

**THE DAIRY INDUSTRY ACT**

*(Cap. 336)*

**THE DAIRY INDUSTRY (RETURNS, REPORTS AND  
ESTIMATES)**

**REGULATIONS, 2021**

**ARRANGEMENT OF REGULATIONS**

*Regulation*

1—Citation.

2— Interpretation.

3— Application.

4— Objects of the Regulations.

5— Filing of returns and other requirements.

6— Protection of information.

7— Offence,

**SCHEDULE**

## 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 Cooperatives, on the advice of the Kenya Dairy Board, makes the following Regulations—

## THE DAIRY INDUSTRY (RETURNS, REPORTS AND ESTIMATES) REGULATIONS, 2021)

1. These Regulations may be cited as the Dairy Industry (Returns, Reports and Estimates) Regulations, 2021. Citation
2. In these Regulations, unless the context otherwise requires — Interpretation
  - “Act” means the Dairy Industry Act; Cap 336
  - “aggregator” means a person who collects milk from a primary producer for the purpose of bulking, processing or for resale.
  - “Board” means the Kenya Dairy Board;
  - “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to the dairy industry;
  - “County Executive Committee member” means the County Executive Committee member for the time being responsible for dairy matters;
  - “cost of processed milk” means the amount paid for milk used for processing by the dairy business operator to another dairy business operator or primary producer, or cost incurred in the production of the milk by own farm or in the case of imported dairy produce, the cost shall be the declared value at the point of entry.
  - “dairy business operator” means a person who handles dairy produce for business but does not include a primary producer, wholesalers and retailers of packaged dairy produce;
  - “county department” means the county department of a relevant county which is responsible for matters relating to the dairy industry;
  - “estimate” means quantity arrived at for the purpose of projecting the performance of the dairy operations over a defined period;
  - “report” means a written account submitted to the Board by a dairy business operator as prescribed by the Board, or by relevant County government where applicable;
  - “return” means a record of the actual operations of the dairy business operator over a defined period submitted to the County Government or the Board, where applicable.
3. These Regulations apply to every person who is licensed as a dairy business operator. Application
4. The objects of these Regulations are — Objects of the Regulation
  - (a) to provide the procedures for submitting to the County Government or the Board returns, reports and estimates by

dairy business operators;

- (b) to provide mechanisms for the County Government or the Board to collect relevant data and information for planning purposes.

5. (1) A dairy business operator shall, not later than the tenth day of the month following that of production, distribution or retail for sale of any dairy produce, submit to the Board reports, a return relating to the production, distribution or sale of the dairy produce in Form A in the Schedule.

Filing returns and other requirements

(2) An aggregator shall, not later than the twentieth day of the month following that of production, distribution or retail for sale of any dairy produce, submit to the county department and to the Board reports, a return relating to the production, distribution or sale of the dairy produce in Form B in the Schedule.

(3) A dairy business operator shall, not later than the tenth day of the month following that of production, distribution or retail for sale of any dairy produce, file electronically or manually, returns with the county department and to the Board, a return relating to the deductions of monies from the dues of the suppliers of dairy produce, in Form C in the Schedule.

(4) A person licensed to import or export dairy produce shall not later than the tenth day of the month following that of import or export of dairy produce file the Board reports, returns or estimates relating to the import or export of the dairy produce.

(5) Subject to the provisions of this regulation, where the Board or a county department is of the opinion that it is necessary for a particular dairy business operator to submit other or necessary additional documents or information, the Board or the county executive committee member shall so direct in writing and the operator shall submit the required document or information within the time stipulated in the notice.

6. The information or document obtained under these Regulations shall be handled in accordance with any relevant provision of the Data Protection Act, 2019

Protection of information

7. A dairy business operator who —

Offences

- (a) willfully neglects or fails to submit a return;
- (b) fails to supply the information or a document required in regulation 5;
- (c) knowingly or recklessly submits false, incorrect return, report or estimate; or
- (d) supplies any such particulars or documents, containing a matter which the operator knows or ought to know that it is materially false,

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

**SCHEDULE**  
**FORM A (Reg. 5(1))**  
**KENYA DAIRY BOARD LOGO**  
**FORM OF RETURN OF DAIRY BUSINESS OPERATOR**

- (1) This form must be completed by every dairy business operator.
- (2) This form must be completed and sent to the Kenya Dairy Board not later than the tenth day after the month of production.
- (3) Name..... Regulatory Permit No.....
- (4) Milk statistics for the month of .....
- (5) Milk intake (kilograms):

No.	Type	Quantity	Cost (KSh.)	Source
(a)	Raw milk			
(b)	Pasteurized milk			
(c)	Milk powder			
(d)	Cream			
(e)	Other (specify)			

(6) Total Intake:.....

(7) Types and quantities of dairy products produced:

IN LITRES/KILOGRAMS

Dairy Produce	Units of Measure	Total Quantity
(a) Pasteurized Milk	Litres	
(b) UHT milk	Litres	
(c) Extended shelf life	Litres	
(d) Fermented Milk	Litres	
Yoghurt	Litres	
Lala	Litres	
Others (specify)	Litres	
(e) Butter	KG	
(f) Ghee	KG	
(g) Cheese (specify types)	KG	
(h) Cream (Kg)	KG	
(i) Milk powder		
Skim milk powder	KG	
Whole milk powder	KG	
Instant milk powder	KG	
Whey milk powder	KG	
Others (specify)		
(j) Condensed milk	KG	
(k) Ice cream	KG	
(l) Milk shake m)	Litres	
(m) Flavored milk	Litres	
(n) Others (specify)		

**DECLARATION**

I/We declare that the above information is correct

Name: .....

Address:.....

Email Address..... Telephone Number:.....

Signature & Stamp:..... Date:.....

(if the signature is on behalf of the limited company or estate, this must be stated)

**FOR OFFICIAL USE ONLY**

Consumer safety levy charged at 40 cents per Kilogram OR 1% of the cost of processed milk (whichever is higher)

KShs:..... plus penalty for late return KShs..... Total KShs.....

Amount received in words.....

.....

Debit Note No..... Receipt No.....

Officer's Name..... Signature.....

Date:.....

## SCHEDULE

## FORM B Reg. 5(2)

## FORM OF RETURN FOR AGGREGATORS

- (1). This form must be completed by every aggregator.
- (2). This form must be completed and sent to the County Government not later than the twentieth day after the month of production.
- (3). Name..... Licence No.....
- (4). Milk statistics for the month of .....
- (5). Milk intake (kilograms):

No.	Type	Quantity	Farmgate Price (Kshs)	Source
(a)	Raw milk			
(b)	Pasteurized milk			
(c)	Other (specify)			

- (6). Total Intake(kilogram).....

## DECLARATION

I/We declare that the above information is correct

Name:..... Address:.....

Email Address..... Telephone Number:.....

Signature & Stamp: .....Date:.....

(if the signature is on behalf of the Limited Company or Estate, this must be stated)

## FOR OFFICIAL USE ONLY

Consumer safety levy charged at 40 cents per Kilogram OR 1% of the cost of processed milk (whichever is higher)

KShs:.....plus penalty for late return KShs.....Total KShs.....

Amount received in words.....

Debit Note No..... Receipt No.....

Officer's Name:..... Signature..... Date.....

**SCHEDULE**

**FORM C (Reg. 5(3))**

**KENYA DAIRY BOARD LOGO/COUNTY LOGO**

**DEDUCTIONS FROM SUPPLIERS OF DAIRY PRODUCE**

<i>Month</i>	<i>Quantity received (Kgs)</i>	<i>Payment to dairy producer supplier</i>	<i>Cost of Chilling</i>	<i>Cost of Transport</i>	<i>Deduction from primary producer for provision of services</i>	<i>Payment to primary producer</i>

**DECLARATION**

I/We declare that the above information is correct

Name:..... Address:.....

Email Address..... Telephone Number:.....

Signature & Stamp: .....Date:.....

(if the signature is on behalf of the Limited Company or Estate, this must be stated)

**FOR OFFICIAL USE ONLY**

Name of officer receiving the return.....

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

Dated the 9th February, 2021.

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