

THE CROP PRODUCTION AND LIVESTOCK (CASHEW NUT MARKETING) RULES

G.N. 388/1950.

PART I—PRELIMINARY

1. These Rules may be cited as the Crop Production and Livestock (Cashew Nut Marketing) Rules.

2. In these Rules—

"cashew nut" means the seed of the tree *Anacardium occidentale*;

"Director" means the Director of Agriculture;

"inspector" means any person authorized to act as such by the Director of Agriculture by notice in the Gazette;

"licensing authority" means the District Commissioner of the district concerned, or his duly authorized representative;

"licensed buyer" means a person to whom a licence has been issued under paragraph (1) of rule 4 of these Rules;

"unprocessed cashew nuts" means the whole nut before extraction of the kernel.

3. Cashew nuts shall come under the operation of the Act.

PART II—MARKETING

4. (1) (a) No person shall buy unprocessed cashew nuts unless he is in possession of a valid licence granted to him under this paragraph.

(6) A licence to buy unprocessed cashew nuts may be granted to any person by a licensing authority subject to the approval of the Provincial Commissioner of the province concerned; and the licensing authority may prescribe conditions in respect of any licence granted under this paragraph, and such conditions shall be endorsed on the licence.

(c) A separate licence shall be required in respect of every place at which unprocessed cashew nuts are bought.

(2) Any licence granted under paragraph (1) of this rule shall—

(a) be subject to the payment to the licensing authority of a fee of two shillings;

(b) be transferable without further fee with the approval of the licensing authority;

(c) be valid for twelve calendar months from the date of being granted, except that such a licence, whatever the date of its being granted, shall expire on the 30th June next following such date.

(3) (a) A licensing authority may refuse to grant or renew, or may at any time revoke, a licence under paragraph (1) of this rule, but in every such case the licensing authority shall record his reasons

therefor in writing and shall forward a copy thereof to the applicant or licensee as the case may be; and such refusal or revocation shall be subject to an appeal to the Provincial Commissioner of the province concerned, whose decision shall be final.

(b) If a licence is revoked under this rule, a proportionate part of the fee paid shall be refunded.

5. The licensing authority may determine the number and situation of places at which unprocessed cashew nuts may be bought in his district, and may limit the number of persons licensed to buy, but in exercising these powers he shall have due regard to the needs of the growers and of the industry and all other circumstances relevant to the efficiency of marketing.

6. Every licensed buyer of unprocessed cashew nuts shall provide himself with such accommodation and equipment as may be considered necessary by the licensing authority, and shall not, without the written permission of the licensing authority, use such accommodation for any other purpose

7. No unprocessed cashew nuts shall be bought except between such dates as may be specified by the Director by notice published in the Gazette.

8. The Director may fix and vary the minimum price to be paid to growers for unprocessed cashew nuts, and may fix different prices for different areas.

9. (1) Every licensed buyer of unprocessed cashew nuts shall display in legible English numerals, not less than two inches in height, in a prominent position at his buying store, the price being paid to sellers for unprocessed cashew nuts.

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

10. No licensed buyer shall purchase unprocessed cashew nuts for a consideration other than cash.

11. No unprocessed cashew nuts shall be bought except between the hours of 6 a.m. and 6 p.m.

12. Every licensed buyer of unprocessed cashew nuts shall—

(a) keep books of account, using English numerals, showing all purchases and consignments of unprocessed cashew nuts. and such books shall be open to inspection by District Commissioners and agricultural officers;

(b) forward in duplicate to the agricultural officer of the district at the end of every calendar month during which he buys unprocessed cashew nuts full details in the form set out in the First Schedule to these Rules, of all unprocessed cashew nuts bought by him.

13. No person shall export unprocessed cashew nuts without the permission in writing of the Director.

PART III—IMPROVEMENT

14. An inspector may enter on any land on which he has reason to believe cashew trees are being grown, for the purpose of inspecting them, and for the purpose of investigation may remove samples of soil or plants.

15. Every owner of cashew trees shall keep the land within reasonable distance of every tree free from grass and weeds.

16. Every owner of cashew trees, if so required in writing by an inspector, shall collect from underneath his cashew tree all fallen cashew nuts.

17. No licensed buyer of unprocessed cashew nuts shall buy, sell, store, have on his premises, transport or cause to be transported any et, immature, mouldy or defective cashew nuts or cashew nuts containing more than one per cent by weight of earth, leaves or other extraneous matter.

PART IV—INSPECTION

18. (1) No licensed buyer of unprocessed cashew nuts shall remove or cause to be removed from his premises any cashew nuts unless and until they have been inspected and unless he is in possession of a certificate to that effect issued by an inspector.

(2) Such certificate shall be shown to any inspector on demand.

19. An inspector shall, after inspection, refuse to issue a certificate in respect of cashew nuts the purchase, sale or transport of which is prohibited under rule 17 of these Rules, or which are not contained in sound well-sewn bags clearly marked in letters not less than two inches in height with a mark indicating the name and place of business of the licensed buyer of the cashew nuts.

20. (1) A fee of five cents per bag shall be paid by licensed buyers of cashew nuts in respect of each bag of 150 lb. of cashew bought bought by them after inspection under these Rules.

(2) This fee shall be paid at the end of every calendar month during which cashew nuts are bought and shall accompany the return required under paragraph (6) of rule 12 of these Rules.

PART V—PROCESSING

21. (1) No person shall decorticate or otherwise process cashew nuts unless he is in possession of a licence to do so granted by the Director.

(2) Such licence shall be subject to such conditions as the Director may think fit; and these conditions shall be endorsed on the licence and shall be subject to alteration on renewal of the licence.

22. (1) The Director in his discretion may refuse to grant a licence on the ground that sufficient licences have already been issued in the area concerned, or for any other good and sufficient reason.

(2) Any such refusal shall be subject to an appeal to the Minister.

23. No licence to process cashew nuts shall be transferred except with the consent in writing of the Director, but such consent shall not unreasonably be withheld

24. A licence granted under rule 21 of these Rules shall be subject to the payment of an annual fee of fifty shillings, and, subject to rule 25 of these Rules, shall be valid for 12 calendar months and shall be renewed on the first day of January in each year.

25- (1) The Director may at any time suspend or revoke or refuse to renew a licence to process cashew nuts on the ground—

(a) that the licensee has been proved to be guilty of a breach of these Rules;

(6) that the licensee has contravened any of the conditions of the licence; or

(c) on any other good and sufficient ground.

(2) Every such suspension or revocation of, or refusal to renew, a licence shall be subject to an appeal to the Minister.

26. The licensee shall maintain all buildings, machinery and equipment in respect of which a licence to process cashew nuts is issued in a state of efficiency to the satisfaction of the Director.

27. The licensee shall perform all operations of decortication, processing and packing to the satisfaction of the Director.

28. The licensee shall keep books of account, using English numerals, in which shall be entered all details of all cashew nuts bought and of all processed cashew nuts packed in their respective grades, and shall send to the Provincial Agricultural Officer at the end of each calendar month in which the factory is in operation a return of all cashew nuts bought, processed and packed during that month in the form set out in the Second Schedule of these Rules.

PART VI—MISCELLANEOUS

29. Any factory, store or other place in which cashew nuts are kept shall be open to inspection by an administrative agricultural or medical officer, and a District Commissioner may at any time by notice in writing prohibit the keeping of cashew nuts in any store or other place where cashew nuts are kept, either for a specified period or until such alterations or repairs as he shall specify in writing are completed to his satisfaction.

30. Nothing in these Rules shall prohibit the sale of cashew nuts by a grower to another resident of the district in which they are grown for his own consumption, nor prohibit the decortication or processing of cashew nuts by any resident of the districts of Kwale, Mombasa, Kilifi, Tana River and Lamu for his own consumption.

31. Any appeal which may be made under these Rules to the Minister or to a Provincial Commissioner shall be made by communicating the grounds thereof to the Provincial Commissioner, in cases in which an appeal lies to a Provincial Commissioner, or direct to the Minister in cases in which an appeal lies to the Minister:

Provided that any appeal which may be made under these Rules shall be made in the manner prescribed within thirty days of the suspension or revocation of, or refusal to grant or renew, the licence which is the subject of such appeal.

FIRST SCHEDULE (r. 12)

CASHEW NUT BUYING RETURN

District

Place Month Year

1. In stock on first day of monthlb.

2. Bought during monthlb.
3. Total of 1 and 2lb.
4. Dispatched during monthlb.
5. On hand on last day of month (3 less 4)lb.

Signed.....

SECOND SCHEDULE (r. 28)

RETURN OF CASHEW NUTS PROCESSED

Place Month Year

1. Unprocessed cashew nuts in stock on 1st of monthlb.
2. Unprocessed cashew nuts bough during monthlb.
3. Unprocessed cashew nuts processed during monthlb.
4. Balance on last day of month.....lb.

PROCESSED CASHEW NUTS

In stock on 1st of each month

.Processed during month

Sold during month

In stock on last day of month

Grade

lb.

lb.

.lb.

lb.

Signed.....

**Dates of buying and minimum prices of unprocessed cashew nuts under rules 7 and 8 of the
Crop Production and Livestock (Cashew Nut) Marketing Rules -**

These dates and prices are not included in the Laws of Kenya, as they are of transitory effect.