

## THE AGRICULTURAL PRODUCE (EXPORT) (CHILLIES) RULES

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1. These Rules may be cited as the Agricultural Produce (Export) (Chillies) Rules.

2. In these Rules—

"export" means export from Mombasa;

"chillies" means the fruits of *Capsicum minimum* and shall, unless the context otherwise requires, include capsicums;

"capsicums" means the fruits of *Capsicum annum*.

3. Subject to rule 13, for the purposes of these Rules chillies and capsicums shall each be divided into the three and two grades respectively described in the Schedule, and every bag containing chillies or capsicums shall bear the appropriate grade mark for such grade specified in the Schedule.

4. No person shall export chillies unless he is in possession of an export certificate issued to him under rule 5.

5. Any person desiring to export chillies shall be issued with an export certificate, by the inspector, when such chillies have been inspected by him and found to be one or other of the grades in the Schedule, and the appropriate grade mark shown in the Schedule shall then be impressed on the bags containing such chillies.

6. (1) Any person desiring to export chillies shall notify the inspector of the name of the ship on which he intends so to export, the name of the consignee, the destination and the number of bags or bales, and shall state whether the bags or bales contain chillies or capsicums.

(2) Such notification shall be given, in writing, not less than four clear days before shipment is due, and delivery at the places mentioned in rule 7 shall be made not less than two clear days before shipment.

7. (1) Inspection of consignments of chillies shall take place at the enclosed low level water front, Kilindini Harbour, Mombasa, or such other place as the Director may by notice in the Gazette appoint, and shall normally be made within fourteen days of the anticipated date of shipment, and if, at any time after such inspection, the inspector considers it necessary so to do, he may reinspect any such consignment.

(2) If upon such reinspection the inspector is satisfied that the chillies are no longer of the grade in which they were classified, the export certificate shall be cancelled and shall be surrendered to the inspector by the person to whom it was issued, and any grade marks on the bags or bales shall be cancelled by the inspector; and a new export certificate shall thereupon be issued by the inspector certifying the appropriate grade.

8. For the purpose of inspecting a consignment, it shall be sufficient for the inspector to examine the chillies contained in not less than five per cent of the bags or bales forming the consignment of chillies.

9. An inspector may remove and retain samples from each bag or bale of chillies examined:

Provided that the sample from any one bag or bale of chillies shall not exceed one half of one per cent of the total contents of that bag or bale.

10. Chillies intended for export shall be contained in bags or bales in good condition and doubly and securely sewn to the satisfaction of the inspector. 11. (1) An inspector may refuse to grade any consignment which is bagged when the average weight of bags is more than 37 kg. net or less than 35 kg. net in the case of chillies, and more than 20 kg. net or less than 18 kg. net in the case of capsicums, and grading fees shall be payable in respect of any chillies inspected, whether rejected or not.

(2) An inspector may refuse to grade any consignment which is baled if, in the opinion of the inspector, the consignment is improperly baled or not adequately protected from adulteration or infestation.

(3) The weight of chillies offered for grading at any time by any one person may be determined either by Kenya Railways or the Kenya Ports Authority or by the inspector by weighing ten per cent of the total quantity of chillies so offered.

12. (1) A grading fee shall be payable at the rate of six cents per kilogramme of chillies to be inspected or reinspected by the inspector, and such fee shall be paid to the inspector before inspection or reinspection.

(2) Where a consignment is baled and not bagged, the grading fee shall be calculated and charged at the rate of six cents per kilogramme of chillies and for every 20 kg. of capsicums to be inspected or reinspected.

13. No chillies which are found on inspection to contain weevils or other pests, or the excreta of rats or mice, or which are otherwise in the opinion of the inspector commercially objectionable, shall be granted an export certificate.

14. All chillies rejected by an inspector shall be removed from the place of inspection by the owner or his agent within four days after such rejection.

15. Neither the Government nor its agents or servants shall be responsible for any loss which may occur in connexion with any chillies forwarded for inspection and export.

s.2, L.N.4/2001

#### SCHEDULE

(rr.3 and 5)

<i>Grade mark to be shown on bags</i>	<i>Grade</i>	<i>Description Chillies</i>
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C H K G A Q	Good Average Quality	<p>(a) Shall be sound, dry, bold, of a good red colour and reasonably uniform in appearance.</p> <p>(b) Shall contain not more than 5 per cent of chillies which exceed 4 cm. in length.</p> <p>(c) Shall contain not more than 15 per cent by weight of broken, immature, discoloured or otherwise defective chillies.</p> <p>(d) Shall contain not more than 3 per cent by weight of extraneous matter including attached stalks.</p>
C H K FAQ	Fair Average Quality	<p>(a) Shall be sound, dry, bold, well coloured and reasonably uniform and appearance.</p> <p>(b) Shall contain not more than 5 per cent of chillies which exceed 4cm in length.</p> <p>(c) Shall contain not more than 25 per cent by weight of broken, immature, discoloured or otherwise defective chillies.</p> <p>(d) Shall contain not more than 3 per cent by weight of extraneous matter including attached stalks.</p>
CP K FAQ	Fair Average Quality	<p>(a) Shall be sound, dry, bold, well coloured and reasonably uniform and appearance throughout the whole consignment.</p> <p>(b) Shall contain not more than 5 per cent of capsicums which exceed 4cm in length.</p> <p>(c) Shall contain not more than 25 per cent by weight of broken, immature, discoloured or otherwise defective chillies.</p> <p>(d) Shall contain not more than 3 per cent by weight of extraneous matter, including attached stalks.</p>
CP K UG	Under Grade	<p>To include all chillies which cannot be classed as good average quality or as fair average quality.</p>

*Capsicums*

CP K FAQ	Fair Average Quality	<p>(a) Shall be sound, dry, bold, well-coloured and reasonably uniform in appearance throughout the whole consignment.</p> <p>(b) Shall contain not more than 5 per cent of capsicums which do not exceed 4 cm. in length.</p>
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(c) Shall contain not more than 20 per cent by weight of immature, discoloured or otherwise defective capsicums, provided that broken capsicums, provided that broken capsicums shall not be regarded as defective unless they are less than 4 cm. in length.

(d) Shall contain not more than 3 per cent by weight of extraneous matter, including loose stalks.

CP  
K  
UG

Under  
Grade

To include all capsicums which cannot be classed as fair average quality.