

Legal Notice No.....

THE CROPS ACT, 2013

(No. 16 of 2013)

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

THE CROPS (HORTICULTURAL CROPS) REGULATIONS, 2019

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	PART I—PRELIMINARY
Citation	1. (1) These regulations may be cited as the Crops (Horticultural Crops) Regulations, 2019.
Interpretation	<p>2. In these regulations—</p> <p>“Act” means the Crops Act, 2013;</p> <p>“Authority” means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act, 2013;</p> <p>“agreement is a negotiated and binding arrangement between dealers and growers of horticultural produce or products;”</p> <p>“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to agriculture;</p> <p>“Cluster” is a geographic concentration of interconnected growers and dealers or institutions that deliver services to a particular field or industry recognised by County government. Clusters may include groups of individuals, companies in the same industry or technology area that share infrastructure, suppliers, and distribution networks.</p> <p>“collection centres” means an area established close to growers for bulking of produce for purposes of collective marketing and enforcement of quality standards,</p> <p>“County Governments” means the County Government provided for under Article 176 of the constitution;</p> <p>“County technical working group” means Institution formed at County level under the leadership of the CECM responsible for Agriculture in the county with members from relevant Ministry’s, Authorities, Departments, Development Partners, representative of Horticulture Associations among others to coordinate the industry;</p> <p>“county crops inspector” means a person appointed by the County Executive Committee member in charge of Agriculture for the time being for purposes of enforcement of this regulation;</p> <p>“crops inspector” means an person appointed in writing by the Authority under section 27 of the Crops Act;</p> <p>“dealer” means a person, a company or a firm engaged in collecting, transporting, storing, buying or selling horticulture produce or products and includes a ship chandler, an exporter, an importer, processor, marketing agent;</p> <p>“designated collection centre” means an area designated for bulking of produce by growers to achieve volumes that meet domestic and international orders from dealers on a regular and sustainable basis</p>

	<p>as well as serve as service delivery hub for growers and dealers that ensure all produce conform to relevant quality and food safety standards;</p> <p>“Directorate” means the Directorate responsible for Horticultural Crops as outlined under section 11 of the Agriculture and Food Authority Act, 2013;</p> <p>“domestic market” means a market within the country for schedule crops;</p> <p>“export” means the business of exporting horticulture produce and products out of Kenya;</p> <p>“Grower” means any person who is cultivating horticulture crops in Kenya and includes both smallholder and plantation;</p> <p>“horticultural crops” means crops listed under the first schedule that are produced for commercial purposes;</p> <p>“horticulture association” means a voluntary organization bringing together growers and dealers with common interest;</p> <p>“horticulture expert” means a specialist in the field of horticulture and provides support services to actors in the sector;</p> <p>"horticulture standards" means the Kenya Horticulture Standards formulated by the Authority in consultation with the Horticulture industry and registered by the Kenya Bureau of Standards;</p> <p>“import” means the business of importing horticulture produce and products into Kenya;</p> <p>‘inspector’ means a crops inspector or a county crops inspector or both;</p> <p>“licensing authority” means the Authority or the county government as the case may be</p> <p>“levy” means a payment imposed on Horticulture produce on a criterion determined and published in the gazette by the cabinet secretary;</p> <p>“marketing agent” means a person company or a firm engaged in buying horticultural produce or products for sale in local or export market;</p> <p>“mother block” means an established area for plants known to be free from diseases and true to type and that is used as a source of stock for propagation for the purpose of obtaining clean grafting or budding material;</p> <p>“national horticulture technical working group” Institution formed at</p>
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	<p>National Level under the leadership of the Ministry with members from relevant Ministry's, Authorities, Departments, Development Partners representatives of Apex Horticulture Associations among others to coordinate the industry,</p> <p>“nursery” means an area for raising and selling horticulture seedlings such as tissue culture laboratories, greenhouses, shed nets, open fields among others;</p> <p>“nursery seedling operator” means any person involved in raising and selling of horticulture seedling;</p> <p>“person” includes an individual, a firm, a company, an association or a corporation;</p> <p>“production, marketing value addition cluster” consist of all growers and dealers of horticultural crops in one ward including large scale grower, small scale grower s, grower association private companies and cooperative societies,</p> <p>“postharvest” means activities involved after harvesting of a horticulture crop before consumption,</p> <p>“produce” means the harvested part of horticultural crop such as a root, tubers, fruit, leafy part, berry and cut flower among others;</p> <p>“produce handling facility” means an area where horticulture crop is assembled for purposes of grading, sorting, packaging or storage. It includes collection centers, pack house, cold stores, supermarkets, retail and wholesale markets and grading sheds;</p> <p>“potable water” means water that has been tested and confirmed to be suitable for use in processing of horticulture produce; “</p> <p>“retail markets” a place of the re-sale (sale without transformation) of new and used goods to the general public, for personal or household consumption or utilization;</p> <p>“rootstock” means a plant including a stump, which already has an established healthy root system, onto which a cutting or a bud from another plant is grafted;</p> <p>“sanitary facilities” means facilities that prevent contamination of produce, environment and people such as toilets, hand washing, produce cleaning area and waste disposal;</p> <p>“seedling” means a plant that has been sexually or asexually propagated as a vegetative planting material;</p> <p>“scion” means a detached portion of a plant such as a bud or shoot intended for grafting or budding to a rootstock;</p>
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	<p>“ship chandler” means a person registered and authorized by the Authority to supply horticultural produce to a ship or an aircraft;</p> <p>“traceability” means ability to track horticultural produce and process owner from production to the final consumer and vice versa.</p> <p>“value Addition” means the process of capturing and creating value of a produce on its original state and includes sorting and grading, packaging, prepacking, canning and freezing among others;</p> <p>“Vendors” a person or company offering horticultural products or produce for sale specially a trader in the streets;</p> <p>“vessel” means a carrier which can be used to convey horticultural produce from one point to another and includes a person, vehicle, ship, airplane, Bicycle, Handcart, motorbike and</p> <p>“wholesale markets” a place of the sale of goods or merchandise to retailers, industrial, commercial, institutional or other professional business users or to other wholesalers and related subordinate services.</p>
<p>Purpose of regulations</p>	<p>3. The purpose of these regulations is to promote, develop and regulate the growth of the horticulture industry to ensure growers and dealers meet produce quality and safety standards and provide for the; –</p> <ol style="list-style-type: none"> a) Organization and Improved coordination of horticulture industry, b) Reduction of duplication and overlap of functions among institutions involved in the regulation of horticulture industry, c) Application procedures and forms for registration of nursery operators, growers, dealers, processors, exporters and importers, d) Increased production and productivity of safe and quality horticulture produce and products, e) Safe handling, storage, value addition and efficient distribution of horticultural produce, f) Improved market access of horticultural produce and products, g) Establishment of systems for collection of integrated real time data for horticulture value chain, h) Sustainable financing of the industry, i) Promote private sector investment in horticulture, j) Enhance capacity building of service providers, growers, dealers, grower associations, Business Member Organizations, private companies, for improved efficiency of the industry, and

	k) Any other such purpose that may be in furtherance of these regulations.
Application	<p>4. These Regulations shall be applicable to all Horticulture crops and products specified in Table 1 of the first schedule of these regulations;</p> <p>a) Produced, processed and marketed in Kenya; and</p> <p>b) Imported and exported from Kenya</p>
	PART II- COORDINATION OF HORTICULTURE INDUSTRY
Coordination between National and County	<p>5. (1) There shall be established a National Horticulture Crops Technical Working Group (NHCTWG).</p> <p>(2) The technical working group in sub-regulation (1) shall offer policy advise, provide a link with County Horticulture Technical Working groups established in sub regulation (3) and set priorities for horticulture industry. Composition, detailed roles and responsibilities are set out in Table 2 of second schedule,</p> <p>(3) The County Governments shall form County Horticulture Technical Working Group to coordinate implementation of priority interventions. The composition roles and responsibilities of County Horticulture Technical Working Groups are set out in Table 3 of the second schedule,</p> <p>(4) The technical working groups formed in sub regulation (1) and (3) above shall provide the entry point for all development partners (Donor projects, Civil Society Organization, private sector players, service providers) wishing to support the subsector development,</p> <p>(5) The Technical Working Group formed under this regulation may form various sub committees to execute specific roles and responsibilities.</p>
Coordination mechanisms within the county	<p>6. (1) The county governments may mobilize all horticulture growers and dealers to form inclusive horticulture production, marketing and value addition clusters in each ward</p> <p>(2) The county government shall ensure that clusters elect competent, committed leaders of integrity to coordinate and manage production, produce handling, marketing and enforce quality and safety standards for all horticultural crops. Process for formation of clusters and election of cluster leaders is set out Table 4 of the second schedule.</p> <p>(3) The cluster management teams shall be based at a designated collection center established under regulation 30(1) in each ward and shall work directly under supervision of the County Horticulture Technical Working Group, Composition roles and responsibilities are set out in Table 5 of the second schedule,</p> <p>(4) The Ward Cluster management teams shall form sub committees to handle specialized functions including environment, social welfare</p>

	<p>schemes among others,</p> <p>(5) The ward cluster management teams will provide an entry point for all horticulture programmes and project at the ward for purposes of reducing duplication and building synergies.</p>
	<p>PART III— INCREASED PRODUCTION AND PRODUCTIVITY</p>
Access to Inputs	<p>7. (1) The National Government in collaboration with the Authority shall develop a sustainable input supply system for horticultural crops that combines both inorganic and organic plant nutrition products,</p> <p>(2) The County Government shall implement a sustainable private sector led input access system at designated collection center.</p>
Nursery establishment	<p>8. The Authority in collaboration with county governments and other relevant government agencies shall facilitate development of horticulture nurseries to provide adequate quality planting materials.</p>
Approved source of planting materials	<p>9. (1) The Authority may in collaboration with the County Government and Research Institutions establish mother blocks on either public or private land.</p> <p>(2) A commercial nursery operator shall not procure rootstock, scion, or seed from sources not approved by the County Government.</p> <p>(3) A person who contravenes this regulation commits an offence.</p>
Registration of nursery and mother blocks	<p>10. (1) A person intending to operate a commercial nursery shall be required to register with the respective County.</p> <p>(2) A person who intends to operate a commercial nursery or a mother block for supply to the domestic market shall make an application for registration to the respective County government as set out in application for registration of horticultural crops nursery and/or mother blocks; Form A of the Third Schedule.</p> <p>(3) The County shall issue a certificate of registration to a successful applicant.</p> <p>(4) The certificate of registration for a commercial nursery or a mother block shall be renewable annually and shall only be applicable to the inspected site as set out in form B of the Third Schedule.</p> <p>(5) A person intending to operate a commercial nursery or mother block for supply to the export market shall make an application to the Authority as set out in Form C of the Third schedule.</p> <p>(6) The Authority shall issue a certificate of registration to a successful applicant as set out in Form D of the third schedule.</p>

<p>Nursery registration requirements</p>	<p>11. (1) A person shall not be issued with a certificate of registration as a nursery or a mother block operator unless a County Crops Inspector—</p> <p>(a) has visited and inspected the site and confirmed that it complies with the minimum requirements for a commercial horticultural crop nursery as set out in application for registration of horticultural crops nursery and/or mother block form A of the Third schedule; and;</p> <p>(b) Is satisfied that the operator or the operator’s agent has adequate knowledge of nursery management and horticultural techniques in respect of horticultural crops to be grown as set out in the horticultural nursery requirements as set out in form A of the third schedule.</p>
<p>Display of nursery registration certificate</p>	<p>12. (1) An operator of a commercial nursery shall produce the certificate of registration on demand by the County Crops inspector.</p> <p>(2) An operator who fails to produce the certificate of registration commits an offence.</p> <p>(3) A person to whom a certificate of registration is issued shall not sell, lend or transfer the certificate without the prior written permission from the County Executive Committee Member in charge of Agriculture.</p> <p>(4) A person who contravenes this regulation commits an offence.</p>
<p>Certification of planting materials</p>	<p>13. A nursery operator shall not sell planting materials, unless the said materials have been certified by a National Body in charge of planting material certification.</p>
<p>Nursery records</p>	<p>14. (1) A commercial nursery operator shall keep accurate records of distributed planting materials and shall produce these records on demand for inspection purposes.</p> <p>(2) The records referred to in paragraph (1) shall indicate the varieties purchased and the buyer’s—</p> <p>(a) name;</p> <p>(b) county;</p> <p>(c) sub-County;</p> <p>(d) ward and</p> <p>(e) postal address.</p> <p>(3) A nursery operator shall submit annual statistical returns to the Authority and the County government as outlined in the Horticultural Nursery Operators’ Statistical Return Form F in the Third schedule.</p>
<p>Restriction on transfer or distribution of planting materials</p>	<p>15. (1) A person shall not transfer or distribute horticultural planting materials from an area known to have disease to a disease-free area or from one county to another, or export unless that person has an accompanying Plant Health Nursery Inspection certificate from the National Plant Protection Organization and sales receipt as set out in</p>

	form E in the Third schedule.
Revocation of certificate of nursery registration	<p>16. (1) The County Government may revoke a certificate of registration issued to a nursery or a mother block operator if that operator contravenes the provisions of the Act or any regulations issued thereunder.</p> <p>(2) The operator of a horticultural crops nursery or mother block whose certificate of registration is revoked under paragraph (1) may re-apply for registration after a period of six months.</p>
Offences and penalty	<p>17. A person who contravenes the provisions of regulations 11 and 16 commits an offence and is liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment to a term not exceeding six months or both.</p>
Registration of growers	<p>18. (1) Horticulture Growers may be registered by the respective county government as prescribed in form G Application for Grower registration of the Third Schedule. where their farm is located as provided in this regulation for purposes of—</p> <ul style="list-style-type: none"> (a) planning production and marketing, inputs estimates and financial services (b) continuous data capture and updating; and (c) quality assurance and traceability. <p>(2) The county government shall share the information obtained in sub regulation (1) with the Authority.</p> <p>(3) Growers may register with a grower’s association, community-based organisation and self-help groups or any other legal entity of which he is a member and declare it in form H of third schedule.</p> <p>(4) The county governments shall maintain up-to-date registers of all co-operatives, self-help groups, and horticulture associations, dealers and share the information with the Authority upon request.</p> <p>(5) No fee shall be charged for the registration of growers.</p>

<p>Registration for produce dealers</p>	<p>19. (1) A marketing agent, retailers and wholesalers at retail markets, wholesale markets, designated collection and collection centers who intend to handle and process horticultural produce shall register with the County governments.</p> <p>(2) Marketing agents operating in multiple counties shall be registered by the County where the business permit has been issued and shall be recognized by any other county that they operate in.</p> <p>(3) An application for registration as horticulture produce or product dealer trading in the domestic market shall be made using Form J of the Third Schedule and all data collected by the county shall be shared with the Authority,</p> <p>(4) A Certificate of registration issued under this regulation shall be as set out in the Certificate of Registration of Produce or Product Dealer in Form K of the Third Schedule,</p> <p>(5) A marketing agent shall conspicuously display the badge and or certificate issued under sub-regulation (3) while conducting business,</p> <p>(6) The County government may revoke the certificate of registration if a person contravenes the provisions of these regulations.</p> <p>(7) A Marketing agent handling horticultural produce for export shall register with the Authority as set out in Form L in the Third Schedule.</p> <p>(8) A Certificate of registration issued pursuant to sub regulation (7) shall be as set out in the Certificate of Registration of Produce or Product Dealer in Form M of the Third Schedule.</p> <p>(9) A person who contravenes paragraph (1) commits an offence.</p>
<p>Export license</p>	<p>20. (1) A person intending to export horticultural produce or / and product shall be required to have a valid License issued by the Authority.</p> <p>(2) A person shall apply for export License as set out in form N of the Third Schedule and shall meet the requirements as set out in that form.</p> <p>(3) The application made under 20(2) may be vetted by the Authority.</p> <p>(4) The Authority shall issue an export license to successful applicants as set in form P of the Third Schedule.</p> <p>(5) The License issued under this part shall be valid from first July up to thirtieth of June of the following calendar year unless earlier cancelled.</p> <p>(6) A person who contravenes regulation 21(1) commits an of</p>

<p>Cancellation of License</p>	<p>21. (1) The Authority may, alter, suspend or revoke the license if in its opinion a condition of the license has been contravened or not complied with.</p> <p>(2) Before the Authority alters, suspends or revokes a license, it shall give the person a 14 days' notice to make representations.</p>
<p>Appeal</p>	<p>22. A person who is aggrieved by the decision of the Authority in respect of a grant, refusal, renewal or revocation of a license may refer the grievance to the dispute resolution committee within 30 days from the date on which the applicant received notice of the decision as set out under regulation 49.</p>
<p>PART IV: QUALITY ASSURANCE AND MARKETING</p>	
<p>Requirement for quality assurance</p>	<p>23. (1) The Authority shall, in collaboration with relevant Government agencies and county governments, ensure that Horticulture Crop inputs, produce and products conform to these regulations, National, Regional and International Horticulture Standards</p> <p>(2) The County government shall facilitate the development of market infrastructure to support national standards.</p> <p>(3) The County government shall ensure that produce and products for the domestic market conform to quality standards in line with the provisions of these regulations.</p>
<p>Safe production and handling of horticultural produce</p>	<p>24. (1) (a) Water used for production, shall be free from microbial and chemical contaminant</p> <p>(b) Water used for postharvest and processing of horticultural produce shall be of potable quality,</p> <p>(2) Produce handling and grading at farm level shall be done according to the minimum requirements as set out in Table 5 of the Fourth Schedule;</p> <p>(3) All produce handling facilities such as pack houses, stores and collection centers shall meet the minimum requirements as set out in Table 6 of the Fourth schedule;</p> <p>(4) Transportation, packaging and storage shall be done as per the conditions set out in packaging, transportation and storage minimum requirements in Table 7 of the Fourth schedule.</p> <p>(5) The county governments in collaboration with relevant government agencies will ensure dumpsites, areas contaminated with heavy metals, factory effluent, and harmful microbial organisms are protected to prevent production of horticultural crops</p>

	<p>(6) The relevant government agencies responsible for environmental protection shall ensure effluent from factories are not discharged into rivers and other water bodies for horticultural production,</p> <p>(7) The County Government shall ensure all collection centers, retail and wholesale markets, food store's pack houses shall be linked to the collection center are connected with portable water,</p> <p>(8) A person who contravenes this regulation commits an offence.</p>
<p>Safe use of pesticides</p>	<p>25. (1) Application of pest control products shall be done by personnel trained by competent Institution and certified by the Pest Control Products Board,</p> <p>(2) All importation, distribution, safe storage, usage and disposal of pest control products shall be done in accordance with the provisions of the Pest Control Products Act and Regulation therein</p> <p>(3) A grower shall ensure production of safe and quality produce and use only the pest control products registered by Pest Control Product Board in accordance to the label instructions.</p> <p>(4) A grower shall maintain all records of pest control products used and avail the records to a crops inspector on demand.</p> <p>(5) The minimum records kept by the grower for traceability shall include: -</p> <ul style="list-style-type: none"> a) name of previous crop grown in the same field; b) type of seed used; c) seed dressing product used; d) date of planting; e) pest and disease records; f) pest product used in spraying; g) application of pest control products; date, rate, weather conditions; h) irrigation frequency and dates; and i) harvesting: dates and weather conditions. <p>(6). No persons shall use post-harvest treatment chemicals not registered by the Pest Control Product Board'</p> <p>(7) A person who contravenes this regulation commits an offence.</p>
<p>Traceability of produce</p>	<p>26. (1) All exporters of horticultural produce shall ensure that the—</p> <ul style="list-style-type: none"> a) The source of produce is declared in the format described in form Q(I) of the Fourth Schedule produce source form for company owned farm (PSI form) and form Q(II) for produce obtained from contracted sources (PSII form); and b) Produce may be traced to the source using the National Horticulture Traceability System or its equivalent prescribed by

	<p>the Authority;</p> <p>(2) An exporter shall not deal with marketing agents that have not registered with the Authority.</p> <p>(3) An exporter shall put in place a management system for withdrawal and recall of produce to address food safety concerns with potential to harm human health;</p> <p>(4) A person who contravenes this regulation commits an offence.</p>
Requirements of contract farming	<p>27. (1) Growers supplying produce to dealers may be required to sign contracts and register the contracts with the County government as set out in the horticultural code of conduct prescribed in table 8 of the fourth schedule.</p> <p>(2) A marketing agent and exporter shall not—</p> <ul style="list-style-type: none"> a) sponsor the growing of horticultural crops for trading without informing the county or the Authority, b) collect produce from sponsored production schemes unless authorized in writing to do so by the sponsoring firm; or c) return produce collected from the farmers or supplier’s contrary to the contract; and d) conduct contractual relationships with farmers unless such contractual terms comply with the horticultural code of conduct. <p>(3) A marketing agent and exporters shall sign contract with registered growers, grower institutions and legal entities, the signed contract shall be registered with the relevant County Government or Authority and shall comply to conditions set out in table 8 of the Fourth Schedule.</p> <p>(4) All disputes listed here below and other as may arise shall be referred to disputes Resolution committee established in regulation 49:-</p> <ul style="list-style-type: none"> a) Default in payment of produce collected; b) Non-collection of produce that has been confirmed to have attained the harvestable quality; c) Produce rejected by the buyer in the absence of the grower; and d) Failure by a grower to supply produce according to the agreement. <p>(5) A person who contravenes the provision of this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a period not exceeding six months or both.</p>
Compliance to standards	<p>28. (1) Produce in the designated collection centre, collection centers, stores, pack houses, markets, warehouses shall be randomly sampled, tested and analyzed by the Authority in collaboration with county government and relevant agencies from time to time to ensure conformity to food safety and quality requirements</p>

	<p>(2) A dealer shall not operate without a compliance certificate as set out in Form R of the Fourth Schedule.</p> <p>(3) A dealer shall not be issued with a compliance certificate unless a Crops inspector—</p> <ul style="list-style-type: none"> a) has visited and inspected the site and confirmed that it complies with food safety and quality standards; and b) Is satisfied that the dealer has adequate knowledge of national, regional and international market requirements. <p>(4) Horticultural produce destined for export shall be inspected by the Authority and any other relevant agency for compliance to national, regional and international horticultural standards.</p>
<p>Non- Compliance to Standards</p>	<p>29. (1) Horticultural Produce that does not conform to the set national and international standards and has been declared so by the relevant Government agency, shall be dealt with as follows—</p> <ul style="list-style-type: none"> a) Non-compliant produce due to Food safety reasons shall be seized, detained and destroyed at the cost of the offender; b) Produce presented using forged export documents or exported using forged phytosanitary certificate, export certificate or any compliance certificate shall be destroyed upon interception and the company suspended from export dealership for one year; and c) Produce established by a National Plant Protection Organization Inspection Officer to contain pest and diseases listed as quarantine by the importing country shall be marked not for export.
<p>Market access and structures</p>	<p>30. (1) The County Governments shall ensure identification and designation of existing markets and other public assets to serve as designated collection centers as set out in Table 9 of the fourth schedule.</p> <p>(2) All collection centers, retail and wholesale markets, stores, pack houses shall be linked to the designated collection center for overall management and coordination of bulking, storage, value addition, marketing, distribution, enforcement quality and safety standards and traceability of horticultural produce and products.</p> <p>(3) County governments shall establish data collection points at each collection center to collect and capture data types as outlined are in Table 10 of the fourth schedule.</p> <p>(4) County governments shall ensure produce handling facilities and infrastructure for retail and wholesale markets and collection centres meet the minimum requirements as set out in table 11 of the fourth schedule.</p>
<p>Market</p>	<p>31. (1) All produce shall be harvested at the physiological maturity or as per</p>

requirements	<p>the market requirements for the specific crop.</p> <p>(2) The unit of measurement of all horticulture produce shall be the kilogramme and each single package shall not exceed a net weight of fifty kilogrammes.</p> <p>(3). All produce shall be offered for sale in markets designated by the county governments where they are in existence.</p> <p>(4) All produce offered for sale for export) shall conform to the national labelling and packaging standards.</p> <p>(5) All export produce packaging material shall be branded as produce of Kenya using the national logo prescribed by the National institution responsible for branding.</p> <p>(6) A person who contravenes the provisions of this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a period not six months, or both.</p>
Importation and Exportation of Horticulture crops	<p>32. (1) Every export consignment of horticultural produce shall be accompanied by an export certificate as outlined in Form S of the Fourth Schedule issued by the Authority and a Phytosanitary certificate issued by National Plant Protection Organization.</p> <p>2) Every importer shall apply for a horticultural crop import certificate for every import consignment as set out in Form T of the Fourth Schedule.</p> <p>(3) No Horticulture produce shall be imported into or exported from Kenya other than through a customs port of entry or exit.</p> <p>(4) Each consignment of imports or exports of horticulture produce shall be declared at the port of entry or exit and physically verified by the NPPO or its authorized agent for quality and food safety aspects.</p> <p>(5) A person who contravenes the provisions of this regulation commits an offence and shall be liable on conviction to a fine not exceeding three hundred thousand shillings or imprisonment for a period not exceeding one year, or both.</p>
Submission of import and export returns	<p>33. (1) All dealers shall maintain accurate records of transactions relating to horticulture and shall submit quarterly returns to the Authority and county government as prescribed in Form U of the Fourth schedule.</p> <p>(2) The Authority will share the data in sub regulation r (1) with the relevant county governments.</p>
Appointment of inspectors	<p>34. (1) The Authority shall appoint inspectors to carry out inspections of all horticultural crops, produce and products to ensure they conform to these regulations, national, regional, international standards and any</p>

	<p>other stipulated requirements as provided in the Act.</p> <p>(2) The county governments shall nominate County crops inspectors and forward to the Authority for appointment and gazette in order to ensure compliance with these regulations within the respective county government.</p> <p>(3) A person appointed as a crops inspector and county crops inspector under these Regulations shall -</p> <p>(a) have the following qualifications from a university or institution recognised in Kenya –</p> <ul style="list-style-type: none">(i) Bachelor’s Degree in Agriculture or related field or(ii) Diploma in Agriculture; and with two years’ experience in extension service work. <p>(b) Comply with the provisions of the article 6 and 232 of the Constitution of Kenya and the Public Officer’s Ethics and Integrity Act, 2012.</p> <p>(4) The crops inspector appointed under this regulation shall undergo a mandatory training on inspections offered or recommended by the Authority before gazette.</p> <p>(5) The Authority shall gazette all inspectors who have successfully undertaken the mandatory training within thirty days upon completion of the training.</p> <p>(6) The Authority shall develop training curriculum and offer regular trainings of the crops inspectors to ensure effective carrying out of their duties.</p> <p>(7) A person who purports to carry out the functions of an inspector without having been duly appointed through a gazette notice commits an offence and shall be liable upon conviction to penalties prescribed in Section 37 of the Act.</p>
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<p>Functions of an inspector</p>	<p>35. (1) The Authority in collaboration with counties shall conduct inspections and compliance audits to growers, grower associations, dealers and manufacturers jointly with county governments or separately from time to time to ensure compliance to these regulations.</p> <p>(2) The inspectors shall;</p> <ul style="list-style-type: none"> a) Monitor activities associated with horticulture production, dealing, handling and processing to ensure compliance with these regulations; b) Regularly undertake surveillance and inspections to ensure that growers, dealers and processors of horticulture produce and products adhere to these regulations; and c) Carry out periodic auditing of horticulture produce quality and safety management systems implemented by dealers. <p>(3) A person who purports to carry out the functions of an inspector without having been duly appointed through a gazette notice commit an offence and shall be liable upon conviction to penalties prescribed in Section 37 of the Act.</p>
<p>Powers of entry by inspectors</p>	<p>36. (1) A Crops inspector or a county crops inspector shall, upon availing an identification document from the Licensing Authority, be allowed, at all reasonable times to—</p> <ul style="list-style-type: none"> a) enter any land, premises occupied by the holder of a registration certificate or License issued under this regulation or a vessel used for storage or transporting of horticultural produce and products; b) inspect and conduct enquiries to ascertain whether these regulations or the terms and conditions of the respective License or registration certificate are being complied with; c) require authorised person found in the land, premises or vessel to give such information as may be required; d) make enquiries or carry out a search to establish if these regulations are being complied with; e) demand the production of a License or certificate for verification; f) seize and remove anything in respect of which the inspector has reasonable grounds to believe that an offence under this Act is being or has been committed; and g) Undertake any activity necessary for the fulfilment of any of the inspector’s functions. <p>(2) The owner or occupier of any land or premises or a vessel which is</p>

	entered under paragraph (1) shall render such reasonable assistance as may be required by the inspector.
Obstruction of inspectors	<p>37. (1) A person shall not prevent, hinder or obstruct an inspector in performance of the functions, and duties or exercise of powers conferred by this Act.</p> <p>(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding three years, or both.</p>
	PART V—FINANCING THE INDUSTRY
Establishment of revolving fund	<p>38.(1) The County Government may facilitate establishment of a revolving fund account for each cluster to finance all cluster operations.</p> <p>(2) Clusters may be privately owned, managed and Counties shall make legislation to provide for the establishment of the revolving fund.</p> <p>(3) All monies received in form of commissions for services rendered by the cluster, donations, grants from government departments, Commodities Fund and development partners, credit for development of horticulture shall be paid into this account for purposes of facilitating operations of the clusters.</p>
Imposition of levies	<p>39. (1) There shall be a levy based on Free on Board (F.O.B) value imposed on all horticultural crops destined for export other than those canned, bottled, preserved, dehydrated or delivered to operators for canning and processing factories at the rate of 0.25 per cent of customs value.</p> <p>(2) There shall be a levy imposed on all horticultural crops—</p> <ul style="list-style-type: none"> a) Imported as finished products at the rate of four percent of the import value; b) As fresh products or raw materials at a rate of two percent of the import value. <p>(3) The levy due under paragraph 3 shall be remitted to the Authority not later than the tenth day of the month following the month during which the levy was due.</p> <p>(4) Any levy imposed under this regulation which remains unpaid shall be recovered by the Authority, as a civil debt due to it from the person by whom it is payable.</p> <p>(5) (1) A person who fails, neglects or otherwise refuses to pay or remit the regulatory levy on time as provided under these regulations shall, where directed by the Authority in writing, in addition to paying the regulatory levy; -</p>

	<p>a) pay an interest of twenty-five percent for the first month or part of the month in which the levy remains unpaid; and</p> <p>b) Twelve percent compound interest for each subsequent month or part of the month in which the levy remains unpaid.</p> <p>(6) The interest rates set out in sub regulations (1) shall be payable on a monthly basis.</p> <p>(7) The levy imposed under paragraph (1 and 2) shall be used for the operations of the Authority and development of the industry.</p>
Fees	<p>40. (1) The Authority and County governments may prescribe fees for—</p> <p>a) the receipt and processing of applications;</p> <p>b) the issuance of a license or certificate; or</p> <p>c) any other matter arising under these regulations.</p> <p>(2) The applicable fees for services rendered under these regulations are outlined in table 12 of the fifth schedule.</p> <p>(3) The respective County Executive member in charge of Agriculture shall apply the prescribed fees indicated in sub regulation (2).</p> <p>(4) The fees indicated in sub-regulation (1) may change from time to time. Any new changes shall be published in Kenya Gazette.</p>
Other charges	<p>41. (1) Fees for Movement of produce shall be charged by the source county as guided by article 20(5) of the Act and a receipt issued as set out in Form V of the Fifth schedule.</p> <p>(2). No other charges shall be instituted on the same consignment as it traverses across other counties.</p>
	<p>PART VI: CAPACITY BUILDING FOR INDUSTRY ACTORS</p>
Skills, Knowledge, Attitude change	<p>42. (1) The Authority in collaboration with County governments and learning institutions may establish a centre of excellence for practical training of service providers and value chain actors.</p> <p>(2) The Authority in consultation with County Executive member of Agriculture shall facilitate training of registered horticulture associations, dealers and processors to improve conformity to standards and efficiency of business operations.</p> <p>(3) The Authority in collaboration with the County Governments shall provide regular training to growers on Good Agronomic practices.</p>

Registration of Horticulture Experts	<p>43. (1) All persons intending to provide horticulture services to growers or dealers shall apply to the Authority for registration as set out in Form W of the Sixth schedule and pay the applicable fee.</p> <p>(2) All persons offering professional services shall have the following minimum qualifications from an institution of learning recognized in Kenya-</p> <ul style="list-style-type: none"> a) Undergraduate degree in Agriculture or related field and minimum one-year experience; b) Diploma in Agriculture with two years' experience in related field; and c) Be certified by relevant professional body.
Establishment of technology and service delivery hubs	<p>44. (1) The county governments in collaboration with development partners and private sector may establish technology dissemination and services delivery hubs at each designated collection centre as set out in table 13 of the sixth schedule.</p> <p>(2) The hubs shall provide easy access for growers to technology and quality specialized services to growers to enhance quality and productivity.</p> <p>(3) The Authority shall collaborate with research institutions to develop and promote production, marketing and processing technologies and innovations along the horticulture value chain.</p>
PART VII: MISCELLANEOUS PROVISIONS	
Protection from personal liability	<p>45. An action shall not lie against the Authority or any of its officers or other persons appointed or authorized to perform any function under these regulations in respect of anything done or omitted to be done by them in good faith in the exercise of or performance of any power, authority or duty conferred or imposed by them under these regulations.</p>
Use of Forms	<p>46. The Authority or County Government as the case may be, may make such modifications, alteration and /or additions to the prescribed forms from time to time to enable effective use of the forms including their use electronically.</p>
Transitional provisions	<p>47. (1) Certificates of registration existing before the regulation coming into operation shall remain valid until their expiry, and subsequent certificates shall be issued under these Regulations.</p> <p>(2) any contract entered into and any requirement as to the particulars to be entered in any contract used for the purposes of the Horticultural Crops Development Authority Order, 2011 (now repealed) which was in force immediately before the date of commencement of these</p>

The Crops (Horticulture Crops) Regulations, 2019

	Regulations shall continue in force and have effect as though prescribed under these Regulations.
General penalties	48. A person who contravenes the provisions of these regulations for which no specific penalty is provided for, commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months or both.
Dispute resolution committee	49. (1) The Cabinet Secretary in consultation with the Authority shall establish a National crops dispute resolution committee as set out in Table 14 of the seventh Schedule. (2) The County Executive Member responsible for agriculture in a respective county in consultation with the Authority shall establish a County crops dispute resolution committee as set out in Table 15 of the seventh schedule.
Revocation L.N No 190 of 2011.	50. Horticultural Crops Development Authority Order, 2011 are revoked.

First Schedule

Table 1: List of Horticultural Crops in Kenya

A. FRUIT TREES

Common Name	Botanical Name
Apple	<i>Pyrus malus L.</i>
Apricot	<i>Prunus armeniaca</i>
Avocado	<i>Persea spp</i>
Bananas and plantains	<i>Musa sp</i>
Berries	<i>Rubus sp.</i>
Bread fruit	<i>Artocarpus altilis</i>
Cape Gooseberry	<i>Physalis peruviana</i>
Carambola	<i>Averrhoa carambola</i>
Cherimoya	<i>Annonacherimola</i>
Chinese pear	<i>Pyrus prunifolia</i>
Citrus	<i>All citrus species</i>
Custard apple	<i>Annona sp.</i>
Date palm	<i>Phoenix dactylifera</i>
Date Palm	<i>Phoenix dactylifera</i>
Giant granadilla	<i>Passiflora quadrangularis</i>
Goose berries	<i>All species</i>
Grapes`	<i>Viti ssp</i>
Guava	<i>Psidium guajava</i>
Jackfruit	<i>Artocarpus heterophyllus</i>
Litchi	<i>Litchi chinensis</i>
Litchi	<i>Nephelium litchi</i>
Loquat	<i>Eriobotrya caponica</i>
Mango	<i>Mangifera indica</i>
Melons`	<i>Cucumismelo</i>
Mountain Pawpaw	<i>Carica candanacensis</i>
Mulberries	<i>Morus sp.</i>
Nectarine	<i>.Prunus sp. L.</i>
Passion fruits (purple)	<i>Passiflora spp</i>
Pawpaw...	<i>Carica papaya</i>
Peach	<i>Prunus persica L.</i>
Pear	<i>Pyrus communis L.</i>
Pineapple	<i>Ananas comosus</i>
Plum	<i>Prunus sppL</i>
Pomaganate	<i>Punica granatum</i>
Quince	<i>Cydonia oblonga</i>
Strawberries	<i>Fragaria vesca</i>

Common Name	Botanical Name
Strawberries	<i>Fragaria chiloensis</i>
Sweet granadilla	<i>Passiflora ligularis</i>
Sweetsop (Sugar apple)	<i>Annonas quamosa</i>
Water melon`	<i>Citrullus lanatus</i>
White sapote	<i>Casimiroa edulis</i>
<i>Any other fruits of economic value</i>	

B. MEDICINAL AND AROMATIC PLANTS

Common Name	Botanical Name
Aloe	<i>Aloe vera</i>
Artemesia	<i>Artemesia annua</i>
Salvia	<i>Salvia solarea</i>
<i>All other medicinal and aromatic plants of commercial value</i>	

C. VEGETABLES

Common Name	Botanical Name
Amaranth	<i>Amaranthus spp.</i>
Artichoke	<i>Cynara cardunculus var. scolymus</i>
Artichokes	<i>Helianthus tuberosus</i>
Asparagus	<i>Asparagus officinalis</i>
Beet	<i>Beta vulgaris</i>
Broccoli/cauliflower	<i>Brassica oleracea var. botrytis</i>
Brussels sprouts	<i>Brassica oleracea var. gemnifera</i>
Cabbage	<i>Brassica oleracea .var. capitata</i>
Cantaloupe/ Muskmelon	<i>Cucumis melo</i>
Carrot	<i>Daucus carota</i>
Celery / Celeriac	<i>Apium graveolens</i>
Chervil	<i>Anthriscus cerefolium</i>
Chicory	<i>Cichorium intybus</i>
Chillies	<i>Capsicum frutescens</i>
Chinese cabbage	<i>Brassica chinensis</i>
Cluster bean (green)	<i>Cyamopsis tetragonoloba</i>
Collards / Kale.	<i>Brassica oleracea var ancephala</i>
Coriander	<i>Coriandrum sativa</i>
Cowpeas (leafy) chora	<i>Vignaun guiculata</i>
Cucumber	<i>Cucumi ssativa</i>
Dill	<i>Arethum graveolens</i>
Dioscorea	<i>Dioscorea sp</i>
Dudhi (kaddu)	<i>Lagenaria siceraria</i>
Edible Mushroom	<i>Agaricus species</i>
Eggplants	<i>Solanum melongena</i>
Endive	<i>Cichorium endivia</i>
French beans	<i>Phaseolus valgaris</i>
Garden cress	<i>Lespidium sativa</i>

Common Name	Botanical Name
Garden pea	<i>Pisium sativum</i>
Globe artichoke	<i>Cynaracardunculus var. scolymus</i>
Green maize	<i>Zea mays</i>
Horseradish	<i>Armoraciarusticania</i>
Karella	<i>Mormodica charantia</i>
Kohlrabi	<i>Brassica oleracea var. gongylodes</i>
Leek	<i>Allium porrum</i>
Lettuce	<i>Lactuca sativa</i>
Loofah	<i>Luffacylindrica</i>
New Zealand spinach	<i>Tetragonia expansa</i>
Okra	<i>Hibiscus esculentus</i>
Onion/ garlic	<i>Allium cepa</i>
Parsley	<i>Petroselinum crispum</i>
Parsnip	<i>Pastina casativa</i>
Pea	<i>Pisum sativum</i>
Pepper	<i>Capsicum spp.</i>
Pumpkin/Squash/Courgette	<i>Cucurbita pepo</i>
Pumpkins	<i>Cucurbita sp.</i>
Radish	<i>Raphanus sativus</i>
Rhubarb	<i>Rheum rhaponticum</i>
Runner bean.	<i>Phaseolus coccineus</i>
Rutabaga	<i>Brassica napus var. napobrassica</i>
Rutabaga	<i>Brassica napobrassica</i>
Snow peas.	<i>.Pisium sativum var.saccharatum</i>
Spinach	<i>Spinacea oleracea</i>
Sugar beet	<i>Beta vulgaris</i>
Sugar snaps.	<i>Pisium sativum</i>
Swiss chard	<i>Beta vulgaris</i>
Tomato.....	<i>Solanum lycopersicon</i>
Turnip	<i>Brassica rapa</i>
Watercress	<i>Nasturtium officinale</i>
Any other vegetables of economic value	

D. FLOWERS AND ORNAMENTAL PLANTS

Common Name	Botanical Name
Agapanthus/African Lily	<i>Agapanthus africanus, A.umbellatus</i>
Alstromeria/Peruvian Lily	<i>Alstroemeria Aurantiaca</i>
Amaranthus	<i>Amaranthus Sp eg (Amaranthus acanthochoiton)</i>
Ammi/White Dill/Bishops Flower	<i>Ammi majus</i>
Ammi/White Dill/Bishops Flower	<i>Ammi visnaga</i>
Anthuriums/Flamingo Flower	<i>Anthurium Sp</i>
Arabicum	<i>Ornithogalum saundersiae</i>
Asparagus Fern	<i>Asparagus Sp eg (Asparagus aethiopicus)</i>
Asters/Michaelmas Daisy	<i>Aster Sunhelence, Aster Novi-belgii</i>
Astrantia	<i>Astrantia Sp eg (Astrantia major)</i>
Begonia	<i>Begonia Sp eg (Begonia obliqua)</i>
Bupleurum	<i>Bupleurum rotundifolium "graffiti"</i>
Callistaphus	<i>Callistaphus Sp eg (Callistaphus chinensis)</i>
Car.Cutting Unrooted	<i>Dianthus caryophyllus</i>
Carnations, Spray	<i>Dianthus caryophyllus</i>
Carnations, Std	<i>Dianthus caryophyllus</i>
Carthamus/Safflower/Saffon	<i>Carthamus tinctoris</i>
Celosia	<i>Celosia Sp eg. (Celosia cristata)</i>
Chrysan. Cuttings/Pot Mum	<i>Dendratherma grandifora / Chrysanthemum sp</i>
Craspedia	<i>Craspedia Sp eg (Craspedia uniflora)</i>
Crocsmia	<i>Crocsmia Sp eg (Crocsmia aurea)</i>
Delphinium/Larkspur	<i>Delphinium Sp eg (Delphinium elatum)</i>
Dianthus	<i>Dianthus Sp eg (Dianthus caryophyllous)</i>
Dianthus	<i>Dianthusa Sp eg (Dianthusa caryophyllous)</i>
Dill	<i>Anethum Sp eg (Anethum graveolens)</i>
Easter Lily	<i>Lilium Longiflorum</i>
Echinops	<i>Echinops Sp eg (Echinops ritro)</i>
Eryngium/Sea Holly/Alphine	<i>Eryngium Sp</i>
Eucalyptus	<i>Eucalyptus L'Her eg (Eucalyptus oblqua)</i>
Freesia	<i>Freesia Sp eg (Freesia refracta)</i>

Common Name	Botanical Name
Gerbera/Transvaal Daisy	<i>Gerbera Hybrids</i>
Gladiolus/Sword Lily	<i>Gladiolus hybrids</i>
Grass	<i>Cortaderia Sp and Zoysia Spp</i>
Gypsophilla/Baby Breath Species	<i>Gypsophila paniculata</i>
Helianthus	<i>Helianthus annus</i>
Heliconia	<i>Heliconia Sp eg Heliconia psittacorum</i>
Hypericum	<i>Hypericum Sp eg (Hypericum perforatum)</i>
Lavernder	<i>Lavunda Sp eg Lavundala spica</i>
Leather Leaves(L) Fern	<i>Rumohra adiantiformis</i>
Lisianthus/Prairie Gentian/Wildflower	<i>Eustoma grandiflorum</i>
Longiflora	<i>Ecapris longiflora</i>
Million Stars	<i>Gypsophila paniculata</i>
Mobydick	<i>Gomphocarpus Sp eg Gomphocarpus physocarpa and Gomphocarpus fruticosus</i>
Molucella/Bells of Ireland	<i>Molucella leavis</i>
Montbretia	<i>Crosmia Sp eg (Crosmia x crosmiflora)</i>
Orchids	<i>Cymbidium hybriden</i>
Ornithogalum/Star Of Bethlehem	<i>Ornithogalum Thyrsoides</i>
Panicum	<i>Panicum Sp eg (Panicum virgatum)</i>
Papyrus	<i>Papyrus eg (Cyperus papyrus)</i>
Pelargonium Cuttings	<i>Pelargonium SP eg (Pelargonium cucullatum)</i>
Pennisetum	<i>Pennisetum Sp eg (Pennisetum polystachion)</i>
Phlox	<i>Phlox S peg (Phlox paniculata)</i>
Phormium	<i>Phormium Sp eg (Phormium tenax)</i>
Ranunculus	<i>Ranunculus Sp (Ranunculus asiaticus)</i>
Roses	<i>Rosa Hydrida</i>
Rudbeckia/Coneflower	<i>Echinacea Purpurea</i>
Ruscus	<i>Ruscus aculeatus</i>
Saundersisiae	<i>Ornithogalum saundersiae</i>
Scabiosa	<i>Scabiosa Sp eg (Scabiosa caucasica)</i>
Setaria	<i>Setaria Sp eg (Setaria virdis)</i>
Solidago/Garden Rod	<i>Solidago gardensis</i>

Common Name	Botanical Name
Solidaster/Garden Plant	<i>Solidaster luteus</i>
Statice/Sea Lavender	<i>Limonium spp</i>
Strelitzia and hybrids	<i>Strelitzia Sp eg (Strelitzia reginae)</i>
Sunflower	<i>Helianthus annus</i>
Trachelium	<i>Trachelium caeruleum</i>
Tuberose	<i>Polianthes tuberosa</i>
Veronica	<i>Veronica Spicata</i>
Zantedeschia/Calla Lily/Arum Lily	<i>Zantedeschia Sp</i>
And any other flower and ornamental plants of economic value	

Second Schedule

Table 2: Composition, Roles and Responsibilities For National Horticulture Technical Working Group

Composition - TWG	Roles and Responsibilities
Ministry's responsible for crops development, Trade Industry and cooperative, Health & Nutrition, Kenya Forest Service, Kenya Wildlife Service, Kenya Prisons Service, (NCPWD) Insurance Regulatory Authority, Central Bank of Kenya, Agriculture Finance Corporation, Council of Governors, development Agencies responsible for Environmental, water, sewerage & sanitation, telecommunication, Environment management, SGR, Sea Freight Handling, National Plant Protection, Pest Control products, accreditation, standards, National Research, relevant public university (s) Development partners, managers of clusters, Grower apex bodies and horticulture business member associations, private sector, Financial Institutions, .Local and International Civil Society Organizations	<ol style="list-style-type: none"> 1) Identification of policy priorities as per the existing policy documents and share with partners and service providers in horticulture industry for coordinated implementation, 2) Profile all national crop projects and programmes and sensitize them on agreed priorities, 3) Sensitization of the counties on the guidelines for transformation of the industry 4) Develop and share with counties an Integrated Management Information System linking all ward cluster management Teams in the country, 5) Undertake periodic market analysis to consolidate demand, standards and product specifications in collaboration with relevant agencies 6) Compile and share information on demand, standards, product specifications and code of practice with relevant counties, 7) Development of code of practice for various standards, 8) Facilitate preparation of contractual agreements with large national, regional and international buyers, 9) Compile and disseminate targets for seed production to the counties and seed merchants, 10) Prepare Memorandum of understanding for signing between the National Government and the counties for production of demanded horticulture crops, 11) Develop training curriculums for service providers and lead farmers on technical and business skills. 12) Support establishment of centres of excellence to offer specialized practical training to crops value chain actors, 13) Undertake business training, consultancy and counselling for regulators, research institutions and crops value chain actor's, business members organizations to Improve efficiency and competitiveness, 14) Coordinate mentorship and incubation for crops SMEs,

Composition - TWG	Roles and Responsibilities
	<p>15) Identify and promote new technologies along the crops value chains,</p> <p>16) Develop and disseminate sampling protocols for quality control at all market outlets, collection centres, collection centres, stores and processing plants,</p> <p>17) Facilitate establishment of Small and Medium Enterprises to provide quality support services e.g pest control, harvest, transportation, and post harvest handling, processing, etc,</p> <p>18) Prepare and seek approval for market designs,</p> <p>19) Compile and analyze malnutrition screening data from counties,</p> <p>20) Resource mobilization for development of horticultural crops industry,</p> <p>21) Undertake Monitoring and Evaluation of the horticultural crops interventions/activities.</p> <p>22) Any other such duty that may be useful in furtherance of the mandates of the TWG,</p>
Operations of the TWG	<p>a) The representative of the Principal Secretary in charge of crop matters in the Ministry of Agriculture, Livestock, Fisheries and Irrigation for the time being will be the chair of the committee,</p> <p>b) The secretariat shall be the Head of Horticulture for the time being from the Authority,</p> <p>c) The TWG shall hold at least one meeting every three months,</p> <p>d) The TWG will form Sub committees to discharge specific mandates including subcommittees on market infrastructure, storage & distribution, water harvesting and irrigation, Research, technology, and innovation, skills & knowledge development, Resource mobilization, data and information sharing,</p> <p>e) The sub committees shall meet regularly and will be directly involved in the actual implementation of interventions,</p> <p>f) Agenda of the next meetings shall be circulated together with the minutes at least one month before to date of the scheduled meeting</p>

Second Schedule

Table 3: Roles and Responsibilities For County Horticulture Technical Working Groups

Composition	Roles and Responsibilities
County CEC members responsible for crops development, Trade Industry and cooperative, a representative of the Authority, Public Health & Nutrition, Kenya Forest Service, Kenya Wildlife Service, National Council for Persons Living with Disabilities, Association of Physically Handicapped Persons of Kenya, a development Agencies responsible for Environmental, water, sewerage & sanitation, County lands registrar, telecommunication, National Plant Protection, Pest Control products, representatives of National Research, relevant public university (s), Development partners, managers of clusters, Grower associations, private sector, Financial Institutions, Local and International Civil	<ol style="list-style-type: none"> 1. Coordinate development partners and service providers to build synergies in the development of Horticultural crops industry, 2. Profile and document all projects, associations, service providers in horticulture industry, 3. Interpret market information into production statistics and disseminate to the wards, 4. Identify and coordinate capacity needs of the county and ward clusters on produce standards, technologies, code of practice and any other emerging issue, 5. Coordinate production and marketing activities at various wards, 6. Review and analyse county production and marketing data and processing capacity for planning and decision making, 7. Compile an inventory of agribusiness equipment and machineries in county, 8. Monitor seed production by smallholder producers in the counties, 9. Identify space and assemble/rehabilitate the idle assets (machinery and equipment's) 10. Oversight and advising the collection of taxes, levies and other charges within the county, 11. Resolve market land dispute/allocations issues, 12. Facilitate Environmental Impact Assessment studies for establishment of handling, storage, processing infrastructure, 13. Facilitate assessment and repair of designated market and collection centers, 14. Organize planning and review meetings between ward cluster teams in county. 15. Prepare and submit reports to the National TWG on a quarterly basis. 16. Any other such duty that may be useful in furtherance of the mandates of the TWG, 17. Capacity build and monitor all active contracts between growers and dealers.

Society Organizations	
Operations of the TWG	<ul style="list-style-type: none">a) The County Executive member in charge of Agriculture shall be the chair of the County Horticulture Technical working group,b) The secretariat shall be elected by the technical working group,c) The TWG will form Sub committees to discharge specific mandates including subcommittees on market infrastructure, storage & distribution, water harvesting and irrigation, Research, technology, and innovation, skills & knowledge development, Resource mobilization, data and information sharing,d) The TWG shall hold at least one meeting every three months,e) Agenda of the next meetings shall be circulated together with the minutes of the previous meeting at least one month before to date of the scheduled meeting.

Second Schedule

Table 4: Process of Formation of ward horticulture clusters (WHC) and election of cluster leaders

<p>Minimum Requirements to be elected as cluster leader</p>	<ul style="list-style-type: none"> a. Minimum post Primary level education, b. May be resident of the catchment area producing or dealing in horticulture crops c. Ready to offer self for the position, d. Demonstrated leadership abilities. e. Gender consideration. f. Ready to undergo a vetting process by growers and dealers and established formal institutions. g. Must meet provisions of chapter 6 of the constitution.
<p>The process will involve the following steps:</p>	<ul style="list-style-type: none"> a. Holding sensitization campaigns to create awareness among horticulture crops value chain stakeholders in the County. b. Mobilization, and registration of horticulture crops value chain actors in the targeted catchment areas. c. Sharing of minimum qualification, roles and responsibilities for collection/collection center Leaders. d. Preparation of lists of candidates for various elective positions. e. Vetting of candidates on integrity issues before elections by the county government, f. Training and mentorship of leaders on collection/collection center management, production planning, record keeping, financial management, marketing, preparation, mobilization of resources and negotiating of contracts, among others by the County government.

Second Schedule

Table 5 Responsibilities of the ward horticulture clusters leaders

Composition	Responsibilities
<p>Cluster Manager Assistant manages in charge of- Production, Marketing and Finance Two Field officers in charge of: Production and Marketing, Collection, stores, pack houses managers, Three Support staff in charge of record management, revenue and accounts Ex officio members include Ward administrator, Ward agricultural Officer,</p>	<p>The Collection and collection centres shall be managed by leaders elected by horticulture stakeholders. The team shall be based at collection centres and their main responsibilities will include:</p> <ol style="list-style-type: none"> 1. Coordinate all horticulture crops development partners and implement programmes within the ward, 2. Participate in the county public budget forums, 3. Prepare business plans for resource mobilization, 4. Provide link of all horticulture crops value chain actors, 5. Negotiation and signing of contractual agreements with buyers, service providers, 6. Implementation of production plans for horticulture crops, 7. Compile input requirements, procure inputs and coordinate the distribution of inputs and delivery of produce to collection centres, 8. Implement quality and safety standards requirements for produce and products, 9. Promote production of quality planting material and certified seed, 10. Ensure timely data collection, documentation and produce traceability systems, 11. Issue horticulture crops permits to facilitate distribution and movement of produce, 12. Maintain safe custody of produce at the collection centre, 13. Supervise collection centre improvements, produce arrangements and timely processing of surplus produce, 14. Facilitate collection of levies, commissions and cess for produce received directly from farmers, 15. Collect data on production and value addition from growers and dealers within the ward, 16. Identify vulnerable households and coordinate delivery safety nets and asset building programmes, 17. Coordinate provision of services including ploughing, spray operations, planting among others, 18. Income and expenditure management of the cluster, 19. Management of market waste and rejects. <p>The WHC shall provide monthly reports to the County Technical working group</p>
<p>Operations of the ward cluster management</p>	<p>a) All team members shall be remunerated and shall serve for a term of 3 years renewable once based on satisfactory</p>

team	performance, b) Will be expected to offer services on daily basis to the growers, dealers, associations, service providers and c) The team shall be based at the collection centre established in each ward, d) Financial transactions shall be subject to regular audits, e) They will form specific subcommittees to discharge some functions including, environmental protection, social welfare programmes, promotion of processing, inventory of indigenous knowledge, skills and germplasm
------	--

Third Schedule

Form A: application for registration of horticulture crops nursery and/or mother blocks

COUNTY GOVERNMENT

OF.....

(To be filled in triplicate)

- 1. Full name of Applicant
- 2. PIN.....ID No.....Huduma No
- 3. Postal Address.....Tel.....Email.....
- 4. County.....Sub County.....Ward
- 5. L.R. No./ GPS coordinates.....Altitude.....Northing.....Eastings.....
- 6. Water source: Rivers/Dam/Boreholes, others (specify)
- 7. Type of material applied for to be produced:

Crop/variety	No. of Seedlings	Source of Seed/ rootstock and scion
.....
.....

I confirm that I shall abide by the regulations and ensure that all planting material has been inspected and approved by County crops inspectors.

Applicant’s signature

Date.....

PART II

<p>FOR OFFICIAL USE</p> <p>County crops Inspector Remarks</p> <p>.....</p> <p>Recommended /Not recommended</p> <p>County Crop Inspector name.....Signature.....</p> <p>Date.....</p> <p>Approved/Not Approved by: County Executive Committee in charge of Agriculture</p> <p>NameSignature.....Date</p>
--

CONDITIONS

1. **Application for registration should be sent to the County where the nursery/mother block is located**
2. **This form shall be accompanied by the prescribed fees and submitted to the County government.**

Minimum requirements for establishment and operating horticulture nursery

- 1) High standards of field hygiene shall be maintained
- 2) The seedlings shall be protected from diseases and pests
- 3) The area shall be free from organic and inorganic litter
- 4) There shall be clear separation of operation (soil mixing and potting, seedling area, grafting area, hardening area and dispatch)
- 5) The water source shall be year-round, adequate, of recommended PH and free from chemical and microbial contamination.
- 6) Planting media used shall be free from microbial and chemical contamination.
- 7) The Nursery layout shall be secured from animals and other pests
- 8) The layout shall be East to West orientation, gentle slope and allows for good drainage
- 9) There shall be structures in place for the nursery operations (e.g. shade nets, polytunnels and insect proof net, a certified laboratory for tissue culture material and hardening off area)
- 10) Scion, seeds or rootstock source shall be from approved source
- 11) Nursery seedlings shall be labeled with the seedling type, date of planting, grafting or budding where applicable.
- 12) Seedlings ready for dispatch shall be tagged or labelled appropriately indicating the seedling variety
- 13) Distribution records of the nursery showing buyer's name, County, Sub County, ward, postal address and varieties purchased shall be maintained.
- 14) Nursery certificate shall be displayed
- 15) The nursery shall be located 100 meters away from the orchard to prevent cross pollination.
- 16) Personnel working in the nursery shall have basic training in nursery management

Third Schedule

Form B: Certificate of registration of horticultural nursery/mother block

COUNTY GOVERNMENT OF

.....

1. Name of certificate holder.....
2. P. O. Box of
3. Is/are registered to operate an Horticultural nursery for the year
4. Located at CountySub-countyWard.....
5. L.R. No.....GPS coordinates.....Altitude.....Northing.....Eastings.....
6. The following planting materials will be produced

Crop Type/ variety	approximate No of seedlings	Remarks (condition of seeds/seedlings)

Registration No.

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

(County Executive Committee member in charge of Agriculture)

Conditions

1. This certificate is valid for 1 year from date of issue
2. This certificate is not transferable to any other person, or nursery site
3. All seed, rootstock or scion must be from approved source
4. No sale of planting material before certification by the National Plant Protection Organization.
5. The application for renewal of registration should be sent to the County where the nursery/mother block is located so as to reach at least 3 months before expiry date.
6. All certified materials which cannot be sold during the certification season will be subjected to re-certification before redistribution.
7. A copy of the certificate shall be sent to the Authority within 15 days of registration by the respective County government.

Third Schedule

Form C: Application for operation of nursery or mother block for supply to export market

AGRICULTURE AND FOOD AUTHORITY
(To be filled in triplicate)

1. Full name of Applicant
2. PIN.....ID No.....Huduma.....
3. Postal Address.....Tel.....Email.....
4. County.....Sub County.....Ward
5. L.R. No..... GPS coordinates -Altitude.....N/S.....E.....
6. Water source: Rivers/Dam/Boreholes, others (specify)
7. Type of material to be exported:

Crop/variety	No. of Seedlings	Source of Seed	Remarks

I confirm that I shall abide by the regulations and ensure that all planting material has been inspected and approved by the inspectors.

Applicant’s signatureDate.....

PART II

FOR OFFICIAL USE

Recommended /Not recommended

Crop Inspector name.....Signature..... Date.....

Remarks.....

Checked by:

Authorized Officer Name..... Signature..... Date

Approved/Not Approved by:

Director GeneralSignature.....Date

CONDITIONS

1. Application for registration of horticultural nursery should be sent to the Authority.
2. This form shall be accompanied by the prescribed fees payable to the Authority.

Minimum requirements for establishment and operating horticulture nursery

- 1) High standards of field hygiene shall be maintained
- 2) The seedlings shall be protected from diseases and pests
- 3) The area shall be free from organic and inorganic litter
- 4) There shall be clear separation of operation (soil mixing and potting, seedling area, grafting area, hardening area and dispatch)
- 5) The water source shall be year-round, adequate, of recommended PH and free from chemical and microbial contamination.
- 6) Planting media used shall be free from microbial and chemical contamination.
- 7) The Nursery layout shall be secured from animals and other pests
- 8) The layout shall be East to West orientation, gentle slope and allows for good drainage
- 9) There shall be structures in place for the nursery operations (e.g. shade nets, polytunnels and insect proof net, a certified laboratory for tissue culture material and hardening off area)
- 10) Scion, seeds or rootstock source shall be from approved source
- 11) Nursery seedlings shall be labeled with the seedling type, date of planting, grafting or budding where applicable.
- 12) Seedlings ready for dispatch shall be tagged or labelled appropriately indicating the seedling variety
- 13) Distribution records of the nursery showing buyer's name, County, Sub County, ward, postal address and varieties purchased shall be maintained.
- 14) Nursery certificate shall be displayed
- 15) The nursery shall be located 100 meters away from the orchard to prevent cross pollination.
- 16) Personnel working in the nursery shall have basic training in nursery management

Third Schedule

Form D: Certificate of Registration for Nursery or Mother Block for Supply to the Export Market

AGRICULTURE AND FOOD AUTHORITY
(To be filled in triplicate)

Full name of certificate holder.....

P. O. BoxEmailMobile No.....

Is/are registered to export Horticultural seedlings for the year

Name of CountySub-CountyWard.....

L.R. No..... GPS coordinates -Altitude.....N/S.....E.....

The following planting materials will be produced

Types	number of planting stock	remarks

Registration No.

Signed Date:.....

(Director General)

AGRICULTURE AND FOOD AUTHORITY

Conditions

1. This certificate is valid for 1 year from date of issue
2. This certificate is not transferable to any other person, or nursery site
3. All seed must be from approved source
4. No export of planting material before final visual inspection and approval by KEPHIS.
5. The application for renewal of this certificate shall be made to the Authority so as to reach at least 3 months before expiry date.
6. Tolerance levels of virus diseases incidence in the nursery is 0.5% of total number of plants.
7. All certified materials which can't be sold during the certification season will be subjected to certification after (6) six months.

The application for renewal of this certificate shall be made to the Authority, P.O. Box 42601-00100, NAIROBI so as to reach at least 3 months before expiry date.

Third Schedule

Form E: Sales Receipt for horticulture planting material

Name of Nursery operator.....

P.O. Box.Email Tel.....

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

Nursery name.....Registration No.

Mode of transport.

Plant Health certificate number.....

Crop variety	Quantity sold (specify types and names)	Remarks

Date of purchase

Name of buyer.....

P.O. Box.Email Tel.....

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

Signature of Nursery Operator.....

Date.....

This receipt is valid for only the specified consignment.

Third Schedule

**FORM F: Horticulture nursery operator statistical returns form
(To be completed in triplicate)**

COUNTY GOVERNMENT OF

.....

1. Name of the Nursery operator
2. Telephone/ Mobile number P.O. BoxNearest Town.....
3. Period of returns.....MonthYear

Declaration:

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

I hereby declare that the information I have given above, to the best of my knowledge, is true and complete.

Name of the Nursery OperatorDate

Signature

4. For official use only:

Name of Inspector

DateSignature

Official County Government Rubber stamp

NB This form must be filled and submitted to the county government, not later than the fifteenth day of January and fifteenth day of July of every year

Third Schedule

Form G: Application Form for Registration of Growers

(To be filled in triplicate)

COUNTY GOVERNMENT OF

.....

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

Surname:.....	First Name:.....	Middle Name:.....
County	Sub County.....	Ward.....
Contact Box No.....code..... Name of Post Office.....	Mobile No (s)..... Huduma No.....	Email:
1 Identification No..... . L.R. No. or No's Huduma No.....	Grower Location GPS Coordinates Northings/Southings..... Eastings..... Elevation.....	Age Category: <i>Tick appropriate</i> A - below 18, B - 18-35, C - 36- 50, D - above 50.....
Gender: <i>Tick appropriate</i> Male A , Female B- ¹ Vulnerability Specify.....	Total Land Size Estimate (Acres) Actual Land Size in Acres As measured.....	Distance from Collection Centre :Km
Member of Grower Association(Y/N)	If yes Name of Association/Coop/Grp	Title in the association Official/member

List of crops grown

Type of crop	Variety	Acres/ plant Population	Average yield	Current Approx. Farm Income per year in Kshs

NB: For permanent crops indicate the plant population

I confirm that I shall abide by the requirements of the Horticulture Crops Regulations.

Growers signatureDate.....

¹ Add letter V on Gender and specify type of vulnerability.

Third Schedule

Form H: Application Form for Registration of Growers Association /Companies

(To be filled in triplicate)

COUNTY GOVERNMENT OF

.....

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

1. Name of Company
2. Certificate of Incorporation No.....
3. List Names and Identity Card Nos. for Directors

Name	ID/Passport No	Remarks
1.		
2.		
3.		

Remarks Provide Work Permits for Directors for Foreign based Companies

4. VAT Registration No. PIN
5. Postal address..... Postal code.....Town.....
6. Telephone No.....E-mail.....
Website.....
7. Physical address: Building.....Street.....Town.....

B – Particulars of Land Parcel

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

Type of crop	Variety	Acreage/Population	Average yield

NB: For permanent crops indicate the plant population

I confirm that I shall abide by the requirements of the Horticulture Crops Regulations.

Full name of applicant.....Signed.....

Date.....

PART C

FOR OFFICIAL USE

Remarks.....
.....

Recommended **Not Recommended**

County Executive Committee (CEC) for Agriculture

Signature.....

Date

The application should be sent to the respective County governments.

Terms and Conditions

- This application should be completed in full.
- A grower Association shall be required to furnish the County government with evidence of registration and copies of their Constitution or Articles and Memorandum of Association;

Third Schedule

Form J: Application for registration as horticulture produce or products dealers

(To be filled in triplicate)

COUNTY GOVERNMENT OF

.....
New applicant Renewal

1. Full name of Applicant
- Postal Address.....
2. Physical address.....
3. Registered Office.....LR. No.Street
- Tel. No.Fax No.....
- E-mail.....Website
4. Place where the premise is located: County.....Sub-County.....Ward.....
5. VAT Registration No / ID. No.PIN
6. Year of Incorporation of Companyand Registration No.
(Attach copies of, company incorporation certificate ID of Directors and current Single Business Permit where applicable)
7. Type of dealership e.g. Processor /Transporter/marketing agent/.
 (specify)
8. Types of Produce/ Products for the market
9. Sources of supply for Produce

Name of county	Sub county	Ward	Name of buyers

Attach contractual agreements if outsourcing for buyers

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

10. Applicant Signature.....Date

FOR OFFICIAL USE

Remarks:

Approved/Not approved.....

11. Checked by:

County Officer Name..... Signature..... Date

Approved by:

CEC in charge of Agriculture NameSignature.....

Date

CONDITIONS

1. Consideration of this application will be on condition that the applicant satisfies the County government that he or she is capable of complying with national Standards and any other legal requirements.
2. The dealer shall produce such documentary evidence as requested to support the statements made above.
3. A dealer shall pay all dues to the licensing Authority before his application can be considered.
4. The licensing Authority has the right to approve or reject this application. In case of rejection reasons will be given and the applicant can reapply.

Third Schedule

Form K: Certificate of registration of produce or product dealer

COUNTY GOVERNMENT OF

.....

Name

Type of dealership.....;;

P. O. Box :Tel.....

Physical Address.....

L.R. No.

Street:

is hereby certified as a dealer (specify *Type of dealership e.g Processor /Transporter/Buyer/ Grocery etc*) of horticulture produce/products under this Regulation for the following products:

.....

.....

Date of Registration.....

Date of expiry.....

Signed.....

Name

(CEC in charge of Agriculture)

Official Rubber stamp of the respective County government

CONDITIONS

The certificate is not transferable.

The certificate may be revoked, suspended or altered according to the provisions of this regulations.

Third Schedule

Form L: Application for Registration as Horticulture Produce or Products Dealer for the Export Market

AGRICULTURE AND FOOD AUTHORITY
(To be filled in triplicate)

New applicant Renewal

1. Full name of Applicant
- Postal Address.....
- Physical address.....
2. Registered Office.....
- L. R. No.Street
- Tel. No.
- Fax No.
- E-mail.....
- Website
3. Place where the premise is located:
- County.....
- Sub-County.....Ward.....
4. VAT Registration No / ID. No.
5. PIN
6. Year of Incorporation of Companyand
7. Registration No.
- (Attach copies of, company incorporation certificate ID of Directors and current Single Business Permit where applicable)*
8. Type of dealership e.g. Processor /Transporter/marketing agent/.
(specify)
9. Types of Produce/ Products for the market
.....
10. Sources of supply for Produce
.....
.....
List of buyers for produce (Attach contractual agreements if outsourcing)
.....
.....
- I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.
11. Applicant Signature.....Date

FOR OFFICIAL USE

Remarks: Approved/Not approved

12. Checked by:

Authority's authorized Officer Name..... Signature..... Date
.....

Approved by:

Director GeneralSignature.....

Date

CONDITIONS

5. Consideration of this application will be on condition that the applicant satisfies the Authority that he or she is capable of complying with national Standards and any other legal requirements.
6. The dealer shall produce such documentary evidence as requested to support the statements made above.
7. A dealer shall pay all dues to the Authority before his application can be considered.
8. The Authority has the right to approve or reject this application. In case of rejection reasons will be given and the applicant can reapply.

Third Schedule

Form M: Certificate of Registration of Produce or Product Dealer for the Export Market

AGRICULTURE AND FOOD AUTHORITY
(To be filled in triplicate)

Name:

Type of dealership.....;;

P. O. Box :Tel.....

Physical Address.....

L.R. No.

Street:

is hereby certified as a dealer (specify *Type of dealership e.g Shipchandler /Marketing agent/Transporter/ Packing facility Operator* of horticulture produce/products under this Regulation for the following products:

.....

.....

Date of Registration.....

Date of expiry.....

Signed.....

Name

Director General

Official Rubber stamp of the Authority

CONDITIONS

1. The certificate is not transferable.
2. The certificate may be revoked, suspended or altered according to the provisions of this regulations.

Third Schedule

Form N: Application for Export License For Horticultural Produce or Products

AGRICULTURE AND FOOD AUTHORITY (To be filled in triplicate)

(To be filled in triplicate)

1. Full name of Applicant
2. Postal Address.....Registered Office.....L. R. No.
StreetTel. No. Fax No.
E-mail.....Website.....
3. Place where the premise is located: Ward.....Sub-County.....
County.....
4. VAT Registration No / ID. No. PIN
5. Year of Incorporation of Companyand Registration No.
(Attach copies of, company incorporation certificate ID of Directors and current Single Business Permit)
6. Type of dealership e.g. Exporter/Importer/ Processor /Transporter/Buyer/ clearing agent etc. (specify)
.....
7. Types of Produce/ Products for the market
8. Sources of supply for Produce
9. List of buyers for produce (Attach contractual agreements if outsourcing)
10. I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

Applicant Signature.....

Date

FOR OFFICIAL USE

Checked by:

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

Approved by:

Director's NameSignature.....Date

The Authority has the right to approve or reject this application. In case of rejection reasons will be given and the applicant can reapply.

Conditions for Application for renewal Export License

This application should be submitted 30 days before expiry of the export license)

- a) Filled application form
- b) Certified copy of business trading permit from the respective county government
- c) Copy of valid tax compliance certificate from Kenya Revenue Authority,
- d) Farm and Pack House Inspection report from the Authority
- e) Annual marketing and/or production returns for the previous year and season,
- f) Demonstrate produce traceability.
- g) Registered contracts from contracted produce sources
- h) Operate from a registered packing facility.

Conditions for Application for New Export License

- a) Filled application form L of the Third Schedule
- b) List of Directors and shareholders from the registrar of Companies
- c) Names of at least one company director, copies of ID/passport and PIN,
- d) Certified copy of business trading permit from the respective County
- e) Certified copy of Certificate of Incorporation/Certificate of registration,
- f) Copy of valid tax compliance certificate from Kenya Revenue Authority,
- g) Farm and Pack House Inspection report from the Authority,
- h) Demonstrate produce traceability.,
- i) Register contracts from contracted produce sources
- j) Operate from a registered packing facility,

General Conditions

1. Consideration of this application will be conditional on the applicant satisfying the Authority that the Applicant is capable of complying with national and International Standards and any other legal requirements.
2. The dealer shall produce such documentary evidence as requested to support the statements made above.
3. Dealers in export shall produce a valid contractual agreement in the prescribed form between themselves and the entities from which they source their produce and also the entities to which they sell their produce.
4. A dealer shall pay all dues to the Authority before his application can be considered.

Third Schedule

Form P: Horticulture Produce Export License

AGRICULTURE AND FOOD AUTHORITY

Name exporter

License Number.....

Address:Tel.....

L.R. No.

Street:

is hereby licensed as an exporter under this Regulation for the following products:

1.....

2.....

3.....

The License expires on.....

Date of issue.....

Signed.....

Name

(Director General)

Official stamp of the Authority

CONDITIONS

1. Any changes to the source of produce and list of buyers submitted to the Authority by the dealer shall be notified in advance to the Authority in writing.
2. This License is not transferable.
3. The License may be revoked, suspended or altered in circumstances outlined in Crops Act para 23

Fourth Schedule

Table 5: Minimum requirements for farm handling and grading of horticultural produce

1. All harvested produce shall be at the right stage of maturity for intended use
2. Harvested produce shall be handled by Personnel with skills and knowledge on food safety.
3. Produce shall be harvested in the morning or evening or during cool part of the day and kept under shade.
4. Harvested produce shall be protected from dust and other sources of contaminants.
5. Appropriate harvesting equipment and containers shall be used for each crop.
6. All produce shall be harvested using clean crates or buckets to minimize physical handling of produce.
7. All produce shall be sorted and graded as appropriate. Produce unfit for marketing shall be separated from marketable produce at the field level
8. A collection shed shall be constructed for receiving produce at field level.
9. The collection shed shall—
 - a. be accessible to both buyers and farmers;
 - b. be designed to allow for a store, working area and shade;
 - c. have floors, doors, wall surfaces made which are easy to clean and disinfect
 - d. be constructed to allow for adequate ventilation, lighting, effective produce inspection and made of acceptable materials;
 - e. have potable water and adequate sanitation facilities
 - f. have waste disposal facilities;
 - g. have clear documentation procedures and document control systems; and
 - h. traceability details of all produce collected

Fourth Schedule

Table 6: Minimum Conditions Applicable for Produce Handling Facilities

All processing and packaging must be carried out in a clean, hygienic and safe conditions as set out under the provisions of the National horticulture standard, Public Health Act, the Occupational Safety and Health Act, and any other applicable produce safety and quality regulations. In addition, processing must meet the following conditions:

- 1) The working areas and premises shall be kept free of waste materials.
- 2) Any person in the produce handling facility shall wear protective clothing at all times.
- 3) All hand used equipment and grading tables shall be rust proof and easily cleaned.
- 4) The floor layout shall allow for smooth flow of produce with adequate separation of raw materials and finished products.
- 5) The floors, doors and wall surfaces shall be made of impervious, non- absorbent, non-toxic washable materials which are easy to clean and disinfect.
- 6) The produce handling facility shall have adequate ventilation, temperature control and lighting.
- 7) All machinery used in the produce handling facility shall conform to the provisions of Occupational Safety and Health Act.
- 8) The produce handling facility shall be designed and constructed to prevent entry of domestic animals, rodents, insects, birds, dust and any other unwanted animals,
- 9) Prominent signs shall be displayed forbidding smoking, eating or drinking within the facility.
- 10) All packaging materials shall be kept off the floor in clean dry storage areas free from risk of contamination.
- 11) All produce shall move through the facility operation in the order that it is received, First in First out.
- 12) The traceability of all produce shall be documented throughout the process chain.

Fourth Schedule

Table 7: Minimum Requirements for Packaging, Transportation and Storage of horticultural produce and products

The packaging shall protect the produce from mechanical and physiological damages to minimize loss of quality.

- 1) The packaging shall be designed to suit the transport handling system and have capacity to meet market requirements.
- 2) The package weight of the produce should not exceed 50 Kg.
- 3) The packaging material used shall be able to contain the produce, enabling the required quantity to be handled as one-unit up to the targeted destination without collapsing.
- 4) Horticultural produce shall during storage and transport be kept at the prescribed temperature and humidity levels for each produce.
- 5) Horticultural produce and products shall not be stored or transported together with other produce, which may contaminate them or otherwise adversely affect their quality.
- 6) Vessel for transport shall be built and equipped to ensure maintenance of optimal temperatures and hygiene to prevent damage, contamination and spoilage of produce.
- 7) Horticultural produce shall be transported to the market in an enclosed transport vessel that is clearly labelled as “fresh produce”
- 8) Persons handling the produce must be healthy, protected and trained on produce handling.
- 9) Any other provision outlined in the national horticulture standard and other relevant shall be adhered to.

r.26 (1)

Fourth Schedule

Form Q (I): Produce Source Form: Company Owned Farm (PSI Form)

Company name:	Physical business location:
Company Registration Number	
Certification Status (body)	Certification Number:
Address: P.O. Box:	E-mail:
Phone No.	Date:

Farm (S) Details Crop Production Details

No	farm name	farm reference		County	sub County	Name of crop	Area (acre) or No of Trees (for fruit trees)	Production (MT)
		Farm Trace ability Code	LR. No.					

Name of company representative

Designation..... Date

Signature

Stamp _____

r.26 (1)

Form Q (II): Produce source from contracted farms (PSII Form)

Company name	Physical business location:
Company registration number	Certificate of registration number
Address: P.O. Box:	E-mail:
Phone No.	Date:
Name of association (where applicable)	

Name of farmerTrace code,,,
 Mobile No.....ID NO,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,Email,
 County.....Sub county..... ward.....
 Location/ LR No.....GPS altitude.....N/S..... E.....

Farmer’s and crop production details

Name of crop	Variety	Area (acre)	Production (MT)	Certification Status

CONDITIONS

- Attach duly signed contracts for each of farmer indicated above
- A different form should be filled for each crop

Name of company representative:..... Designation Date

Signature

Stamp:.....

r. 27(1), 27(2D), 27(3)

Fourth Schedule

Table 8: Horticulture Code of Conduct

The code provides guidelines that shall govern contractual agreements between buyers and growers and shall:

- i. Serve as a guideline for the grower and dealer in order to conduct good business practices, which will be mutually beneficial, and help promote the well-being of the horticultural industry in Kenya.
- ii. Act as a guideline or framework to development of a legally binding contract to be executed by the grower and dealer.
- iii. Act as a contract between the grower and dealer of horticultural produce in the absence of parties themselves entering into a legally binding agreement,

Obligations of the grower and dealer

- a) The **grower** shall
 1. Be organized into well-managed associations or registered legal entities.
 2. Relate to specific dealers only under a contract as specified in these regulations.
 3. A grower dealing with different dealers shall clearly designate fields for each dealer,
- b) The **dealer** shall:
 1. Provide training on any aspect that related to quality standards as need arises,
 2. Relate to specific grower entities as per the provisions of the regulations,
 3. Relate directly with the grower,
 4. Establish means and ways of financing the grower where necessary,
 5. Submit agreement with the grower to the licensing Authority for verification and witnessing before execution,
- c) All **parties** in the agreement shall
 1. Undertake to conduct their business diligently and professionally at all times.
 2. Submit agreement to licensing authority for verification and witnessing before execution
 3. Seek for alternative dispute resolution from relevant bodies,

Obligations of the Authority and County Governments

The **Authority** shall in collaboration with **County government**

1. Provide specialized advisory services to the growers and dealers,
2. Register the agreements,
3. Maintain a database of growers and dealers,

4. Undertake field surveillance to ensure adherence to the code of practice.
5. Enforcement produce standards as per market demands,
6. Undertake sampling and testing plan to monitor compliance to industry requirements

Essential elements of the contract

The contract shall include specific terms and conditions for production, harvesting, bulking handling, sorting, labeling packaging, mode of payment, and any other essential elements, which will create a clear understanding of obligations of both the grower and the dealer.

The elements include:

- a) **Quantity and quality of produce to be supplied at a particular time and contract price**
 1. The agreement shall specify the quantity to be supplied by the grower(s) over a period of time.
 2. The agreement shall specify a minimum quantity of produce below which no collection will be effected by the dealer.

b) Seed and other Inputs

1. The contract shall specify who is responsible for inputs, including labour fertilizer and pesticides and planting materials.
2. If the dealer requires the grower to use certified seeds/planting materials this information shall be specified in the contract.
3. Terms and conditions for purchase or sale of inputs must be included within the contract.

c) Generally Accepted Production Practices

All **parties** shall commit to implement Good Agricultural Practices and procedures. Elements of accepted production practices include:

i. Record Keeping and traceability

The agreement shall stipulate the party responsible for record keeping and traceability.

ii. Field Support and Training

The dealer shall ensure contracted grower receive adequate training and technical support, during the contract period to avail quality produce.

iii. Harvesting and Post-Harvest Practices

- i. Both the dealer and the grower shall agree to undertake acceptable management practices in harvesting and post-harvest handling of produce.

iv. Inspection and Grading

Dealer and grower shall agree and specify responsibilities for:

- a) sorting, grading and inspection of produce,
- b) type of document to be executed upon collection/delivery of produce,
- c) agree at what stage goods change title and obligations of each party in relation to inspection and grading.

v. Packaging Supply and Procedures

The agreement shall specify:

- a) which party is obligated to supply packaging materials?
- b) Packaging procedures such as condition and quantity of produce, grade and type of produce, placement within a container.

vi. Conditions of Collection and/ or Delivery

The agreement shall specify:

- a) The collection time or periods of the year,
- b) Conditions in the events of non-collection.
- c) Tolerance levels (%) on shortages and excesses.
- d) Penalties in case of default of either party.
- e) Dealings with third parties

The grower shall commit not to engage in any transactions with other individuals or intermediaries involving the contracted produce.

vii. Rejected Produce

- a) Location of rejection of produce shall be specified in the agreement.
- b) Conditions for the return of the rejected produce shall be specified.
- c) Method of disposal of rejected produce shall be agreed upon,

viii. Payment Terms and Mechanism

Grower and dealer shall specify in detail the terms and method of payment for produce received by the dealer including any deductions.

ix. Penalties

The agreement shall specify penalties including type and amount of compensation to either party as a result of failure to abide by the terms of the agreement.

x. Duration of Contract

Duration and maturity of contract shall be specified in the agreement.

xi. Termination Clause

Conditions for termination of contract shall be specified in the agreement.

xii. Natural Calamities and Non-Commercial Risks (Force majeure)

All contracts will be insured to cover risks from such natural calamities (such as floods, hail, earthquakes,

In the event of non-commercial risks (such as war, national labour, strikes, etc) the affected party shall be held blameless for non-performance.

r. 28(2)

Fourth Schedule

Form R: Compliance certificate

This is to certify that the following horticulture produce/products

1.....

2.....

3.....

have been inspected and meet the national, regional and international standards.

Scope such as:

1. Transport
2. Farm
3. Retail outlet
4. Pack house

Consignment details

Name of dealer Type of dealership.....

Registration certificate/license number.....

Validity period: from _____ to _____

Date of issue _____ time issued _____
a.m./p.m.

Signature

Director general

Agriculture and Food Authority

Fourth Schedule

Table 9: Criteria for identification and designation of markets and public assets to serve as designated collection centres and collection centres

Details	Criteria
<p>Designation of Markets, Designated Collection centres, collection centres by Counties</p>	<ul style="list-style-type: none"> a. Public land or asset with secure tenure, b. Priority area or facility identified through Public consultation and participation c. Location as relates the production catchment area and market dealer’s accessibility, d. Infrastructure support roads, power, water, network connectivity e. Status of existing collection centre infrastructure and facilities e.g shelter, drainage system, water, sanitary and hygiene facilities etc, f. Number of daily transactions inside the existing facility and daily gross turnover for agricultural produce; g. Availability of training facilities for growers and dealers on GAPs, National and international food crops Standards, technology dissemination.
<p>Establishment of designated Collection;</p>	<ul style="list-style-type: none"> 1. Have appropriate shelters, storage and value addition facilities which includes; weighing, sanitation, sorting, grading, display, packaging, labelling, appropriate storage and processing facilities among others. 2. Have infrastructure and facilities that ensure food safety and hygienic environment including but not limited to; <ul style="list-style-type: none"> a) Waste management system, b) Hygiene and sanitation, c) Utilities like water and electricity, a) Loading and offloading ramps and b) Storm water drainage. 3. Have an administrative and management areas that provides for; <ul style="list-style-type: none"> a) Parking Space, b) Security fence, lights and gate, c) Office for County crops inspector and ICT facilities and d) Access roads-accelerating and decelerating roads. 4. The designs for all collection/collection centres should also make provision for access for Persons Living with Disabilities.

Details	Criteria
Market designs	<ol style="list-style-type: none">a. Designated areas for wholesale and retail, retail stalls according to produce type.b. Provision for weighing, display, and storage,c. Shaded market structures,d. Waste management,e. Hygiene and sanitation,f. Training, Plant Clinic and Incubation rooms,g. Security fence, lights and gate,h. Utilities water and electricityi. Loading and offloading rampsj. Access roads and Parking Spacek. Office for Crops inspector or a county crops inspector and ICT facilitiesl. Storm water drainage

Fourth Schedule

Table 10: Type of data to be collected and captured at collection centers

1. Service providers (Government and Private) location, coverage, number, qualifications, skills, knowledge, responsibilities, equipment's, machineries, types and quantity of inputs etc, Production statistics: historical data secondary sources (50 yrs);
2. Development projects Name, structure from national to county level, sector priorities being addressed, Focus counties, project outcomes, outputs and indicators in absolute numbers, total funding available, period of implementation among others
3. Farmers (biometric details, location, land size, number and types of enterprises, level of household food & nutrition status,
4. On-Farm tools, equipment, machineries, structure's (building, water harvesting etc),
5. Commodity demand data household requirements, buyers demand data (domestic, exporters, processors, institutions (schools, colleges, hospitals etc) fish & livestock feeds etc,
6. Buyers, transporters business details, number, capacity, condition of means of transport, source and destination of produce, frequency of deliveries, skills and knowledge in produce handling etc,
7. Market name, location, ward, produce handling, trading, storage and processing facilities and ICT infrastructure, Utilities, waste management and environment conservation, hygiene, security, produce, product standards and enforcements,
8. Institutions for coordination of value chain actor's names, responsibilities, summary of meeting proceedings, actions taken, financial statements,
9. Inventory of germplasm conserved, location, form, quantity etc,
10. Research and technology gaps, packaging, release and dissemination channels
11. Input requirements fertilizers types, quantities, period, location; Seeds variety, quantities, period, location, pesticides types, period, quantity etc,
12. Input support systems in place
13. Malnutrition screening data for households in each ward. E.g age for height, age for weight, body mass index (BMI), meal diversity, meal frequency, size of household, crop diversity

Fourth Schedule

Table 11: Minimum requirements for horticulture produce handling facilities for markets and collection centers

Produce handling facilities and infrastructure shall be designed to ensure safe handling, preservation and enforcement of relevant standards. All produce handling facilities shall be designed to provide for access for Persons Living With disabilities (PLWD).

The designs should also provide for:

- i. Weighing, cleaning, sorting, grading, display, packaging, labeling, storage and processing,
- ii. Shaded market structures,
- iii. Waste management system,
- iv. Hygiene and sanitation,
- v. Training, plant health clinic and business incubation facilities,
- vi. Security fence, lights and gate,
- vii. Utilities like water and electricity
- viii. Loading and offloading ramps
- ix. Parking Space,
- x. Office and ICT facilities including for inspectors
- xi. Inspection area and facilities
- xii. Storm water drainage.
- xiii. Access roads-accelerating and decelerating roads
- xiv. Designated areas for wholesale, retail and according to produce type.
- xv. Cold storage facilities

These markets will serve as collection centers for horticultural crops at the ward level. They will be managed by the cluster management teams.

Fourth Schedule

Form S: Export certificate

Name of DealerRegistration No.

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

Email.....Physical Location.....

Contact person

Validity period from.....to.....

Point of exit.....

Export certificate for the following; Fresh produce Processed product (*Tick as appropriate*)

Produce Type (Hs Code)	Quantity (Kilograms)	Country of Origin	Value (F.O.B) KES

NB:Attach invoice

FOR OFFICIAL USE

Checked by:

Authorized Officer’s Name

Signature..... Date

Official Rubber stamp of the Authority

Terms and Conditions:

1. The exporter shall provide all the information of the transaction in question to the Authority on demand.
2. The export permit may be suspended without notice where such exporter infringes the legal requirements as set out in the laws of Kenya.

Fourth Schedule

Form T: Application for Import Certificate

Name of Dealer.....

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

Email.....Physical Location.....

Contact person

Import Certificate Registration No.

Validity period from.....to.....

Point of entry/delivery.....

Is hereby authorized to import the following; Fresh produce Processed product (*Tick as appropriate*)

Produce Type (Hs Code)	Quantity (Kilograms)	Country of Origin	Value (F.O.B) KES

FOR OFFICIAL USE

Checked by:

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

Approved by:

Director GeneralSignature.....Date

Official Rubber stamp

Terms and Conditions:

- 1) The Authority may vary, suspend or cancel the horticulture produce import certificate issued if the holder fails to abide with the national horticulture produce standards.
- 2) The importer shall provide all the information of the transaction in question to the Authority on demand.
- 3) The import permit may be suspended without notice where such importer infringes the legal requirements as set out in the laws of Kenya.
- 4) The holder of this certificate shall submit monthly returns to the Authority in the prescribed format
- 5) A registered importer shall provide, on request by the Authority;
 - a) Original copies of importation and customs entry documentation.
 - b) An import permit for shipment of the specific consignment.
 - c) Evidence of payment of duties and levies.
 - d) A certificate of origin and contact details of the exporters and importers from whom they procured.
- 6) All consignments whether repacked or in original package shall bear in bold print, the name and contact details of the consignor, consignee and the country of origin.
- 7) Produce intended for importation into the country shall be sampled and analysed for conformity to national food quality and safety standards and requirements at the point of entry by the Authority.
- 8) Any consignment of horticulture produce that is either smuggled or does not conform to the quality standards, shall be seized, detained and disposed of or destroyed in an appropriate manner by the Authority at the cost of the offender.
- 9) Horticulture produce and products whose documentation does not meet the requirements of the Authority shall be seized and detained for verification and may be released to the consignee through issuance of a release order from the Authority.

Fourth Schedule

Form U: Quarterly returns on import/export of horticultural crops produce and products

(To be filled in triplicate)

- 1) Name/Business name of importer/exporter as appearing on the registration certificate.....
- 2) Certificate No.....
- 3) Postal address.....Code:.....
- 4) Tel..... Email.....
- 5) Contact person
- 6) Returns for the period (indicate in quarters)

Quarter	Name of crop produce or product	Quantity (Kilograms) Imported/exported	Customs Value (KES) (F.O.B)	Country of origin/destination country	Point of entry/exit

NB: Indicate the applicable quarter Q1: January – March; Q2: April – June; Q3: July – Sept; Q4: Oct - Dec

I hereby declare that the particulars which I have given are true and accurate to the best of my knowledge and belief.

Applicant’s Signature..... Date

Official stamp/seal

Fifth Schedule

Table 12: Fees, Levies and Other Charges Applicable to horticulture Industry

REGISTRATION AND PERMIT CATEGORIES	FEES (KES)	VALIDITY	RESPONSIBILITY
Dealers registration for the domestic market	5,000.00	Annual	County government
Dealer registration for export market	5,000.00	Annual	Authority
Agriculture Expert	5,000.00	Annual	Authority
Export license fee	10,000.00	Annual	Authority
Importer registration	10,000.00	annual	Authority
Export Levy	0.25 % of F.O.B value	Per consignment	Authority
Import levy – Finished products	4% of F.O.B value	Per consignment	Authority
Import levy – Raw materials	2% of F.O.B value	Per consignment	Authority
Nursery/motherblock for export market	1) 1,000.00 2) 2,500.00 3) 5,000.00 4) 7,500.00	Annual	Authority
Nursery Operators/mother block Registration based on annual turnover (KES) 1. Up to 50,000 2. 50,000-250,000 3. 250,000-500,000 4. Above 500,000	1) 1,000.00 2) 2,500.00 3) 5,000.00 4) 7,500.00	Annual	County government
Inspection for nursery/mother block	1,000.00	Annual per site	Licensing Authority
Inspection for produce conformity	1,000.00	Per inspection	Authority
Produce handling facility inspection	5,000.00	Twice per year/ or in case of non-compliance: Applicable to pack houses not owned by exporters.	Authority
Audits due to non-compliance to national, regional and international standards	100% of the inspection cost of systems audit	Per inspection	Authority

Serial

r41 (1)

Fifth Schedule

Form V: Receipt for movement of horticulture produce

(To be filled in triplicate; Original copy to be issued to the dealer)

COUNTY GOVERNMENT OF

.....

Amount fees charged in KES.....

Name of Dealer:

Source of produce:Destination:

Date of issue: _____ Time issued: _____ am/pm

Name of authorized County officer.....

Signature of Issuing Officer:

Dated thisday of2019

County Stamp.....

Sixth schedule

Table 13: Minimum requirements for establishment of service delivery & technology hubs

Availability of reliable market is an important driver for delivery of quality services and investment in value addition along most value chains. Each designated collection centre will have a service delivery and technology hub that will address:

- a) Poor coordination in provision of mechanization services due to inadequate information and institutional structure between the demand and supply ends of the service,
- b) High cost of agricultural mechanization services,
- c) Poor access to technology by small holder growers
- d) Inadequate demand-driven research and technology in agricultural mechanization,
- e) Low skills and knowledge in operation and maintenance of farm mechanization technologies,
- f) Insufficient agricultural mechanization quality assurance,
- g) Inadequate mechanization and technology extension and adoption
- h) Uncontrolled subdivision and improper land use.

Minimum requirements for such hubs include:

1. Shade for storage of machinery and equipment,
2. Yard for calibration of equipment and machinery,
3. Fields for testing of the machinery,
4. Store for storage of spares and small equipment and machinery,
5. Store for lubricants,
6. Service bay for maintenance and repair of machineries,
7. Offices for workshop manager, plant operators and mechanics,
8. Waste oil pit and waste collection points,
9. Fire control room,
10. Rest room for visitors,
11. Appropriate technologies and equipment for service provision,
12. Sanitary facilities
13. All hubs must have facilities for persons living with disabilities

The management of this facility may be outsourced to private sector under close supervision by the county governments

Sixth Schedule

Form W: Application for registration as a horticulture Experts

1. Applicant information

Name:
Address:.....
Telephone:.....Email:.....

Scope of services (farms, pack house, advisory among others)

- 1.
- 2.
- 3.

2. Competencies

- 1.
- 2.
- 3.

3. Qualification

- 1.
- 2.
- 3.

4. Referees

- 1.
- 2.
- 3.

The applicant should attach testimonials and list of support staff where applicable

<p><u>FOR OFFICIAL USE</u></p> <p>Remarks:.....</p> <p><input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended</p> <p>Head of Horticulture Directorate Name..... Signature..... Date</p>

Seventh Schedule

Table 14: National disputes Resolution Committee

Dispute Resolution	National Dispute Resolution Committee
Membership	<p>1.Membership</p> <ol style="list-style-type: none"> a. Two representatives from the ministry in charge of agriculture b. Two representatives from the ministry ; c. Two representatives for the Authority d. One representative from the Ministry in charge of Trade e. Federation f. Two representative from Industry Association or the commodity from which the dispute is arising g. One representative from Kenya National chamber of commerce and industry.
Functions	<ol style="list-style-type: none"> 2. The main function of the Committee is to hear and determine disputes arising from registration and certification of: <ol style="list-style-type: none"> a. Dealers and food processors b. Collection Centers, Ware houses, stores and food depots c. Importers and exporters of food produce and products d. Processing plants 3. During the first meeting the committee shall set its own rules and procedures 4. The committee may co-opt a technical expert during its seating where necessary to assist it in determining an issue at hand. 5. The committee shall meet on need basis, but at least once every three months 6. The parties to the dispute shall appear before the committee in person or through their advocates 7. The decision of the committee shall be made in writing and communicated to the parties within fourteen days from the date of the hearing.

Seventh Schedule

Table 15: Dispute Resolution Committee

<p>Membership</p>	<p>1.Membership</p> <ul style="list-style-type: none"> a. CECM in charge of agriculture b. Chief Officer in charge of Agriculture; c. CECM in charge of Trade d. Two representatives of the growers of the commodity from which the dispute has arisen. County Crops officer e. A representative of the Authority at the county. f. Ward Administrator of the Ward where a dispute originates from will be coopted in the respective dispute resolution committee meeting deliberating on such a matter.
<p>Functions</p>	<p>2.The main function of the Committee is to hear and determine following disputes:</p> <ul style="list-style-type: none"> i. Growers/ Farmers and grower associations ii. Licenses iii. Processors and Dealers iv. Any other disputes arising related to the provisions of the Act or these regulations. <p>3. The committee may co-opt a technical expert during its seating where necessary to assist it in determining an issue at hand.</p> <p>4. The committee shall meet on need basis, but at least once every three months</p> <p>5. The parties to the dispute shall appear before the committee in person or through their advocates</p> <p>6. The decision of the committee shall be made in writing and communicated to the parties within fourteen days from the date of the hearing.</p>

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MWANGI KIUNJURI
Cabinet Secretary Ministry of Agriculture, Livestock, Fisheries and Irrigation

