

THE AGRICULTURAL PRODUCE (EXPORT) (BEANS) RULES

L.N.388/1956,
L.N.202/1962,
L.N.200/1965.

1. These Rules may be cited as the Agricultural Produce (Export) (Beans) Rules.
2. In these Rules, except where the context otherwise requires— "beans" means the seed of *Phaseolus* and *Vicia*;
"inspection" means an inspection within the meaning of section 3 of the Act;
"prescribed port" means a port prescribed under rule 4.
3. The provisions of these Rules shall apply to all beans except—
 - (a) beans intended for use as seed, provided they are treated with insecticides to the satisfaction of an inspector and are packed in containers clearly and legibly marked with the words "NOT FOR HUMAN CONSUMPTION—SEEDS FOR SOWING";
 - (b) beans intended for use as cattle food, provided they are packed in containers clearly and legibly marked "NOT FOR HUMAN CONSUMPTION—CATTLE FOOD ONLY"; and
 - (c) beans intended for export to or through any port on the eastern coast of the continent of Africa south of Port Said and north of Beira or to or through any port in Arabia, Zanzibar or the Seychelles.
4. The ports of Mombasa, Kilindini, Malindi and Lamu are hereby declared to be prescribed ports within the meaning of section 3 of the Act, for the purposes of these Rules.
5. No person shall export or attempt to export any beans through a prescribed port unless the beans have first been inspected by an inspector at the port of Kilindini or such other places as the Director may, by notice in the Gazette, appoint.
6. (1) Any person intending to export any beans or intending to cause any beans to be exported from a prescribed port shall give written notification to an inspector at least seven clear days before loading on to a ship is due to commence.
 - (2) Such notification shall specify—
 - (a) the particulars of the consignment;
 - (b) the quantity of beans ;
 - (c) the manner in which the beans are packed ;
 - (d) the name of the ship or ships on which the beans are to be loaded;
 - (e) the destination of the beans; and
 - (f) the names and addresses of any agents authorized to deal with the consignment on behalf of the intended exporter at the prescribed port.
7. (1) No inspection of a consignment shall, without sufficient cause, be made earlier than

fourteen days before loading such consignment on a ship.

(2) Upon application, or if in the opinion of an inspector it is necessary or desirable, an inspector may reinspect any consignment already inspected and alter or vary any grade thereof.

8. (1) Where an inspector inspects any consignment of beans he shall examine a sufficient number of bags or containers thereof to be representative of the whole consignment.

(2) An inspector may abstract or remove and retain samples from every bag or container of beans inspected:

Provided that no sample shall exceed one-half of one per cent of the total contents of the bag or container from which it was abstracted or removed.

(3) All samples abstracted or removed shall be taken in a manner so as to be representative of the whole consignment.

9. (1) On completion of an inspection, and on payment of the inspection fee, the inspector concerned may issue to the person intending to export such beans an inspection certificate: Provided that no such certificate shall be issued—

(i) until the inspector is satisfied that the beans have been either treated by heat or have been fumigated or have undergone other and similar treatment;

(ii) if the beans are found to be either musty or to contain more than thirteen and one-half per cent of moisture as determined by the Brown-Duval apparatus or which are otherwise commercially objectionable;

(iii) if the beans are not contained in sound merchantable bags which in the opinion of the inspector are in good condition, fit for export and securely double sewn.

(2) A person exporting or intending to export beans may be required by an inspector to produce such proof as may be necessary to satisfy the inspector that the beans have been treated by heat or fumigated, and failing the production of such proof the inspector shall be entitled to refuse to issue an inspection certificate.

(3) The fee for every inspection shall be at the rate of six cents per kilogramme of beans inspected or reinspected, whether an inspection certificate or certificate of grade is issued or not.

10. (1) Where a consignment of beans is inspected in accordance with these Rules, the inspector may grade the consignment either in whole or in part.

(2) The grades shall be as set out in the Schedule in respect of the quality and condition of the beans therein specified.

(3) Every bag or container of beans graded in accordance with these Rules shall be branded with the appropriate grade mark within a circle in red.

(4) No beans shall be graded first grade unless they are contained in new 2 1/4B twill bags.

11. (1) Where a consignment of beans has been graded in accordance with rule 9, the inspector may issue a preliminary certificate of grade.

(2) The inspector may substitute for the preliminary certificate of grade an export certificate of grade if, not later than seven days after the departure of the ship or ships exporting a consignment of beans, a person produces or delivers to the inspector bills of lading and such other documents as the inspector may reasonably require relating to the exported consignment.

s.2, L.N.6/2001

(3) Every export certificate of grade shall certify the grade of the beans exported, and shall relate only to the quantity of beans specified in the bills of lading or other shipping documents produced or delivered to the inspector.

SCHEDULE

(r.10(2))

Grade

mark to be shown on bags

Grade

Description

K.1

First Grade

(a) Shall be sound, well developed and cleaned, and of even size and shape.

(b) Shall be of one variety only.

(c) Shall contain not more than 2 per cent by count defective or discoloured beans or both.

K.2

Second Grade

(a) Shall be sound, well developed and clean, and of even size.

(b) Shall contain not less than 98 per cent of one variety only.

(c) Shall contain more than 4 per cent defective or discoloured beans or both.

K.3

Third Grade

(a) Shall be sound, well developed and reasonably clean.

(b) Shall contain not less than 95 per cent of one variety only.

(c) Shall contain not more than 8 per cent defective or discoloured beans or both.

K.4

Fourth Grade

(a) Shall be sound, well developed and reasonably clean.

(b) Shall contain not less than 95 per cent of one variety only.

(c) Shall contain not more than 16 per cent of defective or discoloured beans or both.

K.5

Fifth Grade (Mixed)

(a) Shall be sound, well developed and reasonably clean.

(b) May consist of a mixture of varieties.

(c) Shall contain not more than 8 per cent of defective or discoloured beans or both.

K.6 Undergrade

To include all beans which cannot be classed in a higher grade, but to be in dry condition, fit for shipment and contain not more than 40 per cent of defective and discoloured beans.

Note:

1. The percentage at mixture of beans shall be expressed as a percentage by count of the sample used for determination.

2. Beans visibly affected by bean-beetle shall be regarded as defective, and such beans shall not comprise more than one-half of the defectives allowed.