

Cap.187(1948), Sub. Leg., G.N.849/1953, L.N.365/1964.

Rules under section 10

THE AGRICULTURAL PRODUCE (EXPORT) (WHEAT) RULES

1. These Rules may be cited as the Agricultural Produce (Export) (Wheat) Rules.
2. In these Rules, "wheat" means the grain of *Triticum vulgare* and *Triticum durum*.
3. It shall be unlawful for any person to export, or permit to be exported, or attempt to export, any wheat unless and until such wheat has been inspected by the inspector at Kilindini Wharf or Mbaraki Pier, or at such places at the coast or elsewhere as the Director of Agriculture may from time to time approve and prescribe, and at places away from the coast the owners shall supply to the satisfaction of the inspector all labour required for the purpose of placing into proper position and removing all wheat submitted for inspection.
4. A certificate (hereinafter called an exportation certificate) shall be issued by the inspector to the owner or shipper of a consignment of wheat which has been inspected and found to comply with the description of any one of the grades set forth in the Schedule.
5. (1) There shall be two grades and an under-grade of each variety of wheat of the description set forth in the Schedule. (2) Exportation certificates may be issued for the following named varieties, namely, Kenya Government (G), Equator (E) and Durum (D); the names of these varieties shall appear on the exportation certificate, and the letter in parenthesis after each variety shall appear on the bags, together with the grade marks (3) In addition to the above, exportation certificates may be issued for any other variety, but the name shall not appear on the certificate, and the bags shall be marked with the grade marks and the letter "W" only.
6. The owner or shipper shall notify the inspector giving particulars of the consignment that is to say, name of ship on which space has been provided, the consignee, the destination, and the number of bags.
7. Such notification shall be given at least four clear days before shipment is due, and delivery at the places mentioned in rule 3 shall if required, be made at least two clear days before shipment.
8. Inspection shall ordinarily be made within fourteen days of shipment; if, in the opinion of the inspector, it is necessary, reinspection may be made at any time and the grade may thereupon be altered.
9. The exportation certificate shall be delivered to the shipper only on production of the shipping order or bill of lading, which shall be delivered to the inspector within seven days of the departure of the steamer concerned.
10. Every bag of wheat in a consignment shall be examined before a certificate is granted in respect of such consignment, and all wheat so examined at any place away from the coast shall be submitted for inspection at the coast and shall be examined in such manner as the inspector may determine before the issue of an exportation certificate.
11. It shall be lawful for the inspector to abstract, remove and retain samples from each bag examined : Provided that the sample from any one bag shall not exceed one half of one per cent of the total contents of that bag.

12. (1) Subject to rule 13, no wheat shall be permitted to be exported which— (a) is found on inspection to be weevily, musty or smutty ; or (b) contains more than 13 per cent of moisture as determined by the Brown-Duvel apparatus ; or (c) has been subjected to any treatment by heat artificially produced, except such wheat as has been treated in a plant approved for that purpose by the Director ; or (d) is otherwise commercially objectionable. (2) For the purposes of this rule, "smutty" means wheat which has an unmistakable odour of smut or which contains spore balls in excess of a quantity equal to two balls of average size in fifty grammes of wheat. (3) All percentage of foreign matter, mixture of wheat and noxious weeds shall be expressed as a percentage by weight of the sample used for determination. (4) The bushel weight shall be determined by a standard bushel weight tester.

13. Notwithstanding anything in rule 12, wheat which is found on inspection to be slightly weevily may be exported, and an exportation certificate endorsed with the words "slightly weevily" shall be issued.

14. (1) Wheat the export of which is not prohibited by rule 12, and which does not come within the description of any grade set forth in the Schedule, may be exported. (2) For wheat of this description an inspection certificate may be issued in place of an exportation certificate.

15. Wheat intended for export shall be contained in new twill bags, "A" quality, 1 kg. weight, 8 X 8 (Porter and Shot), in good condition and securely doubly sewn with overlapping edges.

16. Each bag of wheat graded in accordance with these Rules shall be branded with a "K" and the number of the grade within a ring, and any brand so marked on a bag at a place away from the roast may, at the discretion of an inspector at the coast, be obliterated and the grade mark altered.

17. Upon receipt of notice from the inspector, wheat which is found on inspection or reinspection to be weevily shall be removed forthwith by or at the expense of the owner to a place set aside for such produce.

18. All wheat rejected by the grader shall be removed by or at the expense of the owner from the wharf sheds not later than the fourth day after such rejection: Provided that wheat rejected on account of dampness may be reconditioned for inspection.

19. Slightly weevily wheat shall be stored separately from other wheat.

20. (1) A charge shall be made by the inspector at the rate of six cents per kilogramme in respect of all wheat submitted direct at the coast for grading under these Rules, and payment therefor shall be made before issue of certificate or removal of wheat. (2) If wheat has been removed and later resubmitted for inspection, the same charge shall again be levied.

21. The Government shall not be held responsible for any loss which may be sustained in connexion with wheat forwarded for export, and shall not undertake any responsibility in respect of any certificate which may be issued under these Rules.

22. These Rules shall not apply to wheat exported to any port on the eastern coast of the continent of Africa south of Port Said and north of Beira, or to any port of Arabia. s.2, L.N.9/2003

SCHEDULE (rr. 4, 5 and 14)

*Grade Mark to
be shown on
bags.*

<i>Grade</i>	<i>Description</i>
First Grade	<p>(a) Shall contain not more than 2 per cent of foreign matter.</p> <p>(b) Shall contain not less than 90 per cent of one variety only, and of the remaining 10 per cent not more than half shall be durum wheat.</p> <p>(c) Shall have a weight per bushel of not less than 28 kg.</p> <p>(d) Shall not be discoloured.</p>
Second Grade	<p>(a) Shall contain not more than 3 per cent of foreign matter.</p> <p>(b) Shall contain not less than 90 per cent of one variety only, and of the remaining 10 per cent not more than half shall be durum wheat.</p> <p>(c) Shall have a weight per bushel of not less than 27 kg.</p>
Under-grade	<p>(a) Shall contain not more than 4 per cent of foreign matter.</p> <p>(b) Shall contain not less than 90 per cent of one variety only, and of the remaining 10 per cent not more than half shall be durum wheat.</p> <p>(c) Shall have a weight per bushel of not less than 26 kg.</p>
Grade 1 Durum	<p>(a) Shall contain not more than 2 per cent of foreign matter.</p> <p>(b) Shall contain not less than 90 per cent of a variety or varieties of durum wheat.</p> <p>(c) Shall have a weight per bushel of not less than 28 kg.</p> <p>(d) Shall not be discoloured.</p>
Grade 2 Durum	<p>(a) Shall contain not more than 3 per cent of foreign matter.</p> <p>(b) Shall contain not less than 90 per cent of a variety or varieties of durum wheat.</p> <p>(c) Shall have a weight per bushel of not less than 27 kg.</p>
Under-grade Durum	<p>(a) Shall contain not more than 4 per cent of foreign matter.</p> <p>(b) Shall contain not less than 75 per cent of a variety or varieties of durum wheat.</p> <p>(c) Shall have a weight per bushel of not less than 26 kg.</p>

NOTE.—Each bag of wheat described in the Exportation Certificate as slightly weevily shall be marked with the letters