

LEGAL NOTICE No. 23

THE DAIRY INDUSTRY ACT

(Cap. 336)

THE DAIRY INDUSTRY (PRICING OF DAIRY PRODUCE)
REGULATIONS, 2021

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Regulation

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THE DAIRY INDUSTRY ACT

(Cap. 336)

IN EXERCISE of the powers conferred by section 19 of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock, Fisheries and Co-operatives, on the advice of the Kenya Dairy Board, makes the following Regulations—

THE DAIRY INDUSTRY (PRICING OF DAIRY PRODUCE) REGULATIONS, 2021

1. These Regulations may be cited as the Dairy Industry (Pricing of Dairy Produce) Regulations, 2021. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
 - “compliance officer” has the meaning assigned to it under the Dairy Industry (Compliance Officer) Regulations, 2021;
 - “farm gate price” means the minimum payment made to a primary producer by a purchaser of milk;
 - “payout price” means the price paid by a purchaser to an aggregator;
 - “primary producer” has the meaning assigned to it under section 31; and
 - “purchaser” means a person who buys milk for consumption, aggregation, processing or resale.
3. These Regulations shall apply in respect of the pricing of dairy produce. Application.
4. The objects of these Regulations are to — Objects of the Regulations.
 - (a) ensure that a primary producer receives a guaranteed minimum monetary return for the sale of milk; and
 - (b) protect the investment interests of the primary producer and purchaser of dairy produce.
5. The minimum payout price and minimum farm gate price for milk produce shall be in accordance with the Schedule. Minimum prices.
6. A producer, group or any other registered entity acting on behalf of producers shall maintain a record of the milk produce purchased, and shall disclose to the primary producer, by way of a monthly statement— Records and disclosure of prices and deductions.
 - (a) the payout price; and
 - (b) all deductions made,

to determine the farm gate price.
7. A compliance officer may inspect any records relating to a payout made by a purchaser, or the farm gate price paid to a primary producer, and may require the purchaser to provide additional information relating to the payout price or the farm gate price paid by that purchaser. Inspection records.

8. A person who— Offences and penalty.
- (a) pays to a primary producer a price that is less than the minimum farm gate price prescribed under these Regulations;
 - (b) fails to make a disclosure to a primary producer as required under regulation 6;
 - (c) fails to maintain a record as required under regulation 6; or
 - (d) obstructs or attempts to obstruct a compliance officer in the performance of his or her functions or exercise of his or her powers under these Regulations,

commits an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding twelve months or, to both.

9. The Dairy Industry (Prices of Dairy Produces) Regulations, 1961 are revoked. Revocation.
Sub. Leg.

10. The Dairy Industry (Prices of Dairy Produces) Order, 1970 is revoked. Revocation.
Sub. Leg.

11. The Dairy Industry (Prices of Dairy Produces) (Kisumu) Order, 1971 is revoked. Revocation.
Sub. Leg.

SCHEDULE

(r. 5)

PRICING SCHEDULE

<i>S/No.</i>	<i>Nature of dairy produce</i>	<i>Unit of measure (Kilograms)</i>	<i>Minimum payout price (Kshs.)</i>	<i>Minimum farm gate price (Kshs.)</i>
1.	Unchilled raw milk	1	34	33
2.	Chilled raw milk	1	36	35
3.	Pasteurized milk	1	38	37

Made on the 22nd February, 2021.

PETER MUNYA,
*Cabinet Secretary for Agriculture,
Livestock, Fisheries and Cooperatives.*