Guidelines on Contract between parties, there is a Clause of Dispute Resolution that provides that the Authority is the first point of reference after which the parties may proceed with other alternatives.
5.	Are growers protected from exploitation by processors?	The plantation & sisal factories have their own crop and will only engage the leaf under the contract, or the dealers can come with machines for decortication, let the farmers cut their leaves and the dealers buy the actual fibre itself at maybe Kshs. 120/=.
6.	Does one have to get a buyer licence when buying store and a ginner licence?	The ginning licence only allows for ginning but not buying of the seed cotton therefore a buying licence would still be required for ginners. Further, the buying licence caters for agents who are buying on behalf of the licenced buyer and also for persons wishing to buy but not gin.
7.	There is no regulation for silk fibre and banana fibre.	It was stated that silk is a worm and not a crop thus cannot be addressed by Fibre Crops Regulations. Fiber Crops Directorate will review the proposed draft Regulations with a view to incorporate banana fibres after gazettelement.

## **5. Guidance**

- i. Stakeholder sensitizations were conducted for the different players in the fibre crops subsector.
- ii. Training and capacity building for the staff in the County governments will be conducted.
- iii. AFA and the Fibre Crops Directorate in conjunction with county governments will continually provide guidance on the implementation of the Regulations as will be necessary.
- iv. A robust monitoring and evaluation programme will be implemented where the implementation of the Regulations will be regularly monitored and evaluated.

## **6. Impacts**

### **6.1 The Impact on Fundamental Rights and Freedoms**

- i. There are no foreseen negative impacts on fundamental rights and freedoms in relation to the Crops (Fibre Crops) Regulations, 2020
- ii. 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 smallholder 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.
- iii. The proposed Regulations also seek to advance the Government policy of implementing reforms in the fibre crops sub-sector aimed at achieving the national goals set out in the Kenya Vision 2030 whereby the agricultural sector is a key driver of economic growth and value addition. The Regulations will not only enhance public participation of the players in the sub-sector but also ensure consumers of the fibre crops products have quality and safe products to consume as required in Article 46 of the Constitution.
- iv. Full implementation of these Regulations will aid to advance the manufacturing pillar of the National Government's Big Four Agenda through increased productivity in the fibre industry. The Regulations will result in increased farm incomes, increased export revenues and foreign exchange earnings.

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

- i. Smallholder and large-scale farmers are expected to benefit from increased yields which are expected to translate into increased incomes. The establishment of cotton/sisal pricing committee for release of indicative prices is expected to minimize the exploitation of growers.
- ii. The Regulations are expected to bring about operational efficiency in the industry and thus the ease of doing business. The regulations also provide that the Fibre Crops Directorate in conjunction with county governments will facilitate formulation of other specific policies and guidelines for the development of fibre crops. The adherence to fibre crops standards set out in the regulations is expected to increase demand and create new markets market especially at the international level where consumers demand good environmental conditions and efficient regulatory framework in the production and processing processes of the products they buy.
- iii. Implementation of these regulations will avail critical raw materials to the private sector which will advance the manufacturing pillar of the National Government's Big Four Agenda and result in increased productivity in the fiber industry. The Regulations will also give rise to increased farm incomes, increased export revenues and foreign exchange earnings

### **6.3 The Impact on the Public Sector**

- i. A well organized and coordinated fibre sector is expected to attract more investors into the industry. Both national and county governments are expected to benefit from levies and fees paid for acquiring registration certificate and licences. Increase in government revenues is expected to spur economic growth. In addition, establishment of cotton and sisal factories is expected to create employment for unemployed Kenyan citizens, especially the youth and vulnerable population (women). In addition, production and processing of sisal is expected to act as a sustainable alternative to plastic bags which were banned recently.
- ii. A revitalized fibre crops industry will have a positive environmental impact partly due to: 1) extensive vegetative cover associated with cotton and sisal, 2) cultivation in harsh climatic conditions where other crops can hardly flourish i.e. in the arid and semi-arid regions. This will have impact on soil and surface cover thus reducing erosion and improving vegetative cover.
- iii. Full implementation of these Regulations will advance provision of raw materials for the manufacturing pillar of the National Government's Big Four Agenda through increased productivity in the fibre crops industry. The Regulations will result increased farm incomes, increased export revenues and foreign exchange earnings.

## **Monitoring and Review**

### **6.4 Outcomes:**

- i. It is expected that the Regulations shall be a subject of great interest to all stakeholders 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.
- ii. The parent Ministry working together with AFA, the Fibre Crops Directorate and County Governments will thus work hand in hand with the various stakeholders to promote research and reviewing of its effectiveness towards promoting growth and development of this vibrant fibre crops sub-sector that will increase the market for fibre crops locally and internationally.
- iii. There will be enhanced compliance with national and international standards.
- iv. Separation of roles between marketing and management agencies along the value chain will promote fibre crops value addition within smallholder subsector as the marketing agent is expected to concentrate on marketing of fibre crops, value addition product development and related marketing services while the management agent will concentrate on production, processing and related financial services.
- v. Due to the stakeholder consultation on the Regulations, stakeholder's compliance levels will increase.

### **6.5 Review:**

- i. Value chain players' linkage: A survey will be carried out to monitor the level of linkage among the value chain players within twelve (12) months.
- ii. New technologies availed to industry players: review number of new technologies availed to County Governments for onwards transmission to farmers. This includes use of transgenic cotton seed varieties to boost production and reduce incidences of disease outbreak in the crop.
- iii. Attainment of full recovery of licensing costs: carry out a survey to establish the actual cost of licensing.
- iv. Quality of products: carry out a survey on quality of products against international standards.

- 6.6 AFA in conjunction with county governments (where necessary) will implement a robust monitoring and evaluation programme to monitor the implementation of the Regulations, as detailed in the Regulatory Impact Statement.

## **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**



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

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**REGULATORY IMPACT STATEMENT (RIS)  
THE CROPS (FIBRE CROPS) REGULATIONS 2020**

**FEBRUARY, 2019**

## **Introduction**

The Regulatory Impact Statement for the proposed Crops (Fibre Crops) Regulations was prepared in accordance with the provisions of sections 6 and 7 (1) and (2) of the Statutory Instrument Act, 2013. Section 6 of the Act requires a 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 objectives and justifications for the Regulations are to:

- a. Consolidate the Regulations that relate to fibre crops. Currently, the two main fibre crops, being sisal and cotton, are regulated separately by Sisal Industry Rules and Cotton (General) Regulations, 2007 respectively made under the repealed Agriculture Act Cap. 318 Laws of Kenya. The proposed Regulations seek to bring the two crops under the same regulatory framework.
- b. Ensure a level-headed competition for various players in the fibre crops industry. The Regulations seek to provide for standardized sample boxes, fibre quality assessment for trading purposes, use of kilogram units, and baling in standard sizes and weights in fibre crop sale, frameworks for establishing standards of fibre crops nurseries and packaging of cotton and sisal.
- c. Provide for a regulatory framework for registration and licensing of dealers in the fibre crops industry. The Regulations provides for the registration of the growers and makes further provisions for the licensing of fibre crops ginning, milling and factory businesses, buyers, fibre crops buying stores and marketing agents. The Regulations also provides for the framework of issuance of permits to exporters and importers of fibre crops.
- d. Encourage collaboration between the county governments and the national government in the regulation of fibre crops industry. The Regulations posits that the relationship between the two levels of government shall be consultative and complementary in nature. The

Regulations recognizes the two levels of governance and provides for functions carried out at each level or in consultation with the county government.

- e. Protect the consumers in the fibre crops industry through setting the standards of fair trading and marketing in fibre crops and fibre crops products in Kenya. This is to be achieved through setting out of a revisable pricing formula, improving efficiency in grading and placement of restriction in the mixing of cotton grades.
- f. Establish the framework of inter-agency cooperation to streamline operations in the fibre crops industry. The Regulations provide for the relationship between the Kenya Plant Health Inspectorate Services (KEPHIS) and Kenya Agricultural Research and Livestock Organization in regulation of seed merchanting and cotton seed planting respectively.
- g. Provide the fundamentals of management of contracts with stakeholders in the fibre crops industry. The Regulations establish a framework for the verification and registration of the contracts with the AFA as a requirement for enforceability of contracts.
- h. Full implementation of the Regulations will aid to advance the manufacturing pillar of the National Government's Big Four Agenda through increased productivity in the fibre crops industry. The Regulations will result in increased farm incomes, increased export revenues and foreign exchange earnings.
- i. Other objectives of the Regulations which are proposed to be implemented through the Fibre Crops Directorate include: facilitate formulation of general and specific policies for the development of the fibre crops sub-sector; provide guidelines and standards for the establishment of collection centers in viable areas; facilitate marketing and distribution of fibre and fibre products; develop, standardize and disseminate training materials on fibre crops; recommend general industry agreement between farmers and processors of fibre crops and any other players; set standards for acquisition of high quality planting materials; establish and maintain an up-to-date database and

disseminate information on fibre crops for planning purposes; and provide pricing guidelines for fibre with regard to quality and international market scenario etc.

- j. Overall, the Regulations seeks to create an administrative environment for smooth running of affairs in the fibre crops industry through imposition of licensing conditions and other obligations on the fibre crops dealers and enhancement of accountability through the set framework for making returns.

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

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

- a. A well organized and coordinated fibre sector is expected to attract more investors into the industry.
- b. Both National and County Governments are expected to benefit from service charges and fees paid for acquiring licenses.
- c. Increase in government revenues is expected to spur economic growth
- d. Establishment of cotton and sisal factories is expected to create employment for Kenyan citizens especially in rural areas.
- e. Production and processing of sisal and cotton is expected to act as a sustainable alternative to plastic bags which were banned recently.
- f. Full implementation of these Regulations will advance the manufacturing pillar of the National Government's Big Four Agenda through provision of raw materials which will result in increased productivity in the fibre crops industry. The Regulations will facilitate increased farm incomes, increased export revenues and foreign exchange earnings.

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

- a. Small-scale farmers are expected to benefit from increased yields which are expected to translate into increased incomes.
- b. The establishment of cotton/sisal pricing committee for release of indicative prices is expected to minimize the exploitation of growers.
- c. The Regulations are expected to bring about operational efficiency in the industry and thus the ease of doing business.
- d. The Regulations also provide that the Fibre Crops Directorate in conjunction with county governments will facilitate formulation of other specific policies and guidelines for the development of fibre crops.
- e. The adherence to fibre crops standards set out in the Regulations is expected to increase demand and create new markets especially at the international level where consumers demand good environmental

conditions and efficient regulatory framework in the production and processing processes of the products they buy.

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

- a. There are no foreseen negative impacts on fundamental rights and freedoms in relation to the proposed Regulations
- b. The proposed Regulations shall have a positive impact. 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 will contribute to improved household incomes and enhance capacities to afford an adequate standard of living envisaged in article 43 of the Constitution.
- c. The proposed Regulations seek to advance the Government's policy of implementing reforms in the fibre 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 sub-sector but also ensure consumers of fibre crops and their products have quality and are safe as required in article 46 of the Constitution.

## **3.0 Statement on Regulatory & Non-Regulatory Options**

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

The option of not promulgating or adopting the Regulations will mean that the Regulations made under the repealed statutes will continue to apply. This will mean that there will be gaps in the regulatory framework considering that there is urgent need to implement and enforce the provisions of the Crops Act which has consolidated laws relating to the agricultural sector and repealed various statutes that applied to this sector. The proposed Regulations are targeted to the specific categories of crops and have consolidated and improved existing regulatory framework.

The Cotton (General) Regulations, 2007 and the Sisal Industry Rules have proven to be unable to adequately address the challenges facing cotton and sisal production and marketing in the country. As such the status-quo will only sustain the challenges facing the fibre sub-sector and will prolong the quest for solutions and revival of the high valued cotton and sisal crops. The option of maintaining

the status quo is not sustainable and the RIA recommends that the Fibre Crops Regulations, 2020 be put in place to improve on fibre crops sub-sector's performance and ensure achievement of Vision 2030 becomes a reality.

The prevailing circumstances in the fibre crops sector present a situation in which the urgency to act immediately is imperative; not acting immediately will mean the fibre sector will continue facing mentioned challenges. Therefore, the option of doing nothing is very costly in the troubled fibre sub-sector. For example, most of the ginneries in Kenya have closed due to lack of sufficient cotton to sustain their operation. Doing nothing will therefore allow the trend to continue and it is possible to reach a point whereby we will no longer be producing cotton or sisal. The option may also have negative consequences on the achievement of Kenya's Vision 2030 which under Second Medium Term Plan (2013 – 2017), implementation of the Consolidated Agricultural Reform Legislations include preparation of necessary Regulations to actualize implementation of the Acts for this case The Agriculture and Food Authority Act, 2013 (AFA) and the Crops Act, 2013. In light of the issues raised above, the RIA implores the adoption of the Regulations and averts the challenges currently being faced by the fibre crops sub-sector.

If the status quo is maintained 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 Act.

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

The passing thus the implementation of the proposed Fibre Crops Regulations will be critical in reviving the fibre crops sub-sector. The Regulations are expected to bring together all the fragmented cotton and sisal Regulations which is key in reducing the inefficiencies and ineffectiveness that have hindered the growth of the sub-sector. The current Regulations (for example (Cotton Regulations, 2007) have been found to be general. The proposed Regulations propose to address the problem by providing clear guidelines for the regulation, promotion and development of the fibre crops. For example, the Regulations have provided a clear framework of roles of different stakeholders in the sub-sector which is lacking in the existing Regulations.

For Kenya to meet its Vision 2030 of becoming an industrialized nation, the implementation of the proposed Regulations is key. The proposed Regulations are also important for other Regulations, policies and statutes in providing the much needed complementarity and holistic growth. They include the Agriculture and

Food Authority Act, 2013 (AFA), the Crops Act, 2013, Kenya Youth Agribusiness Strategy 2017-2021 and the Kenya Agricultural & Livestock Research Organization (KALRO) Act, 2013.

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

Other practical options of achieving the objectives of the proposed Regulations could include dissemination of information and education, market-based structures, self-regulation and co-regulation. The RIA did not however, note these as feasible options of achieving the objectives of the proposed Regulations.

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

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

The economic impact of the regulations will include:

- a. There will be an increase in both productivity and production of cotton and sisal as cash crops for both local and export markets.
- b. Regulations will ensure that an organized cotton and sisal industry benefits from increased exports of finished fabrics and products to international destinations.
- c. The proposed Regulations will lead to increased value addition and product diversification resulting from improved economic incentive of enhanced export markets. The ginneries that have been dormant for decades are likely to spur back to life.
- d. Regulations will increase earnings from cotton and sisal products exports and this will ensure steady flow of foreign exchange for the exchequer and key stakeholders.
- e. Smallholder households, producer organizations and cooperative societies will benefit from a more organized fibre crops sector thus enhancing incomes received for producers, processors, transporters and other value chain actors in the sector.
- f. There will be steady flow of direct foreign investment through new investments in production, value addition and marketing of Kenyan cotton and sisal crop products.

The social impact of the Regulations will include:

- a. Cotton growers are grappling with high cost of chemicals, pests, lack of improved seeds, low finances, scarce water for irrigation and thus not able to expand cotton farming.
- b. The Government will ensure high production has been achieved. It plans to strengthen farmer organizations and cluster them into seven clusters -Upper Eastern, Lower Eastern, Bura Hola, Coast (Lamu, Kilifi and Kwale), Taita Taveta, Rift Valley and Lake Region (Western and Nyanza).
- c. The clusters which will be formed by strong county co-operatives will be the points of input acquisition, marketing and value addition and thus help in taming cost of production.
- d. Farmers in each cluster will be able to enjoy benefits of economies of scale, increased use of recommended inputs and ease of application of a targeted support programme including best agronomic practices. For farmers to achieve high production to meet the local demand, the national Government and county Governments will commercialize high-yielding cotton varieties and establish a certified seed system.
- e. Employment is targeted in the sector because of the anticipated revitalization of cotton growing, cotton ginneries, commercialization of genetically modified cotton and the revival of the sisal industry including value addition.

The environmental impact of the Regulations will include:

- a. The Fibre Crops Regulations will lead to environmental sustainability. The Regulations have proposed a raft of measures that ensures that there is no adverse effects to the environment as a result of introduction of new (Bt) cotton varieties that are genetically modified to increase yields. Similarly, an increase in use of natural fibres like cotton and sisal will reduce use of artificial fibres that pollute the environment.
- b. Improved land conservation, utilization and management.
- c. Reduced soil degradation due to improved plant cover and reduced soil operations.

## **4.2 Administration and Compliance Costs**

The Regulations will result into increased cost towards revitalization of the cotton industry. The Government is now fast-tracking far-reaching measures to revive cotton crop in 22 Counties where these crops are grown. Under a comprehensive plan, the Government aims to increase current production and quality, improve processing efficiency and promote marketing and expansion of trade. This calls for initial budget allocation that will implement all these measures for the good of the sector.

Additional resources would be required for operationalization of the Regulations which will include human resource and operation costs for enforcement as well as for awareness creation of the Regulations to the different stakeholders in the cotton and sisal sub sectors. 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, whose implementation will augment the achieving of the objectives of the Regulations.

The Regulations also support the strengthening of sustainable research and development of new cotton varieties, promoting strong partnerships with institutions and developing and enforcing a regulatory framework including quality standards are other strategies to be pursued. This implies that there will be increased resource allocation to strengthen activities under research.

The Regulations and strategies to revitalize the cotton industry are contained in a Cotton Comprehensive Plan the Government has developed to resuscitate the sub-sector in the next four years. The Government's plan is to mobilize all the sub-sector stakeholders with a view to achieving an integrated value chain.

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

The regulatory impact assessment notes that passing and operationalization the Fibre Crops Regulations will be beneficial in facilitating development of the cotton and sisal sub sectors through liberalization of the sub sector to allow vibrant participation of the private sector, improved level of productivity, increased value addition, efficiency in cotton and sisal production, manufacturing and marketing to 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 earnings for the country.

Other benefits are as follows:

- a) Improved and more efficient agricultural advisory services will support the farmers to improve the productivity of cotton/sisal and also improve on quality.
- b) Increased access to quality planting materials for cotton and sisal by smallholders will result to increased cotton and sisal acreage, increased yields and improved quality.
- c) New manufacturers, processors, dealers and other value chain actors will be attracted to invest in the more efficient cotton sub sector providing farmers with alternative market options for their produce.
- d) Processors, dealers, and other value chain actors will be assured of sufficient quantities of produce/products of acceptable quality for sustained operations of their businesses.
- e) A comprehensive sector database including for cotton and sisal growers, nursery operators, processors and dealers, sector data, research information and data, seed and seedlings production and distribution, exports and market demand etc. will be developed and maintained to inform sector planning and future investments.
- f) More efficient cotton and sisal marketing structure will eliminate brokers and excessive exploitation of growers.
- g) Increased national production and value addition will translate to increased exports of the cotton and sisal products.
- h) Increased production will translate to increased job creation through farm labour, cotton and sisal processing and products manufacturing, value addition, marketing and auxiliary services.
- i) Increased production of cotton and sisal will also translate to increased exports and thus increased foreign exchange earnings.

#### **4.4 Quantification of the Benefits**

The Fibre Crops Regulations have come in the wake of Government and stakeholders efforts to revitalize the sector that was once vibrant. The new Regulations support stakeholders moves to revamp the sector and already, inherent economic benefits have been foreseen. According to the Agriculture and Food Authority, cotton growing in Kenya can support up to 200,000 farmers. However, just 30,000 are growing cotton. Only 21,000 hectares are under cotton production (572 kilograms per hectare) while the country has a production potential of 400,000 hectares; feed The Future (2018): Policy Brief Enhancing Investment Attractiveness in Kenya's Cotton Sector, (FtF, 2018).

Currently, only 21,000 bales of lint are produced annually against a demand of 140,000. The Regulations will result into an improved business environment that will spur farmers to increase production (FtF, 2018).

As the country gears up for the adoption of superior cotton varieties including genetically modified (Bt) cotton, there is a potential production of 420,000 bales or more. The proposed Regulations are in line with the biosafety Regulations that seek to commercialize genetically modified cotton. Already, KALRO has started national performance trials of Bt cotton in Kisumu after the National Environmental Management Authority gave the green light. Through production using superior varieties including Bt, Kenya can increase income in the textile industry from Sh3.5 billion to Sh2 trillion by 2022 (KALRO, 2018).

Currently, twenty two Counties produce cotton. They include Kitui, Machakos, Makueni, Isiolo, Embu, Tana River, Taita-Taveta, Kwale, Kilifi, Lamu, Meru, Tharaka Nithi, Baringo, Elgeyo Marakwet, Busia, Siaya, Homabay, Migori, Kisumu, Bungoma, Kirinyaga and West Pokot . With the new Regulations, these Counties will be encouraged to increase their production. The total installed annual ginning capacity of ginneries is 140,000 bales. Currently, the combined available operating ginning capacity is 70,000 bales at full capacity for six months (FtF, 2018).

The Regulations are likely to lead to creation of 500,000 cotton jobs and 100,000 new jobs in cloth making industry.

#### **4.5 Distribution of Impact**

The operationalization of the Fibre Crops Regulations, 2020 is poised to generate more positive than negative impacts/risks if they are implemented with sufficient financial, logistical, technical and human resources. These impacts are projected to spread in various ways. Proper coordination and regulation is expected to be an incentive for farmers and other stakeholders to invest in the sector. It is therefore expected that production of fibre crops will increase hence more income at the household level which will allow for hiring of human labour. Cotton and sisal products are expected to be used as alternatives to plastic bags which acted as a threat to the environment in form of pollution. The products are preferred to plastic because they are sustainable because of their biodegradability nature.

The production of cotton and sisal is expected to increase as more farmers are incentivized to revert to cotton and sisal production or increase crop acreage by a more efficient production system that provide the much needed support. The Regulations obligates prompt payment to growers by processors for their deliveries. Improved access to quality planting materials and research findings

supported by better agricultural advisory services will further contribute to increased production.

Because of increased cotton and sisal production, increased farm incomes will allow farmers hire extra labour to work on their farms to support the increased farm production as well as contribute to new capital formation. Other processes within the value chain will also create employment opportunities including processing through ginneries, textiles and cloth manufacturing companies.

As more cotton and sisal is produced in the country, more farmers will focus on maximization of yield rather than the sprawl of agriculture due to the population pressure on resources, including wetlands, forests, etc. The more that farmers realize increased returns from their land, the better it will be for the environment as the crop yields on the same operated arable land will increase and be sustained rather than creating a sprawl into new land openings, while the land will be maintained under a good crop cover. Socially the farm families' livelihoods will be enhanced and sustained, allowing for better health care, education and wealth creation among the families.

The impact on public sector as a result of the Regulations will also be felt through coordination of a streamlined cotton and sisal sub sector which will then be significantly improved, with the Government and its agencies' role being strictly that of regulation and leaving sector business to the private sector. The improved production and value addition for cotton and sisal crops will contribute to increased exports and earning in foreign exchange for the country. Counties where these crops will be cultivated will register increased incomes for households and revenue collection leading to improved welfare amongst the population.

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

The other regulatory options were considered and it was found necessary that the fibre crops industry needed Regulations in order to improve performance and benefit flows in the sector which is a key enabler in the manufacturing sector as a source of raw materials and foreign exchange earner among the smallholder farmers who depend on it for their livelihoods. The organizations at the moment will very unlikely cooperate to formulate and implement a co-regulation in the industry, and thus co-regulation may not be practically possible currently in the Kenyan fibre sector.

## **6.0 Conclusion**

The draft Fibre Crops Regulations provide for proper regulation, promotion, development and oversight of the fibre crops industry in Kenya. The operationalization of the Fibre Crops Regulations, 2020 is poised to generate more positive than negative impacts/risks.

## **7.0 Recommendations**

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

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



**MUNYAO, MUTHAMA & KASHINDI**

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**FINAL REGULATORY IMPACT ANALYSIS REPORT**

**THE CROPS (FIBRE CROPS) REGULATIONS 2020**

**FOR**

**AGRICULTURE AND FOOD AUTHORITY (AFA)**

**FEBRUARY 2019**

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**Prepared and Submitted By:**

Munyao Muthama & Kashindi

Advocates

Chaka Place, 3<sup>rd</sup> Floor

Argwings Kodhek Road

P.O. Box 24482- 00100

**Mobile:** +254 722 554 407

**Nairobi**

**Email:** [kashindi@mmkadv.com](mailto:kashindi@mmkadv.com)/[gkashindi@gmail.com](mailto:gkashindi@gmail.com)

**Contact Person:** George Kashindi

## LIST OF ABBREVIATIONS

AFA	Agriculture and Food Authority
AFFA	Agriculture, Fisheries and Food Authority
ASALs	Arid and Semi-Arid Lands
CBA	Cost Benefit Analysis
EU	European Union
GAP	Good Agricultural Practices
GDP	Gross Domestic Product
KALRO	Kenya Agriculture and Livestock Research Organization
KBS	Kenya Bureau of Statistics
KEPHIS	Kenya Plant health Inspectorate Service
KRA	Kenya Revenue Authority
M&E	Monitoring and Evaluation
NEMA	National Environment Management Authority
OECD	Organization for Economic Cooperation and Development
RIA	Regulatory Impact Assessment
SDG	Sustainable Development Goals
UK	United Kingdom
UN	United Nations
US	United States

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## **1.0 INTRODUCTION AND BACKGROUND**

### **1.1 Introduction**

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) (FAO, 2018). Agriculture is thus a very important aspect of the country's growth and development. For the sector to thrive as well as it does and as it should, there has to be adequate and proper Regulations

The Agriculture and Food Authority (AFA) is the regulation-making authority for the food and agriculture sector in Kenya. The AFA is a state corporation that was established under section 3 of the Agriculture and Food Authority Act, 2013 (No. 13 of 2013) (AFA Act). The AFA Act consolidated 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.

The Crops Act, 2013 repealed the Cotton Act, (Cap. 335) and Sisal Industry Act, (Cap. 341). The Cotton (General) Regulations, 2007 and all Sisal Industry Rules currently in force are proposed to be replaced by the draft Regulations.

Sisal and cotton are the two crops that have currently been defined to constitute fibre crops.

AFA is the successor of former regulatory institutions in the agricultural sector that were merged into directorates under AFA. The Fibre Crops Directorate is the one vested with the responsibility of overseeing the regulation, development and promotion of fibre crops.

Article 93 of the Constitution of Kenya, 2010 establishes a Parliament that has a tri-partite mandate i.e. representative, legislative and watchdog of other arms of Government through checks and balances. Article 94 (5) of the Constitution provides that no other person or body has power to make legislation except as provided for in the Constitution or legislation. Article 94(6) provides for such

donated legislative mandate and confers to a State organ, State officer or person authority to make provisions that have a legal force. The delegated legislative mandate must be within an express specification, purpose and objective.

The Crops Act 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 read together with section 46 of the AFA Act gives authority 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 provides for the formulation of various regulations, rules and guidelines to operationalize both the AFA Act and Crops Act.

The Statutory Instruments Act, 2013 came into operation on the 25<sup>th</sup> of January 2013. It compels administrative authorities and officials to observe the provisions of the Act in coming up with subsidiary legislation 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 sections 6, 7 and 8 of the Act.

## **1.2 Rationale and justification for a Regulatory Impact Assessment**

Over the last few decades, Regulatory Impact Assessments (RIAs) have emerged as key instruments 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 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 an RIA is to ensure that better policy options are chosen by establishing a systematic and consistent framework, including stakeholder consultation, for assessing the potential impact 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 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) impact 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 a broad 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 impact 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: systematically and consistently examining the positive and negative impact arising from proposed government actions; and 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 stated 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, 2013. 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 is 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 Okiiti 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.

### **1.3 Objectives of the Assignment**

Section 40 of the Crops Act gives the Cabinet Secretary in charge of Agriculture the power 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 made the Fibre Crops Regulations, 2020. AFA engaged the firm of Munyao, Muthama and Kashindi Advocates to undertake the Regulatory Impact Assessment of the draft Regulations.

The main objective of the assignment was to conduct a Regulatory Impact Assessment (RIA) of the 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:

- a. Undertake an assessment of the draft Regulations in terms of its economic, environmental and social impact and the likely administration and compliance costs;
- b. Assess the impact of the draft Regulations on the private and public sectors;

- c. Assess the effect of the draft Regulations on fundamental rights and freedoms;
- d. Assess the effects of the draft Regulations;
- e. 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;
- f. Prepare a regulatory impact statement for the draft Regulations;
- g. Prepare Explanatory Memoranda for the draft Regulation;
- h. Prepare notices on the Regulatory Impact Statements for publication in the *Kenya Gazette* and 2 other daily newspapers of wide circulation;
- i. Prepare for the Cabinet Secretary a compliance certificate for the draft Regulations as per section 7(3) and 7(4) of the Statutory Instruments Act, 2013;
- j. Assess any other pertinent issue with respect to the draft Regulations;
- k. Prepare and submit a final legislative and policy review report on the draft Regulations to the Board for their consideration.

#### **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, Kenya 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, public participation, key informant interviews and focused group discussions to validate secondary data obtained from the documents.

## **1.5 Policy Background for Fibre Crops Regulations**

Agriculture sectoral reforms in Kenya gained momentum in the year 2003. The Government came up with the Strategy for Revitalizing Agriculture, 2004-2014. The Strategy was as a result of the interpretation and implementation of the Economic Recovery Strategy for Wealth and Employment Creation (ERS-WEC-2003). This was launched in 2005 for the period running from 2004 to 2014.

Separately, the Government also set up the Economic Recovery Strategy which was to run from the year 2003 to 2007. The policy underscored that the poverty in rural Kenya could be alleviated through improvement of food security in the rural areas. The focus on food security gained more momentum when the Government of Kenya came up with Vision 2030 in the year 2007.

In the year 2009, the Government adopted the Agriculture Sector Development Strategy (ASDS). The purpose of the Strategy was to align all agricultural initiatives to Kenya Vision 2030. Also formulated in the same year was the National Food Security and Nutrition Policy. It was the first policy to focus on nutrition roles. Further, it established a platform of ensuring that relevant ministries and agencies cooperate towards the achievement of food security.

These initiatives formed the basis of the passing of the AFA Act and Crops Act in the year 2013 which led to the repeal of the Cotton Act, (Cap. 335) and Sisal Industry Act, (Cap. 341).

The cultivation and farming of natural fibre in Kenya (cotton, sisal and others) plays a crucial role in the country's economic development. Their production, processing and export are of great importance in the improvement of Kenya's economic performance and in the improvement of the livelihood of the greater population dependent on agriculture. They are a source of income and provide employment to a great number of the population, and their cultivation is cost effective and ecologically sustainable. For a long time, Kenya has been associated with natural fibre which has become part of the country's livelihood.

Kenya's cotton, textile and apparel industry has earned its reparation in the global market as one of the leading emerging garment suppliers for high-volumes of bulk basis. In 2015, Kenya's total apparel exports reached USD 380 million. This figure was expected to grow by 5% in 2016 to reach USD 400 million, according to Kenya Association of Manufacturers.

Regionally, Kenya has enjoyed a strong position under the United States of America's Africa Growth Opportunity Act (AGOA)—the country's share of total Sub-Saharan Africa (SSA) textile and apparel exports to the US increased from 16% in 2004 to 37 % in 2014. Apparel manufacturing in Kenya is the most attractive investment option for global investors, as Kenya has duty-free access to the USA under AGOA and to the EU under EPA. Kenya also has well-developed export channels, infrastructure and linkages with large USA buyers, which can prove beneficial for new investors.

Kenya has 52 textile mills, of which only 15 are currently (2014) operational and operate at less than 45 % of total capacity. The existing mills operate using outdated technology and suffer from low levels of skilled labor and low productivity. The cost of electricity is a major cost driver for textile mills, as are the high maintenance and overhead costs due to old equipment. A further cost driver is the need to either use high-cost imported material or low-quality local fibre which requires additional processing.

The cotton, textiles and apparel (CTA) industry is the second biggest manufacturing activity in Kenya, with a potential to provide livelihoods to approximately 200,000 households. Kenya has 385,000 hectares of land suitable for cotton cultivation in both irrigated and rain-fed conditions, but only a fraction of it is under cotton cultivation.

Current production of cotton lint in Kenya is approximately 8,000 tons. Cotton is mainly cultivated under rain-fed conditions. Kenya also produces fibre like wool and sisal, but in small quantities. There are 23 ginneries in Kenya, with an installed capacity to gin approximately 140,000 bales annually, but only five of them are operational and the equipment in the ginning units are outdated (FtF, 2018).

The summaries below define the current situation in the fibre crops sub-sector in Kenya:

*Ginning:* There are 23 ginneries in Kenya, with an installed capacity to gin approximately 140,000 bales annually, but only five of them are operational and the equipment in the ginning units are outdated (FtF, 2018).

*Textiles:* Kenya's installed capacity is approximately 140,000 ring spindles and 900 open-end (OE) rotors. However, most of the installed capacity is quite old and is

only partially operational. Yarn is mostly imported from Asian countries. There are very few fabric production mills that mostly cater to domestic and regional markets (FtF, 2018).

*Apparel:* Kenya has approximately 170 large-scale and 75,000 small-scale and micro apparel manufacturers. Out of these, 37 units are export-oriented that contribute to the bulk of the sector's exports revenue. Kenya imports roughly 93% of its fabric supply, mainly from Chinese Taipei, Hong Kong, the People's Republic of China, the Islamic Republic of Pakistan and the Republic of India (FtF, 2018).

*Kenya trade scenario:* Overall sector exports from Kenya have grown from USD 253 million in 2009 to USD 444 million in 2014 at a compound annual growth rate (CAGR) of 10%. The USA is the largest market, accounting for almost 82% of Kenya's CTA exports. Kenya's apparel exports have witnessed a CAGR of 14% from USD 195 million in 2010 to USD 379 million in 2014 (FtF, 2018).

*Apparel manufacturing:* Apparel manufacturing in Kenya is the most attractive investment option for global investors, as Kenya has duty-free access to the USA under AGOA and to the EU under Economic Partnership Agreement (EPA). Kenya has well-developed export channels, infrastructure and linkages with large USA buyers, which can prove beneficial for new investors.

*Textile (yarns and fabrics) manufacturing:* The present textile manufacturing set-up in Kenya is underdeveloped and unable to meet industry demands. There are only 3 operational integrated mills; Rivatex EA Ltd, Supra Textiles Ltd and Thika Cloth Mills. New investments in this segment can easily get access to ready markets not only in Kenya, but also in other neighboring countries where apparel exports are growing.

The implementation of the Crops Act, 2013 is intended to rejuvenate the fibre crops sub-sector, (among others) and deal with the challenges the sub-sector has faced. The formulation of the Fibre Crops Regulations is thus necessary for implementation and the better carrying of the provisions of this Act.

## 1.6 Objectives of the Regulations

The Regulations are made under the Crops Act, 2013 which consolidated and repealed various statutes relating to crops. The Act has provisions for the growth and development of agricultural crops and other connected purposes. The Regulations' main objective is to provide for the operationalization and implementation the provisions of Crops Act, 2013 in so far as it relates to fibre crops considering that the Act provides for fundamental and substantive provisions for the growth and development in all scheduled crops in general.

The main specific objectives of the Regulations are as follows;

- a. Consolidate the regulations that relate to fibre crops. Currently, the two main fibre crops being sisal and cotton are regulated separately by Sisal Industry Rules and Cotton (General) Regulations, 2007 respectively, made under the repealed Agriculture Act, (Cap. 318). The proposed Regulations now seek to bring the two crops under the same regulatory framework.
- b. Ensure a level-headed competition for various players in the fibre crops industry. The Regulations seeks to provide the standardized sample boxes, fibre quality assessment for trading purposes, use of kilogram units, and baling in standard sizes and weights in fibre crop sale, frameworks for establishing standards of fibre crops nurseries and packaging of cotton and sisal.
- c. Provide for a regulatory framework for registration and licensing of dealers in the fibre crops industry. The Regulations provides for the registration of the growers and makes further provisions for the licensing of fibre crops ginning, milling and factory businesses, buyers, fibre crops buying stores and marketing agents. The Regulations also provides for the framework of issuance of permits to exporters and importers of fibre crops.
- d. Encourage collaboration between the county governments and the national government in the regulation of fibre crops industry. The Regulations posits that the relationship between the two levels of government shall be consultative and complementary in nature. The Regulations provide that certain functions of the Fibre Crops Directorate shall be done in consultations with the county government.

- e. Protect the consumers in the fibre crops industry through setting the standards of fair trading and marketing in fibre crops and fibre crop products in Kenya. This is to be achieved through setting off of a revisable pricing formula, improving efficiency in grading and placement of restriction in the mixing of cotton grades.
- f. Establish the framework of inter-agency body cooperation to streamline operations in the fibre crops industry. The Regulations provides for the relationship between the Kenya Plant Health Inspectorate Services (KEPHIS) and Kenya Agricultural Research and Livestock Organization in regulation of seed merchanting and cotton seed planting.
- g. Provide the fundamentals of management of contracts with stakeholders in the fibre crops industry. The Regulations establish a framework for the verification and registration of the contracts with the AFA as a requirement for enforceability of contracts.
- h. Other objectives of the Regulation which are proposed to be implemented through the Fibre Crops Directorate include: facilitate formulation of general and specific policies for the development of the fibre crops sub-sector; provide guidelines and standards for the establishment of collection centers in viable areas; facilitate marketing and distribution of fibre and fibre products; develop, standardize and disseminate training materials on fibre crops; recommend general industry agreement between farmers and processors of fibre crops and any other players; set standards for acquisition of high quality planting materials; establish and maintain an up-to-date database and disseminate information on fibre crops for planning purposes; and provide pricing guidelines for fibre with regard to quality and international market scenario etc.

The Regulations will contribute to the manufacturing pillar of the national government's *Big Four Agenda* through agro-processing of increased cotton and sisal volumes produced. Overall, the Regulations seek to create an administrative environment for smooth running of affairs in the fibre crops industry through imposition of licensing conditions and other obligations on the fibre crops dealers

and enhancement of accountability through the set of framework for making returns.

### **1.7 Assessment of the Nature and Extent of the Problem**

Fibre crops have been identified as a key sub-sector towards economic development thus achievement of Kenya's Vision 2030. Sisal and cotton have the potential to reduce extreme poverty, food insecurity and unemployment due to their multiplier effects through forward and backward linkages amongst the industry's players who include farmers, processors, traders, government institutions, development partners, transporters and input suppliers. The yields from fibre crops have however, been fluctuating in the last decade. For example, cotton yields in 2007 and 2015 were 0.69 MT/ha and 0.65 MT/ha respectively (Economic Survey, 2017). In addition, the country has not fully exploited its potential as far as fibre production is concerned. This may be attributed to the challenges the sub-sector is facing such as lack of proper coordination and regulation.

Fibre production in the country has decreased due to inefficiencies and lack of effectiveness in the industry. There is therefore need for proper coordination, regulation, promotion and development of the sub-sector. The Regulatory Impact Assessment notes that the proposed Fibre Crops Regulations, 2019 have adequately made provisions to tackle the challenges facing the sub-sector.

### **1.8 Regulatory Contextualization**

The proposed Regulations have correctly focused on promoting and developing fibre crops production for both local and international markets. The Regulations have highlighted provisions requiring industry actors to apply best practices and adhere to standards and quality assurance which are critical for international trade. The Regulations have also been designed to bring into effect the provisions of the two newly enacted Acts that is, the AFA Act and the Crops Act, 2013. The Regulations have been established to also provide their link to the national efforts to contribute to reducing food insecurity as a result of increase in incomes, reduce unemployment rates especially among the youths and support the government's *Big Four Agenda* especially pillar III of promoting manufacturing sector in the country.

## **2.0 EFFECTS OF PROPOSED REGULATIONS**

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

The fibre crops sub-sector deal and/or is expected to deal with the following stakeholders in the promotion and development of the sub-sector.

- County governments.
- Dealers in fibre crops.
- Individual farmers, farmer groups and associations.
- Ginners, sisal factories, spinners and weavers.
- Textile millers.
- Exporters/importers.
- Relevant Government Ministries, departments and State corporations.
- Donor Agencies and Development Partners.
- Universities, tertiary colleges and related research and training institutions.
- Financial institutions.
- Suppliers of goods and services.
- International associations affiliated to fibre crops.
- General public.

The Regulations were formulated and made with the interests of all the above stakeholders considered in one way or the other.

The government usually proposes to implement policies based on a 'no-harm' principle. As such, the goal is that no stakeholder is adversely affected by the proposed Regulations. The Regulatory Impact Assessment notes that in cases where there are any adverse effects, they are outweighed by the positive effects.

### **2.1 Projected Gains from the Regulations**

The RIA notes that, overall, the Regulations will provide a winning platform for a range of stakeholders depending on the scope, effectiveness and efficacy of its implementation. The following will be the associated gains (which will accrue for the 'winners' of the implementation in this regard): -

a. Government

A well-organized and coordinated fibre sector is expected to attract more investors into the industry. Both national and county governments are expected to benefit from service charges and fees paid for acquiring licenses. Increase in government revenues is expected to spur economic growth. In addition, establishment of cotton and sisal factories is expected to create employment for Kenyan citizens especially in the rural areas. In addition, production and processing of sisal and cotton is expected to act as a sustainable alternative to plastic bags. Therefore, this will allow for full implementation of the plastic bag ban which came into effect in 2017.

b. Farmers

Under this regulation, small-holder farmers are expected to benefit from increased yields which are expected to translate into increased incomes. In addition, the establishment of cotton/sisal pricing committee for release of indicative prices is expected to minimize the exploitation of growers.

c. Broader Private Sector

The Regulations are expected to bring about operational efficiency in the industry and thus the ease of doing business. The Regulations also provide that the Fibre Crops Directorate in conjunction with county governments will facilitate formulation of other specific policies and guidelines for the development of fibre crops. In particular, the Regulations provide that the Directorate will establish standards in processing units, grading, sampling and inspection, tests and analysis, specifications, units of measurements, code of practice and packaging, preservation, conservation and transportation of fibre and fibre crops products to ensure health and proper trading. They are all geared towards bringing efficiency to the sub-sector. The adherence to fibre crops standards set out in the Regulations is expected to increase demand and create new markets especially at the international level where consumers demand good environmental conditions and efficient regulatory framework in the production and processing processes of the products they buy.

## **2.2 Possible Negative Effects of the Regulations**

The Kenyan Government will implement the Fibre Crops Regulations in a manner that does not adversely affect any of its intended beneficiaries. This will require that associated (potential) risks be noted early and that mechanisms be put in place for their mitigation as the implementation of the Regulations commences.

### **2.3 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 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.

Further, the proposed Regulations seek to advance the government policy of implementing reforms in the fibre 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 sub-sector but also ensure consumers of the fibre crops and their products have quality and are safe to consume as required in article 46 of the Constitution.

The Regulations do not violate fundamental rights protected by the Constitution. They in fact are intended to enhance the achievement of social-economic rights and other rights guaranteed by 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 fibre crops sub-sector in Kenya.

Alternatives to rule-based regulation are usually 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. Such alternatives are usually adopted if the objectives of the proposed Regulations can be achieved through other alternatives.

There are three main options to consider before deciding whether or not to implement the Regulations:

- i. If the existing Regulations are sufficient to address the issues in the Regulations proposals, a decision may be made to do nothing and therefore dismiss the proposed Regulations. A decision could be made that the proposals made in the Regulations be integrated into existing regulatory frameworks, which should be improved to include the points being proposed.
- ii. A decision may be made to maintain the *status quo* and instead enhance an on-going implementation of the Crops Act, 2013 and strengthen the aspects related to fibre crops in that Act and other strategies without necessarily having new Regulations in place; and
- iii. A decision may be made to adopt the Regulations depending on the outcome of the cost-benefit analyses.

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

The option of not promulgating or adopting the Regulations will mean that the Regulations made under the repealed statutes will continue to apply. This will mean that there will be gaps in the regulatory framework considering that there is urgent need to implement and enforce the provisions of the Crops Act which has consolidated laws relating to the agricultural sector and repealed various statutes that applied to this sector. The proposed Regulations are targeted to the specific categories of crops and have consolidated and improved existing regulatory framework.

The Cotton (General) Regulations, 2007 and all Sisal Industry Rules have proven to be unable to adequately address the challenges facing cotton and sisal production and marketing in the country. As such the *status quo* will only sustain the challenges facing the fibre sub-sector and will prolong the quest for solutions and revival of the highly valued cotton and sisal crops. The option of maintaining the status quo is not sustainable and the RIA recommends that the Fibre Crops Regulations, 2020 be put in place to improve on fibre crops sub-sector's performance and ensure achievement of Vision 2030 becomes a reality.

The description of the problem analysis in Chapter 1 has presented a situation in which the urgency to act immediately is imperative; not acting immediately will mean the fibre sector will continue facing mentioned challenges. Therefore, the option of doing nothing is very costly in the troubled fibre sub-sector. For example, most of the ginneries in Kenya have closed due to lack of sufficient cotton to sustain their operation. Doing nothing will therefore allow the trend to continue and it is possible to reach a point whereby we will no longer be producing cotton or sisal. The option may also have negative consequences on the achievement of Kenya's Vision 2030 which under Second Medium Term Plan (2013 – 2017), implementation of the Consolidated Agricultural Reform Legislations include preparation of necessary Regulations to actualize implementation of the AFA Act and the Crops Act, 2013. In light of the issues raised above, the RIA implores the adoption of the Regulations and ameliorates the challenges currently being faced by the fibre crops sub-sector.

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

The passing thus the implementation of the proposed Fibre Crops Regulations will be critical in reviving the fibre crops sub-sector. The Regulations are expected to bring together all the fragmented Cotton and Sisal Regulations which is key in reducing the inefficiencies and ineffectiveness that have hindered the growth of the sub-sector. The current Regulations (for example Cotton Regulations, 2007) have been found to be general. The proposed Regulations propose to address the problem by providing clear guidelines for the regulation, promotion and development of the fibre crops. For example, the Regulations have provided a clear framework of roles of different stakeholders in the sub-sector which is lacking in the existing Regulations.

For the country to meet Vision 2030 of becoming an industrialized nation, the implementation of the proposed Regulations is key. The proposed Regulations are also important for other Regulations, policies and Acts in providing the much

needed complementarity and holistic growth. They include the AFA Act, 2013, the Crops Act, 2013, Kenya Youth Agribusiness Strategy 2017-2021 and the Kenya Agricultural and Livestock Research Act, 2013 (No. 17 of 2013).

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

Other practical options of achieving the objectives of the proposed Regulations could include dissemination of information and education, market-based structures, self-regulation and co-regulation. The RIA did not however, note these as feasible options of achieving the objectives of the proposed Regulations.

The most prolific practical option is therefore to ensure that the Fibre Crops Regulations are accepted and passed to enable compliance with national and international standards.

## **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 fibre crops sub-sector. It analyses the economic, environmental and social impact 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 among the affected parties.

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

#### **4.1.1 Economic Impacts**

The Government is eyeing an improved slice of the global cotton market with increased production of the crop that is currently at just 10.4% of the country's potential. The proposed Fibre Crops Regulations will bring order to the country's cotton and sisal industry which will become a key livelihood source for millions of small-holder resource poor farmers. In a nutshell, the following economic benefits will be realized as a result of the Regulations:

- (i) There will be an increase in both productivity and production of horticultural produce for both local and export markets.
- (ii) The Regulations will ensure that an organized horticultural industry benefits from increased export of fruits, flowers and other horticultural products to the EU and other destinations including new markets like the Far East.
- (iii) The proposed Regulations will lead to increased value addition and product diversification resulting from improved economic incentive of enhanced export markets.
- (iv) Regulations will increase earnings from horticultural exports and this will ensure steady flow of foreign exchange for the exchequer and key stakeholders.
- (v) Smallholder households, producer organizations and cooperative societies will benefit from a more organized sector thus enhancing incomes received for producers, processors, transporters and other value chain actors in the sector.

- (vi) There will be steady income of direct foreign investment through new investments in production, value addition and marketing of Kenyan horticultural products
- (vii) Improved Terms of trade - substitution of imported specialty horticultural products with local products
- (viii) Increased job creation in the fibre crops industry.

#### **4.1.2 Environmental Impacts**

The Fibre Crops Regulations will lead to environmental sustainability. The Regulations have proposed a raft of measures that ensures that there are no adverse effects to the environment as a result of introduction of new (Bt) cotton varieties that are genetically modified to increase yields. Similarly, an increase in use of natural fibre like cotton and sisal will reduce use of artificial fibre that pollutes the environment. Other benefits of these Regulations will include:

- (i) Improved land conservation, utilization and management.
- (ii) Reduced soil degradation due to improved plant cover and reduced soil operations.

#### **4.1.3 Social Impacts**

The Regulations will translate mostly into positive social impact resulting into improved welfare and socio-economic conditions of households participating in cotton and sisal production and other value addition and value chain activities. Inherently, social impact of the Regulations can be assessed in the following context:

- (i) Cotton growers are grappling with high cost of chemicals, pests, and lack of improved seeds, low finances, and scarce water for irrigation and thus not able to expand cotton farming.
- (ii) The government will ensure high production has been achieved. It plans to strengthen farmer organizations and cluster them into clusters -Upper Eastern, Lower Eastern, Bura, Hola, Coast (Lamu, Kilifi and Kwale), Taita Taveta, Rift Valley and Lake Region (Western and Nyanza).
- (iii) The clusters which will be formed by strong county co-operatives will be the points of input acquisition, marketing and value addition and thus help in taming cost of production.

- (iv) Farmers in each cluster will be able to enjoy benefits of economies of scale, increased use of recommended inputs and ease of application of a targeted support programme including best agronomic practices. For farmers to achieve high production to meet the local demand, the national government and county governments will commercialize high-yielding cotton varieties and establish a certified cotton seed system.
- (v) Employment is targeted in the sector because of the anticipated revitalization of the cotton growing, cotton ginneries, commercialization of genetically modified cotton and the revival of the sisal and cotton industry including enhancement of value addition.
- (vi) Full implementation of these regulations will aid to advance the manufacturing pillar of the national government's *Big Four Agenda* through increased productivity in the fibre crops industry. The regulations will result increased farm incomes, increased export revenues and foreign exchange earnings.

#### **4.2 Administration and Compliance Costs**

The Regulations will result into increased cost towards revitalization of the cotton industry. The Government is now fast-tracking far-reaching measures to revive cotton crop in 22 counties where these crops are grown. Under a comprehensive plan, the Government aims to increase current production and quality, improve processing efficiency and promote marketing and expansion of trade. This calls for initial budget allocation that will implement all these measures for the good of the sub-sector.

Additional resources would be required for operationalization of the Regulations which will include human resource and operation costs for enforcement as well as for awareness creation of the Regulations to the different stakeholders in the cotton and sisal sub-sectors. 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, whose implementation will augment the achieving of the objectives of the Regulations.

The Regulations also support the strengthening of sustainable research and development of new cotton varieties, promoting strong partnerships with institutions and developing and enforcing a regulatory framework including

quality standards are other strategies to be pursued. This implies that there will be increased resource allocation to strengthen activities under research.

The Regulations and strategies to revitalize the cotton industry are contained in a Cotton Comprehensive Plan the Government has developed to resuscitate the sub-sector in the next four years. The Government's plan is to mobilize all the sub-sector stakeholders with a view to achieving an integrated value chain.

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

The RIA notes that passing and operationalization of the Fibre Crops Regulations will be beneficial in facilitating development of the cotton and sisal sub-sectors through liberalization of the sub-sector to allow vibrant participation of the private sector, improved level of productivity, increased value addition, efficiency in cotton and sisal production, manufacturing and marketing to 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 earnings for the country. Other benefits are as follows:

- a) Improved and more efficient agricultural advisory services will support the farmers to improve the productivity of cotton/sisal and also improve on quality.
- b) Increased access to quality planting materials for cotton and sisal by smallholders will result to increased cotton and sisal acreage, increased yields and improved fibre quality.
- c) New manufacturers, processors, dealers and other value chain actors will be attracted to invest in the more efficient cotton and sisal sub-sectors by providing farmers with alternative market options for their produce.
- d) Processors, dealers, and other value chain actors will be assured of sufficient quantities of produce/products of acceptable quality for sustained operations of their businesses.
- e) A comprehensive sector database including for cotton and sisal growers, nursery operators, processors and dealers, sector data, research information and data, seed and seedlings production and distribution, exports and market demand etc. will be developed and maintained to inform sector planning and future investments.
- f) More efficient cotton and sisal marketing structure will eliminate brokers and excessive exploitation of growers.

- g) Increased national production and value addition will translate to increased exports of the cotton and sisal products.
- h) Increased production will translate to increased job creation through farm labour, cotton and sisal processing and products manufacturing, value addition, marketing and auxiliary services.
- i) Increased production of cotton and sisal will also translate to increased exports and thus increased foreign exchange earnings.

#### **4.4 Quantification of the Benefits**

The Fibre Crops Regulations have come in the wake of government and stakeholders' efforts to revitalize the sector that was once vibrant. The new Regulations support stakeholders moves to revamp the sector and already, inherent economic benefits have been foreseen. According to AFA, cotton growing in Kenya can support up to 200,000 farmers. However, just 40,000 are growing cotton. Only 21,000 hectares are under cotton production (at 572 kilograms per hectare) while the country has a production potential of 400,000 hectares (FtF, 2018).

Currently, only 21,000 bales of lint are produced annually against a national demand of 140,000. The Regulations will result into an improved business environment that will spur farmers to increase production (FtF, 2018).

As the country gears up for the adoption of superior cotton varieties including genetically modified (Bt) cotton, there is a potential production of 420,000 bales or more. The proposed Regulations are in line with the Biosafety (Environmental Release) Regulations, 2011 that seek to commercialize genetically modified cotton.. Through production using superior varieties including Bt cotton, Kenya can increase income in the textile industry from Sh. 3.5 billion to Sh. 2 trillion by 2022 (KALRO, 2018).

Currently, twenty-one (21) counties produce cotton. They include Kitui, Machakos, Makueni, Isiolo, Embu, Tana River, Taita-Taveta, Kwale, Kilifi, Lamu, among others. With of the new Regulations, these counties will be encouraged to increase their production. The total installed annual ginning capacity of ginneries is 140,000 bales. Currently, the combined available operating ginning capacity is 70,000 bales at full capacity for six months (FtF, 2018).

The Regulations are likely to lead to creation of 500,000 cotton jobs and 100,000 new jobs in cloth making industry.

#### 4.5 Distribution of Impact

The operationalization of the Fibre Crops Regulations, 2020 is poised to generate more positive than negative impacts/risks if they are implemented with sufficient financial, logistical, technical and human resources. These impacts are projected to spread in various ways. Proper coordination and regulation is expected to be an incentive for farmers and other stakeholders to invest in the sector. It is therefore expected that production of fibre crops will increase hence more income at the household level which will allow for hiring of human labour. Cotton and sisal products are expected to be used as alternatives to plastic bags which acted as a threat to the environment in form of pollution. Sisal products are preferred to plastic because they are sustainable and because of their biodegradability nature.

The production of cotton and sisal is expected to increase as more farmers are incentivized to revert to cotton and sisal production or increase crop acreage by a more efficient production system that provide the much needed support. Improved access to quality planting materials and research findings supported by better agricultural advisory services will further contribute to increased production.

Because of increased cotton and sisal production, increased farm incomes will allow farmers to hire extra labour to work on their farms to support the increased farm production as well as contribute to new capital formation. Other processes within the value chain will also create employment opportunities including processing through ginneries, textiles and cloth manufacturing companies.

As more cotton and sisal is produced in the country, more farmers will focus on maximization of yield rather than the sprawl of agriculture due to the population pressure on resources, including wetlands, forests, etc. The more that farmers realize increased returns from their land, the better it will be for the environment as the crop yields on the same operated arable land will increase and be sustained rather than creating a sprawl into new land openings. Socially the fibre crops farmers' livelihoods will be enhanced and sustained, allowing for better health care, education and wealth creation among the families.

The impact on public sector as a result of the regulation will also be felt through coordination of a streamlined cotton and sisal sub-sector which will then be significantly improved, with the Government and its agencies' role being strictly

that of regulation and leaving sector business to the private sector. The improved production and value addition for cotton and sisal crops will contribute to increased exports and earning in foreign exchange for the country. Counties where these crops will be cultivated will register increased incomes for households and revenue collection leading to improved welfare amongst the population.

## **5.0 REASONS WHY OTHER REGULATORY OPTIONS ARE NOT APPROPRIATE**

This chapter provides justification why other regulatory and non-regulatory options highlighted in chapter three are not appropriate in regulating fibre crops sub-sector in Kenya.

Parliament enacted the Crops Act, 2013 which came into force on 1<sup>st</sup> August 2014. Section 40 of the Act delegated regulation-making powers to the Cabinet Secretary responsible for matters relating to agriculture who is expected to consult with AFA and county governments before making regulations. The Fibre Crops Regulations are made pursuant to section 40 of the Crops Act and are meant to fully operationalize the Crops Act, 2013 as far as fibre crops as scheduled crops is concerned.

As required under article 10 of the Constitution as well as under the Statutory Instruments Act, 2013, the Cabinet Secretary has held consultative fora involving stakeholders for a considerable period of time, especially between the years 2015 and 2018. Various categories of stakeholders have been involved in the development of the Fibre Crops Regulations.

It is instructive to note that the Fibre Crops Regulations are not expected to have negative impact on fundamental rights of persons or institutions that are subject to the Regulations. Similarly, the Regulations do not have negative impact on the environment or environmental rights of the people. It is anticipated that the Regulations would positively impact on the private sector by increasing productivity upon better harnessing of resources toward fibre crops production and processing.

The other regulatory options were considered and it was found necessary that the fibre crops Industry needed Regulations in order to improve performance and benefit flows in the sector which is a key enabler in manufacturing sector as a source of raw materials and foreign exchange earner and important for smallholder farmers who depend on it for their livelihoods.

## **6.0 OUTCOME OF STAKEHOLDER CONSULTATION**

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**

The constitution provides for national values and principles of good governance and participation of the people of Kenya. Article 10 provides for the involvement of the people in the enactment of any law. The national values and principles bind all state organs, state officers, public officers and all persons whenever they, *inter alia*, apply the Constitution and enact any law.

Section 5(1) of the Statutory Instruments Act requires a regulation-making body to make appropriate consultations with persons who are likely to be affected by the proposed instrument. The impetus of this provision is twofold. First, it makes consultations mandatory when a Regulation affects business or restricts competition. Secondly, it sets the consultation test of appropriateness which must be met. While having regard to what consultation is appropriate, the Act requires a regulation-making body to take two steps that is to draw attention of experts and afford adequate opportunity to interested persons to make their comments on the proposed contents of the Regulations.

Regarding the form of the consultations, the section 5(3) of the Statutory Instruments Act requires that there be an invitation, whether direct or indirect to persons likely to be affected and followed by invitation of submissions or public hearings. Apart from the mandatory form, the regulation-making body has the discretion of adopting other formalities of consultation.

The courts of law have in several instances provided for the modes of ensuring public participation is effective. For instance, in *IEBC v NASA-Kenya & 6 others* 2017 eKLR, [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 pronouncements therein reproduced brings forth the following cardinal points:

- (i) 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.
- (ii) 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.
- (iii) 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 fibre crops sub-sector in Kenya when coming up with regulations. The proposed Regulations shall have a direct impact on, fibre crops and crop product dealers; spinners, millers, ginners, processors, buyers, exporters, importers and agents, fibre crop growers, factories, weavers. Also directly affected will be the county governments and Kenya Plant Health Inspectorate Services (KEPHIS). Consumers of the crops will also be affected both directly and indirectly.

## **6.3 Actual Consultations**

The actual consultation was conducted in various levels as below:

### **6.3.1 National Level Consultation (Government)**

AFA engaged in national level consultations with national experts such as Kenya Bureau of Standards to build its capacity in setting standards for cotton and development of Sisal Code of Practice. Other stakeholder meetings were carried out in Maseno, Machakos, Kisumu, Makueni, Mombasa, and Nairobi with a variety of stakeholders ranging from exporters, weavers, fibre factories, employers, cooperatives, processors and KEPHIS among others.

### **6.3.2 National Level Consultation (Non-Government)**

Another forum was attended by non-Governmental stakeholders such as representatives of textile factories, buyers, operators of plantations, marketing agents, cotton exporters and cotton ginners, weavers and farmers, as individuals and representatives of cooperative unions and self-help groups from various parts of the country. During the forums, the teams from AFA made purposeful and comprehensive slide presentations to the stakeholders.

### **6.3.3 County Level**

A review of the files discloses that in 2015, AFA adopted a plan for the engagement at county level. The stakeholder forums were done in Migori, Siaya, Homabay, Busia, Machakos, Kitui, Kisumu, Embu and Mombasa counties. Another

round of consultations was done with the Council of Governors as others with County Executives Committee members from various county governments.

## **6.4 Adequacy of Stakeholder Consultation**

### **6.4.1 Incorporation of Stakeholders' Comments**

Records were reviewed and it was noted that there was a variety of stakeholders who were consulted from cotton and sisal farmers, processors, spinners, exporters and weavers all the way to relevant Government departments and chief officers from various county governments. The consultations were made through capacity building, stakeholder sensitization, and structured consultation fora.

A review of the records also revealed that the stakeholders were compressively sensitized on the draft Regulations in plenary sessions. The stakeholders also made useful comments and raised concerns on need for inclusion of farm inputs, regulation of banana fibre, staffing, relationship between ginners and farmers, acquisition of planting materials, registration of cooperatives, control of outsiders, double taxation, crop property insurance, possible market barriers, differential role of the stakeholders and the reflection of the spirit of devolution. Other concerns were on illegal exports, cotton prices. The concerns were considered and addressed and/or clarified by the Fibre Crops Directorate Management.

The Directorate proposed consequential amendments for storage and ownership of fibre crops stores, appointment of inspectors. Later, the Directorate reviewed the draft Regulations and incorporated the other stakeholders' comments to correct apparent errors and ensure uniformity in the mandate of the county and national Government, complete coverage of both sisal and cotton, focus on quality, setting kilograms as the only unit of measurement, broadening the scope of the monitoring and protection of dealers from overcharging among many others.

### **6.4.2 Justification for Non-incorporation of Certain Comments**

The Authority did not incorporate the concerns relating to the silk fibre, staffing, and county inspectors as the Regulations already establishes framework of collaboration with the county Government on staffing and the silk fibre were also considered worms and not crops. Also, the concerns on the wildlife damage to

crops only concerned the Kenya Wildlife Service and not AFA. Regarding the fraudsters, the Authority needed not to intervene because the integrity issues will be deeply cemented by the introduction of a national Single Window System.

#### **6.4.3 Overall Extent of Consultations**

The invitations and the consultations were made to various multi-level stakeholders ranging from Government bodies representatives and experts from county governments, Council of Governors, cotton ginners, sisal processors cotton and sisal farmers and farmer's cooperatives. Various rounds of consultations were done with each round targeting a particular group or range of stakeholders. The presentations were also comprehensive and the stakeholders were given time to make so many useful comments on the draft Regulations during open plenaries. The useful comments made by the stakeholders evidence the fact that they were made aware of the contents of the Regulations. This enhanced the efficiency and comprehensive capturing of the concerns of the stakeholders.

The Authority facilitated the stakeholders through proper stakeholder mapping, intense presentations and deliberate efforts to inform the stakeholders of the contents of the Regulations. This was evidenced by the nature and depth of the questions that were raised by the stakeholders.

The consultations carried out were comprehensive as they mapped out all the stakeholders from fibre crop farmers, stakeholders involved in national and international trading in the fibre crops, county Governments, non-Governmental stakeholders and Council of Governors. Accordingly, the Authority has complied with the legal requirement of a full and effective participation of the necessary stakeholders.

The stage of the regulatory impact assessment has just been past the stakeholders' consultations. The current stage is the preparation of the impact statement as well as the explanatory memorandum. Accordingly, the first three steps identified by the court and the Statutory Instruments Act, 2013 and have been strictly complied with.

The upshot of the foregoing is that the consultations were in tandem with the law, judicial precedent and current trends on the requirements of stakeholder involvement.

## 7.0 ENFORCEMENT AND COMPLIANCE

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

The RIA has verified that the Regulations have included sufficient enforcement and compliance mechanisms to ensure implementation.

The Fourth Schedule to the Constitution of Kenya, 2010 provides that agriculture is both a national Government and a county government role. 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 AFA, a national authority, and the structures within the county governments as administrative bodies that shall ensure compliance with its provisions.

The Regulations have proposed Fibre Crops Directorate working together with county governments to help in the enforcement.

The Directorate and county governments will appoint inspectors who will be deployed in different areas of the country to oversee the implementation of the Regulations. Some of the functions of the inspectors will include; they will have powers to inspect premises, land or vehicles to monitor compliance with safety and quality controls, set standards for fibre trade and marketing and any other provisions, monitor raw cotton handling, cotton ginning, sisal leaf handling and sisal leaf decortication for quality control purposes; monitor bale packaging for fibre to conform with the provisions of these Regulations; inspect weighing scale certification; monitor weights and qualities of raw cotton, sisal fibre, cotton lint and cotton seed; and monitor the collection of cotton lint samples and their delivery to the National Cotton Fibre Classing Laboratory for testing and classing. The Regulations have also clearly provided that the appointed inspectors will undergo capacity development to enable them perform their duties as expected.

The Regulations have also proposed regulatory tools to aid the administrative bodies in ensuring compliance. The tools include provisions for registration, permits for imports and exports and licensing, renewal of licences. Regulations 6 and 7 provide for registration of fibre crop dealers and growers and the requirements thereon. In addition, the provisions for licensing are pegged on compliance with mandatory requirements. For instance, under Regulation 8, the applicants for ginning, factory, buying and milling licences must provide an inspection report by

the licensing Authority. These requirements shall ensure strict adherence to the standards set in the Regulations.

The Regulations also provide that a licensing authority shall have the power to give orders for non-compliance and where the dealers do not comply with them, the dealers would be liable to pay costs that the licensing Authority incurs in the execution of the order.

The Regulations also give powers to the Authority to cancel, suspend or vary the terms and conditions of a license or certificate of registration if the holder fails to comply with the terms and conditions of the license or certificate of registration.

In relation to imports and exports of fibre crops, the Authority or its authorized agencies shall have the power to receive and consider the monthly returns from the importers and exporters and to verify the custom documentation on exports and imports. Further, the Regulations require AFA to collaborate with other Government agencies like the Kenya Revenue Authority to ensure compliance with custom requirements.

The RIA has also verified that the Regulations have included several sanctions for non-compliance.

## 8.0 REVIEW, MONITORING AND EVALUATION

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

It is expected that the Regulations shall be a subject of great interest to all stakeholders 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 parent Ministry working together with AFA and County Governments will thus work hand in hand with the various stakeholders to promote research and reviewing of its effectiveness towards promoting growth and development of this vibrant fibre crops sub-sector that will increase the market for sisal and cotton locally and internationally.

The RIA observes that the Regulations have provided certain guidelines which will allow for monitoring and evaluation (M&E). The Regulations highlight that the directorate shall be responsible for establishing and maintaining an up-to-date database and disseminate information on fibre crops for planning purposes. Fibre crops actors will be expected to fill monthly/annual buying and sales reports which will be submitted to the directorate to be entered into the database.

A ten-step process can serve as a guide in strengthening M&E system during the implementation of the Regulations;

- a) Conduct a readiness assessment.
- b) Agree on outcomes to monitor and evaluate.
- c) Develop key indicators to monitor outcomes.
- d) Gather data on baseline indicators.
- e) Plan for improvements and set realistic targets.
- f) Monitor performance results.
- g) Conduct mid-level and end-term evaluation to inform reviews, collaborative learning as well as decision making.
- h) Analyse performance data.
- i) Use findings for reviews.
- j) Sustain the M&E system within Government by linking to the M&E grid under the Kenya Bureau of Statistics (KBS).

## **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 Regulations to other legislation and policies**

The RIA notes that the proposed Fibre Crops Regulations, 2020 do not contradict nor overlap any current policies and legislation but rather they are meant to bring into effect the Crops Act, 2013 and Agriculture and Food Authority Act, 2013. The essential policies, strategies, legislation, Regulations that Fibre Crops Regulations, 2020 relate to include;

- a. Constitution of Kenya, 2010
- b. Crops Act, 2013
- c. Agriculture and Food Authority Act, 2013
- d. National Agribusiness Strategy
- e. National Seed Policy, 2010
- f. National Land Policy, 2009
- g. Agricultural Sector Gender Policy
- h. Kenya Agricultural & Livestock Research Organization Act, 2013
- i. Kenya Youth Agribusiness Strategy 2017-2021
- j. Kenya's Vision 2030
- k. UN-SDGs, 2015
- l. Malabo Declaration, 2014

### **9.2 Conclusion**

The draft Fibre Crops Regulations provide for proper regulation, promotion, development and oversight of the fibre crops industry in Kenya. The operationalization of the Fibre Crops Regulations, 2019 is poised to generate more positive than negative impact/risks.

### **9.3 Recommendations**

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

## **10.0 PERTINENT ISSUES**

In the course of the RIA, one of the things that we felt was not adequately provided for in the Regulations is how to deal with ways poor yields from smallholder fibre farming in Kenya which has been a long-standing problem for the sub-sector. As part of the powers and functions of the Directorate set out in Regulation 2, AFA and the Ministry in conjunction with county Governments could consider and provide specific Regulations on how extension officers will be engaged to help farmers improve on their production. Some of the shortcomings of moving research findings to the farmer can also be addressed by expanding the On Farm Demonstrations (OFD) programs through farmer participatory training and promoting scientifically-based production systems which are appropriate and acceptable to cotton and sisal smallholders and which promote linkages among all important stakeholders both private and public. It is also imperative in our view, that consideration be had of the linkage between the generation of new technologies and methodologies and their communication to the farmers.

One other key aspect that could be specifically provided in the Regulations is smallholder farmers' access to quality planting seeds which is lacking. A seed bulking and certified support programme was started in 2007. This is however currently inadequate and requires strengthening in terms of additional trained manpower and financing.

### **10.1 Penalties and Sanctions**

The sanctions imposed by various Regulations are contrary to the provisions of section 24(5) of the Statutory Instruments Act 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 Regulations 8(3) and 49. 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.

### **10.2 Other provisions**

- a. The definitions under Regulation under Chapter 2 should be arranged in alphabetical order as is the practice and requirement in legislative drafting.
- b. Regulation 8(3): Should refer to **regulation** 8(2) and not **section**.
- c. The table of contents has to be amended: it has 50 Regulations as opposed to 51 Regulations in the body of the Regulations. The cause for this disparity is that Regulation 31 which deals with setting up of new factories is not included in the table of contents.

## **11.0 REFERENCES**

1. Agriculture and Food Authority Act No. 13 of 2013
2. Constitution of Kenya 2010. Government Printers
3. Crops Act No. 16 of 2013
4. Statutory Instruments Act No. 23 of 2013
5. ES (2017) Economic Survey
6. FAO (2018) Value Chain Analysis of Selected Commercial Crops In Kenya
7. Feed The Future (2018): Policy Brief Enhancing Investment Attractiveness in Kenya's Cotton Sector
8. SMAR (2018) Sisal Market Analysis Report

**GAZETTE NOTICE AND  
NEWSPAPER ADVERT**



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 (For Industry) Regulations, 2019; Crops (Horticultural 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 following Regulations as provided for under Section 40 of the Crops Act, 2013 (No. 16 of 2013).

- a) The Crops (Horticultural Crops) Regulations;
- b) The Crops (For 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.

Under 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, no 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 Statements shall be held as per the schedule below:

NO	REGULATION	VENUE	DATE	TIME
1.	The Crops (Horticultural Crops) Regulations.	Horticultural Crops Directorate Headquarters, North Airport Road, opposite the JICA cargo terminal on Mazao road. NAIROBI	25 <sup>th</sup> March 2019	9:00am
2.	The Crops (For Industry) Regulations.	AFI-Tea Directorate Offices, Tea House, NAIROBI	25 <sup>th</sup> March 2019	9:00am
		Tea Trade Centre, Nyerere Avenue MOMBASA	29 <sup>th</sup> March 2019	10:00am
3.	The Crops (Nuts and Oil Crops) Regulations.	National Horticulture Research Institute (KALRO, Kandara) MURANGA	20 <sup>th</sup> March 2019	9:00am
		Kenya School of Government, Matuga KWALE	9 <sup>th</sup> April 2019	9:00am
4.	The Crops (Fibre Crops) Regulations.	Machakos University College MACHAKOS	2 <sup>nd</sup> April 2019	9:00am
		Maseno ATC MTSURU	4 <sup>th</sup> April 2019	9:00am
5.	The Crops (Pyrethrum) Regulations.	Pyrethrum Processing Company (PPCK) Offices along General Mathenge Road MURUGU	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  
Tea House, Cathedral Road  
P.O. Box 30020  
Nairobi.  
Or by Email: [soagriculture@kilimo.go.ke](mailto:soagriculture@kilimo.go.ke)

The Director General  
Agriculture and Food Authority  
Tea House, Naivasha Road off Ngong Road,  
P.O. Box 37902-00100  
Nairobi.  
Or by Email: [info@afa.go.ke](mailto:info@afa.go.ke)

DR. MURANGI KIMUNJI, BGM, MSH  
Cabinet Secretary  
Ministry of Agriculture, Livestock, Fisheries and Irrigation



# THE KENYA GAZETTE

Published by Authority of the Republic of Kenya  
(Registered as a Newspaper at the G.P.O.)

Vol. CXXI—No. 27

NAIROBI, 1st March, 2019

Price Sh. 60.

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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, Kikuyu 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 Wanjiku".

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) (f) 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](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 E-mail: [info@agricultureauthority.go.ke](mailto: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.)



## AGRICULTURE AND FOOD AUTHORITY

### SUMMARY OF PUBLIC/STAKEHOLDERS COMMENTS ON THE CROPS (FIBRE CROPS) REGULATIONS 2020

S/No.	Stakeholder	Provisions of the proposed regulations	Stakeholder Comments	AFA/MOALF&I Response	Action Taken on the Regulations
1.	Sisal Growers and Employers Association	Definition of nursery	Definition of nursery to exclude nurseries for private use	Agreed with the comment.	Regulation amended to define "commercial nursery"
2.	Sisal Growers and Employers Association, Ginners, Cotton Farmers Cooperative Societies	Registration of fibre growers' associations by the Authority	Registration of smallholder grower Vs Registration of Plantations grower  This is discriminatory Treat all as growers	The Crops Act provides that small holders growers may register with growers' association of their choice, for purposes of enjoying economies of scale.  Plantation grower may register with the Authority.	Retain the regulation as proposed.
3.	Sisal Growers and Employers Association	Registration of fibre crops	The clause provides discretion on the part of the grower to	The Crops Act 2013 uses the word "may" as provided in section 14(2).	Retain the regulation as proposed.

S/No.	Stakeholder	Provisions of the proposed regulations	Stakeholder Comments	AFA/MOALF&I Response	Action Taken on the Regulations
		plantation growers.	either register or not to register.	These regulations are anchored in the Act	
4.		Submission of annual returns by grower entities and plantation growers at the end of every production period	The section does not state to who the annual returns must be submitted to.	Returns should be submitted to the Authority	Regulation amended to indicate where the annual returns are to be submitted.
5.	Senate Committee on Delegated Legislation  National Assembly Committee on Delegated Legislation	Licensing of fibre crops collection centres	Collection centres as provided for in the fibre crops regulations farmers may not have the finances to establish them and this should be a mandatory function for counties.	The regulation is referring to all who are operating fibre collection centres.	Regulation amended to provide that the collection centres may be owned or managed by the County governments, farmers associations, dealers or manufacturers.
6.	Small scale sisal growers	Unprocessed sisal leaf	Amend to read "No person who is not a licensed sisal grower and processors of sisal leaf shall buy unprocessed sisal leaf". Large scale plantations do buy	The regulation is meant to promote value addition for the smallholder growers for enhanced income.	Amended to read "No person shall buy unprocessed sisal leaf from smallholder growers unless the leaf is processed and payment is pegged on the fibre thereof"

S/No.	Stakeholder	Provisions of the proposed regulations	Stakeholder Comments	AFA/MOALF&I Response	Action Taken on the Regulations
7.	Cotton Ginner	Requirements for cotton baling	leaf from their neighbors and it helps the community greatly in times of drought.	The regulation is adequate and the proposal by the stakeholders would not require further regulatory intervention.	The regulation is retained as proposed.
8.	Cotton Ginner	Every ginner shall draw one sample from each bale as per the lint sample collection protocol	Sampling to be done in batches of every ten bales Quantity involved is 300gm per sample One sample per lot to accompany the consignment	Due to the variance of lint quality from one bale to another (even bales from the same locality), it is important to sample each bale before offering for sale. This enables the cotton spinner to group bales of the same quality together during spinning to improve on efficiency.	Regulation retained as proposed.
9.	Marketing Agents	Export/import permit	Reduce processing period from five working days to a maximum of two working days	Proposal is agreeable	Regulation amended by reducing five days to two working days.

S/No.	Stakeholder	Provisions of the proposed regulations	Stakeholder Comments	AFA/MOALF&I Response	Action Taken on the Regulations
10.	Sisal Growers and Employers Association Kenya Cotton Growers Association	Fibre crops movement permit	Movement permits as provided for in the Fibre Crops regulations should help minimise the cess charged in each County for the same consignment	Proposal is acceptable It can only be used as an instrument to track the origin of the produce but cannot be used to minimise cess charges by each county as this is not provided for under the Act.	The movement permit to be issued by the county of origin as it will serve as evidence of having paid County cess
11.	Cotton Ginner, Cotton Framers Cooperative Society	Fibre crops pricing formula	Should be a function of the market. Its goes against the existing policy on liberalization Allow free market	The regulation does not set the price. Section 40(2)(s) of the Crops Act provides for the development of a formula for pricing of all scheduled crops.	Regulation retained as proposed
12.	Thika Cloth Mills	Contamination and adulteration	Most contaminations are through mixing of fibres and non fibres Include a clause to prohibit mixing of known non fibre contaminants	The regulations adequately address concerns raised	Regulation retained as proposed
13.	Marketing Agent	Sisal Inspection fee	Suggested a reduction from 0.75% to 0.5% FOB	This is a service fee payable for sisal fibre inspection to ascertain the	The regulation amended. The inspection fee to be

S/No.	Stakeholder	Provisions of the proposed regulations	Stakeholder Comments	AFA/MOALF&I Response	Action Taken on the Regulations
14.	Small Scale Cotton Farmer	Agreements between parties	The document does not give the penalty of action to be taken if any party breaks the contract (Enforcement).	Breach of agreement is addressed in the agreement document. There is a standard grower's contract between growers and dealers to ensure uniformity.	Regulation retained as proposed as it has incorporated the minimum requirements for the grower's contracts in the Fourth Schedule.
				grades of sisal being exported	retained at 0.5% FOB

-----END-----



# AGRICULTURE AND FOOD AUTHORITY

## FIBRE CROPS DIRECTORATE

**REF:** AFA/FCD/RC/1/VOL.V/(11)

**DATE:** 18<sup>th</sup> March, 2019

Valentine Ogongo  
C.E.C Member  
Agriculture, Livestock and Fisheries  
County Government of Migori  
P. O. Box 195 - 40400

**MIGORI**

**RE: STAKEHOLDERS CONSULTATIVE FORUM ON THE DRAFT FIBRE CROPS REGULATIONS AND REGULATORY IMPACT STATEMENT (RIS) FOR FIBRE CROPS SUB SECTOR**

AFA - Fibre Crops Directorate, through the Cabinet Secretary, Ministry of Agriculture, Livestock, Fisheries and Irrigation is in the process of promulgating the Crops (Fibre Crops) Regulations and Regulatory Impact Statement for fibre crops sub-sector as provided for under section 40 of the Crops Act, 2013. The objective of the above regulations is to provide for the regulation, promotion and development of fibre crops industry value chain in Kenya.

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The Agenda will be as follows:

- (i) Perusal of the draft Fibre Crops Regulations and Regulatory Impact Statement for fibre crops.
- (ii) Feedback from stakeholders.

The Counties are requested to facilitate their representatives to the forum.

Kindly confirm your attendance to **Susan Kahiri** through email addresses [suekahiri@gmail.com](mailto:suekahiri@gmail.com) or [info@cottondevelopment.co.ke](mailto:info@cottondevelopment.co.ke) or phone Numbers 0720 399 756 or 020 2339830 by **Friday 22<sup>nd</sup> March, 2019**.

Thank you.



**NAOMI N. KAMAU**  
**INTERIM HEAD OF DIRECTORATE**




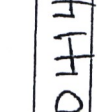
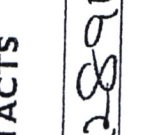
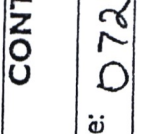
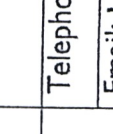


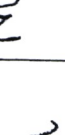

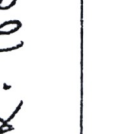
## **AGRICULTURE AND FOOD AUTHORITY**

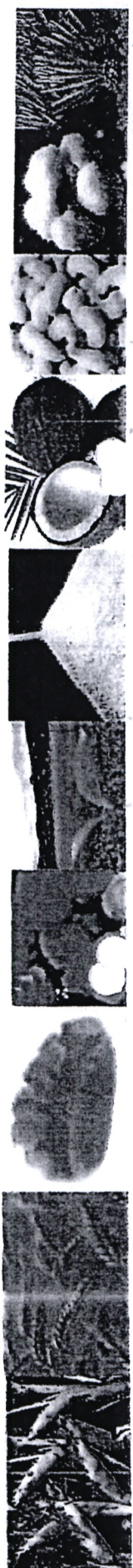
### **PROGRAM FOR PUBLIC FORUM ON DRAFT CROPS (FIBRE CROPS) REGULATIONS 2019, RIS & PUBLIC COMMENTS**









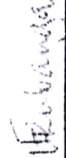

**Venue:** Maseno ATC – Kisumu County

**Date:** 4<sup>th</sup> April, 2019

<b>Time</b>	<b>Task/Topic</b>	<b>Resource Person(s)</b>	<b>Session Chair</b>
8.30 a.m. – 9.00 a.m.	Registration and Introductions	Fibre Crops Directorate – Kisumu office	Naomi Kamau - FCD
9.00 a.m. – 9.30 a.m.	Opening Remarks	Eliud Mathu – MOALF&I	
9.30 a.m. – 10.00 a.m.	Presentation of Regulatory Impact Statement (RIS)	Alex Mungai - FCD	CECM Representative & Willie Too – MOALF&I
<b>10.00 – 10.30 a.m.</b>	<b>Tea break</b>	<b>Maseno ATC</b>	
10.30 a.m. - 1.00 p.m.	Presentation of the Draft Crops (Fibre Crops) Regulations, 2019	John Adhola - FCD	CECM Representative & Willie Too – MOALF&I
<b>1.00 -2.00 p.m.</b>	<b>Lunch break</b>	<b>Maseno ATC</b>	
2.00 – 3.30 p.m.	Plenary/Discussion	All participants	Terry Gathagu – MOALF&I
3.30 – 4.00 p.m.	Way Forward	John Adhola - FCD	
4.00 - 4.30.p.m.	Closing remarks	<ul style="list-style-type: none"> <li>✓ Private sector</li> <li>✓ Farmer Representative</li> <li>✓ CECM Representative</li> </ul>	Fanuel Lubanga - FCD
<b>4.30</b>	<b>Vote of Thanks &amp; Departure</b>	Naomi Kamau - FCD	

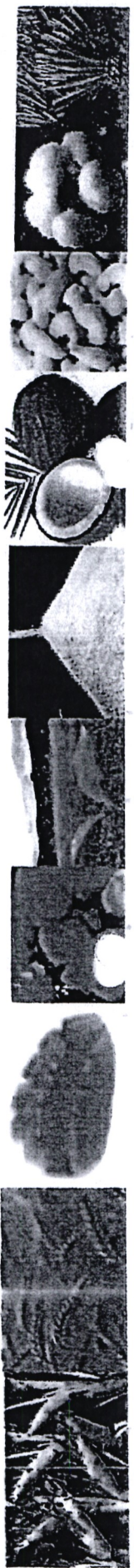
NO	NAME	GENDER	COMPANY/ GROUP	CONTACTS	SIGNATURE
25	Willie K. Too	M	MOAF/STI	Telephone: 0722890414 Email: twillie2000@gmail.com	
26	ALEX O. ODUNDE	M	DLBX TECHNOLOGY	Telephone: 0724719567 Email: alex.odundo@gmail.com	
27	JAMES O. NIDZEA	M	UYOMA FARMERS Co-OPERATIVE SOCIETY	Telephone: 0713098879 Email: Ouyogo James 69074001016	
28	SIMIL. SORARO.	M	Selawa Jimras	Telephone: 0727981837 Email: Selawa@topcotton.com	
29	NIXON UTEBUCHIE	M	AFA - FIBRE CROPS DISTRIBUTION KISUMU	Telephone: 072596157 Email: Nixon@jmail.com	
30	SUSAN UHAIDI	F	AFA - FIBRE CROPS DISTRIBUTION	Telephone: 0720 399756 Email: suekhan@gmail.com	
31	JOSEPH OULATJE	M	Kisumu County Cotton Union	Telephone: 0722930012 Email: ex2000cotton2018@gmail.com	
32	DENNIS OTIENO	M	DALFI-KSM.	Telephone: 0722424788 Email: dennis165@gmail.com	
33	DENNIS OGAYO	M	RHM	Telephone: 0721732872 Email: dennisotieno@gmail.com	
34	ANN S. W. WUMU	M	Selawa g.f.c.	Telephone: 0722245942 Email:	



NO	NAME	GENDER	COMPANY/ GROUP	CONTACTS	SIGNATURE
15	Elizabeth Kamen	M	MIGOTIYO PLANTATIONS LIMITED	Telephone: 0727 400668 Email: Elizabeth4@gmail.com	
16	Peter Gachoka	M	Migotijo Plantations Ltd	Telephone: 0722891020 Email: Peter@migotijo.com	
17	Jennifer S. Ruto	F	AFA - FCP	Telephone: 0720324122 Email: ruthjensen@gmail.com	
18	Edward Oteba	M	Jairus Cotton Growers Cooperative Society Ltd	Telephone: +254714168670 Email: Otebae@gmail.com	
19	VINCENT E. ESHA	M	LUMUDA COTTON F.I.E UNION (GEMERY)	Telephone: 0777631104 Email: Vinagesa@gmail.com	
20	Isack Wambui	M	AFA HCP	Telephone: 0714860169 Email: Isackwambui@gmail.com	
21	Abraham Beemo	M	CoALFB1	Telephone: 0716481011 Email: abrahambeemo@gmail.com	
22	Andrew T. Tido	M	AFA HCP	Telephone: 0722446449 Email: Andrewt@gmail.com	
23	Fabrizio Lubanga	M	AFA - FCP	Telephone: 07226279 Email: FabrizioLubanga@gmail.com	
24	Achola John	M	AFA - FCP NAROB1	Telephone: 0722674238 Email: johnachola@gmail.com	



NO	NAME	GENDER	COMPANY/ GROUP	CONTACTS	SIGNATURE
5	SAMUELA N. AKOKO	MALE	Uwerruwa INSSSA	Telephone: 0722999765 Email: uwerruwa@gnomail.com	
6	Thomas Okunoye	M	AFA - FCN	Telephone: 0723921499 Email: tloke@gnomail.com	
7	FUNDI O. HARRISON	M	AFA - FED - SIAYA	Telephone: 0724435489 Email: foharrison@gnomail.com	
8	SHARAH K KIP ITANOK	M	BARIM SID COOP	Telephone: 0728453911 Email:	
9	JOHN AKUMGA DUMA	M	HILLVIEW INVESTMENT LTD	Telephone: Email: 07071790gnomail.com	
10	SAMUEL OJUGI AMBURI	M	NYANZA SOUTH EAST STARFARMERS ASSOCIATION MIGORI	Telephone: 0716911708 Email: P.O Box 27	
11	Wilson Njome Haya	M	UYOIMP FC	Telephone: 0704744118 Email: 32 Ndeguwa	
12	GORDON O. KOBIMBE	M	SUDRA SIKAL SS GROWERS	Telephone: 0720497945 Email:	
13	GORDON O. KOBIMBE	M	SUDRA SELF HELP GROWERS	Telephone: 0702127180 Email: gordonkobimbe1@gmail.com	
14	HENRY K. MUMEN	Male	CHELWET FARMERS PRODUCE AND MARKETING ORGANIZATION (CFAO)	Telephone: 0710708965 Email: kmumen@gnomail.com	





# AGRICULTURE AND FOOD AUTHORITY (AFA) ATTENDANCE LIST

**ACTIVITY: PUBLIC FORUM ON DRAFT CROPS (FIBRE CROPS) REGULATIONS 2019, RIS & PUBLIC COMMENTS**  
**DATE: 4<sup>TH</sup> APRIL, 2019**

**VENUE/COUNTY: MASENO AGRICULTURAL TRAINING CENTRE (ATC), KISUMU COUNTY**

NO	NAME	GENDER	COMPANY/ GROUP	CONTACTS	SIGNATURE
1	MATIMU D. KIMWATI	F	AFA FIBRE CROPS MASENO COUNTY	Telephone: 0722 218 361 Email: <a href="mailto:matimudkimwati@afakc.com">matimudkimwati@afakc.com</a>	
2	GEORGE MUCO	M	AFA FIBRE CROPS MASENO COUNTY	Telephone: 0722 218 361 Email: <a href="mailto:georgemuco@afakc.com">georgemuco@afakc.com</a>	
3	ARMANDO CHRISPINE	M	AFA - FIBRE CROPS MASENO COUNTY	Telephone: 0722-625917 Email: <a href="mailto:armando@afakc.com">armando@afakc.com</a>	
4	ERICK O. ADEDE	M	HCC/UCID MASENO COUNTY	Telephone: 0724511181 Email: <a href="mailto:erickade@hccucid.com">erickade@hccucid.com</a>	



Kindly confirm your attendance to **Susan Kahiri** through email addresses [suekahiri@gmail.com](mailto:suekahiri@gmail.com) or [info@cottondevelopment.co.ke](mailto:info@cottondevelopment.co.ke) or phone Numbers **0720 399 756** or **020 233 9830** by **Friday 22<sup>nd</sup> March, 2019**.

Thank you.



**NAOMI N. KAMAU**  
**INTERIM HEAD OF DIRECTORATE**



# AGRICULTURE AND FOOD AUTHORITY

## FIBRE CROPS DIRECTORATE

REF: AFA/FCD/RC/1/VOL.V/(12)

DATE: 18<sup>th</sup> March, 2019

Mathews Chirasha Wanjala Makanda  
C.E.C Member  
Agriculture, Livestock, Irrigation, Fisheries  
and Co-op Development  
County Government of Bungoma  
P. O. Box 437 - 30343

### **BUNGOMA**

**RE: STAKEHOLDERS CONSULTATIVE FORUM ON THE DRAFT FIBRE CROPS REGULATIONS AND REGULATORY IMPACT STATEMENT (RIS) FOR FIBRE CROPS SUB SECTOR**

AFA - Fibre Crops Directorate, through the Cabinet Secretary, Ministry of Agriculture, Livestock, Fisheries and Irrigation is in the process of promulgating the Crops (Fibre Crops) Regulations and Regulatory Impact Statement for fibre crops sub-sector as provided for under section 40 of the Crops Act, 2013. The objective of the above regulations is to provide for the regulation, promotion and development of fibre crops industry value chain in Kenya.

To finalize the process, it is a requirement under the Constitution of Kenya, 2010, Crops Act, 2013 and the Statutory Instruments Act, 2013 that the Regulations be subjected to stakeholders for their comments and inputs.

As a key stakeholder in the cotton sub-sector, it is in this spirit that we invite you to attend the forum to incorporate your views on the same. The venue of the meeting will be **Maseno Agricultural Training Center, Kisumu County on Thursday, 4<sup>th</sup> April, 2019 at 9.00 a.m.**

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29 Tel: (254-20) 2339830; Customer Care: 0777 530908

Email: [info@cottondevelopment.co.ke](mailto:info@cottondevelopment.co.ke) | Website: [www.cottondevelopment.co.ke](http://www.cottondevelopment.co.ke)

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**NAOMI N. KAMAU**  
**INTERIM HEAD OF DIRECTORATE**



# AGRICULTURE AND FOOD AUTHORITY

## FIBRE CROPS DIRECTORATE

West Riverside Lane off Riverside Drive  
P O Box 66271—00800 Westlands, NAIROBI

**REF:** AFFA/FCD/RC/1/VOL.IV/(71)

**DATE:** 8<sup>th</sup> March, 2019

Gilchrist F. O. Okuom  
CEC Member,  
Agriculture, Livestock, Food & Fisheries  
The County Government of Kisumu  
The Prosperity House,  
4<sup>th</sup> Floor, Wing C  
P. O. Box 2738 - 40100  
**KISUMU**

**RE: STAKEHOLDERS CONSULTATIVE FORUM ON THE DRAFT FIBRE CROPS REGULATIONS AND REGULATORY IMPACT STATEMENT (RIS) FOR FIBRE CROPS SUB SECTOR**

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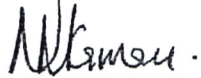
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**NAOMI N. KAMAU**  
**INTERIM HEAD OF DIRECTORATE**



# AGRICULTURE AND FOOD AUTHORITY

## FIBRE CROPS DIRECTORATE

West Riverside Lane off Riverside Drive  
P O Box 66271—00800 Westlands, NAIROBI

**REF:** AFFA/FCD/RC/1/VOL.IV/(72)

**DATE:** 8<sup>th</sup> March, 2019

Alice Moraa  
County Minister for Business, Energy & Industry  
The County Government of Kisumu  
The Prosperity House,  
P. O. Box 2738 - 40100  
**KISUMU**

### **RE: STAKEHOLDERS CONSULTATIVE FORUM ON THE DRAFT FIBRE CROPS REGULATIONS AND REGULATORY IMPACT STATEMENT (RIS) FOR FIBRE CROPS SUB SECTOR**

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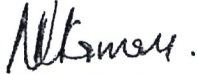
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**NAOMI N. KAMAU**  
**INTERIM HEAD OF DIRECTORATE**



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# AGRICULTURE AND FOOD AUTHORITY

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## FIBRE CROPS DIRECTORATE

**REF:** AFA/FCD/RC/1/VOL.IV/(73)

**DATE:** 18<sup>th</sup> March, 2019

Dr. Moses Osia Mwanje  
CEC Member  
Agriculture & Animal Resources  
The County Government of Busia  
P. O. Box 28-30500  
**BUSIA**

**RE: STAKEHOLDERS CONSULTATIVE FORUM ON THE DRAFT FIBRE CROPS REGULATIONS AND REGULATORY IMPACT STATEMENT (RIS) FOR FIBRE CROPS SUB SECTOR**

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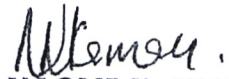
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**NAOMI N. KAMAU**

**INTERIM HEAD OF DIRECTORATE**



# AGRICULTURE AND FOOD AUTHORITY

## FIBRE CROPS DIRECTORATE

West Riverside Lane off Riverside Drive  
P O Box 66271—00800 Westlands, NAIROBI

**REF:** AFFA/FCD/RC/1/VOL.IV/(74)

**DATE:** 8<sup>th</sup> March, 2019

Richard Rotich  
CEC Member,  
Agriculture, Livestock Development & Fisheries  
The County Government of Baringo  
P. O. Box 53 – 30400  
**KABARNET**

**RE: STAKEHOLDERS CONSULTATIVE FORUM ON THE DRAFT FIBRE CROPS REGULATIONS AND REGULATORY IMPACT STATEMENT (RIS) FOR FIBRE CROPS SUB SECTOR**

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**NAOMI N. KAMAU**  
**INTERIM HEAD OF DIRECTORATE**



# AGRICULTURE AND FOOD AUTHORITY

## FIBRE CROPS DIRECTORATE

West Riverside Lane off Riverside Drive  
P O Box 66271—00800 Westlands, NAIROBI

**REF:** AFFA/FCD/RC/1/VOL.IV/(75)

**DATE:** 8<sup>th</sup> March, 2019

Ann Kibosia  
CEC Member,  
Agriculture & Irrigation  
The County Government of Elgeyo Marakwet  
P. O. Box 220 – 30700  
**ELGEYO MARAKWET**

### **RE: STAKEHOLDERS CONSULTATIVE FORUM ON THE DRAFT FIBRE CROPS REGULATIONS AND REGULATORY IMPACT STATEMENT (RIS) FOR FIBRE CROPS SUB SECTOR**


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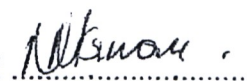
**REPORT PREPARED BY;**

NAME: Adhola John SIGNATURE 

DESIGNATION Interim Manager - Reputation & Compliance

DATE 12<sup>th</sup> April, 2019

**REPORT APPROVED BY;**

NAME: NAOMI N. EMMAN SIGNATURE 

DESIGNATION INTERIM HEAD, FIBRE CROPS DIRECTORATE

DATE 20/5/2019



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# AGRICULTURE AND FOOD AUTHORITY

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## FIBRE CROPS DIRECTORATE

**REF:** AFA/FCD/RC/1/VOL.IV/(70)

**DATE:** 18<sup>th</sup> March, 2019

Hon. Davis Mwangoma  
C.E.C Member  
Agriculture Livestock and Fisheries  
County Government of Taita Taveta  
P. O. Box 1066 – 80304

**WUNDANYI**  
**TAITA TAVETA**

**RE: STAKEHOLDERS CONSULTATIVE FORUM ON THE DRAFT FIBRE CROPS REGULATIONS AND REGULATORY IMPACT STATEMENT (RIS) FOR FIBRE CROPS SUB SECTOR**

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As a key stakeholder in the cotton sub-sector, it is in this spirit that we invite you to attend the forum to incorporate your views on the same. The venue of the meeting will be **Machakos University, Machakos County on Tuesday, 2<sup>nd</sup> April, 2019 at 9.00 a.m.**


The Agenda will be as follows:

- (i) Perusal of the draft Fibre Crops Regulations and Regulatory Impact Statement for fibre crops.
- (ii) Feedback from stakeholders.

The Counties are requested to facilitate their representatives to the forum.

Kindly confirm your attendance to **Susan Kahiri** through email addresses [suekahiri@gmail.com](mailto:suekahiri@gmail.com) or [info@cottondevelopment.co.ke](mailto:info@cottondevelopment.co.ke) or phone Numbers 0720 399 756 or 020 2339830 by **Friday 22<sup>nd</sup> March, 2019.**

Thank you.



**NAOMI N. KAMAU**  
**INTERIM HEAD OF DIRECTORATE**



# AGRICULTURE AND FOOD AUTHORITY

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## FIBRE CROPS DIRECTORATE

REF: AFA/FCD/RC/1/VOL.IV/(68)

DATE: 18<sup>th</sup> March, 2019

Hon. Joanne Nyamasio  
C.E.C Member  
Agriculture Livestock and Fisheries  
County Government of Kwale  
P. O. Box 4 – 80403  
**KWALE**

**RE: STAKEHOLDERS CONSULTATIVE FORUM ON THE DRAFT FIBRE CROPS REGULATIONS AND REGULATORY IMPACT STATEMENT (RIS) FOR FIBRE CROPS SUB SECTOR**

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AFA - Fibre Crops Directorate, through the Cabinet Secretary, Ministry of Agriculture, Livestock, Fisheries and Irrigation is in the process of promulgating the Crops (Fibre Crops) Regulations and Regulatory Impact Statement for fibre crops sub-sector as provided for under section 40 of the Crops Act, 2013. The objective of the above regulations is to provide for the regulation, promotion and development of fibre crops industry value chain in Kenya.

To finalize the process, it is a requirement under the Constitution of Kenya, 2010, Crops Act, 2013 and the Statutory Instruments Act, 2013 that the Regulations be subjected to stakeholders for their comments and inputs.

As a key stakeholder in the cotton sub-sector, it is in this spirit that we invite you to attend the forum to incorporate your views on the same. The venue of the meeting will be **Machakos University, Machakos County** on **Tuesday, 2<sup>nd</sup> April, 2019 at 9.00 a.m.**

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Thank you.



**NAOMI N. KAMAU**  
**INTERIM HEAD OF DIRECTORATE**



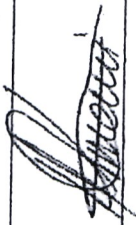
## AGRICULTURE AND FOOD AUTHORITY

### PROGRAM FOR PUBLIC FORUM ON DRAFT CROPS (FIBRE CROPS) REGULATIONS 2019, RIS & PUBLIC COMMENTS




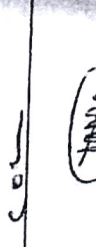


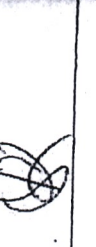
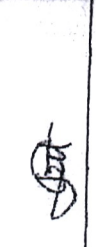


**Venue:** Machakos University College – Machakos County

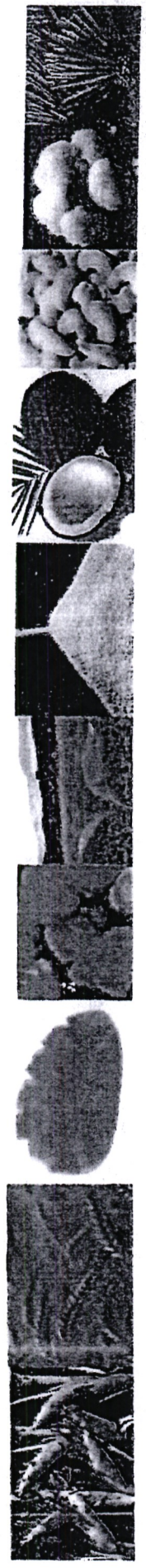
**Date:** 2<sup>nd</sup> April, 2019





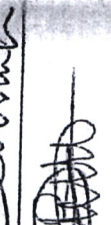
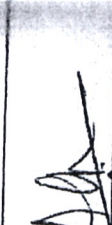




Time	Task/Topic	Resource Person(s)	Session Chair
8.30 a.m. – 9.00 a.m.	Registration and Introductions	Fibre Crops Directorate – Machakos office	Naomi Kamau - FCD
9.00 a.m. – 9.30 a.m.	Opening Remarks	Eliud Mathu – MOALF&I	
9.30 a.m. – 10.00 a.m.	Presentation of Regulatory Impact Statement (RIS)	Alex Mungai - FCD	CECM Representative & Joseph Mutinda – MOALF&I
<b>10.00 – 10.30 a.m.</b>	<b>Tea break</b>	<b>Machakos University College</b>	
10.30 a.m. - 1.00 p.m.	Presentation of the Draft Crops (Fibre Crops) Regulations, 2019	John Adhola - FCD	CECM Representative & Joseph Mutinda – MOALF&I
<b>1.00 -2.00 p.m.</b>	<b>Lunch break</b>	<b>Machakos University College</b>	
2.00 – 3.30 p.m.	Plenary/Discussion	All participants	Terry Gathagu – MOALF&I
3.30 – 4.00 p.m.	Way Forward	John Adhola - FCD	
4.00 - 4.30.p.m.	Closing remarks	<ul style="list-style-type: none"> <li>✓ Private sector</li> <li>✓ Farmer Representative</li> <li>✓ CECM Representative</li> </ul>	Fanuel Lubanga - FCD
<b>4.30</b>	<b>Vote of Thanks &amp; Departure</b>	Naomi Kamau - FCD	

NO	NAME	GENDER	COMPANY/ GROUP	CONTACTS	SIGNATURE
35	PATRICK CITEEG	M		Telephone: 0724316072 Email: 049966@gmail.com	
36	JOY MBELE	F	ATA VIDASI MFA	Telephone: 0790 494 882 Email: joymbela@gmail.com	Jambela
37				Telephone: Email:	
38				Telephone: Email:	
39				Telephone: Email:	
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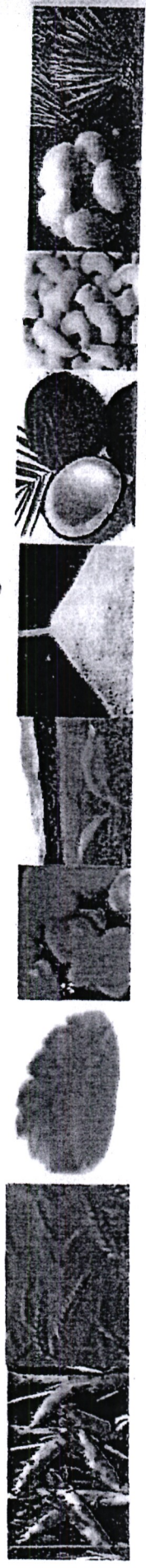
NO	NAME	GENDER	COMPANY/ GROUP	CONTACTS	SIGNATURE
25	PETER K. KINGOO	M	MADUNDA GARDENERS LTD	Telephone: 0729559660 Email: madungimaris@gmail.com	
26	Francis Kyalo	M	AFA - FED	Telephone: 0728434215 Email: Francis.eryo@com	
27	H. K. KANG'ETHI	M	KATIAN T.S	Telephone: 721466813 Email: karanja.k.h@gmail.com	
28	LENOX MWAACHOO	M	PAVI FARMERS COOPERATIVE	Telephone: 0728340339 Email: kwale.pavi.coop@gmail.com	
29	BARAS JAMES	M	AFA - FED	Telephone: 072356315 Email: jemoboro@gmail.com	
30	SUSAN WAKHURI	F	AFA FED	Telephone: 0720399756 Email: suwakhuri@gmail.com	
31	TRIVIAN ROUTED	F	AFA - FED	Telephone: 0722118098 Email: trivianroute@gmail.com	
32	Susan Emmanuel	F	FARMER	Telephone: 0741595715 Email:	
33	Dr. Sath Welles	M	MMK ADVOCAT	Telephone: 0720890328 Email: Wekeselle12@gmail.com	
34	Magdaline Waitwira	F	MMK Advocates	Telephone: 0705798181 Email: wmwaitwira@gmail.com	



NO	NAME	GENDER	COMPANY/ GROUP	CONTACTS	SIGNATURE
15	ELIZABETH W. MAXINA	F	AFA-fibre crops Diverbact	Telephone: 0725822822 Email: monuellizbeth@gmail.com	
16	Alex Mwangi	M	AFA of cd	Telephone: 0722-218129 Email: Mwangiada@jabar.com	
17	PAUL OPEE	M	AFA-FCD	Telephone: 0720 457166 Email: opeejp@7infocan	
18	RAYMOND TRENDA	M	MATARUNI FARMERS Co.-ol.	Telephone: 0704219207 Email: raymondmura@taba.com	
19	DOMINIK NGUGI	M	ZHILKA (WOOL) MILLS	Telephone: 0720 882917 Email: dominikngugi14@gmail.com	
20	BENEDIKT MBINDYO	M	KONZO COTTON GROWER -	Telephone: 0712809319 Email:	
21	ALEX MINANBANA	M	VIDASICO	Telephone: 0724463791 Email: mwagadileanw87@gmail.com	
22	ROBIN BONDUMOSI	M.	SISAL GROWERS EMPLOYERS ASSOC.	Telephone: 0724 255302 Email: rbm@reavifigo.co.ke	
23	Andrew O'Sha	M	AFA - LEGER	Telephone: 072246449 Email: Andrewosha@gmail.com	
24	Soffiah M. Mutua	F	Kea Sisal Value Addition Center	Telephone: 0710433486 Email: soffiahmutua@kwendeignil.com	



NO	NAME	GENDER	COMPANY/ GROUP	CONTACTS	SIGNATURE
5	winfrieda muvea	F	Katumba	Telephone: 0705523421 Email:	winfrieda
6	NERERE KIMULI	M	MUITHU WCAVENS	Telephone: 0720205082 Email:	
7	CHARLES MUCENA	M	TIGWA WCAVENS	Telephone: 0711497809 Email: MUCENA CHARLES 73@gmail.com	
8	DANIEL M. MARIANDU	M	KIRINYAGA Co-op. Socy	Telephone: 0724 167546 Email: danielemagendu@gmail	
9	Fahuel Lubanga	M	AFA - Fibre crops Dir.	Telephone: 0720 89571A Email: lubanga2@gmail.com	Lubanga
10	David Nyungu Kanyangi	M	Lae-Kenyatta Co-operative	Telephone: 0723 260058 Email: davidkanyangi460@gmail	
11	Abraham Bamo	M	MOALFAI	Telephone: 0716481011 Email: abrahambamo@gmail.com	
12	JOHN ASUMB	M	TANA IRR. SCHEME	Telephone: 0724816968 Email: johnasumb@gmail	
13	John Kisuna	M	MOALFAI	Telephone: 072408357 Email: Mutetijohn@gmail.com	
14	Adhok Jstun	M	AFA - FID	Telephone: 0722094298 Email: jostun@kanyanga.co.ke	





# AGRICULTURE AND FOOD AUTHORITY (AFA)

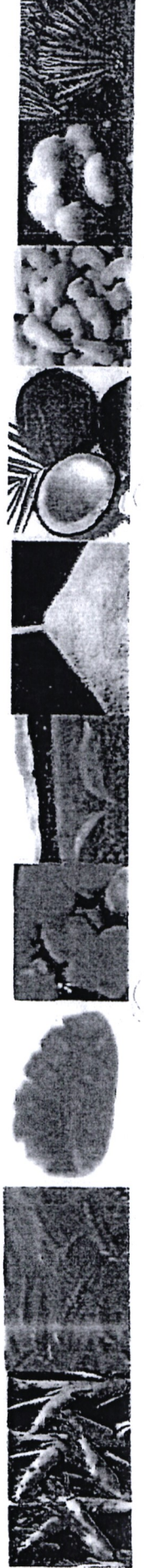
## ATTENDANCE LIST

**ACTIVITY:** PUBLIC FORUM ON DRAFT CROPS (FIBRE CROPS) REGULATIONS 2019, RIS & PUBLIC COMMENTS

**DATE:** 2<sup>ND</sup> APRIL, 2019

**VENUE/COUNTY:** MACHAKOS UNIVERSITY, MACHAKOS COUNTY

NO	NAME	GENDER	COMPANY/ GROUP	CONTACTS	SIGNATURE
1	Kyalo Mutundu	M	Gaullanya	Telephone: 0716371273 Email: —	
2	JOSEPH NYAGA	M	KANGU AMBORA	Telephone: 0724283229 Email: JN Nyaga11@yahoo.com	
3	Alex Mungai	M	AFA - Fibre Crops Directorate	Telephone: 0722 396871 Email: amungai@afakentucky.com	
4	NADHU N. KIMATI	F	"	Telephone: 0722 218 365 Email: nkimati@gnad.com	



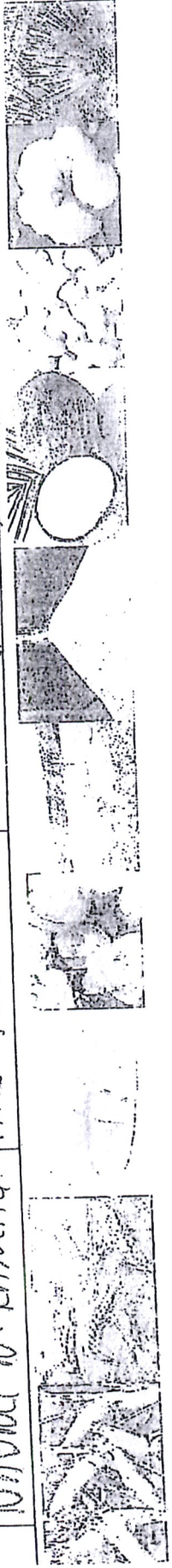


# AGRICULTURE AND FOOD AUTHORITY (AFA)

CONSULTATIVE MEETING ON FRIBRE, NUTS & OIL CROPS AND PYRETHRUM REGULATIONS WITH THE SECTOR WORKING GROUP ON POLICY LEGISLATION AND STANDARDS (SWAG) HELD ON 30<sup>TH</sup> MAY, 2019 AT SAWELA LODGE, NAIVASHA

## ATTENDANCE LIST

O	NAME	DESIGNATION/ DIRECTORATE	E-MAIL ADDRESS	GENDER	AGE (YEARS)		SIGNATURE
					< 35	> 35 to 59	
	Simon Mwambi	JASSCOM Secretary	Simwambi@jasscom.m	M		✓	
	Florence Kariuki	JASSCOM Secretary	lisa.rog98@jasscom.m	F		✓	
	Dickson Kaitani	AFA MPAD R&C	dkaitani@afa.go.ke	M	✓		
	Lorine Ochiari	AFA MPAD R&C	lochani@afa.go.ke	F	✓		
	Adhola Ochiari	MPAD - R&C	adhola@afa.go.ke	M		✓	
	NADU N. Karuri	IFAD - R&C	nkaruri@ifaad.go.ke	F		✓	





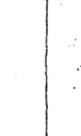


S.NO	NAME	DESIGNATION/ INSTITUTION	E-MAIL ADDRESS	GENDER	AGE (Years)		SIGNATURE
					< 35 to 59	> 59	
7.	Beason Lotchari	COG	lotchari.beason@co.gov	M	<input checked="" type="checkbox"/>		
8.	Willis Audi	APA - NOCD	willisaudi@gmail.com	M	<input checked="" type="checkbox"/>		
9.	Richard Abegun	AFA/NOCD	richardabegun@gmail.com	M	<input checked="" type="checkbox"/>		
10.	Dr. Disha Mubayi	Buick <sup>CCM</sup> center	dsiamubayi@gmail.com	M	<input checked="" type="checkbox"/>		
11.	Clement C. Mupasa	AFA/MPICD	mupasa.clement@gmail.com	M	<input checked="" type="checkbox"/>		
12.	Lacey N. Njoroti	MOH/FI/SBCD	laceynnjoroti@gmail.com	F	<input checked="" type="checkbox"/>		
13.	Diana Kasapi	MOH/FI/DOH/BE	dianakasapi@telcel.com	M	<input checked="" type="checkbox"/>		
14.							
15.	Maurice S. Spande	DS/IMM(SD)-Ingafwa	maurice.spande@stmat.or.mw	M	<input checked="" type="checkbox"/>		
16.	Maryella J. Njoroti	JASSCOM	maryellajnjoroti@gmail.com	M	<input checked="" type="checkbox"/>		
17.	MURUKUTSI F. W	JASSCOM	murukutsifw@gmail.com	F	<input checked="" type="checkbox"/>		
18.	HELEN KUMAMU	JASSCOM	helenkumu@gmail.com	F	<input checked="" type="checkbox"/>		
19.	SHAVIS OMBIRO GILIND	MOH/FI/SD/SBCD	shavishombiro@gmail.com	M	<input checked="" type="checkbox"/>		



NAME	DESIGNATION/ INSTITUTION	E-MAIL ADDRESS	GENDER	AGE (Years)		SIGNATURE
				< 35	> 35 to 59	
Matthew Kimole	MPOLCS	MatthewKimole@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Josephine Ogutu	AREA	jogutu@afj.go.ke	F	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Benson Njuehiti	JASSCOM	mananthebke@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Princtia Akurea	JASSCOM	bjgk@jass.com	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
DR. RUTHWA K. ROTICH	CEC M.O.A. & F BARINGO	rrotich@jass.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Moses Gichini	MOALFEI	Mjichini@gmail.com	M	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
MATHEW KIMOLE	MPOLCS	MatthewKimole@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Matthew Kimole	MPOLCS	MatthewKimole@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Culbert Njuehiti	AREA	njuehiti@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FRANCIS KETOD SWACE		francis.ketod@jass.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
TERESIA GATOGYU	MOALFEI	gatogyu@gmail.com	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
CHRISTOPHER NJUEHITI	ADAFSIAZ	solomonnjuehiti@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Josephine Ogutu	AREA	jogutu@afj.go.ke	F	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Benson Njuehiti	JASSCOM	mananthebke@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Princtia Akurea	JASSCOM	bjgk@jass.com	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
DR. RUTHWA K. ROTICH	CEC M.O.A. & F BARINGO	rrotich@jass.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Moses Gichini	MOALFEI	Mjichini@gmail.com	M	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
MATHEW KIMOLE	MPOLCS	MatthewKimole@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Matthew Kimole	MPOLCS	MatthewKimole@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Culbert Njuehiti	AREA	njuehiti@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

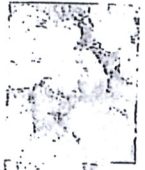


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34.	Arinomas	AFI HQ	Arinomas@yadhu.com	M	<input checked="" type="checkbox"/>			
35.	Vincent Muzee	MON-ED	vincentm@yadhu.com	M	<input checked="" type="checkbox"/>			
36.	Vincent Muzee	MON-ED	vincentm@yadhu.com	M	<input checked="" type="checkbox"/>			
37.	Vincent Muzee	MON-ED	vincentm@yadhu.com	M	<input checked="" type="checkbox"/>			
38.								
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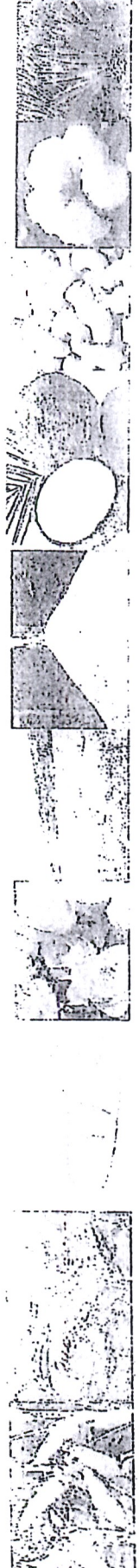




S.NO	NAME	DESIGNATION/ INSTITUTION	E-MAIL ADDRESS	GENDER	AGE (years)		SIGNATURE
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7.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	M			
8.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	M			
9.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	M			
10.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	F			
11.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	M			
12.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	M			
13.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	M			
14.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	M			
15.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	M			
16.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	M			
17.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	M			
18.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	M			
19.	Dr. S. S. Srinivasan	Dr. S. S. Srinivasan	ssrinivasan@iitb.ac.in	M			



NAME	DESIGNATION/ INSTITUTION	E-MAIL ADDRESS	GENDER	AGE (Years)		SIGNATURE
				< 35	> 35 to 59	
Benson Mureithi	TASSCOM	mureithi@tasscom.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Michael Mwangi	RESEARCH	michael.mwangi@kenya.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Clinton Mutsaers	AFA/MPICD	clinton.mutsaers@kenya.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Adhola John	AFA - FSP	adhola.john@kenya.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
David Saitoti	RESEARCH	dsaitoti@kenya.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lucy N. Njenga	SDCD/Policy	lucynjenga@kenya.com	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
John Mwangi	RESEARCH	john.mwangi@kenya.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
William Mwangi	RESEARCH	william.mwangi@kenya.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Gilbert Ngunjiri	AFA - (NDIC)	ngunjiri@kenya.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Miss Grace	MPICD/ST	grace@kenya.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
John Mwangi	RESEARCH	john.mwangi@kenya.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
John Mwangi	TASSCOM	john.mwangi@tasscom.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



S.NO	NAME	DESIGNATION/ INSTITUTION	E-MAIL ADDRESS	GENDER	AGE (Years)			SIGNATURE
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33.	Josephine Njoroge	MOA-FRI	moa@moa.go.ke	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	[Signature]
34.	Josephine Ogutu	RTA	jojojo@rt.go.ke	F	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	[Signature]
35.	Shelwin Njiru	MOA pf	shelwin@moa.go.ke	F	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	[Signature]
36.	MATHIAS KIMBLE	MOA CD	mathias@moa.go.ke	M	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	[Signature]
37.					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
38.	Pamela Hara	TAASSCOM	phara@taasscom.go.ke	F	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	[Signature]
39.					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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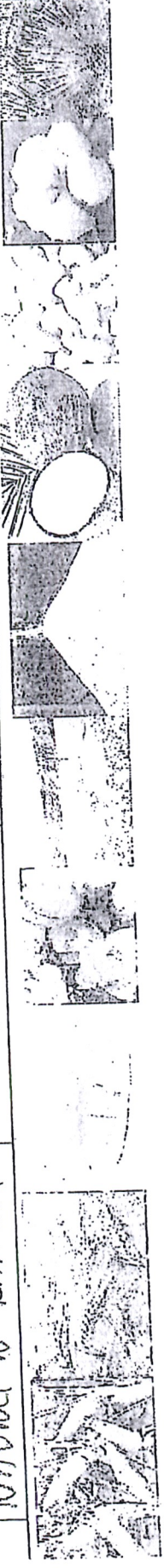


# AGRICULTURE AND FOOD AUTHORITY (AFA)

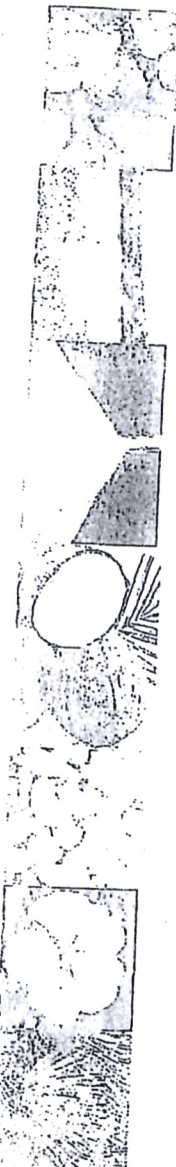
**CONSULTATIVE MEETING ON FRIBRE, NUTS & OIL CROPS AND PYRETHRUM REGULATIONS WITH THE SECTOR WORKING GROUP ON POLICY-LEGISLATION AND STANDARDS(SWAG) HELD ON 30<sup>TH</sup> MAY, 2019 AT SAWELA LODGE, NAIVASHA**

## ATTENDANCE LIST

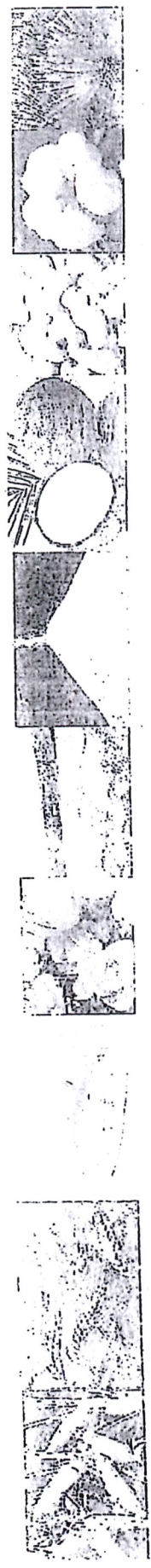
O	NAME	DESIGNATION/ DIRECTORATE	E-MAIL ADDRESS	GENDER	AGE (Years)		SIGNATURE
					< 35	> 35 to 59	
	Simon Mwonbe	JASSCOM Secretary	Simonwombe@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Florence Kauru	JASSCOM Secretary	Lisa.joy.98@gmail.com	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Dickson Kalthusi	AFA MARD R&C	dicksonkalthusi@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Lorime Ochoi	AFA MARD R&C	lorimeochoi@gmail.com	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Adhola Othman	MARD - F&D	adholaothman@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	NADIMU W. KAMATI	IHD - F&D	nadimuw@gmail.com	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	






S.NO	NAME	DESIGNATION/ INSTITUTION	E-MAIL ADDRESS	GENDER	AGE (Years)			SIGNATURE
					< 35	35 to 59	> 59	
7.	Beason Leitchani	COG	beason.leitchani@co.gov.gh	M	<input checked="" type="checkbox"/>			
8.	Willis Audi	ASA - NOCD	willisaudi@gmail.com	M	<input checked="" type="checkbox"/>			
9.	Richard Akpegwe	AFA/NOCD	richardakpegwe@gmail.com	M	<input checked="" type="checkbox"/>			
10.	Dr. DSi'a Mubange	Busi's camp	dsiamus@sigomail.com	M	<input checked="" type="checkbox"/>			
11.	Clement C. Mupfema	AFA/MPICD	mupfemac@sigomail.com	M	<input checked="" type="checkbox"/>			
12.	LUCY N. NITSAH	MOH/FI/SBCD	lucyn@sigomail.com	F	<input checked="" type="checkbox"/>			
13.	Shirley KASSAYI	MORTFI/DOFARBE	shirleykassayi@sigomail.com	M	<input checked="" type="checkbox"/>			
14.								
15.	Mawina O. Opendo	MOH/M (SD-Integ)	mawinao@sigomail.com	M	<input checked="" type="checkbox"/>			
16.	Wangyella J. N. N.	JASSCOM	wangyella@sigomail.com	M	<input checked="" type="checkbox"/>			
17.	MUMIKENTSI F. W.	JASSCOM	mumikentsi@sigomail.com	F	<input checked="" type="checkbox"/>			
18.	HEMMA KUMIAMBU	JASSCOM	hemmakumiambu@sigomail.com	F	<input checked="" type="checkbox"/>			
19.	SHAVIS OMBONO GYANO	MORTFI/SBCD	shavisombono@sigomail.com	M	<input checked="" type="checkbox"/>			



NAME	DESIGNATION/ INSTITUTION	E-MAIL ADDRESS	GENDER	AGE (Years)		SIGNATURE
				< 35	> 35 to 59	
ANDREW V. ...	FA	Andrew.v@... .com				
ASEKAT ...	SDS- Policy	asekat@... .com	M			
FRANCES ...	SWACE	frances@... .com	M			
Teresa Gatigay	MOALFE I	gatigayt@... .com	F			
Christoph ...	ADA/SDS-2	christoph@... .com	M			
Josephine ...	AREA	josephine@... .com	F			
Benson ...	JASSCOM	benson@... .com	M			
Primitia ...	JASSCOM	primitia@... .com	F			
DR. RUTH ...	CEC M.O.A. - F BARINGO	ruth@... .com	M			
Moses ...	MOALFE I	moses@... .com	M			
MATHEW ...	MPOCB	matthew@... .com	M			
...	MALFE I	...@... .com	M			
Carlbert ...	DAF - ONBCP	carlbert@... .com	M			



S.NO	NAME	DESIGNATION/ INSTITUTION	E-MAIL ADDRESS	GENDER	AGE (Years)			SIGNATURE
					< 35	35 - 59	> 59	
33.	Arunnas 10576	CSC BOSSUS	Arto.stevens@qyad.com	M	<input checked="" type="checkbox"/>			
34.	Neto Wilson	AFA HQ	Wilsonp957@qyad.com	M	<input checked="" type="checkbox"/>			
35.	Verneer Museum	MORIEDI	Verneer.museum@qyad.com	M	<input checked="" type="checkbox"/>			
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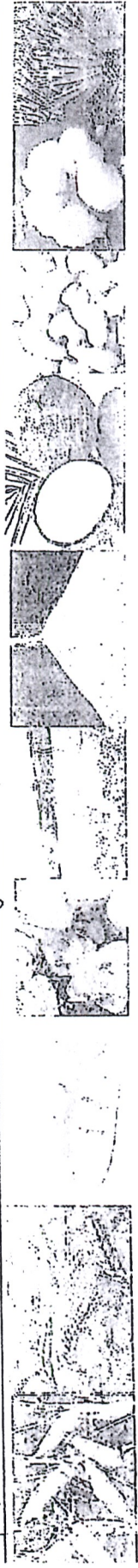


AGRICULTURE AND FISHERIES AUTHORITY (AFA)

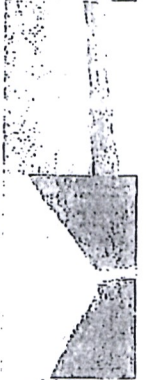
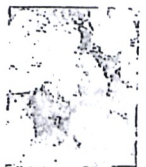
CONSULTATIVE MEETING ON FRIBRE, NUTS & OIL CROPS AND PYRETHRUM REGULATIONS WITH THE SECTOR WORKING GROUP ON POLICY LEGISLATION AND STANDARDS(SWAG) HELD ON 31<sup>ST</sup> MAY, 2019 AT SAWELA LODGE, NAIVASHA

ATTENDANCE LIST

NAME	DESIGNATION/ DIRECTORATE	E-MAIL ADDRESS	GENDER	AGE (Years)		SIGNATURE
				< 35	> 35 to 59	
ELIZABETH MURANGATI	JASSCOM	murangatielizabeth@quidil.com	F	✓		
Daniel Kibaki	SDF or FBE	daniel.kibaki@7choc.com	M	✓		
Sharon Mwangi	Director	Sharon.mwangi@quidil.com	M	✓		
Wangeci	Director	wangeci@quidil.com	M	✓		
Wangeci J.N	JASSCOM	wangeci.jn@quidil.com	M	✓		
Maurice O. Opondo	DD/ism (S&M/gating)	mauriceo@quidil.com	M	✓		



S.NO	NAME	DESIGNATION/ INSTITUTION	E-MAIL ADDRESS	GENDER	AGE (years)		SIGNATURE
					< 35 to 59	> 59	
7.	...	...	...	M	<input type="checkbox"/>	<input type="checkbox"/>	...
8.	...	...	...	M	<input type="checkbox"/>	<input type="checkbox"/>	...
9.	Ferry Garage	MOLFF	gatiogubery@gmail.com	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	...
10.	...	...	...	F	<input type="checkbox"/>	<input type="checkbox"/>	...
11.	...	...	...		<input type="checkbox"/>	<input type="checkbox"/>	...
12.	...	...	...	M	<input type="checkbox"/>	<input type="checkbox"/>	...
13.	...	...	...	M	<input type="checkbox"/>	<input type="checkbox"/>	...
14.	Dr. Oshin Murtuq	...	...	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	...
15.	...	...	...	M	<input type="checkbox"/>	<input type="checkbox"/>	...
16.	...	...	...	M	<input type="checkbox"/>	<input type="checkbox"/>	...
17.	...	TASSCOM	gudiorat@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	...
18.	...	...	...	M	<input type="checkbox"/>	<input type="checkbox"/>	...
19.	William Kuzere	Ord. Armando	williamkuzere@gmail.com	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	...



NAME	DESIGNATION/ INSTITUTION	E-MAIL ADDRESS	GENDER	AGE (Years)		SIGNATURE
				< 35	> 35 to 59	
Benson Mureithi	JASSCOM	mureithibk@gmail.com	M	✓		
Richard Mureithi	KEA/NOG	richardmureithi@gmail.com	M	✓		
Charles Mureithi	AFA/MPICD	mureithich@yahoo.com	M	✓		
Adhola Mureithi	AFA - FCP	adhola@phos.com.ke	M	✓		
Dr. Andrew Mureithi	KEA/NOG	andrewmureithi@gmail.com	M	✓		
Lucy N. Njenga	SD EP/Policy	Lucynjenga@yahoo.com	F	✓		
John Njenga	KEA/NOG	johnnjenga@gmail.com	M	✓		
James Njenga	KEA/NOG	jamesnjenga@gmail.com	M	✓		
Gilbert Njume	AFA - (NDG)	gilbertnjume@gmail.com	M	✓		
Moses Njume	KEA/NOG	mosesnsume@gmail.com	M	✓		
John Njume	KEA/NOG	johnnjume@gmail.com	M	✓		
John Njume	JASSCOM	johnnjume@gmail.com	M	✓		



S.NO	NAME	DESIGNATION/ INSTITUTION	E-MAIL ADDRESS	GENDER	AGE (Years)		SIGNATURE
					< 35	35 to 59	
33.	Josephine Agutu	MOA/FRI	Josephine.agutu@moa.go.ke	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Josephine Agutu
34.	Josephine Agutu	RTA	Josephine.agutu@rt.go.ke	F	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Josephine Agutu
35.	Shelwisha Njiru	MOA pf	Shelwisha.njiru@moa.go.ke	F	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shelwisha Njiru
36.	MATHIAS KIMBLE	MOA/CB	Mmathias.kimble@moa.go.ke	M	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mmathias Kimble
37.							
38.	Pharasa Hara	TA/SSOM	pharasa.hara@ta.go.ke	F	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pharasa Hara
39.							
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# AGRICULTURE AND FOOD AUTHORITY (AFA)

## ATTENDANCE LIST

**ACTIVITY:** PUBLIC FORUM ON DRAFT CROPS (FIBRE CROPS) REGULATIONS 2019, RIS & PUBLIC COMMENTS

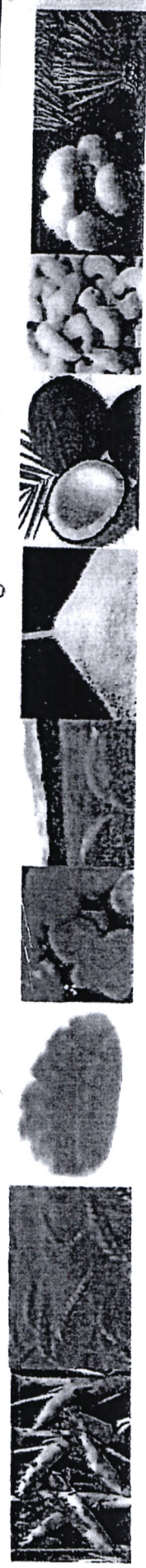
**DATE:** 2<sup>ND</sup> APRIL, 2019

**VENUE/COUNTY:** MACHAKOS UNIVERSITY, MACHAKOS COUNTY

NO	NAME	GENDER	COMPANY/ GROUP	CONTACTS	SIGNATURE
1	Kyalo Mutundu	M	Gaillanya	Telephone: 0716371273 Email: —	
2	JOSEPH NYAGIA	M	Karunguamba	Telephone: 0724283229 Email: JN285142429@gmail.com	
3	Alex Mungai	M	AFA Fibre Crops Directorate	Telephone: 0722 356871 Email: amungai@lottsnafrica.com	
4	NADHU N. LAMITU	F		Telephone: 0722 218 365 Email: Nlamitun@gmail.com	



NO	NAME	GENDER	COMPANY/ GROUP	CONTACTS	SIGNATURE
5	winfida muvea	F	Katumbu	Telephone: 0705523421 Email:	winfida
6	NIERERE Kimuzi	M	MUITHU-YU WCAVCS	Telephone: 0720205082 Email:	
7	CHARLES MUCENA	M	TISAWA WIS CO-OP	Telephone: 0711497809 Email: MUCENACHAPRES73@gmail.com Telephone: 0724 167546	
8	DANIEL M. MARONDU	M	KIBINYAGA Co-op. Socy	Email: danielmarondud@gmail.com Telephone: 0720895719	
9	Faniel Lubanga	M	AFA - fibre coops Div.	Email: lubanga2@gmail.com Telephone: 0723 260058	Lubanga
10	David Nyunga Eugeneji	M	Lae-Kenyatta Co-operative	Email: davidkany460@gmail.com Telephone: 0716481011	
11	Abraham Bano	M	MOALFAI	Email: abrahambano@gmail.com Telephone: 0724816968	
12	JOTA ASUMB	M	TINA IRR. SCHEME	Email: jotanasumb@gmail.com Telephone: 072408357	
13	John Kisuna	M	MOALFAI	Email: Mutetijohn@gmail.com Telephone: 0722674298	
14	Adhok Jotun	M	AFA - Fed	Email: joadhokjotun@gmail.com	



# **CERTIFICATE OF COMPLIANCE**

**SPECIAL ISSUE**

Kenya Gazette Supplement No. 110

1431

8th July, 2020

(Legislative Supplement No. 71)

LEGAL NOTICE NO. 119

**THE CROPS ACT**

(No. 16 of 2013)

**DECLARATION OF SCHEDULED CROPS**

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

Achiote (Mrangi)  
Stevia  
Oil Palm  
Bambara

*Bixa Orellana;*  
*Stevia Rebudiana;*  
*Elaeis Guineensis;* and  
*Nuts Vigna Subterranean.*

Made on the 8th June, 2020.

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

LEGAL NOTICE NO. 120

**THE CROPS ACT, 2013**

(No. 16 of 2013)

**THE CROPS (FIBRE CROPS) REGULATIONS, 2020**

**ARRANGEMENT OF REGULATIONS**

*Regulation*

**PART I—PRELIMINARY**

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

**PART II—REGISTRATION AND LICENSING**

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

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

#### PART III—STANDARDS AND QUALITY ASSURANCE

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

#### PART IV—TRADE AND MARKETING

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

#### PART V—INSPECTION AND COMPLIANCE

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

#### PART VI—MISCELLANEOUS PROVISIONS

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

40—Transitional provisions.

SCHEDULES

First Schedule—Application Forms

Second Schedule—Registration Certificates, Permits and Licences

Third Schedule — Registers, Returns and Reports

Fourth Schedule—Guidelines for Development of Agreements between Parties.

Fifth Schedule—Sisal and Cotton Grading Definitions

Sixth Schedule—Registration and Licensing Requirements

Seventh Schedule—Fibre Crops Pricing Committee

Eighth Schedule — Fees for Permits, Certificates and Licences

## THE CROPS ACT

(No. 16 of 2013)

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

## THE CROPS (FIBRE CROPS) REGULATIONS, 2020

## PART I—PRELIMINARY

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

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

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

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

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

“fibre crop” includes sisal and cotton;

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

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

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

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

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

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

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

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

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

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

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

“fibre crop plantation grower” means—

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

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

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

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

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

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

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

Purpose of these Regulations.

4. These Regulations shall apply to—

Scope of application of these Regulations.

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

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

## PART II—REGISTRATION AND LICENSING

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

Registration of  
smallholder fibre  
crop growers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Registration of  
fibre crops  
plantation  
growers.

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

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

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

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

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

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

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

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

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

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

Registration of  
commercial  
nurseries.

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

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

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

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

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

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

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

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

Licensing of  
commercial  
nurseries.

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

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

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

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

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

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

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

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

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

Registration of  
retailers.

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

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

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

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

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

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

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

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

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

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

Licensing of  
retailers.

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

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

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

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

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

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

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

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

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

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

Designation of  
collection centres.

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

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

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

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

Setting up a new fibre crop products manufacturing factory.

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

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

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

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

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

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

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

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

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

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

- (a) within fourteen days of issuing the report, issue to a successful applicant a certificate of compliance; or
- (b) within seven days of issuing the report, notify the applicant of the reasons for the rejection the application.

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

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

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

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

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

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

Registration of  
fibre crop  
products  
manufacturers.

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

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

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

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

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

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

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

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

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

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

Licensing of fibre crop products manufacturers.

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

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

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

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

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

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

(b) appeal to Cabinet Secretary.

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

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

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

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

Registration of exporters and importers.

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

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

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

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

Licensing of  
exporters and  
importers.

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

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

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

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

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

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

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

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

Export and import permits.

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

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

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

(b) within a day of receiving the application, reject the application and indicate the reasons thereof.

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

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

(b) appeal to Court.

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

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

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

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

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

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

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

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

### PART III—STANDARDS AND QUALITY ASSUARANCE

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

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

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

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

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

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

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

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

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

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

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

- 
- (a) conspicuously display the prices offered per unit weight of each grade of fibre crop and fibre crop product, in the local dialect, Kiswahili and English, when the retailer's premises are open for business;
- (b) display sample boxes, of standard sizes, of grades of fibre crops and fibre crop products;
- (c) display weighing scales that have been properly calibrated, serviced,
- (d) issue original receipts to the person they sell their fibre crops or fibre crop products from and retain the duplicate receipts for the sales; and
- (e) trade in fibre crops and fibre crop products at the price determined in accordance with pricing formula under regulation 28.
- (4) Every retailer shall store fibre crops and fibre crops, only at registered warehouses.
- (5) Every retailer shall package fibre crops or fibre crop products, only in accordance with these Regulations.
- (6) Every retailer shall grade fibre crops and fibre crop products in accordance with regulation 24.
- (7) A retailer may mix fibre crops or fibre crop products only if the crops or the products are of the same grade.
- (8) Every retailer shall submit monthly returns by the fifteenth day of every month to the respective County Government in Form AFA/FCD/C6 set out in the Third Schedule.
22. (1) Every fibre crop products manufacturer shall acquire fibre crops and fibre crop products only from a registered person.
- (2) Every fibre crop products manufacturer shall grade fibre crops and fibre crop products in accordance with regulation 24.
- (3) A fibre crop products manufacturer may mix fibre crops or fibre crop products only if the crops or the products are of the same grade.
- (4) Every fibre crop products manufacturer shall ensure that the quality of the fibre crops and fibre crop products are maintained to avoid any contamination.
- (5) Every fibre crop products manufacturer shall maintain and operate machinery in a manner that it will not deteriorate or damage fibre crops and fibre crop products.

Obligations of  
fibre crop  
products  
manufacturers.

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

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

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

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

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

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

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

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

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

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

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

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

Grading and inspection of fibre crops and fibre crop products.

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

- (a) apply to the Authority for inspecting and grading in Form AFA/FCD/A10 as set out in the First Schedule; and
- (b) supply samples of the person's fibre crops and fibre crop products to the Authority.

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

- (a) within seven days of receiving the application and the samples, issue to a successful applicant a grading report; or
- (b) within three days of receiving the application and the samples, reject the application and indicate the reasons thereof.

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

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

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

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

- (a) specifying the results of the analysis and the recommended grade of the samples delivered to it; and
- (b) in Form AFA/FCD/C4 set out in the Third Schedule, subject to such conditions it deems necessary.

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

Classing and grading of cotton lint.

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

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

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

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

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

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

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

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

(b) appeal to Court.

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

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

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

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

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

Prohibition  
against  
adulteration.

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

#### PART IV — TRADE AND MARKETING

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

Unprocessed sisal  
leaf.

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

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

Fibre Crops and  
Fibre Crop  
Products Pricing  
Committee.

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

(3) The Committee shall consist of—

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

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

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

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

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

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

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

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

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

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

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

Movement permit.

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

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

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

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

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

Agreements  
between growers  
and dealers.

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

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

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

#### PART V—INSPECTION AND COMPLIANCE

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

Appointment of  
crops inspectors.

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

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

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

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

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

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

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

Inspections and  
surveillance.

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

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

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

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

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

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

Illegal  
manufacture and  
possession.

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

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

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

Notices issued for  
non-compliance.

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

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

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

#### PART VI—MISCELLANEOUS PROVISIONS

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

Revocation and  
surrender of  
certificates,  
licences or  
permits.

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

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

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

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

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

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

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

General penalty.

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

Fees.

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

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

Dispute resolution between growers and dealers.

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

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

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

Transitional provisions.

## FIRST SCHEDULE

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

## APPLICATION FORMS

## FORM AFA/FCD/A1

(r. 5(2))

## THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR REGISTRATION AS A SMALLHOLDER FIBRE CROPS  
GROWER

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

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

SIGNED by the grower;

Signature: .....

Name. ....

Date: .....

Signed for and on behalf of the cooperative society,  
Union, association or farmer group

Signature: .....

Designation .....

Date and stamp: .....

## REQUIREMENTS:

Copy of the applicant's national identity card.

## FORM AFA/FCD/A2

(r. 6(1))

## THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR REGISTRATION AS A FIBRE CROPS PLANTATION  
GROWER

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

1. Full name of applicant.....

2. Postal address..... Postal code.....Town.....

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

B. Particulars of Land Parcel(s)

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

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

C. Declaration

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

Applicant or his duly authorized agent.....

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

D. Requirements:

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

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

## FORM AFA/COUNTY/A I

(r. 7(2))

## THE CROPS (FIBRE CROPS) REGULATIONS, 2020

## APPLICATION FOR REGISTRATION OF A COMMERCIAL NURSERY

## A. Applicant's Information

Name of Applicant:.....

Postal Address .....

Email .....

Telephone: .....

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

## B. Nursery Information

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

Sub County: .....

County: .....

L. R. No/Plot No .....

## C. Requirements

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

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

Name of applicant.....

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

Official Stamp.....

D. FOR OFFICIAL USE

Approved by:

For County government

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

Date.....

*Recommended/Not recommended*

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

Official Stamp

FORM AFA/COUNTY/A2

(r. 8(2))

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

A. Applicant's Information

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

.....

Address:

Postal.....

Email .....

Telephone: .....

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

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

B. Nursery Information

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

Sub County: .....

County: .....

L.R No/Plot No .....

C. Requirements

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

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

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

Name of applicant.....

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

Official Stamp.....

**D. FOR OFFICIAL USE**

Approved by:

For County government

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

Date.....

Comments (*Recommended/Not recommended*)

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

Official Stamp

**FORM AFA/FCD/A3**

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

**THE CROPS (FIBRE CROPS) REGULATIONS, 2020**

**APPLICATION FOR REGISTRATION AS A RETAILER/FIBRE CROPS PRODUCTS MANUFACTURER**

**A. Applicant's details:**

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

**B. Location of premises:**

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

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

C. Category of Dealer

1. Check as appropriate

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

2. Check one

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

D. Declaration:

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

Name: ..... Signature .....

Date: .....

Office Stamp.....

E. Requirements

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

F. FOR OFFICIAL USE

Approved by:

Authorizing officer's Name .....

Signature.....

Designation.....

Date .....

Official Stamp.....

FORM AFA/FCD/A4

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

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR LICENCE AS A RETAILER/FIBRE CROPS PRODUCTS MANUFACTURER

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

Name of Applicant: .....

Address: Postal.....  
 Email .....  
 Telephone: .....  
 Ward.....Village/Road.....  
 Sub County: .....  
 County: .....  
 L. R. No/Plot No .....

B. Category of Dealer

1. Check as appropriate

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

2. Check one

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

C. Requirements

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

Name of applicant.....

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

Official Stamp.....

D. FOR OFFICIAL USE

Approved by:

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

Date.....

Recommended/Not recommended

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

Official Stamp

Director General

Agriculture and Food Authority

FORM AFA/FCD/A5

(r. 12(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR SETTING UP A NEW FIBRE CROPS PRODUCTS  
MANUFACTURING FACTORY

To

The Director General AFA,

A. Particulars of Applicant

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

B. Declaration

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

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

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

C. FOR OFFICIAL USE

Checked by:

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

Date.....

*Recommended/Not recommended*

Comments.....

.....

.....

Approved by:

Director General

Agriculture and Food Authority

Name: .....

Signature.....

Date .....

FORM AFA/FCD/A6

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

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

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

To

The Director General,

AFA

A. Particulars of Applicant

1. Full name of Applicant/Name of business enterprise.....

2. Postal Address .....

3. Telephone number .....Mobile: .....

4. Email: .....

5. Physical Address .....

B. Request for inspection of (please state):

6. Field (farm) acreage, crop type .....

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

C. FOR OFFICIAL USE ONLY

This request is authorized/not authorized

Remarks

.....

.....

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

(Director General)

Agriculture and Food Authority

FORM AFA/FCD/A7

(r. 15(2))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR REGISTRATION AS AN EXPORTER/IMPORTER

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

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

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

B. Financial Arrangements:

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

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

D. Agreements:

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

Applicant's Name ..... Sign .....  
Date.....

E. Requirements

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

F. FOR OFFICIAL USE

Checked by:

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

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

Approved by:

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

FORM AFA/FCD/A8

(r. 16(2))

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

A. Particulars of Applicant

1. Full name of Applicant .....

- 2. Postal Address.....
  - 3. Previous licence Number ..... (attach a copy).
  - 4. Physical Address.....
- I/We ..... Of P.O. Box .....  
 wish to apply for new licence or renewal for export/import of  
 ..... (State the produce/ products) for the period  
 ..... To .....

**B. FOR OFFICIAL USE**

Checked by:

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

Date.....

*Recommended/Not recommended*

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

Approved by:

Director General Agriculture and Food Authority  
 .....

Signature.....

Date .....

Official Stamp

**FORM AFA/FCD/A9**

*(r. 17(2))*

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

**A. Applicant Details**

Name of Applicant: .....

AFA Registration Number: ..... AFA Licence No: .....

Postal Address: P. O. Box .....

Physical Address: .....

Tel No: ..... Mobile No:.....

Email: .....

**B. Destination**

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

Vessel.....

Consignee .....

Notify Address .....

## C. Consignment Details

Contract No. .... Date ..... Quantity in contract .....(Tons) .....

Local Agreement No. .... Date .....

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

Attach the following:

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

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

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

Official stamp.....

D. FOR OFFICIAL USE

Received by:

Name..... Date .....

Signature .....

Application reference number: .....

FORM AFA/FCD/A10

(r. 25(2)(a))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

APPLICATION FOR CLASSING/GRADING OF COTTON LINT

## A. Applicant information

Name:.....

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

Email:.....

## B. Consignment information

Number of samples .....

Sample (s) Lot Numbers: .....

Sample Condition: .....

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

Mode of results dispatch: .....

C. Declaration

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

D. Requirements

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

Client's Signature: ..... Date: .....

E. FOR LABORATORY USE:

Received by: .....

Date: .....

Classing report ready by (date): .....

Sample Received Note reference number .....

Checked by:

Authorizing Officer's Name.....

Signature.....

Date .....

SECOND SCHEDULE

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

CERTIFICATES, LICENCES AND PERMITS

FORM AFA/FCD/B1

(r. 5(6))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

CERTIFICATE OF REGISTRATION AS A SMALLHOLDER FIBRE CROPS  
GROWER

Certificate No.....

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

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

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

Official Stamp .....

*(This certificate of registration is not transferable.)*

FORM AFA/FCD/B2

*(r. 6(5))*

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

AGRICULTURE AND FOOD AUTHORITY



CERTIFICATE OF REGISTRATION AS A PLANTATION GROWER

Certificate No.....

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

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

Director General

Agriculture and Food Authority

Official Stamp .....

*(This certificate of registration is not transferable.)*

FORM AFA/COUNTY/B1

*(r. 7(6))*

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

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

(Insert Coat of Arms of respective County Government)

CERTIFICATE OF REGISTRATION FOR A COMMERCIAL NURSERY

Certificate No.....

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

is registered as ..... (name type of crop nursery)  
 at L.R. No. or Plot No: .....  
 Village/Road..... Sub location..... Location: .....  
 Ward: ..... Sub County..... County .....  
 Signature .....  
 Date: .....  
 For County government.....  
 Official Stamp.....

*This Registration certificate is not transferable*

FORM AFA/COUNTY/B2

(r. 8(6))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

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

(Insert Coat of Arms of respective County Government)

COMMERCIAL NURSERY LICENCE

Licence Number.....

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

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

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

Date .....

Signature/Stamp.....

For County government

*(This licence is not transferable.)*

## FORM AFA/FCD/B3

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

THE CROPS (FIBRE CROPS) REGULATIONS, 2020  
AGRICULTURE AND FOOD AUTHORITYCERTIFICATE OF REGISTRATION AS A RETAILER/FIBRE CROP PRODUCTS  
MANUFACTURER/IMPORTER/EXPORTER

Certificate No.....

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

at L.R. No. or Plot No: .....

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

Ward: ..... Sub County..... County .....

Signature .....

Date: .....

Director General,

Agriculture and Food Authority.....

Official Stamp.....

*(This certificate of registration is not transferable.)*

## FORM AFA/FCD/B4

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

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

## RETAILER'S/MANUFACTURE'S LICENCE

Licence No.....

THIS LICENCE IS ISSUED to .....

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

Licence valid until.....

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

DATED .....

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

Date: .....

*Director General*

*Agriculture and Food Authority*

Official Stamp .....

*(This licence is not transferable.)*

FORM AFA/FCD/B5

*(r. 12(6))*

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



PRELIMINARY APPROVAL TO SET UP A FIBRE CROP PRODUCTS  
MANUFACTURING FACTORY

Approval No.....

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

The Applicant has committed to:

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

.....

Director General,

Agriculture and Food Authority

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

Date.....

*(This Approval is not transferable.)*

FORM AFA/FCD/B6

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

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

AGRICULTURE AND FOOD AUTHORITY



CERTIFICATE OF COMPLIANCE

Certificate No.....

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

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

This certificate is valid for .....

Sign.....

Date.....

Director General

Agriculture and Food Authority

Official Stamp .....

*(This certificate of compliance is not transferable.)*

FORM AFA/FCD/B7

(r. 16(6))

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



EXPORT/IMPORT LICENCE

Licence No.....

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

Licence valid until.....

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

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

Date: .....

*Director General*

*Agriculture and Food Authority*

Official Stamp .....

*(This licence is not transferable.)*

FORM AFA/FCD/B8

(r. 17(6))

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



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

Permit No.....

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

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

Country of destination/origin .....

Date of shipment .....

Vessel.....

Consignee/ consigner .....

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

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

Director General

Agriculture and Food Authority (AFA)

Official Stamp.....

*(This permit is not transferable.)*

### THIRD SCHEDULE

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

#### REGISTERS, RETURNS AND REPORTS

##### FORM AFA/FCD/C1

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

#### THE CROPS (FIBRE CROPS) REGULATIONS, 2020

##### REGISTER AND RETURNS

##### A. ANNUAL RECORDS OF SMALLHOLDER FIBRE CROPS GROWERS

Name of registering growers' entity .....

Name of fibre crop ..... Year .....

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


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

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

C. ANNUAL REGISTER AND RETURNS OF FIBRE CROPS PLANTATIONS

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

D. ANNUAL RETURNS BY COMMERCIAL FIBRE CROP NURSERY OPERATOR

Name of Nursery Operator .....

Name of Fibre Crop ..... Year .....

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

Returns submitted by: Name ..... Signature .....

Designation ..... Date.....

Official rubber stamp

## FORM AFA/FCD/C2

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

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

## INSPECTION REPORT

## 1. Applicant's information

Name: .....

Registration No. ....

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

Telephone: ..... Mobile: .....

Inspection report period from: ..... to.....

Date: .....

## 2. Inspection Report For (Please State):

- (a) Field (farm)
- (b) Produce
- (c) Product
- (d) Factory
- (e) Collection centre
- (f) Warehouse
- (g) Other (specify)

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

Comment:

.....

.....

Inspector details:

Name .....

Designation.....Station .....

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

FORM AFA/FCD/C3

(r. 22(8))

THE CROPS (FIBRE CROP) REGULATIONS, 2020

MONTHLY FIBRE CROP AND PRODUCTS MANUFACTURING RETURN

To: Director General

AGRICULTURE AND FOOD AUTHORITY (AFA)

Name of Fibre Crop Processor .....

Fibre Crop Type .....

Certificate registration No: .....

Month ..... Year .....

Date of report submission..... GRADE .....

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

Name of Registered Processor .....

Signature of Registered Processor .....

Date .....

Official stamp.....

Copy to: County Government

FORM AFA/FCD/C4

(r. 24(5)(b))

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

FIBRE CROPS/FIBRE CROPS PRODUCT GRADING REPORT

To .....

.....

Ms. ....

Submitted samples received by sample receiving note no. ....

Date of submission of samples.....

Date of Grading .....

Results

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

Disclaimer:

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

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

Director General

Agriculture and Food Authority

Signature.....

Official Stamp.....

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

FORM AFA/FCD/C5

*(r. 25(6)(b))*

THE CROPS (FIBRE CROPS) REGULATIONS, 2020

COTTON LINT CLASSING AND GRADING REPORT

Client's Name: .....

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

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

Extraneous matter and contamination report .....

Remarks:

.....  
 .....  
 Disclaimer:

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

Director General

Agriculture and Food Authority

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

Date.....

Official Stamp.....

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

FORM AFA/FCD/C6

*(r. 21(8))*

THE CROPS (FIBRE CROP) REGULATIONS, 2020

MONTHLY RETURN BY A RETAILER

To: Director General

AGRICULTURE AND FOOD AUTHORITY (AFA)

Name of Fibre crop  
 retailer.....

Fibre Crop Type .....

Certificate registration No: .....

Month ..... Year .....

Date of report submission.....

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

Name of Registered Retailer .....

Signature of Registered retailer .....

Date .....

Official stamp

Copy to: County government

## FORM AFA/FCD/C7

(r. 16(7))

## THE CROPS (FIBRE CROPS) REGULATIONS, 2020

## MONTHLY EXPORTS/IMPORTS RETURNS

Name of Exporter / Importer: .....

Licence No .....

Month ..... Year .....

Reporting date: .....

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

Name of Exporter/Importer .....

Signature .....

Date .....

Official stamp .....

## FOURTH SCHEDULE

(r. 30)

## SAMPLE AGREEMENT BETWEEN A GROWER AND A DEALER

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

AGREEMENT FOR ..... (insert services)

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

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

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

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

#### WHEREAS

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

NOW IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS;

#### 1. Services

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

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

#### 2. Term

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

#### 3. Payments

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

#### 4. Force majeure

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

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

Name.....

Signature.....

1486

Date Kenya Subsidiary Legislation, 2020

Parties to state specific obligations that would be considered as force majeure.

5. Termination

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

6. Breach of agreement and penalties

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

(b) Penalties for breach to be defined.

7. Dispute resolution

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

8. Law governing the Agreement

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

9. Annexures

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

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

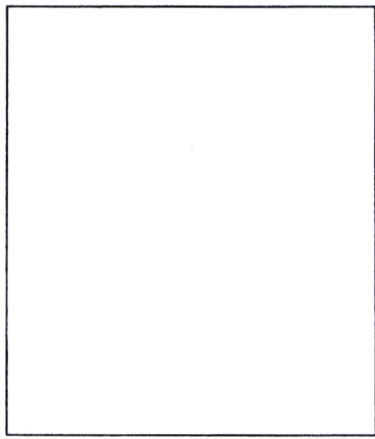
SIGNED for and on behalf of the service provider;

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

In the presence of  
Name: .....  
Designation .....  
Date: .....

Signed for and on behalf of the client  
Name: .....  
Designation .....  
Date: .....

In the presence of  
Name: .....  
Designation .....  
Date: .....

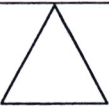
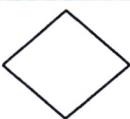
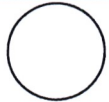
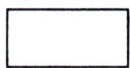


## FIFTH SCHEDULE

(r. 24(1))

## SISAL AND COTTON GRADING DEFINITIONS

## 1. SISAL GRADING DEFINITIONS

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

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

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

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

## 2. SEED COTTON GRADING DEFINITIONS

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

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

## 3. COTTON LINT CLASSING AND GRADING

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

### SIXTH SCHEDULE

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

### CONDITIONS FOR REGISTRATION AND LICENSING

#### 1. Conditions for registration for new applicants—

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

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

#### SEVENTH SCHEDULE

(r. 28(8))

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

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

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

## EIGHTH SCHEDULE

(r. 38)

## FEES FOR CERTIFICATES, LICENCES AND PERMITS

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

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

Made on the 8th June, 2020.

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

