



LAWS OF KENYA

NATIONAL CEREALS AND PRODUCE BOARD ACT

CHAPTER 338

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NATIONAL CEREALS AND PRODUCE BOARD ACT

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SCHEDULE – SCHEDULED AGRICULTURAL PRODUCE

CHAPTER 338

NATIONAL CEREALS AND PRODUCE BOARD ACT

[Date of assent: 8th August, 1985.]

[Date of commencement: 16th August, 1985.]

An Act of Parliament to regulate and control the marketing and processing of maize, wheat and scheduled agricultural produce; to establish a National Cereals and Produce Board; and to provide for connected purposes

[Act No. 7 of 1985, Act No. 22 of 1987, Act No. 13 of 1988, L.N. 74/1989, L.N. 509/1990, Corr. No. 12/1991, L.N. 19/1992, Act No. 17 of 2006.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the National Cereals and Produce Board Act, 1985.

2. Interpretation

In this Act unless the context otherwise requires—

“**agent**” means an agent appointed under section 12 and includes a sub-agent;

“**authorized officer**” means a person appointed in writing by the Board to be an authorized officer for the purposes of Part VII;

“**Board**” means the National Cereals and Produce Board established by section 3;

“**flour**” means any product of milled wheat, maize or scheduled agricultural produce intended for human consumption but does not include grist;

“**grist**” means maize, wheat or scheduled agricultural produce which has been converted into flour for the domestic use of the producer;

“**maize**” means the seed of the plant *zea mays* and includes maize on or off the cob, crushed maize, maize mixed with any other substance, and the siftings, sweepings and rejections of maize;

“**maize product**” means any part or product of maize whether or not it has been ground, sifted, granulated, kibbled or otherwise treated, and whether or not mixed with any other substance, and includes the siftings, sweepings or rejections of maize;

“**mill**” means premises in which wheat or maize is converted into flour for the purpose of sale;

“**producer**” means any person who by himself or his agent has grown maize, wheat or any scheduled agricultural produce;

“**railway loading point**” means a railway station, halt or siding at which goods are normally accepted for transportation on the railway;

“**scheduled agricultural produce**” means any of the produce specified in the Schedule and any part or product of that produce;

“**wheat**” means the grain of the plants *tritium vulgar* and *tritium durum*.

[Act No. 17 of 2006, s. 66.]

PART II – ESTABLISHMENT AND ORGANIZATION OF THE NATIONAL CEREALS AND PRODUCE BOARD

3. Establishment and constitution of the Board

(1) There is hereby established a Board to be known as the National Cereals and Produce Board.

(2) The Board shall consist of—

- (a) a Chairman who shall be appointed by the President;
- (b) two persons who are maize growers appointed by the Minister;
- (c) one person who is a wheat grower appointed by the Minister;
- (d) two persons appointed by the Minister of whom one shall represent consumers’ interests and the other millers’ interests;
- (da) the Permanent Secretary of the Ministry for the time being responsible for matters relating to the Board, or a person deputed by him in writing either generally or for a particular purpose or meeting;
- (e) the Permanent Secretary of the Ministry for the time being responsible for Agriculture, or a person deputed by him in writing either generally or for a particular purpose or meeting;
- (f) the Permanent Secretary of the Ministry for the time being responsible for Finance, or a person deputed by him in writing either generally or for a particular purpose or meeting;
- (g) the Permanent Secretary in the Office of the President, or a person deputed by him in writing either generally or for a particular purpose or meeting;
- (h) a person nominated by the Kenya Grain Growers Co-operative Union Limited and appointed by the Minister;
- (i) the managing director appointed under section 8(1).

(3) The Chairman, or, in his absence, a member elected to act as Chairman at a particular meeting of the Board, shall preside at each meeting of the Board and the person presiding at a meeting shall have a casting as well as a deliberative vote.

(4) The quorum of the Board shall be five.

(5) An appointed member of the Board shall hold office for three years unless his appointment is earlier revoked by the Minister.

(6) Notwithstanding subsection (5), the office of an appointed member of the Board shall become vacant—

- (a) if he resigns his office;

- (b) on his death;
- (c) if he is certified insane or otherwise adjudged to be of unsound mind under any law in force in Kenya;
- (d) if, in the opinion of the Minister, he becomes physically or otherwise incapable of discharging his functions as a member;
- (e) if he is absent, without the permission of the Board, from three consecutive meetings;
- (f) if he is sentenced to imprisonment for a term exceeding six months.

(7) Subject to this Act, and to any general or special directions the Minister may give, the Board shall regulate its own procedure.

[Act No. 22 of 1987, Sch.]

4. Functions of the Board

(1) The functions of the Board shall be—

- (a) to regulate or to control the collection, movement, storage, sale, purchase, transportation, marketing, processing, distribution, importation, exportation, disposal and supply of maize, wheat and scheduled agricultural produce;
- (b) to buy, store, sell, import, export or otherwise acquire and dispose of maize, wheat and scheduled agricultural produce in such manner, such quantities and on such terms as it may, from time to time, deem necessary to fulfil the requirements of producers and consumers in Kenya;
- (c) to advise the Minister on the proper production of maize, wheat and scheduled agricultural produce in relation to the needs of Kenya, and the extent to which control over the exportation and importation of maize, wheat or scheduled agricultural produce is desirable or necessary;
- (d) to do any other act which is connected or incidental to the foregoing.

(2) In fulfilling its functions, the Board shall comply with any general or special directions which the Minister may give.

(3) Nothing in this Act shall prevent or prejudice the appointment of the Board as an agent under section 14 of the Agriculture Act (Cap. 318).

5. Powers of the Board

(1) The Board shall be a body corporate with perpetual succession and a common seal.

(2) The Board shall have power—

- (a) to enter into contracts and arrangements which may, in the opinion of the Board, be necessary or expedient for the better carrying out of the objects of this Act;
- (b) to establish and operate in the name of the Board any bank accounts it may deem necessary or convenient;
- (c) to invest and deal with any moneys of the Board not immediately required by the Board, in and upon such investments and securities

as are allowed by law for the investment of trust funds or such other securities or investments as may be approved by the Treasury for the purposes of this paragraph;

- (d) to draw, make, accept, endorse, discount, execute and issue bills of exchange, promissory notes, bills of lading and other negotiable or transferable instruments or securities;
- (e) to set up reserve or equalization funds in respect of maize, wheat or scheduled agricultural produce as may, for any year, have generated excess profits which in the opinion of the Board may be used to support subsequent falls in market prices;
- (f) to raise or borrow, with the approval of the Minister, such sums of money as it may require for the provision of working capital, the establishment or acquisition of property or undertakings required by the Board, or any other expenditure properly incurred by the Board for the purposes of this Act.

6. Committees of the Board

The Board may appoint committees, whether of its own members or otherwise, to carry out general or particular functions as may be specified by the Board, and the Board may delegate to any of those committees such of its powers as it may deem fit.

7. Declaration of interest

A member of the Board who is or is likely to be interested in, or who participates or is likely to participate in the profits of, any contract with the Board otherwise than in his capacity as a member of the Board shall, on the matter coming up before the Board for consideration, immediately declare his interest therein and shall withdraw from that particular meeting.

8. Officers and staff of the Board

(1) The Board shall, with the approval of the Minister, appoint a managing director and may employ such other officers and servants as may be necessary or desirable for the efficient conduct and operation of the Board, on such terms and conditions of service as the Board may determine.

(2) The Board may authorize the managing director to exercise on its behalf, at any time when it is not meeting, such of its powers as it may from time to time specify.

(3) An exercise of powers by the managing director under subsection (2) shall, to the extent required by the Board be reported without unreasonable delay to the Board at its next meeting following that exercise of the power.

9. Pension and other funds

The Board may establish and make contributions to a pension, superannuation or provident fund, for the benefit of its officers or servants, and may require its officers and servants to contribute to those funds.

10. Authentication of documents

(1) The common seal of the Board shall be authenticated by the signature of the chairman or other member authorised by the Board to act in that behalf, together with the signature of the managing director.

(2) The Board shall keep a register showing the use of the Boards' seal.

(3) All documents made by the Board, other than those required by law to be under seal, shall be executed, and all decisions of the Board shall be signified, under the hand of the chairman or a member and an officer or agent of the Board authorised in that behalf.

11. Remuneration and expenses of directors and officers of the Board

(1) The Board shall pay to the directors such remuneration, fees or allowances for expenses as may be determined by the Minister in consultation with the Treasury; but no remuneration, fees or allowances for expenses shall be paid to a director who is a public officer in receipt of a salary.

(2) The officers and servants of the Board shall be paid out of the funds of the Board such remuneration as the Board may determine.

(3) The Board shall refund travelling and other expenses as may reasonably have been incurred by its members, officers or servants in the performances of their duties under this Act.

PART III – REGULATION AND CONTROL OF MAIZE, WHEAT AND SCHEDULED AGRICULTURAL PRODUCE**12. Appointment and powers of agents**

(1) The Board may appoint, at such remuneration as may be mutually agreed and subject to such conditions as the Board may in each case impose, any person to be its agent for the buying, storing and disposal of maize, wheat or scheduled agricultural produce, and every agent shall carry out his functions strictly in accordance with his appointment and having regard to the provisions of this Act.

(2) An agent appointed under subsection (1) may, with the consent of the Board, appoint such subagents as may be necessary or expedient to act on his behalf in the purchase of maize, wheat or scheduled agricultural produce.

(3) An agent who contravenes or fails to comply with the conditions of his appointment imposed under subsection (1) or who permits or allows any of his subagents to contravene or fail to comply with a condition of their appointment imposed under subsection (2) shall be guilty of an offence and liable to a fine not exceeding five thousand shillings.

(4) The appointment of an agent under this section shall, unless previously revoked, continue for further periods of one year as circumstances require, and the provisions of this section shall apply to the renewal of an appointment.

13. Responsibilities etc., of the Board

The Board shall be responsible for the maintenance of national strategic reserves of maize, wheat and scheduled agricultural produce and shall for that purpose have the power to purchase surplus maize, wheat or scheduled agricultural produce grown in Kenya.

14. Sale or barter by producers

The Board may from time to time direct that maize, wheat or scheduled agricultural produce grown in a specified area be, for such a period as the Board may specify, sold or bartered by producers generally or by a specified producer directly to some person or persons, in such quantities, at such prices and subject to such conditions, including any conditions as to payment of part of the price to the Board, as the Board may declare.

15. Prices to be paid to the producers

(1) The Minister may from time to time, after consultation with the Board and with such bodies or persons as appear to him to represent the interests of producers generally, and after consultation with the Minister for the time being responsible for Finance, fix the prices at which the Board may, in accordance with the provisions of this Act purchase maize, wheat or scheduled agricultural produce from producers and in so doing may fix different prices for different qualities, grades, types or varieties of maize, wheat or scheduled agricultural produce.

(2) The Board may, in respect of maize, wheat or scheduled agricultural produce, from time to time prescribe the amount of money which may be deducted from, or added to, the price payable to a producer in respect of transport to a prescribed depot of the Board or in respect of drying or protecting with insecticide.

(3) Where the Board directs a producer under subsection (2) to deliver maize, wheat or scheduled agricultural produce to a place more distant than the nearest Board depot, the Board shall add to the price specified under subsection (1) the increase in transport costs consequential upon that delivery.

(4) An agent who purchases maize, wheat or any scheduled agricultural produce at a price below that payable in accordance with the provisions of this Act or regulations made thereunder shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both.

16. Publication of buying prices

(1) Unless otherwise directed by the Minister, an agent empowered to purchase maize, wheat or scheduled agricultural produce from producers shall keep prominently displayed at the premises or place at which he makes the purchases a notice in the English or Swahili language or the language most commonly used by persons delivering maize, wheat or scheduled agricultural produce at that place, showing the prices he is required to pay under this Act or regulations made thereunder.

(2) An agent purchasing maize, wheat or scheduled agricultural produce from producers who fails to display a notice in accordance with subsection (1) shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

17. Illegal purchase of maize, wheat or scheduled agricultural produce

(1) No person shall have in his possession maize, wheat or scheduled agricultural produce knowing or having reasonable cause to suspect that it has not been dealt with in accordance with the provisions of this Act or any regulations made thereunder.

(2) A person purchasing or otherwise obtaining maize, wheat or scheduled agricultural produce from a producer or his agent shall satisfy himself that the maize, wheat or scheduled agricultural produce has been dealt with in accordance with the provisions of this Act or regulations made thereunder and unless that person proves that he has taken all reasonable steps so to do, he shall be deemed to have had cause to suspect that the maize, wheat or scheduled agricultural produce has not been so dealt with.

(3) A person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding two years or to both.

PART IV – IMPORTATION AND EXPORTATION OF MAIZE, WHEAT OR SCHEDULED AGRICULTURAL PRODUCE

18. Control of importation and exportation of maize, etc.

(1) *Deleted by Act No. 10 of 2006, s. 67.*

(2) The Board may with the authority of the Minister, export or authorize the exportation of maize, wheat or scheduled agricultural produce in such quantities as it deems to be surplus to the requirements of Kenya.

(3) No maize, wheat or scheduled agricultural produce shall be imported into or exported from Kenya otherwise than through a customs port of entry.

(4) A person who imports or exports maize, wheat or scheduled agricultural produce in contravention of subsection (3) shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

[Act No. 17 of 2006, s. 67.]

PART V – REGISTRATION AND LICENSING OF MILLERS

19. *Repealed by Act No. 17 of 2006, s. 68.*

20. *Repealed by Act No. 17 of 2006, s. 69.*

21. *Repealed by Act No. 17 of 2006, s. 70.*

22. *Repealed by Act No. 17 of 2006, s. 71.*

23. *Repealed by Act No. 17 of 2006, s. 72.*

24. Prices to be paid by millers for maize, etc.

(1) The sale of maize, wheat or scheduled agricultural produce by the Board to a miller shall be made at such prices as the Minister may from time to time specify by notice in the *Gazette*, and the grading of that maize, wheat or scheduled agricultural produce shall be determined by the Board in accordance with regulations made under this Act.

(2) In the event of a dispute over the grading of maize, wheat or scheduled agricultural produce, a miller may appeal to the Board for an amended grade and if dissatisfied may appeal to the Minister.

PART VI – ACCOUNTS AND AUDIT

25. Accounts and annual report

(1) The Board shall keep proper books of accounts and records in relation to all its undertakings, funds, activities and property and shall prepare in respect of each financial year—

- (a) a trading, profit and loss account and, where appropriate, import and export trading accounts;
- (b) a balance sheet; and
- (c) such other documents as the Minister may require.

(2) The Board shall produce and lay before the Auditor-General (Corporations) all books of accounts of the Board, with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto and the Auditor-General (Corporations) shall be entitled to require from all members, officers, agents and employees of the Board such information and explanation as may be necessary.

(3) The Board shall, as soon as possible after the end of its financial year, submit a report of its operations during the year to the Minister who shall lay the report before the National Assembly without undue delay.

[Act No. 13 of 1988, Sch.]

PART VII – POWERS OF INSPECTION

26. Power to enter land or premises

(1) An authorized officer, on production of his authority, or a police officer of the rank of inspector or above, may enter without warrant and inspect the land or premises occupied by a producer, trader or miller of maize, wheat or scheduled agricultural produce, or into land or premises in which he has reason to believe an offence under this Act or regulations made thereunder has been or is about to be committed, and—

- (a) examine all stock of maize, wheat or scheduled agricultural produce and all books of accounts and documents relating thereto;
- (b) take samples of the maize, wheat or scheduled agricultural produce and of any other produce or article which may appear to him to comprise or contain maize, wheat or scheduled agricultural produce and take copies of any books, or accounts, documents or part thereof;
- (c) seize, remove and detain any maize, wheat or scheduled agricultural produce of which he has evidence of an offence having been committed under this Act or regulations made thereunder, and for like cause seize, remove and detain or take charge of any building, plant, machinery, container or receptacle, and any books of accounts or document;
- (d) require the owner or occupier of the land or premises to render an explanation and give information relating to the maize, wheat or scheduled agricultural produce as may be reasonably required by that officer in the performance of his duties.

(2) The power to act under subsection (1) shall only be exercised without a warrant if the officer so acting has reasonable cause to believe that the delay which may be occasioned in obtaining a search warrant would seriously hinder him in the performance of his duties, or would tend to defeat the purposes of this section.

(3) A person who obstructs or hinders an officer acting in pursuance of the provisions of this section, or who wilfully withholds any information or gives any information knowing or having reason to believe it to be false or misleading, shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both.

(4) Before removing an article under paragraph (b) or (c) of subsection (1), the officer removing it shall furnish the person in whose custody or possession the article is at the time of removal with a written receipt.

(5) Every seizure under this section shall be reported without undue delay to a magistrate.

27. Power to stop and search a vehicle, vessel or pack animal

(1) If an authorized officer or a police officer has reasonable cause to suspect that evidence of an offence committed under this Act or under regulations made thereunder is to be found in a vehicle, aircraft, vessel or on a pack animal, he may stop or detain that vehicle, aircraft, vessel or pack animal; and after notification of his authority and purpose may examine the goods carried thereon, and may require the person in charge of that vehicle, aircraft, vessel or pack animal to inform him of the source and destination of the maize, wheat or scheduled agricultural produce found thereon.

(2) An authorized officer stopping or detaining a vehicle, aircraft, vessel or pack animal in pursuance of the provisions of this section may, if it appears to him after that stoppage or detention that there is evidence of an offence having been committed under this Act or regulations made thereunder, seize the vehicle, aircraft, vessel or pack animal and may take it, or order the person having charge thereof or any other person to take it to a place of security as that officer may deem convenient.

(3) The provisions of subsections (3), (4) and (5) of section 29 shall apply, *mutatis mutandis*, in relation to a stoppage or search under this section.

28. Powers of managing director of Kenya Railways Corporation

(1) The managing director of the Kenya Railways Corporation may, if it appears to him that evidence of an offence committed under this Act or regulations made thereunder is to be found in a train or vehicle under the control or management of the Kenya Railways Corporation, without warrant, detain that train or vehicle, whether in transit or not, and may seize the contents thereof which appear to him to afford that evidence.

(2) A detention and seizure under subsection (1) shall be reported without unnecessary delay to the Board, which shall forthwith inquire into the matter and shall either authorize the release of the train, vehicle or the contents thereof or shall without delay report the detention or seizure to a magistrate.

(3) No liability shall attach to the managing director, nor shall any action lie against him in any court in respect of an act or omission done or made in good faith and without negligence in the exercise or intended exercise of his powers under this section.

(4) For the purposes of this section, a reference to the managing director of the Kenya Railways Corporation shall include the servants and agents of the Kenya Railways Corporation.

29. Powers of arrest without warrant

Where a person is reasonably suspected of committing or having committed an offence under this Act or any regulations made thereunder, an authorized officer or a police officer of the rank of inspector or above may demand his name and address and, if he refuses or fails to give that information to the satisfaction of that officer or if that officer has reasonable grounds for believing that unless arrested that person may escape or cause an unreasonable delay, trouble or expense in being made answerable to justice, he may without warrant, arrest him and hand him over to a police officer or in the absence of a police officer take him to the nearest police station without unnecessary delay.

PART VIII – MISCELLANEOUS PROVISIONS

30. Power to make regulations, etc.

(1) The Minister may, after consultation with the Board, make regulations for the better carrying out of the provisions of this Act, and, without prejudice to the generality of the foregoing, those regulations may—

- (a) provide for the fees to be charged under this Act;
- (b) *deleted by Act No. 17 of 2006, s. 73;*
- (c) direct or prohibit the movement of maize, wheat or scheduled agricultural produce within Kenya or any part of Kenya or from any place in Kenya to another place in either case, either generally or in specified circumstances and subject to any conditions which may be specified;
- (d) provide for the standards to which maize, wheat or scheduled agricultural produce acceptable for delivery to the Board shall conform and the grading and classification of maize, wheat or scheduled agricultural produce;
- (e) prescribe any forms to be used in connection with this Act;
- (f) prescribe anything required by this Act to be prescribed.

(2) Any regulations made under this section may provide for such penalty for the breach of any provision thereof, not exceeding a fine of twenty thousand shillings or imprisonment for two years, as the Minister may think fit.

(3) The Minister may, by order published in the *Gazette* amend the Schedule.

[Act No. 17 of 2006, s. 73.]

30A. Forfeiture

On any conviction for an offence under this Act or any regulations made thereunder, the Court may, in addition to any penalty otherwise imposed—

- (a) order that any maize, wheat or scheduled agricultural produce in respect of which the offence is committed be forfeited to the Board,

or where the maize, wheat or scheduled agricultural produce has been disposed of so as to be unavailable for such forfeiture, that the person guilty of an offence pay to the Board an amount not exceeding the value of the maize, wheat or scheduled agricultural produce; and

- (b) order that anything seized, removed or detained or taken into charge under any of the provisions of this Act other than the maize, wheat or scheduled agricultural produce shall be forfeited:

Provided that a vehicle, aircraft, pack animal or vessel shall not be so forfeited if the owner thereof satisfies the Court that it was used in connection with the offence without his consent or acquiescence.

[Act No. 22 of 1987, Sch.]

31. Repeal of Caps. 338 and 344

The Maize Marketing Act and the Wheat Industry Act are repealed.

32. Amendment to Agriculture Act

Section 13 of the Agriculture Act (Cap. 318) is amended by deleting the expressions “the Maize Marketing Act” and “the Wheat Industry Act” and inserting “the National Cereals and Produce Board Act”.

33. Transfer of property and liabilities of former Boards

(1) On the commencement of this Act—

- (a) all the property of the Maize and Produce Board and all the property of the Wheat Board, hereinafter referred to as the former Boards, shall be transferred to, and shall vest in the National Cereals and Produce Board, established under this Act, by virtue of this section and without further assurance;
- (b) all the liabilities and contractual obligations of the former Boards shall become those of the National Cereals and Produce Board;
- (c) all acts, directions, orders, appointments, requirements, authorizations, registrations, and other things given or done by the former Boards and subsisting immediately before the commencement of this Act shall be deemed to have been given, made, or done by the National Cereals and Produce Board;
- (d) any appointment of the former Boards and every reference to the Boards in any written law or instrument shall be deemed to be reference to the National Cereals and Produce Board.

34. Savings for staff of former Boards

Notwithstanding any other provision of this Act, any person who immediately before the commencement of this Act is an employee of either of the former Boards shall be deemed to be an employee of the National Cereals and Produce Board.

SCHEDULE

[Section 2, L.N. 74/1989, L.N. 509/1990, Corr. No. 12/1991, L.N. 19/1992.]

SCHEDULED AGRICULTURAL PRODUCE

Bixa annatts.

Cashew-nuts.

Rice paddy.

CHAPTER 338

NATIONAL CEREALS AND PRODUCE BOARD ACT

SUBSIDIARY LEGISLATION

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NATIONAL CEREALS PRODUCE BOARD (MOVEMENT OF MAIZE, WHEAT AND SCHEDULED AGRICULTURAL PRODUCE) REGULATIONS, 1987

[L.N. 198/1987, L.N. 130/1989, L.N. 508/1990, Corr. No. 4/1991, L.N. 144/1991, L.N. 80/1992, L.N. 412/1993.]

1. These Regulations may be cited as the National Cereals Produce Board (Movement of Maize, Wheat and Scheduled Agricultural Produce) Regulations, 1987 and shall be deemed to have come into operation on the 28th November, 1986.

2. In these Regulations, “**movement**”, in relation to maize, wheat or scheduled agricultural produce, includes drive or be in charge of any pack of animal, vehicle, train or vessel on or in which the maize, wheat or scheduled agricultural produce is being transported.

3. (1) Subject to subparagraph (2), no person shall move any maize, wheat scheduled agricultural produce or any product produced therefrom, maize or wheat flour or any other maize or wheat product as a head load or by pack animal, vehicle, train or vessel and no owner of any maize, wheat scheduled agricultural produce or any product produced therefrom, maize or wheat flour or any other maize or wheat product shall cause or permit the same to be moved except under and in accordance with a permit issued by the Board in writing (whether named or specified by reference to his office or to his duties or functions in a particular place) for the purpose.

(2) The provisions of subparagraph (1) shall not apply to—

- (a) the movement of maize, wheat or scheduled agricultural produce within boundaries of the farm on which the maize, wheat or scheduled farm produce was produced;
- (b) *deleted by L.N. 412/1993, s. 2;*
- (bb) the movement of maize or wheat flour not exceeding ninety kilograms in weight and accompanied by the owner;
- (c) the movement of certified seed maize, certified seed wheat or scheduled agricultural produce.

[L.N. 130/1989, ss. 2, 3, L.N. 508/1990, Corr. No. 4/1991, L.N. 144/1991, L.N. 80/1992, L.N. 412/1993.]

4. (1) The person moving any maize, wheat scheduled agricultural produce or any product produced therefrom, maize or wheat flour or any other maize or wheat product under authority of a permit granted under these Regulations shall carry the permit with the maize, wheat scheduled agricultural produce or any product produced therefrom, maize or wheat flour or any other maize or wheat product and shall produce the same on request of any public officer or authorized officer.

(2) A permit issued in respect of maize, wheat scheduled agricultural produce or any product produced therefrom, maize or wheat flour or any other maize or wheat product to be transported by the Kenya Railways Corporation shall be handed by the permit holder to the station master at the forwarding station and shall be retained by the station master.

[L.N. 130/1989, r. 2.]

5. No maize, wheat scheduled agricultural produce or any product produced therefrom, maize or wheat flour or any other maize or wheat product shall be moved between the hours of half-past six in the evening and half-past six the following morning except by train operated by the Kenya Railways Corporation, or the permit issued by the Board specifically for and limited to such movement.

[L.N. 130/1989, r. 2(a).]

[Subsidiary]

6. Any person who contravenes any of these Regulations shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to an imprisonment for a term not exceeding two years or to both.

7. The National Cereals and Produce Board (Movement of Maize, Wheat and Scheduled Agricultural Produce) Regulations, 1986, (L.N. 288/1986) are repealed.

NATIONAL CEREALS AND PRODUCE BOARD (FEES, LICENCES AND PERMITS) REGULATIONS, 1989

[L.N. 75/1989, L.N. 92/1990.]

1. These Regulations may be cited as the National Cereals and Produce Board (Fees, Licences and Permits) Regulations, 1989.
2. (1) Every application for registration or renewal of registration as a maize miller under section 19(3) of the Act shall be in Form A set out in the First Schedule.
 (2) Every application for registration or renewal of registration as a wheat miller under section 19(3) of the Act shall be in Form B set out in the First Schedule.
 (3) Every miller's licence issued pursuant to section 20 of the Act shall be in Form C set out in the First Schedule.
3. (1) Every application for permission to make any addition to, or replacement or substitution of, machinery in a registered mill under section 21 of the Act shall be in Form D set out in the First Schedule.
 (2) Every permit or authorization issued in response to such application shall be in Form E set out in the First Schedule.
4. Every permit issued under regulation 3(1) of the National Cereals and Produce Board (Movement of Maize, Wheat and Scheduled Agricultural Produce) Regulations, 1987 (L.N. 198/1987) shall be in Form F set out in the First Schedule.
5. The fees charged under the Act shall be those specified in the Second Schedule.

FIRST SCHEDULE

Form A

(Rule 2(1))

NATIONAL CEREALS AND PRODUCE BOARD ACT

[Cap. 338.]

NATIONAL CEREALS AND PRODUCE BOARD

P.O. BOX 30586, NAIROBI

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION AS A MAIZE MILLER

1. Name of Applicant
2. Name of Applicant's Firm
3. Names of Partners or Directors*
4. Situation of mill: District
- Location
- Town
- Estate
- Street
- Postal Address
5. My/our mill is licensed by the Local Authority and I append the licence.
6. Class of mill—State whether:
 - (i) Water.

National Cereals and Produce Board

[Subsidiary]

FIRST SCHEDULE, Form A—continued

- (ii) Roller.
- (iii) Hammer.
- (iv) Other (specify).

7. Type of mill—State whether:

- (i) General.
- (ii) Provender (for animal feed).

8. State whether you/your firm intend to:

- (i) Mill maize for a fee
- (ii) Mill maize and retain part of the maize or maize products in consideration of a fee
- (iii) Carry on business of milling for resale

9. State—

- (i) The amount of maize purchased by you/your firm from National Cereals and Produce Board during the year ended 31st July, 20 (previous year)
- (ii) Storage capacity of your mill in bags
- (iii) Output capacity of your mill in bags per month

10. Estimated requirements in bags per month

11. State if you/your partner/either/any of your partners were previously registered as a miller, and if so give particulars

12. State if you/your partner/either/any of your partners is a producer of maize

13. State whether licensed by the local Authority for the area in which the mill is situated under the Trade Licensing Act, (Cap. 497)

14. State mode of transport from the N.C.P.B. depots:

- (i) Road
- (ii) Railway
- (iii) Other (specify)

I (Name of applicant*)

hereby apply for registration as a miller under Part V, Section 19(1) of the National Cereals and Produce Board Act (Cap. 338), and declare that all particulars given herein are true and correct.

Date Signature

Administration official of the area in which the mill is situated:

I certify that the particulars given herein are true and correct.

Date Signature

Designation

National Cereals and Produce Board's official of the area in which the mill is situated:

Signature

Designation

* If non-Kenyan state nationality.

* Delete as necessary.

FIRST SCHEDULE—continued

Form B

(Rule 2(2))

NATIONAL CEREALS AND PRODUCE BOARD ACT
[Cap. 338.]

NATIONAL CEREALS AND PRODUCE BOARD
P.O. Box 30586, NAIROBI

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION AS A WHEAT
MILLER

- 1. Name of Applicant
- 2. Name of Applicant's Firm
- 3. Names of Partners or Directors*
- 4. Situation of mill: District
- Location
- Town
- Estate
- Street
- Postal Address
- 5. My/our mill is licensed by the Local Authority and I append the licence.
- 6. Type of mill—State whether:
 - (i) General.
 - (ii) Provender (animal feed).
 - (iii) Other (specify).
- 7. State:
 - (i) Storage capacity of your mill in bags (90 kgs)
 - (ii) Output capacity of your mill in bags per month
 - (iii) Estimated requirements (in 90 kg bags) per month
- 8. State if you or your partner/either/any of your partners were previously registered as a miller, and if so give particulars
- 9. State if you or your partner/either/any of your partners is a producer of wheat
- 10. State whether licensed by the Local Authority for the area in which the mill is situated under the Trade Licensing Act (Cap. 497)
- 11. State mode of transport from the N.C.P.B. depot:
 - (i) Road
 - (ii) Railway
 - (iii) Other (specify)

I (Name of applicant*)
hereby apply for registration as a miller under Part V, Section 19(1) of the National Cereals and Produce Board Act, and declare that all the particulars given herein are true and correct.

Date Signature

Administration official of the area in which the mill is situated:
I certify that the particulars stated herein are true and correct.

Date Signature
Designation

National Cereals and Produce Board

[Subsidiary]

FIRST SCHEDULE, Form B—continued

National Cereals and Produce Board's official of the area in which the mill is situated.

Date Signature
Designation

* If non-Kenyan state nationality.

Form C

(Rule 2(3))

NATIONAL CEREALS AND PRODUCE BOARD ACT
[Cap. 338.]

NATIONAL CEREALS AND PRODUCE BOARD
P.O. BOX 30586, NAIROBI

MILLER'S LICENCE

Page 1

Licence No.:
Messrs/Mr.
of
are/is hereby licensed as a miller of maize/wheat under Part V, section 19(1) of the National Cereals and Produce Board Act, in respect of his mill situated at

and having a rated capacity of tons per day.

This licence is issued subject to the limitation and condition imposed by the National Cereals and Produce Board Regulations.

This Licence shall expire on, 20

Fee paid: Receipt No.:

Date of issue: Signed:
(Designation)
for National Cereals and Produce Board

Page 2

Miller's Licence Renewal

The Licence on page 1 hereof is renewed for a period of twelve months expiring on, 20.....

Fee paid: Receipt No.:

Date of issue: Signed:
(Designation)
for National Cereals and Produce Board

(Add five further forms of renewal on subsequent pages.)

[Subsidiary]

FIRST SCHEDULE—continued

Form D

(Rule 3(1))

NATIONAL CEREALS AND PRODUCE BOARD ACT
[Cap. 338.]

NATIONAL CEREALS AND PRODUCE BOARD
P.O. BOX 30586, NAIROBI

APPLICATION FOR PERMISSION TO MAKE ADDITION TO OR REPLACEMENT OR
SUBSTITUTION OF MACHINERY IN A LICENSED MILL

- 1. Name and full address of applicant
- 2. Miller's licence No.:
- 3. Full description of the addition, replacement or substitution of machinery proposed
- 4. Estimated increase in the capacity of the mill to produce flour which will result from the addition or replacement or substitution proposed
- 5. Full reasons for the proposed addition, replacement or substitution

I/We certify that all the particulars given in this application are correct and true.

Date Signature of Applicant
Name of Applicant

Form E

(Rule 3(2))

NATIONAL CEREALS AND PRODUCE BOARD ACT
[Cap. 338.]

NATIONAL CEREALS AND PRODUCE BOARD
P.O. BOX 30586, NAIROBI

PERMIT TO AUTHORIZE ADDITION TO, OR REPLACEMENT OR SUBSTITUTION OF
MACHINERY IN A LICENSED MILL

Name
Address

Miller's licence No.

A licensed miller under section 20 of the Act is hereby authorized to make the following additions to/replacement of/substitution of/the machinery of the mill under Miller's Licence No.

Dated this day of, 20

Signed
(Designation)
for National Cereals and Produce Board

[Subsidiary]

FIRST SCHEDULE—continued

Form F

(Rule 4)

NATIONAL CEREALS AND PRODUCE BOARD

MARKET/FARM TO DEPOT MOVEMENT PERMIT N.C.P.B. 2/1

THIS PERMIT IS VALID FOR ONE MOVEMENT FROM		<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	TO	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	ONLY												
DATE	<input type="text"/>	<input type="text"/>	TIME ISSUED	<input type="text"/>	A.M/P.M.*	<input type="text"/>	EXPIRES	18.30	Hours on	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
NAME OF TRANSPORTER												ADDRESS					
IS HEREBY AUTHORIZED TO MOVE THE UNDERMENTIONED GOODS																	
FROM MARKET	<input type="text"/>	CODE	<input type="text"/>	TO N.C.P.B. STORE	<input type="text"/>	CODE	<input type="text"/>										
FARM	<input type="text"/>	CODE	<input type="text"/>	DEPOT	<input type="text"/>	CODE	<input type="text"/>										
DISTRICT	<input type="text"/>	CODE	<input type="text"/>	DISTRICT	<input type="text"/>	CODE	<input type="text"/>										
BY RAIL/ROAD A DISTANCE OF												KILOMETRES			LORRY REG. NO.		
DESCRIPTION OF GOODS		PRODUCT CODE		QUANTITY IN WORDS IN FIGURES											
<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>											
DRIVER'S NAME												ID					
For NATIONAL CEREALS AND PRODUCE BOARD																	
THIS PERMIT IS NOT VALID																	
BETWEEN 6.30 P.M. AND 6.30 A.M.																	
DELETE AS NECESSARY*																	
PLACE OF ISSUE												DISTRICT					
SIGNATURE																	
DESIGNATION																	

FIRST SCHEDULE, Form F—continued
 NATIONAL CEREALS AND PRODUCE BOARD

EX-DEPOT MOVEMENT PERMIT N.C.P.B. 2/2 NO.

THIS PERMIT IS VALID FOR ONE MOVEMENT FROM										<input type="text"/>	TO	<input type="text"/>	ONLY
DATE	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	TIME ISSUED	<input type="text"/>	A.M/P.M.*	EXPIRES 18.30 Hours on	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
NAME OF TRANSPORTER ADDRESS													
IS HEREBY AUTHORIZED TO MOVE THE UNDERMENTIONED GOODS													
FROM DISTRICT	<input type="text"/>	CODE	<input type="text"/>	TO	<input type="text"/>								
DEPOT	<input type="text"/>	CODE	<input type="text"/>										
STORE	<input type="text"/>	CODE	<input type="text"/>										
BY RAIL/ROAD A DISTANCE OF KILOMETRES LORRY REG. NO.													
DESCRIPTION OF GOODS		PRODUCT CODE		QUANTITY IN WORDS									
<input type="text"/>		<input type="text"/>	 IN FIGURES									
<input type="text"/>		<input type="text"/>		DRIVER'S NAME									
<input type="text"/>		<input type="text"/>	 ID									
THIS PERMIT IS NOT VALID BETWEEN 6.30 P.M. AND 6.30 A.M.													
For: NATIONAL CEREALS AND PRODUCE BOARD													
PLACE OF ISSUE													
DISTRICT													
SALES ORDER/ TRANSFER ORDER NO.													
SIGNATURE													
DATE													
DESIGNATION													

DELETE AS NECESSARY*

National Cereals and Produce Board

[Subsidiary]

FIRST SCHEDULE, Form F —continued
 NATIONAL CEREALS AND PRODUCE BOARD
 GENERAL MOVEMENT PERMIT N.C.P.B. 2/3 NO.

THIS PERMIT IS VALID FOR ONE MOVEMENT FROM		<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	TO	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	ONLY
DATE	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
TIME ISSUED		A.M/P.M.*		EXPIRES 18.30 Hours on	
NAME OF TRANSPORTER		ADDRESS			
IS HEREBY AUTHORIZED TO MOVE THE UNDERMENTIONED GOODS					
.....					
FROM		TO		CODE	
.....		
BY RAIL/ROAD* A DISTANCE OF		KILOMETRES		LORRY REG. NO.	
.....		
DESCRIPTION OF GOODS	PRODUCT CODE		QUANTITY IN WORDS		
	<input type="text"/>	<input type="text"/>		
	<input type="text"/>	<input type="text"/> IN FIGURES		
		DRIVER'S NAME		ID	
		
THIS PERMIT IS NOT VALID BETWEEN 6.30 P.M. AND 6.30 A.M.					
OFFICE OF ISSUE		DISTRICT			
.....				
OFFICE CHARGED		SIGNATURE			
..... Shs. cts.			
DESIGNATION				
DELETE AS NECESSARY*					

SECOND SCHEDULE
[L.N. 92/1990, r. 2, Rule 5.]

FEES

	<i>Sh.</i>
(a) On the appointment of an agent under section 12 (1) of the Act	500.
(b) On the application for registration of a mill under Section 19 of the Act—	
<i>Milling capacity of mill per 24 hours (in bags of 90 kilos):</i>	
0 – 100	100
101 – 500	100
501 – 1,000	500
1,001 and over	1,000
(c) On the issue or renewal of a miller's licence—	
<i>Milling capacity of mill per 24 hours (in bags of 90 kilos):</i>	
0 – 100	100
101 – 500	500
501 – 1,000	1,000
1,001 and over	5,000
(d) On the issue of a general movement permit under regulation 3 (1) of the National Cereals and Produce Board (Movement of Maize, Wheat and Scheduled Agricultural Produce) Regulations, 1987 (L.N. 197/1987).	Sh. 20 per permit to move maize and wheat. Sh. 2 per bag for Scheduled Agricultural Produce.

NATIONAL CEREALS AND PRODUCE BOARD REGULATIONS, 1989

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation.

PART II – APPOINTMENT OF AGENTS

2. Certificate of appointment.

PART III – CONDITIONS FOR REGISTRATION OF MILLERS

3. Conditions for registration.
4. Registered millers to keep records.

PART IV – IMPORT AND EXPORT

5. Authority for import or export.
6. Imported maize, wheat or scheduled agricultural produce subject to regulations.
7. Maize, etc. in transit through Kenya.

PART V – RETURNS, REPORTS AND ESTIMATES

8. Returns by producers, etc.
9. Returns by licensed millers.
10. Manner of dealing with maize, wheat or scheduled agricultural produce.
11. Offence and general penalty.
12. Revocation.

SCHEDULE

[Subsidiary]

NATIONAL CEREALS AND PRODUCE BOARD REGULATIONS, 1989

[L.N. 131/1989, L.N. 220/1989, L.N. 274/1989, L.N. 277/1990.]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the National Cereals and Produce Board Regulations, 1989, and shall be deemed to have come into operation on the 26th March, 1989.

PART II – APPOINTMENT OF AGENTS**2. Certificate of appointment**

(1) Every agent appointed by the Board under section 12 of the Act shall be issued with a certificate of appointment which shall be in Form A set out in the Schedule.

(2) The Board may from time to time attach conditions or additional conditions to the appointment of any person as an agent under section 12 of the Act or delete conditions therefrom and may enter the same in the certificate of appointment issued under paragraph (1).

(3) For the purpose of making an entry under paragraph (2) or for the purpose of cancelling the certificate when the appointment has been revoked, the Board may, by notice in writing, require the holder of a certificate of appointment within a specified reasonable time to surrender the certificate to the Board for the entry to be made thereon, or for cancellation, as the case may be.

(4) Any person who without reasonable excuse fails to surrender a certificate of appointment when required to do so under paragraph (3) within the time allowed shall be guilty of an offence and liable to a fine not exceeding five thousand shillings.

PART III – CONDITIONS FOR REGISTRATION OF MILLERS**3. Conditions for registration**

The limitations and conditions subject to which a person may be registered as a miller under section 19(3) of the Act shall be—

- (a) that he shall purchase all his maize, wheat or agricultural produce from the Board or from persons authorized by the Board;
- (aa) that he shall collect any maize, wheat or scheduled agricultural produce purchased from the Board from the nearest depot of the Board or such collection centres as may be specified by the Board;
- (b) that he will, if so required by the Board—
 - (i) store on behalf of the Board or its agents any quantity of maize, wheat or scheduled agricultural produce up to the capacity of his storage accommodation, at such remuneration as the Board may determine;
 - (ii) on behalf of the Board or its agents store any maize, wheat or scheduled agricultural produce in such mixtures and quantities, and at such times, as the Board may direct, and at such remuneration as the Board may determine;
 - (iii) deal with and dispose of the maize, wheat and scheduled agricultural produce which are the property of the Board in such manner as the Board may direct;

[Subsidiary]

- (c) that he shall pay cash for the maize, wheat or scheduled total produce purchased by him from the Board:

Provided that a miller to whom a licence has been issued prior to the commencement of these Regulations shall be to pay to the Board any outstanding amount for the maize, wheat or scheduled agricultural produce previously by him within seven days of such commencement.

[L.N. 220/1989.]

4. Registered millers to keep records

(1) Every miller registered under section 19(3) of the Act, shall maintain adequate records of all purchases, acquisitions, millings, sales and disposals by him of maize, wheat or scheduled agricultural produce and shall retain for a period of five years, so as to be available for inspection or production at all reasonable times, all accounts, books, documents, registers, invoices and cash sales relating to such transactions.

(2) All records required to be kept under paragraph (1) shall be made in such a way as to distinguish between dealings with maize, wheat and scheduled agricultural produce and dealings with other goods.

PART IV – IMPORT AND EXPORT

5. Authority for import or export

(1) The written authority without which, by virtue of subsection (1) of section 18 of the Act, no person may import or export any maize, wheat or scheduled agricultural produce shall be in the permit in Form B set out in the schedule or of a permit in form C set out in the Schedule, as the case may be.

(2) Every person requiring the authority to export or import maize, wheat or scheduled agricultural produce shall make application therefore in Form D or E set out in the Schedule, as the case may require.

(3) The fees payable on the issue or renewal of an import or export permit shall be 10 per cent of the declared C & F value or 10 per cent of the FOB value respectively.

[L.N. 220/1989, L.N. 274/1989, L.N. 277/1990.]

6. Imported maize, wheat or scheduled agricultural produce subject to regulations

Where any maize, wheat or scheduled agricultural produce have been imported into Kenya the same shall be subject to these Regulations to the same extent as if they have been produced in Kenya.

7. Maize, etc. in transit through Kenya

(1) Every person requiring authority to import maize, wheat or scheduled agricultural produce for the purpose only of immediately exporting the same shall make application to the Board in Form F set out in the Schedule.

(2) Every authority issued pursuant to paragraph (1) shall be in Form G set out in the Schedule and shall be issued subject to the directions issued by the Board that the maize, wheat or scheduled agricultural produce shall be exported within the stipulated time.

PART V – RETURNS, REPORTS AND ESTIMATES

8. Returns by producers, etc.

Every producer, distributor and retailer shall, when required by the Board render to the Board such returns, reports and estimates and shall thereafter supply such further particulars as may be required either by specific direction or by a subsequent request by the Board.

[Subsidiary]

9. Returns by licensed millers

(1) A licensed miller to whom an allocation of maize or wheat has been made under section 22 of the Act shall, within seven days of each month, submit to the Board a return containing the following particulars—

- (a) the number of bags of imported maize or wheat in stock as at the date of the return;
- (b) the number of bags of local maize or wheat in stock as at the date of the return;
- (c) the number of bags of wheat flour from imported and locally grown wheat in stock as at the date of the return;
- (d) the number of bags of maize flour from imported and locally grown maize in stock as at the date of the return; and
- (e) the number of bags or bales of imported maize or wheat flour in stock as at the date of the return.

(2) The number of bags or bales of maize flour (locally processed or imported) sold during the month shall be recorded in Form H set out in the Schedule; and

(3) The number of bags or bales of wheat flour (locally processed or imported) sold during the month shall be recorded in Form I set out in the Schedule.

10. Manner of dealing with maize, wheat or scheduled agricultural produce

Every agent to whom maize, wheat or scheduled agricultural produce is delivered under the Act shall deal with the same in accordance with the conditions of his appointment.

11. Offence and general penalty

Any person who contravenes the provisions of these Regulations shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

12. Revocation

The Maize Marketing Regulations made under the Maize Marketing Act (now repealed) and the Wheat Industry (Imports and Exports) Rules made under the Wheat Industry Act (now repealed) are revoked.

SCHEDULE

Form A

NATIONAL CEREALS AND PRODUCE BOARD ACT
[Cap. 338.]

NATIONAL CEREALS AND PRODUCE BOARD
P.O. BOX 30586
NAIROBI

CERTIFICATE OF APPOINTMENT OF AGENT

I CERTIFY that when on the20....., appointed under section 12 of the National Cereals and Produce Board Act (Cap. 388) to be an agent of the Board for the buying, storing and disposal of maize, wheat or scheduled agricultural produce on the following terms and conditions—

- 1. The agent shall act only within the following area—

.....

[Subsidiary]

SCHEDULE, Form A—continued

and shall, unless the Board otherwise directs, deliver all the maize, wheat or scheduled agricultural produce handled by him to—

..... Depot
..... Depot
..... Depot

- 2. The agent shall be remunerated in such manner as may be agreed between the Board and the agent.
3. The agent shall comply at the times with the orders and directions of the Board.

Date Signed
Designation
for National Cereals and Produce Board

Note—1. This appointment does not entitle the agent to export from Kenya any maize, wheat or scheduled agricultural produce.

Form B

(r. 5(1))

NATIONAL CEREALS AND PRODUCE BOARD ACT
[Cap. 338.]

NATIONAL CEREALS AND PRODUCE BOARD
P.O. BOX 30586
NAIROBI

NO OBJECTION PERMIT FOR IMPORT

Ref. Permit No.
Name
Address
is authorized to import
for movement by only.

This permit expires on and is granted subject to the following conditions:

- (1) that the commodity in respect of which this permit issued shall be used for consumption in Kenya only.
(2) that the commodity shall not be imported until the
..... authorities have granted any export licence which is required by the laws of that country.

(insert any special conditions)

Date Signed
Designation
for National Cereals and Produce Board

National Cereals and Produce Board

[Subsidiary]

SCHEDULE—continued

Form C

(r. 5(1))

NATIONAL CEREALS AND PRODUCE BOARD ACT
[Cap. 338.]

NATIONAL CEREALS AND PRODUCE BOARD
P.O. BOX 30586
NAIROBI

NO OBJECTION PERMIT FOR EXPORT

No.

Name

Address

is authorized to import

from (port or booking point)

This permit expires on and is

subject to the condition that the commodity in respect of which it is

issued is accompanied by Export Licence No.

issued by the Department of Internal Trade.

Date Signed

Designation

for National Cereals and Produce Board

Form D

(r. 5(2))

NATIONAL CEREALS AND PRODUCE BOARD ACT
[Cap. 338.]

NATIONAL CEREALS AND PRODUCE BOARD
P O BOX 30586 NAIROBI

APPLICATION FOR NO OBJECTION PERMIT TO IMPORT

(to be completed and submitted in quadruplicate)

I/We

of

hereby apply for permission to import maize/wheat/scheduled agricultural produce* as follows—

Commodity to be imported

Number of bags/balers ofkg. net each.

To be landed at cost per bag/baler

Imported from (country or territory)

Exporter's name and address

Approximate date of dispatch by exporter

Date Signed

* Delete as necessary.

SCHEDULE—continued

Form E

(r. 5(2))

NATIONAL CEREALS AND PRODUCE BOARD ACT
[Cap. 338.]

NATIONAL CEREALS AND PRODUCE BOARD
P.O. BOX 30586
NAIROBI

APPLICATION FOR NO OBJECTION PERMIT TO EXPORT

(to be completed and submitted in quadruplicate)

I/We
of
hereby apply for permission to export maize/wheat/scheduled agricultural produce* as follows—
Commodity to be exported
Number of bags/balers of kg. net each.
From (port or booking point)
To (country or territory)
Importer's name and address
Prospective date of export
• Delete as necessary.

Form F

(r. 7(1))

NATIONAL CEREALS AND PRODUCE BOARD ACT
[Cap. 338.]

NATIONAL CEREALS AND PRODUCE BOARD
P.O. BOX 30586
NAIROBI

APPLICATION FOR MAIZE, WHEAT OR SCHEDULED AGRICULTURAL PRODUCE
TRANSIT PERMIT

I/We
of
hereby apply for permission—
(a) to import at on or about
the, 20, and
(b) to move through Kenya by road/rail to
....., (place of export), and
(c) to export at
on or about the, 20, the following—
Commodity
Quantity
Date Signed
Name of Applicant

National Cereals and Produce Board

[Subsidiary]

SCHEDULE—continued

Form G

(r. 7(2))

NATIONAL CEREALS AND PRODUCE BOARD ACT
[Cap. 338.]

NATIONAL CEREALS AND PRODUCE BOARD
P.O. BOX 30586 NAIROBI

TRANSIT PERMIT

No.

Name

Address

is hereby authorized—

(a) to import at on or about the
....., 20 and

(b) to move through Kenya by road/rail to
by the most direct route, and

(c) to export at on or about the
....., 20

Commodity

Quantity

The said
is hereby directed on importation of the commodity stated, forthwith to move and export the same in
the manner and at the place and time herein before specified.

Date Signed

.....
Designation

for National Cereals and Produce Board

Form H

NATIONAL CEREALS AND PRODUCE BOARD

WEEKLY CONSOLIDATED RETURN OF TRANSACTIONS IN MAIZE

MILLER NUMBER DISTRICT WEEK ENDING

A. RAW PRODUCT	Local	Imported
Opening Balance for the week		
+ Receipts from N.C.P.B.		
+ Receipts from other Sources (identify)		
Transfers to work in progress		
Closing Balance Unmilled Maize		
B. WORK IN PROCESS		
Opening Inventory for the week		
+ Receipts from Raw Maize		
Transfers to Milled Maize		

SCHEDULE, Form H—continued

	<i>Local</i>	<i>Imported</i>
Gristing Losses (Milling Losses)		
Closing Stock partly Milled Maize		
Closing Balance Unmilled and partly Milled Maize		
C. FINISHED GOODS (MAIZE FLOUR)		
Opening Balance for the week		
Receipts from Processing		
Sales		
Other Disposals (Identify)		
Closing Balance (Maize Flour)		
I/WE (Block letters		

here by certify that this consolidated returns reflect true information of all transaction in the commodity enumerated above carried on by me/us during the week ending, 20

Signature Designation

Date Official Stamp

[Subsidiary]

SCHEDULE—continued

Form I

NATIONAL CEREALS AND PRODUCE BOARD

WEEKLY CONSOLIDATED RETURN OF TRANSACTIONS IN WHEAT

MILLER No. DISTRICT WEEK	Total	Group 1	Group 2	Group 3	Group 4	Non Graded	Imported	
							Soft	Hard
A. RAW PRODUCT								
Opening Inventory								
+ Receipts from NCPB								
+ Receipts from KGGCU								
+ Other Receipts (Specify)								
- Sales								
- Transfers to Processing								
= Closing Inventory								
B. WORK IN PROCESS								
Opening Inventory								
+ Receipts from Raw Products								
+ Receipts from other Sources								
- Transfers to Finished Goods								
- Gristing Losses								
= Closing Inventory								

SCHEDULE, Form I—continued

C. FINISHED GOODS	Total	Wheat Flour	Wheat Bran	Wheat Pollard	Stock Feed	Others. (Specify)
Opening Inventory						
+ Receipts from Processing						
+ Receipts from other sources						
- Sales (per attached form)						
- Other Disposals						
= Closing Inventory						
I/WE (Block letters) hereby certify this consolidated return reflect true information of all transactions in the commodity enumerated above carried on by me/us during the month of 20						
Designation..... Signature Date.....						

Form I(a)

NATIONAL CEREALS AND PRODUCE BOARD
WEEKLY CONSOLIDATED RETURN OF TRANSACTION IN LOCAL WHEAT IN 90 KGS BAGS

Miller Number District Week Ending

A. RAW PRODUCT	Group 1	Group 2	Group 3	Group 4	Group 5	Total
Opening Balance						
+ Receipts from NCPB						
+Receipts from KGGCU						
- Transfers to Processing						
Closing Balance—Unmilled Wheat						
II. WORK IN PROCESS						
Opening Balance for the week						

[Subsidiary]

SCHEDULE, Form 1(a)—continued

	Group 1	Group 2	Group 3	Group 4	Group 5	Total
+ Receipts from Raw Wheat						
- Transfers to Milled Wheat						
- Gristing Losses (Milling Losses)						
Closing Stock—Partly Milled Wheat						
Closing Balance—Unmilled and partly milled Wheat						
B. FINISHED GOODS (WHEAT FLOUR)						
Opening Balance for the week						
+ Receipts from Processing						
- Sales						
- Other Disposals (Identify)						
Closing Balance; Wheat flour						

I/WE (Block letters) hereby certify that this consolidated return reflect true information of all transactions in the commodity enumerated above carried on by me/us during the week ending 20

Designation Signature Date

Official Stamp

SCHEDULE—continued

Form I(b)

NATIONAL CEREALS AND PRODUCE BOARD
WEEKLY CONSOLIDATED RETURN OF TRANSACTIONS IN IMPORTED WHEAT IN BAGS

Miller	Number	PL 480	District	Commercial	Week Ending Total
A. RAW PRODUCT					
Opening Inventory					
+ Receipts from NCPB					
+ Receipts from other Sources (Identify)					
- Transfers to Processing					
Closing Balance—Unmilled Wheat					
B. WORK IN PROCESS					
Opening Inventory					
+ Receipts from Raw Product					
- Transfers to Finished Product					
- Gristing Losses					
Closing Stock					
Closing Balance—Unmilled and Partly Milled Wheat					
C. FINISHED GOODS					
Opening Inventory					
+ Receipts from other Sources					
- Sales					

[Subsidiary]

SCHEDULE, Form I(b)—continued

	PL 480	Commercial	Total
- Other Disposals (Identify)			
Closing Balance—Milled Wheat Flour			

I/WE (Block letters) hereby certify that this consolidated return reflect true information of all transactions in the commodity enumerated above carried on by me/us during the week ending,, 20.....

Designation Signature Date

Official Stamp

Form I(c)

NATIONAL CEREALS AND PRODUCE BOARD
WEEKLY CONSOLIDATED RETURN OF TRANSACTIONS IN WHEAT FLOUR

MILLER NUMBER DISTRICT WEEK ENDING

	Bales	Bags
Opening Stock		
Wheat Flour—(Local and Imported)		
+ Receipts from Mills		
- Disposals to:		
(1)		
(2)		
(3)		

SCHEDULE, Form I(c)—continued

Opening Stock	Bales	Bags
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
(11)		
(12)		
(13)		
(14)		
(15)		
Closing Stock Wheat Flour—Local and Imported		

I/WE
 hereby certify that this consolidated returns reflected carried on by me/us during week ending....., 20
 Signature Designation Date
 Official Stamp

[Subsidiary]

SCHEDULE—continued

Form I(d)

NATIONAL CEREALS AND PRODUCE BOARD		WEEKLY CONSOLIDATED RETURN OF TRANSACTIONS IN MAIZE FLOUR	
MILLER	NUMBER	DISTRICT	WEEK ENDING
		Bales	Bags
A. Opening Balance			
Maize Flour (Bales/Bags)—(Local and Imported)			
+ Receipts from Mills			
- Disposals to:			
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			
(7)			
(8)			
(9)			
(10)			
(11)			
(12)			
(13)			

SCHEDULE, I(d)—continued

	Bales	Bags
A. Opening Balance		
(14)		
(15)		
Closing balance—Local and imported		
IWE		

hereby certify that this consolidated returns reflect true information of all transactions in the commodity enumerated above carried on by me/us during week ending , 20

Signature Designation Date

Official Stamp

**NATIONAL CEREALS AND PRODUCE BOARD (GRADING OF WHEAT)
REGULATIONS, 1989**

[L.N. 214/1989, L.N. 363/1989.]

1. (1) These Regulations may be cited as the National Cereals and Produce Board (Grading of Wheat) Regulations, 1989 and shall come into operation on the 1st July, 1989.

(2) These Regulations shall apply to specifications and the method of sampling and determining grades of wheat grain belonging to the species *Triticum aestivum* and *Triticum durum* which are purchased for human consumption in Kenya.

2. (1) In these Regulations, unless the context otherwise requires—

“**broken grains**” means shrivelled grains and pieces of wheat grain that will pass readily through a sieve in the manner described in the Seventh Schedule;

“**Datura**” means that the seeds of the plant *Datura stramonium*;

“**foreign matter**” means any material which is not wheat grain or fragments of wheat grains other than noxious weed seeds, earth, sand and stones;

“**grader**” means a person in possession of a valid wheat grader’s certificate issue by the Kenya Bureau of Standards;

“**noxious weed**” means any weed *gazetted* under the Suppression of ‘Noxious Weeds Act (Cap. 325);

“**reject wheat**” means wheat which is or has been mouldy, musty or otherwise commercially objectionable, being unfit for human consumption;

“**shrievelled grain**” means grain which is undeveloped, thin and papery in appearance;

“**treated wheat**” means wheat which has been treated in such manner that the true quality is not reflected or has made the grain unfit for human consumption;

“**undergrade wheat**” means wheat which can be brought back into grade;

“**wheat group**” means wheat varieties which have been approved suitable to bulk or store together because of their similar baking characteristics as approved by the National Plant Breeding Station at Njoro.

(2) For the purposes of these Regulations, the following shall be considered to be defective grains—

- (a) “germinated wheat”, that is, wheat in which the pericarp covering the embryo has been ruptured;
- (b) “infested wheat”, that is wheat grains containing in or amongst the grain any form of living insect, mite or other organism known to be capable of causing damage or spoilage to the grain;
- (c) “insect damaged wheat”, that is, wheat grains which have been damaged by any insect or any other pest;
- (d) “immature wheat”, that is, wheat which is not fully developed and the grains of which are distinctly green in colour;

[Subsidiary]

- (e) "heat damaged wheat" that is, wheat damaged by applied external heat or as a result of natural heating caused by fermentation due to initial high moisture as described in the Tenth Schedule; and
- (f) "weather damaged wheat" that is wheat grain of which one-third or more of its dorsal surface is damaged as described in the Tenth Schedule.

3. (1) Wheat grains shall have a moisture content of not more than 14.4 per cent calculated on the total mass of a sample of wheat grain as determined according to the Sixth Schedule.

(2) The maximum permitted physical defects in all grades of wheat grain shall be as shown in the following Table 1.

TABLE 1 – PERMITTED DEFECTS IN WHEAT GRAIN

<i>Defects</i>	<i>Maximum Limits</i>
Infested Wheat	Nil
Foreign Matter	2 per cent by mass
Earth, Sand and Stones	1 per cent by mass
Broken Grains	2 per cent by mass
Germinated Wheat	5 per cent by mass
Insect Damaged Wheat	2 per cent by mass
Heat Damaged Wheat	3 per cent by mass
Weather Damaged Wheat	10 per cent by mass
Immature Wheat	10 per cent by mass
Total Defects	20 percent by mass
Wild Oats	3 seeds per 0.5 litre
<i>Datura</i>	2 seeds per 0.5 litre
Dame	0.5 per cent by mass
Mixed Groups— <i>Triticum aestivum</i>	10 per cent by count on any other groups
<i>Triticum durum</i>	5 per cent by count on other wheat.

(3) Any sample exceeding the limits set out in Table 1 for heat damaged wheat, weather damaged wheat, immature wheat, *Datura* and total defects shall be classified as reject.

(4) (i) A sample exceeding the limits specified in Table 1 but not exceeding the limits set out in Table 2 and having a mass of less than 67 kg/100 litres or 335 g/0.5 litres shall be classified as undergrade and shall be subject to a mass deduction penalty of 16 per cent of Fair Average Quality, the percentage being the difference between the sum total of the minimum permitted defects as outlined in Table 2.

(ii) Any wheat samples with defects exceeding the maximum limits specified in Table 2 shall be classified as reject.

TABLE 2 – PERMITTED DEFECTS IN WHEAT GRAIN INCURRING PENALTY

<i>Defects</i>	<i>Limits</i>
Foreign Matter	2–5 per cent by mass
Earth, Sand and Stones	1–2 per cent by mass
Broken Grains	2–6 per cent by mass
Germinated Wheat	5–10 per cent by mass
Insect Damaged	2–5 per cent by mass

(5) The Minister may, on the advice of the National Cereals and Produce Board, by notice in the *Gazette*, vary the limits set out in this regulation for certain wheat harvest seasons in specified areas of Kenya.

[L.N. 363/1989, s. 2.]

4. GRADES

(1) Wheat shall be graded on the 'basis of mass of 100 litres as shown in Table 3 or regulation 4(2)(a)(ii), and determined in the manner provided in the Fifth Schedule.

TABLE 3 – WHEAT GRADE LIMITS

<i>Grade</i>	<i>Mass in Kilograms per 100 litres</i>	<i>Equivalent Mass in g/0.5 litres</i>
1	79 or over	395 or over
2	75—79	375—395
3	70—75	350—375
4	65—70	325—350
Undergrade	Less than 6	Less than 325

(2) FAIR AVERAGE QUALITY GRADES

- (a) Fair Average Quality wheat shall mean—
- (i) wheat which does not have physical defects in excess of those permitted in Table 1 (Table 2 shall not apply); and
 - (ii) wheat which has a minimum mass of 67 kg per NO litres or 335 g per 0.5 litre.
- (b) Undergrade wheat in relation to Fair Average Quality wheat shall mean wheat which does not meet the requirements of Table 1 and is not reject.

[L.N. 363/1989, r 2(c).]

5. Wheat samples shall be drawn by appointed graders at point of sale unless otherwise agreed in accordance with the procedures described in the Ninth Schedule.

6. The following instruments, equipment and methods shall be used for the purposes of grading wheat in accordance with the provisions of these Regulations—

- (a) the sampling of wheat grains in bags shall be carried out in the manner provided for in the First Schedule;
- (b) the sampling of wheat grains in bulk shall be carried out in the manner provided for in the Second Schedule;
- (c) the mechanical sample divider shall conform to the provisions of the Third Schedule;
- (d) the dividing of samples which have been mixed and evenly spread over a flat surface or "quartering" shall be in accordance with the Fourth Schedule;
- (e) the apparatus to be used for the determination of grade mass from a sample shall conform to the specifications set out in the Fifth Schedule;
- (f) the apparatus to be used for the determination of moisture shall conform to the specifications set out in the Sixth Schedule;
- (g) the method for determining the percentage of broken grains shall be as set out in the Seventh Schedule;
- (h) the weighing instrument for determining the mass of wheat grains contained in a measure shall be as set out in the Eighth Schedule;
- (i) the grading of samples shall be in the manner specified in the Ninth Schedule; and
- (j) the method for the recognition of weather damaged and heat damaged wheat grains shall be as set out in the Tenth Schedule.

7. The National Cereals and Produce Board (Grading of Wheat) Regulations, 1988 (L.N. 301/1988), are revoked.

[Subsidiary]

FIRST SCHEDULE

[Rule 6(a).]

SAMPLING OF WHEAT GRAINS IN BAGS

1. The standard sack sampler shall be a tapered steel tube capable of drawing representative samples when inserted through a gunny bag filled with wheat grains, and of a type approved by the Kenya Bureau of Standards.
2. Primary samples shall be drawn from different parts of the bag (for example, top, middle and bottom) by means of a standard sack sampler. The sampler shall be put into each sack towards the centre and to the full extent on the inverted slotted opening and then turned through 180 degrees. The sample shall then be withdrawn and the contents emptied into a container. The quantity of the grading sample drawn from a specific consignment shall not be less than two litres in volume. The contents of any bag which differs in any respect from this sample, shall be graded separately.

SECOND SCHEDULE

[Rule 6(b).]

SAMPLING OF WHEAT GRAINS IN BULK

1. A bulk sampler shall be a type of device capable of drawing a representative sample from a bulk wagon, lorry or moving stream of wheat grains, and be of a type approved by the Kenya Bureau of Standards. The method of obtaining samples from the above containers shall be as follows—
 - (i) probe in the centre of the container;
 - (ii) probe from 1 to 2 metres back from the door-post towards the end of the container and 60 cm from one side of the container;
 - (iii) probe from 1 to 2 metres from the same end of the container and approximately 60 cm from the opposite side of the container as in (ii);
 - (iv) probe same as in (ii) and (iii) except in opposite end and sides of the container;
 - (v) a sample may 'be taken after direct transfer or "drop-back", or by binning run method at the time of loading, or unloading as mentioned above.
2. Each probed sample of the grain shall be examined for uniformity in respect of group odour, moisture content, weather damage, heat damage and infestation with insects or other pests. If all portions are found to be uniform they shall be composited into one sample representing the entire consignment. If any portion is found to differ in grades or in quality characteristics, further sampling shall be done to establish the fractional part of the entire consignment that is different and the result shall be indicated.

THIRD SCHEDULE

[Rule 6(c).]

MECHANICAL SAMPLE DIVIDER

1. The mechanical sample divider shall be the apparatus used for randomly dividing a sample of wheat grains into equal separate portions, and be of a type approved by the Kenya Bureau of Standards.
2. The usage of this apparatus shall be according to the manufacturers' instructions.

FOURTH SCHEDULE

[Rule 6(d).]

QUARTERING

1. The quartering apparatus is constructed of two pieces of rigid material measuring approximately 45 cm. x 3 cm. each. They are joined at their centres to intersect at right angles in one plane.
2. The sample shall be thoroughly mixed and spread evenly in layers over a flat surface and divided into four approximately equal quarters by placing the quartering apparatus over the sample. Two quarters situated diagonally across the dividing line shall be combined together to constitute the sample. Further operation of the quartering apparatus using the above method shall be done where the original quartered sample is too large.

FIFTH SCHEDULE

[Rule 4.]

DETERMINATION OF GRADE MASS FROM THE SAMPLE

1. (1) The apparatus consists of four different pieces of equipment, as described below. If other apparatus to that described proves to be accurate in determining grade mass, then, with Kenya Bureau of Standards approval, this apparatus can be authorized for use in the industry.

(2) The funnel.—This shall be a metal funnel and shall conform to the following dimensions—

top diameter (internal)	21.5 cm. ± 0.5 cm.
bottom diameter	3.3 cm. ± 0.2 cm.
perpendicular height between top and bottom openings	16.5 cm. ± 0.5 cm.

The funnel shall be supported on three fixed metal legs and the lower aperture shall be closed by means of a metal slide capable of being freely withdrawn. The legs shall be adapted to support the funnel on the rim of the measure so that the vertical distance between the underside of the slide and the top of the brass measure is 3.8 cm. ± 0.2 cm.

(3) The Metal Measure.—This shall be a cylindrical measure of rigid construction with the seam soldered so that it retains water. It shall have the following internal dimensions—

capacity shall be between 500 and 502 millilitres,	
diameter	7.2 cm. ± 0.3 cm.
depth	12.3 cm. ± 1.0 cm.

[Subsidiary]

(4) The weighing balance shall be as described in the Eight Schedule.

(5) The Stroker—Shall be a cylindrical piece of wood having a length of approximately 15 cm and diameter of approximately 2.5 cm.

2. All relevant provisions of the Weights and Measures Act (Cap. 513) and the Rules thereunder shall be applicable to the weighing instruments and the other apparatus described above.

3. (1) The metal measure shall be first filled to over-flowing capacity with the sample of wheat grain to be measured by using a scoop or other suitable means. The over-flowing measure of wheat grain shall then be transferred to the funnel with the slide previously closed. The measure shall be stood on a firm level surface free from any vibration. The funnel containing the sample shall be placed on top of the measure. The slide shall then be withdrawn fully and smartly. After the funnel has been emptied it shall be removed from the measure without jarring the measure. The measure shall then be struck by placing the stroker horizontally on the edge of the measure and sweeping it across the top in one light semi-circular movement.

(2) The contents of the metal measure shall then be transferred to the pan of the weighing instrument and the mass read. The mass shall be read to the nearest 5 gram division. The mass of the grain must be determined twice on each sample; if the two weightings do not agree the test must be repeated:

Provided that the mass of grain ascertained by the above procedure can be converted to the hectolitre mass, as set out in Table 3.

SIXTH SCHEDULE

[Rule 3(1) and 6(f).]

MOISTURE DETERMINATION APPARATUS

1. The electronic moisture meter shall be of a type approved by the Kenya Bureau of Standards.

(2) It shall be used in the manner laid down by the manufacturers subject to the standards of the Kenya Bureau of Standards which may require changes in procedure to ensure that readings are consistent with the standard air-oven method.

The performance of each meter shall be checked at least biannually, to ensure that it reads correctly, against the oven method.

2. The formula used for computing percentage loss in mass is as follows—

$$\frac{100 \times (M1 - M2)}{100 - M2}$$

Where M1 = Initial percentage moisture content
and M2 = Final percentage moisture content

SEVENTH SCHEDULE

[Rule 6(g).]

THE SIEVE AND METHOD FOR DETERMINING PERCENTAGE OF BROKEN GRAINS

1. Apparatus—the sieve shall measure internally approximately 25 cm square by 5 cm. deep. The sieve shall be perforated with slots 1.6 mm wide and 9.5 mm long. In use it shall be fitted to a catch-box below and with a suitable lid on top to avoid spillage of any fraction being tested.

2. Description of the Sieving Test.—(1) A sample shall be made up of half a litre wheat grain already weighed for the hectolitre mass test which shall be used for determining shrivelled and broken grain.

(2) The sieve shall be held level in both hands directly in front of the body with the elbows close to the sides. It shall be held so that the grain moves lengthwise with the perforation. The sieve shall be moved approximately 25 cm from right to left and returned from left to right to complete an operation, while maintaining the horizontal place.

(3) The complete operation. shall be repeated thirty times at the above rate and the shaking shall continue for approximately 15 seconds, after which the sieve shall be given two taps on the side of the box to clear the perforations.

(4) The broken grains, as defined under regulation 2(1) which have passed through the screen and are found in the sieve box, shall be weighed. This mass divided by the original mass of the half litre of grain and multiplied by 100. shall be reported as the "percentage of broken grains".

EIGHTH SCHEDULE

[Rule 6(h).]

WEIGHING BALANCES

1. The weighing instrument used for determining the mass of wheat grains containing in the measure shall be of a self-indicating pattern which is acceptable by the Weights and Measures Department and the Kenya Bureau of Standards. For the purposes of assizing and stamping, the chart of the weighing instrument shall be graduated to a weighing capacity of 500 grams by 5 grams subdivisions, which shall be less than 2 mm apart. The weighing instrument shall be provided with a detachable goods pan in the form of a scoop.

2. The balance for assessing defects in wheat grain, as set out in Tables 1 and 2, shall have a capacity of 50 grams, with a minimum accuracy of 0.1 gram and of a type approved by the Kenya Bureau of Standards.

3. All relevant provisions of the Weights and Measures Act (Cap. 513) and the rules made thereunder, shall apply to the weighing instruments.

NINTH SCHEDULE

[Rule 5 and 6(i).]

GRADING SAMPLE

1. The grading sample, with a minimum volume of 2 litres, shall be obtained as set in the First and Second Schedules.

[Subsidiary]

2. (1) The sequence of determining factors to reach the final wheat grade, shall be as follows—

- (a) infested wheat;
- (b) moisture content;
- (c) quartering method—retain two quarters separately for analysis;
- (d) use first quarter to determine the following—
 - (i) grade maw;
 - (ii) broken grains;
 - (iii) *datura*;
- (e) express the results as a percentage of the grade mass.

(2) Use the second quarter to repeat determination of grade mass. Then, weigh two samples of 25 grams each from this quarter—

- (i) Use the first of these samples to determine the following defects as set out below—
 - (a) foreign matter;
 - (b) earth, sand and stones;
 - (c) heat damaged wheat;
 - (d) germinated wheat;
 - (e) insect-damaged wheat;
 - (f) immature wheat;
 - (g) mixed groups.
- (ii) The percentage of these defects be determined by hand picking from the sample in the order above and separated from each other. The defective materials separated are then weighed to a tolerance of 0.1 gram and the defects calculated and expressed as a percentage of the total mass of the 25 gram sample.
- (iii) Use the second of these samples to determine weather damage percentage as set out in the Tenth Schedule.

TENTH SCHEDULE

[Rule 2 (2).]

RECOGNITION OF WEATHER DAMAGED AND HEAT DAMAGED WHEAT

1. Weather Damaged Wheat.—Take the sample referred to in the Ninth Schedule and spread this out on a light-green tile. Examine every grain on its dorsal surface only (each grain has a ventral surface, sides and dorsal, or back, surface). Separate weather damaged grain consisting of the following types of discolouration, physical damage and mould infection, provided that 1/3 or more of the dorsal surface of the grain is affected.

2. Type of Discolouration—

- (i) Parts of the grain near the brush end are grey, greyish black or dark brown.
- (ii) Parts of the grain are distinctly yellow.
- (iii) Parts of the grain are orange red.

Grains which are bleached or pale but otherwise sound are not considered to be discoloured. The condition known as black point, which is a brown, dark brown or almost black disc at the embryo end of the grain is not considered to be discolouration due to weather damage.

3. Physical Damage—

- (i) Badly distorted grains (except shrivelled grain).
- (ii) Grains in which part of the seed coat covering the endosperm is actually torn or peeled off. (The condition in which the seed coat appears loose and often bubbly, but is not actually torn, must be considered to be physically damaged.)

4. Mould Infection—

- (i) Small separate black spots scattered over the surface of the grain due to leaf blight (*pyronophora trichostome*).
- (ii) Greyish black discolouration of the brush end of the grain due to black mould (*Cladosporium herborum*).
- (iii) Pinkish red areas due to scab (*Fusarium graminearum*).

In cases where mould infection appears as spots on the grain, the total area in which the spots are spread shall be considered.

5. Heat Damage:

Heat damaged wheat displays the following defects, odour, colour, texture and chemical change.

- (i) *Odour*.—A typical characteristic smell akin to that of roasted wheat.
 - (ii) *Colour*.—The surface colour, depending on the extent of heat damage, varies from reddish brown to black. The endosperm colour is not normal white or opaque, but is brownish.
 - (iii) *Texture*.—The affected grain is cut by a blade, or preferably by a grain cutter, and the cut surface may display a crumbly and brittle texture depending on the extent of heat damage.
 - (iv) The protein and starch has been denatured and this can be verified through rheological tests.
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**NATIONAL CEREALS AND PRODUCE BOARD (IMPORTATION OF MAIZE)
REGULATIONS, 1993**

[L.N. 335/1993.]

1. These Regulations may be cited as the National Cereals and Produce Board (Importation of Maize) Regulations, 1993.
 2. Notwithstanding the provisions of the National Cereals and Produce Board Regulations, 1989 (L.N. 131/1989), any person may import any quantity of maize.
 3. Paragraph 2 of the National Cereals and Produce (Movement of Maize, Wheat and Scheduled Agricultural Produce) (Amendment) Regulations, 1992 (L.N. 80/1992), shall not apply to the movement of maize imported under Regulation 2.
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**NATIONAL CEREALS AND PRODUCE BOARD (EXPORTATION OF MAIZE)
REGULATIONS, 2008**

[L.N. 123/2008.]

1. These Regulations may be cited as the National Cereals and Produce Board (Exportation of Maize) Regulations, 2008.
 2. No person shall export any quantity of maize, with effect from the date of publication of these Regulations until such a time when these Regulations shall be amended or revoked.
-

NATIONAL CEREALS AND PRODUCE BOARD (EXPORTATION OF MAIZE PRODUCTS) REGULATIONS, 2008

[L.N. 166/2008.]

1. These Regulations may be cited as the National Cereals and Produce Board (Exportation of Maize Products) Regulations, 2008.
 2. No person shall export any part or product of maize, whether or not it has been ground or sifted into flour or otherwise treated, to any country.
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