

THE AGRICULTURAL PRODUCE (EXPORT) (POTATO) RULES

L.N.116/1960, L.N.278/1961.

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

Interpretation 2. (1) In these Rules—

"export certificate" means a potato export certificate issued under rule 3;

"grading certificate" means a preliminary export grading certificate (potatoes) issued under rule 3;

"place of inspection" means a place appointed by the Director, by notice in the Gazette, for the inspection and grading of potatoes under these Rules;

"potato" means the tuber of *Solanum tuberosum*.

(2) For the purposes of these Rules, percentages shall be determined by weight.

Restriction of export of potatoes.

3. (1) No person shall export or cause or permit to be exported any potatoes—

(a) by land, inland water or air, unless there is in force in relation to such potatoes a preliminary export grading certificate (potatoes); or

(b) by sea, unless there is in force in relation to such potatoes either—

(i) a preliminary export grading certificate (potatoes) duly endorsed in accordance with the form in the Schedule; or

(ii) a potato export certificate duly issued under these Rules;

(c) grown outside Kenya through the port of Mombasa unless their containers are clearly marked with the country of origin :

Provided that this rule shall not apply in respect of any potatoes supplied to a vessel, aircraft or train for consumption thereon.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

Certificates to be issued.

4.(1) For the purpose of the issue of a grading certificate, the endorsement of a grading certificate and the issue of an export certificate, potatoes intended for export shall be produced for inspection and inspected by an inspector at a place of inspection, in accordance with these Rules, and if the inspector considers that the potatoes and their packing comply with the requirements of rules 6 and 7 he shall issue or endorse a grading certificate, or issue an export certificate, as the case may be.

(2) An export certificate in respect of a consignment of potatoes shall not be delivered to the owner or shipper of the consignment except on production of a shipping order or bill of lading for that consignment.

Production of potatoes for inspection.

5. (1) Any person requiring potatoes to be inspected under rule 4 shall give to an inspector not less than two days' notice of such requirement, at the same time stating all particulars of the consignment, including the name of the variety of potato, where known, the name of the consignee, the destination and number and weight of the packages and, if the potatoes are to be exported by sea, the name of the ship:

Provided that the inspector may, in his discretion for good reason, accept a shorter period of notice than two days.

(2) If required to do so by the inspector, the person requiring the inspection shall have the potatoes ready for inspection at the place of inspection at least one day before the day on which inspection is arranged to take place.

(3) Inspection shall ordinarily be made within four days before shipment, and the inspector may, if in his opinion it is necessary, inspect the potatoes again before shipment.

Grading of potatoes.

Cap.326.

6. (1) Where an inspector inspects potatoes under rule 4, he shall inspect a random sample of not less than five per cent of the potatoes in the particular consignment.

(2) An inspector shall grade the potatoes as either—

- (a) table potatoes—large; or
- (b) table potatoes—medium; or
- (c) seed potatoes; or

shall reject them.

(3) Potatoes shall be graded as follows, according to the requirements which they fulfill—

(a) table potatoes—large:

- (i) not more than four per cent shall be greenish in colour;
- (ii) not more than four per cent shall be mechanically injured;
- (iii) not more than two per cent shall show signs of decay externally;
- (iv) not more than five per cent shall be capable of passing through a sieve with mesh 4 cm.square;
- (v) each package shall contain a majority of potatoes of the same type or variety; (vi) ripe and unripe potatoes shall not be mixed together in the same package; and
- (vii) the potatoes shall not be commercially objectionable;

(b) table potatoes—medium:

- (i) not more than four per cent shall be greenish in colour;
- (ii) not more than four per cent shall be mechanically injured;
- (iii) not more than two per cent shall show signs of decay externally;
- (iv) not more than five per cent shall pass through a sieve with mesh 3 cm. square;
- (v) ripe and unripe potatoes shall not be mixed together in the same package; and
- (vi) the potatoes shall not be commercially objectionable;

(c) seed potatoes:

- (i) the potatoes shall be Government certified seed potatoes within the meaning of the Seeds and Plant Varieties Act;
- (ii) not more than four per cent shall be unripe ;

- (iii) not more than four per cent shall be mechanically injured;
- (iv) not more than two per cent shall show signs of decay;
- (v) not more than five per cent shall fail to pass through a sieve with mesh 6 cm. square; except where the potatoes are described as "as grown";
- (vi) not more than ten per cent shall pass through a sieve with mesh 3 cm. square;
- (vii) the potatoes shall not be commercially objectionable; and
- (viii) each package shall be clearly marked "seed potatoes", and the potato export certificate shall be similarly endorsed.

Packing of potatoes.

7. (1) All potatoes intended for export shall be packed to the satisfaction of an inspector, and—

(a) in the case of table potatoes—large, and table potatoes— medium:

(i) if exported to Zanzibar shall be packed in bags of 17 kg., 25 kg. or 82 kg. net; and

(ii) if exported elsewhere, shall be packed in bags of 17 kg or 25 kg. net;

or, in either case, in rigid ventilated containers to a weight of not more than 17 kg. net;

(b) in the case of seed potatoes, shall be packed in rigid ventilated receptacles to a weight of not more than 17 kg. net:

Provided that in either case the weight may be allowed to exceed the prescribed weight by such amount as may reasonably be expected to allow for loss of weight on the journey by evaporation.

(2) Bags and receptables shall be new, except in the case of export to Zanzibar, in which case they shall be in sound condition.

Marking of containers

8. (1) The person requiring inspection shall mark the bags or other containers, in red colour, with the letter "K"- and the grade mark within a ring as follows—

(a) for table potatoes—large... .. L

(b) for table potatoes—medium M

(c) for seed potatoesS

(2) Notwithstanding anything to the contrary contained in these Rules, an inspector shall reject potatoes which, in accordance with paragraph (3) of rule 6, do not conform to the grade marked on the bag or other container thereof.

Potatoes to be removed after inspection.

9. (1) Where potatoes are rejected under paragraph (2) of rule 6, they shall be removed from the place of inspection by their owner or by his agent within three days after their rejection.

(2) Where the potatoes are not removed within the said period, the person who required their inspection shall be guilty of an offence and liable to a fine not exceeding one hundred shillings for each day after the said period, during which the potatoes remain at the place of inspection.

Fees.

.s.2, L.N. 8/2003

10. (1) Fees shall be paid for the inspection of potatoes under these Rules at the rate of six cents per kilogramme.

SCHEDULE

(r.11)

PRELIMINARY EXPORT GRADING CERTIFICATE (POTATOES)

(Rule 3(1) (a))

I hereby certify that not less than five per cent by weight of the potatoes described hereunder were duly examined by me on, 19....., and graded on account of.....

Grown at	Marks on containers	Number of Containers			Total received	Charges	Remarks
		KL	KM	KS			
					Kg.	Sh. cts.	