

[Subsidiary]

DAIRY INDUSTRY (SALES BY PRODUCERS) REGULATIONS

[L.N. 102/2004, L.N. 86/2006, L.N. 120/2007.]

1. Short title and citation

These Regulations may be cited as the Dairy Industry (Sales by Producers) Regulations, 2004.

2. Producer to hold a valid licence

(1) No person shall operate as a producer unless the person holds a licence issued by the Board.

(2) Paragraph (1) does not apply to a dairy farmer unless the dairy farmer also processes, manufactures, prepares or treats dairy produce for sale.

3. Application for licence

An application for a licence shall be in Form 1 in the Second Schedule.

4. Form of a licence

(1) The following licences may be issued pursuant to an application made under regulation 3—

- (a) Primary producer's licence;
- (b) Processor's licence which shall authorize the processor to—
 - (i) process milk; and
 - (ii) operate a mini dairy and cottage industry;
- (c) Milk bar licence; and
- (d) Cooling plant licence.

(2) A licence issued by the Board under this regulation shall be as prescribed in Form 2 in the Second Schedule.

[L.N. 86/2006, s. 1, L.N. 120/2007, s. 2.]

5. Fees

The fees set out in the First Schedule are prescribed as fees to be paid to the Board.

6. Term of licence

A licence issued under these Regulations shall be valid for a period of twenty four months from the date of issue.

[L.N. 120/2007, s. 3.]

7. Interests of producers and customers to be considered

The Board shall, in considering an application, take into account the interests of other producers and consumers in respect of which the application is made.

8. Conditions of licence

The Board can—

- (a) modify or vary the licence from time to time upon giving thirty (30) day's notice in writing to the licensee;
- (b) cancel the licence if satisfied that there has been any material error or omission in the facts stated in the application;

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- (c) cancel the licence if the licensee is in default in the payment of cess or any other sum due to the Board or arising from any contractual arrangements with producers or their agents;
- (d) cancel the licence if the licensee contravenes these regulations.

9. Refusal to grant or renew licence

The Board may refuse to issue a new licence or may suspend or cancel an existing licence if the Board is satisfied that—

- (a) the producer's standards of performance are unsatisfactory;
- (b) the issue is not, or the suspension or cancellation, is in the interest of other producers and of consumers;
- (c) the conditions of a licence have not been fulfilled;
- (d) the applicant or licensee has failed to remit, within the prescribed period, any cess due by the applicant or licensee to the Board; or
- (e) the applicant or licensee has not paid dairy farmers for milk delivered to the applicant or licensee.

10. Penalty

A person who contravenes regulation 2 (1) is guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding one year or to both.

11. Revocation

The following are revoked—

- (a) the Dairy Industry (Sales by Producers) Regulations, (L.N. 259/1961; L.N. 210/1965);
- (b) the Dairy Industry (Sales by Producers) Order, (L.N. 285/1961).

SCHEDULES

FIRST SCHEDULE

[Section 39, Regulation 5, L.N. 120/2007, s. 4.]

LIST OF FEES PAYABLE UNDER THESE REGULATIONS

<i>Item</i>	<i>KSh.</i>
1. Application for licence	100
2. Primary producer licence fee	500
3. Processor licence fee	25,000
4. Deleted by L.N. 120 of 2007, s. 4(c)	
5. Deleted by L.N. 120 of 2007, s. 4(c)	
6. Milk bar licence fee	2,500
7. Deleted by L.N. 86/2006	
8. Deleted by L.N. 86/2006	

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SECOND SCHEDULE

FORM 1

(Regulation 3)

[L.N 102/2004.]

KENYA DAIRY BOARD

APPLICATION FOR LICENCE TO PRODUCE/PROCESS/SELL/DISPOSE OF DAIRY
PRODUCE

P.O. Box 30406-00100 GPO TEL: 310559/335057 Fax: 244064

E-mail: info@kdb.co.ke

Serial No.:

To:

The Chief Executive
Kenya Dairy Board
P.O. Box 30406-00100 GPO
Nairobi

Dear Sir/Madam,

I (Name)

Address Tel. No.

E-mail Fax hereby apply for licence to
produce/process/sell/dispose of the quantities of dairy produce specified in column (1) of the
schedule to this application to the person(s) or class of persons specified in column (2) of the said
schedule within the area specified in column (3) on the said schedule for the period specified in
column (4) on the said schedule.

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<i>Nature of Dairy Produce</i>	<i>Quantity Per Day</i>	<i>For sale to whom (and whether Wholesale or Retail)</i>	<i>Area</i>	<i>Period</i>

Full name of business Location of Business

Address Tel. Fax E-mail

Date Signature and Stamp.....

(If signature is on behalf of a Limited Company, Estate or Partnership, this must be stated.)

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1. Kenya Dairy Board Inspector's Remarks

Name Signature and Stamp.....

SECOND SCHEDULE—continued

2. Officer in charge's remarks:

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Signature & Stamp

3. Kenya Dairy Board Management Licensing Committee
Recommended/Deferred/Rejected

.....

.....

Signature

FORM 2

KENYA DAIRY BOARD

LICENCE TO PRODUCE/PROCESS/SELL/DISPOSE OF DAIRY PRODUCE

Licence No.

Category

Name

Postal Address Physical Address

Telephone No. E-mail

Is hereby licensed to produce/process/sell/dispose of the quantities of dairy produce specified in column 1 of the schedule to this licence to the person(s) or class of persons specified in column 2 of the said schedule within the area specified in column 3 of the said schedule for the period(s) specified in column 4 of the said schedule subject to the following terms and conditions:

1. The Kenya Dairy Board reserves the right to modify or vary this licence from time to time upon giving to the licensee thirty (30) days' previous notice in writing.
2. This licence is subject to immediate cancellation if the Board is satisfied that there has been any material error or omission in the facts stated in the application.
3. This licence is subject to immediate cancellation if the licensee is in default in the payment of any cess or other sums due to the Board or arising from any contractual arrangements with producers or their agents.
4. This licence is liable to immediate cancellation if the licensee contravenes any of the conditions of the licence or otherwise acts in contravention of the Dairy Industry (Sales by Producers) Regulations, 2004.

COLUMN 1		COLUMN 2	COLUMN 3	COLUMN 4
<i>Nature of Dairy Produce</i>	<i>Quantity Per Day</i>	<i>For sale to whom (and whether Wholesale or Retail)</i>	<i>Area</i>	<i>Period</i>

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SECOND SCHEDULE—*continued*

By Order of the Kenya Dairy Board.

Expiry Date

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for Kenya Dairy Board

Date of Issue
