

THE CROP PRODUCTION AND LIVESTOCK (AFRICAN PRODUCE) RULES

Cap.205 (1948),Sub.Leg.,G.N.445/1951, G.N.912/1951,
G.N.1111/1951,G.N.252/1952,L.N.416/1956,L.N.254/1957,6 of 1959,Sch,L.N.50/1959, L.N.225/1961,
L.N.498/1961, L.N.753/1961, L.N.112/1964.

PART 1—PRELIMINARY

1. These Rules may be cited as the Crop Production and Livestock (African Produce) Rules.

2. In these Rules, except where the context otherwise requires—

"African produce" means legumes, sorghum (mtama, dhurra)., potatoes, rice, bulrush millet (mawele), finger millet, wheat, fresh vegetables, fresh fruit, onions and simsim, grown by Africans;

"bulrush millet (mawele)" means the seeds of the plant *Pennisetum typhoideum*;

"finger millet" means the seeds of the plant *Eleusine corocana*;

"inspector" means any administrative, agricultural, marketing or police officer or any African agricultural inspector or agricultural instructor;

"legumes" means the seeds of any plant of the order *leguminosae*;

"mouldy" means bearing a visible fungus growth;

"onions" means the bulbs of the plant *Allium cepa*;

"potatoes" means the tubers of the plant *Solanum tuberosum*;

"rice" means the seeds of the plant *Oryza saliva*;

"simsim" means the seeds of the plant *Sesamum indicum*;

"sorghum (mtama, dhurra)" means the seeds of the plant *Sorghum vulgare*;

"trader" means any person who buys produce for the purpose of resale, and includes any co-operative society which accepts or handles produce on behalf of any person for sale;

"wet" means visibly wet, or wet to the touch, on the outer surface;

"wheat" means the seeds of the plant *Triticum vulgare*.

3. The items of agricultural produce from time to time included within the definition of African produce in rule 2 of these Rules shall come under the operation of the Act.

PART II—IMPROVEMENT

4. This Part shall apply to the areas specified in the First Schedule to these Rules.

5. (1) No African produce shall be removed from any area unless it is contained in sound, well-sewn bags which bear a clear mark, in letters at least two inches in size, indicating the name and place of

business of the trader who originally bought the produce from an African, or, in any case where such produce has been rebagged before it has been consigned out of the district, the name and place of business of the consignor.

(2) All such marks shall be registered with the District Commissioner of the district in which the consignor has his place of business, and no mark other than that registered shall be used by such consignor for the purposes of these Rules.

6. No African produce shall be purchased by a trader from an African except between the hours of 6 a.m. and 6 p.m.

7. (1) Every trader purchasing African produce from an African shall display, in a prominent position outside the door of his shop, store or stall, the minimum price by weight or measure which he is paying to the vendors for each article of such produce, and shall not lower such price during the course of the day.

(2) The price paid shall in no case be lower than the price displayed.

8. No trader or consignor of African produce shall buy, sell, have on his premises, store or cause to be stored, or transport or cause to be transported, any wet, unripe or mouldy African produce.

9. No trader or consignor of African produce shall buy, sell, have on his premises, store or cause to be stored, or transport or cause to be transported, any African produce containing chaff, earth or other adulterating substance in excess of two per cent by weight, or defective produce in excess of five per cent by weight, or containing more than three per cent by weight of produce which differs from the colour of the bulk of the produce.

10. No seed of the ground-nut crop of any year shall be sold or offered for sale before a date to be specified by the Minister by notice in the Gazette in each year.

11. An inspector shall, after inspection, refuse to issue an inspection certificate in respect of African produce the purchase, sale or transport of which is prohibited under rule 8 of these Rules, or which, in the case of a trader or consignor offering the produce for inspection, is not contained in sound, well-sewn bags marked in accordance with paragraph (1) of rule 5 of these Rules and weighing not less than 183 lb. gross of potatoes.

PART III—INSPECTION

12. This Part shall apply to the areas specified in the first column of the Second Schedule to these Rules.

13. (1) No African produce shall be removed from any area to which this Part applies unless and until it has been inspected at one of the places specified in the second column of the Second Schedule to these Rules and unless the transporter is in possession of a certificate issued in respect of such African produce under paragraph (2) of this rule; and such certificate shall be produced and shown to any inspector on demand:

Provided that where a place named as the place of inspection for any area is situated outside such area, such African produce may, for the purposes of inspection, be removed from such area to such place; but no such African produce shall be removed from such place unless and until it has been inspected.

(2) An inspector shall, if he does not reject the African produce under rule 16 of these Rules, give the person tendering the African produce for inspection a certificate to the effect that such African produce has been inspected.

(3) No African produce shall be sold or purchased at or within three miles of any place of inspection specified in the second column of the Second Schedule to these Rules until such African produce has been inspected at such place:

Provided that nothing in this rule shall prevent the purchase, sale or exchange of African produce without inspection as between Africans for their own consumption at customary African markets.

14. A fee of five cents per bag shall be paid by the purchaser in respect of each bag of African produce purchased by him after inspection under these Rules:

Provided that in respect of fresh vegetables, fresh fruit and onions whether packed in bags, crates or loose a fee of three cents per 50 lb. weight or part thereof shall be paid, such fee to be paid by the person tendering the produce for inspection.

15. Every purchaser of or trader in African produce inspected under these Rules shall—

(a) keep books of account, in which English numerals are to be used, showing all purchases and consignments of African produce, and such books shall be open for inspection by an inspector, other than a produce inspector;

(b) submit at the end of each month a return of all African produce purchased by him in an area to which this Part applies and if all African produce removed by him from any such area, and, in the case of removal by rail, a copy of the railway waybills, to the District Commissioner in charge of such area; and

(c) at the time of submitting the returns under paragraph (A) of this rule pay to the District Commissioner the fee prescribed by rule 14 of these Rules

PART IV-MISCELLANEOUS

16. An inspector may, after inspection, reject African produce the purchase or sale of which is prohibited under rule 8 or rule 9 of these Rules, but the owner shall be given an opportunity of sorting the parcel offered and re-submitting it for inspection.

17. Any inspector may enter upon any premises in which he has reason to believe that African produce is stored, for the purpose of examining such produce, and of taking samples thereof.

18. The Minister may, by notice in the Gazette, specify places at or near the boundary of a district in any area to which these Rules apply, at which an inspector may order any vehicle, which he has reason to believe contains African produce, to stop for the purpose of ascertaining whether or not such vehicle contains such produce, and, if so, whether or not such produce has been inspected, and may for that purpose examine the contents of such vehicle.

19. No person shall hinder or obstruct any inspector in the lawful execution of his duties under these Rules.

Areas to which Part II applies

The Coast Province.

Cap.205 (1948),
Sub.Leg.,
G.N.558/1950,
G.N.972/1951,
L.N.417/1956,
L.N.255/1957,
L.N.61/1958,
L.N.204/1958,
L.N.226/1961,
L.N.499/1961,
L.N.110/1964.

SECOND SCHEDULE (rr.12and 13)

*Areas to which
Part III applies
Places of inspection.*

Kwale District.

Ng'ombeni, Waa, Shimba Golini, Diani, Muhaka, Mwabungo, Bomani, Jego, Mafisini, Msambweni, Sherazi, Kidumu, MaJoreni, Kikoneni, Vivine, Murima, Lungalunga, Vanga.

Kilifi District.

Tsangatsini, Munyenzeni, Mariakani, Ribe, Bandari, Chauringo, Batani, Mwamtsunga, Miyuni, Bwagamoyo, Kidutani, Dzitsoni, Dindiri, Kolongoni, Mwarakaya, Chasimba, Maziani, Ziani, "Miembe Mitano (Mwembe Kati), Pingilikani, Lutsangani, Kaloleni, Chanagande, Masha-Kadizinga, Tsakaro- lovu, Mikiriani, Vishakani, Mtsengo, Bamba, Kidemu, Paziani, Ndigiria, Mirihini, Jila, Mwakwala, Midoina, Mwawesa, Mariango, Mnagoni, Nzovuni, Gede, Mwambani, Ganze, Mtsangamali, Sosodima, Dungicha, Petanguo, Vitsapuni, Mtanganyiko, Ng'ombeni, Vyambani, Mbudzi, Jaribuni, Rabai, Kokotoni, Jimba, Kawala, Kwale, Maandani, Jibana, Tsagwa, Mwandaza, Mwanzai, Pangani, Kikomani, Mitangoni, Kafuloni, Kisiwani (Mwahera). Vitengeni, Dulukiza (Shangweni), Bomani, Muryachakwe, Gotani, Mwabaya-Nyundo, Migumomiri, Hademu, Viragoni, Sokoke, Rare, Dida, Garashi, Madunguni, Marafa, Waresa, Kabiboni, Adu, Sabaki, Magarini, Pumuni, Maziwani, Bakacha, Baricho, Jilore, Kikoneni, Dagamra.

Places specified, under rule 18 of the above Rules

The places specified in the second column of the Schedule hereunder. which are near the boundary of and within the districts specified in the first column of that Schedule, and the places specified in the third column of that Schedule, which are near the boundary of but outside those districts, are specified as the places at which an inspector may exercise the powers conferred on him by rule 18 of the Crop Production and Livestock (African Produce) Rules.

SCHEDULE

Kwale Ng'ombeni, Lunga-Lunga, Mwavumbo.

Kilifi Gotani, Mariakani, Rabai, Kaloleni, Munyenzeni.