

AGRICULTURAL PRODUCE (EXPORT) (HORTICULTURAL PRODUCE INSPECTION) RULES, 1960

[L.N. 595/1960, 1960, L.N. 201/1962, L.N. 559/1962, L.N. 66/1963, L.N. 311/1963, L.N. 100/1966, L.N. 340/1966, L.N. 5/2001.]

1. These Rules may be cited as the Agricultural Produce (Export) (Horticultural Produce Inspection) Rules, 1960.
2. These Rules shall apply to the agricultural produce specified in the First Schedule.
3. In these Rules, except where the context otherwise requires—

“place of inspection” means such place as the Director may, from time to time, by notice in the *Gazette* designate in that behalf;

“scheduled produce” means any agricultural produce specified in the First Schedule.

4. (1) All containers used for the export of scheduled produce shall be new, clean and of sufficient strength to provide protection for the produce contained therein until its arrival at its destination.
- (2) All containers for any one type of scheduled produce in a consignment shall be of the same size and type and shall contain the same net weight or number of units of that type of scheduled produce:

Provided that an inspector may, by writing under his hand, and subject to such conditions as he may deem necessary, exempt from the provisions of this paragraph such small quantities as he may think fit of scheduled produce for export by sea to neighbouring territories.

- (3) Unless otherwise specified in any other rules made under the Act and relating to specific types of scheduled produce, all containers used for the export of scheduled produce—

- (a) by sea, shall be made of wood and shall be of rigid construction;
- (b) by air, may be made of cardboard or veneer wood:

Provided that an inspector may, by writing under his hand, and subject to such conditions as he may deem necessary, exempt from the provisions of this paragraph such small quantities as he may think fit of scheduled produce for export to neighbouring territories.

[L.N. 201/1962, s. 2.]

5. Every container or bundle of containers, whichever is commercial practice, of scheduled produce intended for export shall be clearly marked on the outside with the following particulars—
 - (a) type of variety of produce;
 - (b) net weight or number of units of scheduled produce contained therein; and
 - (c) the words “PRODUCE OF KENYA”.
6. (1) All scheduled produce intended for export shall be packed in containers in accordance with the provisions of these Rules and shall be protected from bruising and other damage by sufficient padding material.
- (2) Such padding material shall be wood-wool, coconut fibre or other suitable non-odiferous material, and grass, wood-chips or wood-shavings will not be permitted.
- (3) Such padding material shall be clean, dry and free from hard lumps, dust and odour which would taint the produce, and shall be resilient.
- (4) Box-lining paper, if used, shall be clean and may be white or coloured. The colour of the paper may be used to specify the grade of produce. Newspaper will not be used except as a frost protective wrapping for cut flowers, in which case the cut flowers shall be entirely separated from the newspaper be clean, white or coloured paper or plastic sheet.
- (5) Wrapping-material used for individual units of produce may be white or coloured and may be printed with a trade mark or materials advertising the produce. Newspaper will not be permitted.

[L.N. 100/1966, s. 2.]

7. (1) Scheduled produce intended for export shall conform to the description and specification marked on the

outside of the container or bundle of containers.

- (2) Scheduled produce intended for export shall be clean and of fresh appearance, and shall be free from bruises and other damage and from appreciable visible defects caused by insects or diseases.
 - (3) Scheduled produce intended for export shall not be immature but shall be at such a stage of ripeness as to arrive at its destination in good condition, and all scheduled produce in any one container shall be as near as may be at the same stage of ripeness.
 - (4) The units of scheduled produce in any container when packed by number rather than by weight shall be as near as may be of the same size.
 - (5) For the purposes of paragraph (3) of this Rule, "**immature**" means that the produce has been harvested at such a stage of maturity that it will not ripen normally.
8. (1) Every person intending to export any scheduled produce shall send notification of such intention to the inspector in charge of the place of inspection where inspection is required.
- (2) Every such notification of intention to export shall give full particulars of the following—
- (a) the ship, train, aircraft or other vehicle by which such scheduled produce is to be exported;
 - (b) the name and address of the consignee;
 - (c) the number of boxes, packages or other containers in which such scheduled produce will be packed and the markings, if any, thereon.
- (3) In the case of scheduled produce intended for export by sea, such notification of intention to export shall where possible be sent not less than forty-eight hours before such scheduled produce is due to be despatched.
- (4) In the case of scheduled produce intended for export by any means other than sea, such notification of intention to export shall where possible be sent not less than twenty-four hours before such produce is due to be despatched.
9. (1) Scheduled produce intended for export may be inspected at any place of inspection and at such other places as an inspector may consider convenient.
- (2) Where the place of inspection or place where scheduled produce is inspected is not the port of exit, the Export Certificate in respect thereof issued in accordance with the provisions of rule 10 of these Rules shall be endorsed with the words "Preliminary Inspection" and such scheduled produce shall be re-inspected at the port of exit and the Export Certificate in respect thereof endorsed with the words "Final Inspection".
- (3) For the purposes of paragraph (2) of this Rule, "**port of exit**" shall mean the place from which the vehicle on which the scheduled produce is to be despatched commences its journey from Kenya.
- (4) The fee for every inspection shall be at the rate of six cents per kilogramme of any of the produce inspected, except as provided for in paragraph (5).
- (5) The fee for every inspection of produce which is to be exported by air shall be at the rate of six cents per kilogramme of the produce inspected.

[L.N. 201/1962, s. 2, L.N. 340/1966, s. 2, L.N. 5/2001, s. 2.]

10. (1) Any scheduled produce intended for export shall be delivered to the place of inspection or such other place as an inspector may consider convenient not later than three hours before the time such produce is due to be despatched.
- (2) An inspector shall inspect the consignment in the manner provided by these Rules and, if such produce is fit to be exported within the meaning of section 4 of the Act, he shall issue an Export Certificate in respect thereof in the form in the Second Schedule to these Rules, which shall be valid for a period of twenty-four hours from the time of inspection.
11. (1) An inspector shall open not less than 2 per cent of the containers in a consignment in order to determine whether such consignment of scheduled produce, or any part thereof, is or is not in such a condition as would render it subject to the prohibitions contained in section 4 of the Act.
- (2) An inspector may cut open such number of units of produce in any consignment as he may consider necessary in order to ascertain the maturity of the produce or to inspect the internal quality thereof.
12. An inspector shall reject any consignment of scheduled produce intended for export if, in his opinion—
- (1) it does not conform to the provisions of rule 11 of these Rules;

- (2) the containers are not strong enough to ensure the arrival of the produce in good condition at its destination; or
 - (3) the padding material used is insufficient to ensure the arrival of the produce in good condition at its destination.
13. Where scheduled produce is intended for export by sea, an inspector shall not issue an Export Certificate unless he is satisfied that the shipping conditions are such as to ensure the arrival of the produce in good condition at its destination.
14. At the time of the issue of an Export Certificate or at the time of the final inspection of a consignment of scheduled produce intended for export, whichever are the later, an inspector shall stamp each container or bundle of containers with a stamp of the form specified in the Third Schedule.
15. For the purposes of these Rules—
- (a) the Senior Horticultural Officer or his duly authorized representative; and
 - (b) the Chief Grader and Inspector at Mombasa or his duly authorized representative,
- shall be inspectors.
16. Any person who exports or causes to be exported any scheduled produce, unless such produce has first been inspected in accordance with these Rules, and in respect of which there is in force a valid Export Certificate, shall be guilty of an offence.
17. Nothing in these Rules shall apply to the export of any scheduled produce in bona fide gift parcels not exceeding 3 kg in weight.

[L.N. 311/1963, s.2.]

SCHEDULES

FIRST SCHEDULE

[Rules 2 and 3, L.N. 66/1963, s. 2, L.N. 100/1966, s. 3.

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Apples	<i>Pyrus mains.</i>
Asparagus	<i>Asparagus officinalis.</i>
Avocados	<i>Persea gratissima.</i>
Bananas	<i>Musa sps.</i>
Beetroot	<i>Beta vulgaris.</i>
Bengal Gram (Chana; chola; grabanzo; chick pea)	<i>Cicer arletinum L.</i>
Blackberries	<i>Rubus sp.</i>
Boysenberries or Youngberries	<i>Rubus sp.</i>
Brinjal, Egg Plant, Aubergine	<i>Solanum melongena.</i>
Broad Beans	<i>Vicia faba.</i>
Brussels Sprouts	<i>Brassica oleracea.</i>
Cabbages	<i>Brassica oleracea.</i>
Cape Gooseberries	<i>Physalis peruviana.</i>
Capsicum, Bell Pepper, Chillies (fresh, undried)	<i>Capsicum sps.</i>
Carrots	<i>Daucus carota.</i>
Cauliflower	<i>Brassica oleracea botrytis.</i>
Celery	<i>Apium graveolens.</i>
Cho-Cho	<i>Sechium edule.</i>
Chora	
Citrus fruits	<i>Citrus sps.</i>
Colocasia (Arvi; kachalu; taro)	<i>Colocasia esculenta (L) Schott et Endi.</i>
Coriander, Dhania (fresh leaves)	<i>Coriandrum sativum.</i>
Courgettes (Succini).....	<i>Cucurbit spp.</i>
Cucumbers	<i>Cucumis sativus.</i>
Custard Apple or Sour Sop	<i>Annona sps.</i>
Curry Leaves (Limbd; mithanimb)	<i>Murraya koenigi Sperg.</i>
Cut Flowers	
Drum Sticks.....	<i>Moringa pterygosperma.</i>
Dudi (Kadu; Kaddu)	<i>Lagenaria siceraria (Molina) Standl.</i>
Elephant-Foot Yam (Zamikand; hathi chak)	<i>Amorphophallus companulatus Blume.</i>
Fennel	<i>Foenirulum vulgare.</i>
Fenugreek (Methi)	<i>Trigonella foenumgraecum L.</i>
Figs	<i>Ficus carica.</i>
French Beans.....	<i>Phaseolus vulgaris.</i>
Ginger (Ada; adrak; ale)	<i>Zingiber officinalis Roscoe.</i>
Globe Artichokes	<i>Cynara scolymus.</i>
Grapes	<i>Vitis sps.</i>
Guar or Cluster Bean	<i>Cyamopsis psoralioides.</i>
Guavas	<i>Psidium sps.</i>
Jerusalem Artichoke	<i>Helianthus tuberosus L.</i>
Karilla (bitter gourd)	<i>Momordica charantia.</i>

FIRST SCHEDULE—continued

Limbo	
Litchi or Leechi	<i>Nephelium litchi.</i>
Loganberries	<i>Rubus</i> sp.
Mangoes, including green mangoes	<i>Mangifera indica.</i>
Marrows	<i>Cucurbita</i> spp.
Melons	<i>Cucumis melo</i> and <i>Citrullus vulgaris.</i>
Mulberries	<i>Morus</i> spp.
Mushrooms	<i>Agaricus campestris.</i>
New Zealand Spinach	<i>Tetragona expansa</i> Thumb.
Njahi (Papdi; sem; popat; hyacinth bean)	<i>Dolichos lablab</i> L.
Okra, Gumbo, Lady's Fingers, Bhendee	<i>Hibiscus esculentus.</i>
Onions	<i>Allium cepa.</i>
Pan or Betel-leaf	<i>Piper Bette.</i>
Parsnips	<i>Pastinaca sativa.</i>
Passion Fruit	<i>Passiflora</i> spp.
Patras	Leaves of <i>Colocasia</i> spp.
Pawpaw, Papaya	<i>Carica papaya.</i>
Peaches and Nectarines	<i>Prunus persica.</i>
Pears	<i>Pyrus</i> spp.
Peas	<i>Pisum sativum.</i>
Petha (White gourd; wax gourd)	<i>Benicasa hispida</i> (Thumb) Coign.
Pigeon Pea (Mbaazi; barazi; turarhar)	<i>Cajanus cajan</i> (L) Millsp.
Pineapples	<i>Ananas sativus.</i>
Plums	<i>Prunus</i> spp.
Pomegranate	<i>Punica granatum</i> L.
Potatoes intended for export by air	<i>Solanum tuberosum</i> L.
Pumpkins, Squash	<i>Cucurbita</i> spp.
Radishes, Moolee	<i>Raphanus</i> spp.
Raspberries	<i>Rubus</i> sp.
Rat-tail radish (Mongra; mool; ki phali)	<i>Raphanus sativus</i> L. var. <i>caudatus</i> alef.
Rhubarb	<i>Rheum rhaponticum.</i>
Sapodilla	<i>Achras sapota.</i>
Spinach	<i>Spinacea oleracea</i> L.
Strawberries	<i>Fragaria</i> spp.
Sweet Corn or Green Maize	<i>Zea saccharata</i> or <i>Z. mays.</i>
Sweet Potato	<i>Ipomoea batatas.</i>
Swiss Chard (Spinach Beet; Seakale; Palak sag)	<i>Beta vulgaris</i> L. var. <i>cicla</i> Moq.
Tindo (Tinda; round gourd)	<i>Citrullus vulgaris</i> var. <i>fistulosus.</i>
Tindora	<i>Cucumis</i> sp.
Tomatoes	<i>Lycopersicum esculentum.</i>
Tree Tomatoes	<i>Cyphomandra betacea.</i>
Turai (ridge gourd)	
Turnips	<i>Brassica Rapa.</i>

SECOND SCHEDULE
[Rule 10(2).]
EXPORT CERTIFICATE

The consignment of which particulars are given below has been inspected in accordance with the provisions of the Agricultural Produce (Export) (Horticultural Produce Inspection) Rules, 1957 and has been found to conform with export grading rules for fresh horticultural produce.

Description of Produce

Number and Description of Packages

Net weight of Produce

Distinguishing Marks

Export Entry Number

Exported by

Name and address of Consignee

Name of vessel or particulars of route

Preliminary Inspection

Final Inspection

Date Time

Place of Inspection

Inspector

Inspector

Valid for 24 hours only from time of Final Inspection.

This Certificate is issued by the Government of Kenya which accepts no responsibility for the accuracy of any statement contained herein or for any omission herefrom.

THIRD SCHEDULE
[Rule 14.]


