

THE CROP PRODUCTION AND LIVESTOCK (COAST PROVINCE MARKETING) RULES

G.N.256/1951, G.N.144/1952, G.N.1837/1953,
6 of 1959, Sch.

PART I—PRELIMINARY

1. These Rules may be cited as the Crop Production and Livestock (Coast Province Marketing) Rules, and shall apply to those districts of the Coast Province specified in the First Schedule to these Rules. 2. In these Rules, except where the context otherwise requires—

"Director" means the Director of Agriculture;

"inspector" means any person authorized to act as such by the Director 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 and includes co-operative societies;

"produce" means sorghum, millets, cassava, rice, legumes, simsim, copra, kapok, chillies, capsicums and vegetables;

"sorghum" means the seeds of the plant *sorghum vulgare*;

"finger millet" means the seeds of the plant *eleusine coracana*;

"bulrush millet" means the seeds of the plant *pennisetum typhoideum*;

"fox-tail millet" means the seeds of the plant *setaria italica*;

"cassava" means the dry root of the plant *manihot utilisima*;

"rice" means the seed whether hulled or not of the plant *oryza sativa*;

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

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

"copra" means the dried kernel of the nut of the palm *cocos nucifera*;

"kapok" means the fibre, either ginned or unginned, of the seed pod of the tree *eriodendron anfractuosum*;

"chillies" means the fruits of the plant *capsicum minimum*;

"capsicums" means the fruits of the plant *capsicum annum*;

"wet" means visibly wet or wet to the touch and, in addition, in respect of sorghum, millet, cassava, rice, legumes and simsim, containing more than 12½ per cent by weight of moisture, and, in respect of copra, containing more than 10 per cent by weight of moisture;

"extraneous matter" means any matter other than produce and, in addition, means produce of any kind other than the bulk of the produce;

"defective" means immature, broken, mouldy, decayed, damaged by insects or burnt, in respect of sorghum, millet, cassava, rice, legumes, simsim, chillies, capsicums and vegetables, and in respect of copra means immature, rubbery, decayed, slimy, damaged by insects, smoked or burnt.

3. Sorghum, millet, cassava, rice, legumes, simsim, copra, kapok, chillies, capsicums and vegetables shall come under the operation of the Act.

PART II—MARKETING

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

(b) A licence to buy produce may be granted by a licensing authority to any person.

(c) The licensing authority may prescribe conditions in respect of any licence granted under this paragraph, and such conditions shall be endorsed on the licence.

(d) A separate licence shall be required in respect of every place at which produce is bought and in respect of each separate class of produce as laid down in the Second Schedule to these Rules,

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

(a) be subject to the payment to the licensing authority of such fee as may be prescribed for any area by the Minister;

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

(c) expire on the 31st December of the year in which the licence is issued.

(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 each such case such 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 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 each and every class of produce may be bought in his district, and may limit the number of persons licensed to buy, but that 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 produce 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. Every licensed buyer of produce 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 the sellers for produce, and such prices shall not be varied during the course of any day.

8. The prices paid by such licensed buyers shall in no case be lower than the prices displayed.
9. No licensed buyer shall purchase produce for consideration other than cash.
10. No produce shall be bought except between the hours of 6.00 a.m. and 6.00 p.m.
11. Every licensed buyer of produce shall—
 - (a) keep books of account, using the Kiswahili language with English characters or the English language, showing all purchases and consignments of produce, and such books shall be open to inspection by administrative officers, agricultural officers and marketing officers;
 - (b) forward in duplicate to the licensing authority at the end of every calendar month during which he buys produce full details, in the form set out in the Third Schedule to these Rules, of all produce bought by him.
12. Every licensed buyer when purchasing produce shall use the appropriate weights or measures as laid down in the Fourth Schedule to these Rules.

PART III—IMPROVEMENT

13. No licensed buyer of produce shall buy, sell, store, have on his premises, transport or cause to be transported any produce which is wet or which—
 - (a) in the case of sorghum, millet, cassava, rice, legumes, simsim and kapok contains—
 - (i) more than one per cent by weight of extraneous matter;
 - (ii) more than two per cent by weight of defective produce;
 - (6) in the case of copra contains—
 - (i) any extraneous matter;
 - (ii) more than 15 per cent by weight of defective copra;
 - (c) in the case of chillies, capsicums and vegetables contains—
 - (i) more than three per cent by weight of extraneous matter;
 - (ii) more than 15 per cent by weight of defective produce.

PART IV—INSPECTION

14. (1) No licensed buyer of produce shall remove or cause to be removed from his premises any produce unless and until it has been inspected, and unless he is in possession of a valid certificate to that effect issued by an inspector.
- (2) Such certificate shall be shown to any inspector on demand.
15. (1) An inspector shall, after inspection, refuse to issue a certificate in respect of produce the purchase, sale or transport of which is prohibited under rule 13 of these Rules, or which is not contained in sound well-sewn bags, or in the case of vegetables in crates, 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 produce and containing not less than the weight of produce laid down in the Fifth Schedule to these Rules.

(2) All bags and crates marks shall be registered with the District Commissioner of the district in which the licensed buyer has his business, and no mark other than that registered shall be used by a licensed buyer for the purpose of these Rules.

16. An inspector may, after inspection, reject produce the purchase, sale or transport of which is prohibited under these Rules. but the owner shall be entitled to present the produce for inspection again after sorting, repacking or re-marking so as to conform to these Rules.

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

18. (1) A fee of five cents per bag or crate shall be paid by licensed buyers of produce in respect of each bag or crate of produce bought by them, after it has been inspected under these Rules, and for the purpose of this rule, the weight of a bag or crate of produce shall be as laid down in the Fifth Schedule of these Rules.

(2) Fees payable under this rule shall be paid at the end of each calendar month during which produce is bought, and shall accompany the return required under paragraph (b) of rule 11 of these Rules.

PART V—MISCELLANEOUS

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

20. Nothing in these Rules shall apply to the purchase of any produce by any person for his own consumption as food.

21. Any appeal which may be made under rule 4 of these Rules shall be made within thirty days of the suspension or revocation of, or refusal to grant or renew, the licence.

FIRST SCHEDULE (r. 1)

Mombasa District
Kwale District
Tana River District
Taita District
Kilifi District
Lamu District

SECOND SCHEDULE (r. 4)

CLASS	PRODUCE
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- I Sorghum, Millets, Cassava
- II Rice
- III Legumes and Simsim
- IV Copra
- V Kapok
- VI Chillies and Capsicums

THIRD SCHEDULE (r. 11)

PRODUCE BUYING RETURN

District

Place Mombasa Year.....

1	2	3	4	5	6
Produce	In stock on 1st day of month		Bought during month		Totals of columns 2
and 3	Dispatched during month		In stock on last day of month		
	<i>bags</i>	<i>bags</i>	<i>bags</i>	<i>bags</i>	<i>bags</i>

Signed.....

FOURTH SCHEDULE (r. 12)

PRODUCE APPROPRIATE WEIGHTS AND MEASURES

Sorghum, Millets, Rice, Legumes, Simsim. For quantities up to and including 200 lb. in weight, the half, quarter, one-eighth, one thirty-second bushel measure.
 For quantities exceeding 200lb. in weight, the pound avoirdupois.
 Copra, Cassava, Kapok, Chillies and Capsicums. The pound avoirdupois.

G.N. 724/1951 FIFTH SCHEDULE (rr. 15 and 18)

PRODUCE NET WEIGHT OF BAG

lb.

Sorghum, Millet, Legumes	200
Rice (hulled)	224
Rice (unhulled)	160
Simsim	180
Cassava	125
Copra	110
Kapok	-
Chillies	80
Capsicums	50

Fees prescribed under rule 4 (2) (a) of the above Rules

The fees specified in the second column hereunder are prescribed as the fees for licences under rule 4 (1) of the Crop Production and Livestock (Coast Province Marketing) Rules for the areas respectively specified in the first column hereunder.

<i>Area in which licence granted</i>	<i>Fee</i>
	<i>Sh.</i>
Kilifi District	2
Kwale District	2
Mombasa District	2
Taita District	2