

THE CROP PRODUCTION AND LIVESTOCK (WATTLE BARK) RULES

G.N.932/1951, G.N.1225/1951, G.N.964/1952. L.N. 232/1958.

1. These Rules may be cited as the Crop Production and Livestock (Wattle Bark) Rules. 2. In these Rules—

"bark" means the bark derived from mature trees containing moisture not exceeding twelve per cent by weight, and the colouring of the outer surface of which is either grey or brown;

"Director" means the Director of Agriculture;

"external moisture" means water derived from rain, dew or mist and not the sap of the tree;

"green bark" means bark from mature trees, the outer surface of which is green or brown, which contains moisture derived from the sap of the tree in excess of twelve per cent by weight;

"immature bark" means the bark stripped from trees less than eight years of age;

"inspector" means any administrative officer, agricultural officer or agricultural instructor;

"tree" means wattle tree of the species *acacia mollissima*, *acacia decurrens* or *acacia pycnantha*;

"under-grade bark" means the bark stripped from the stem tops and butts of mature trees containing sap moisture not exceeding twelve per cent by weight, and may include corky bark.

3. All green bark, immature bark, wattle bark and under-grade bark derived from the tree shall come under the operation of the Act.

4. No person shall have, keep or store, or permit to be kept or stored, on or in any land or premises of which he is the owner or occupier, bark the purchase or sale of which is prohibited under these Rules.

5. (1) No person shall buy or sell, offer to buy or sell or deal in immature bark, whether such bark is green or dried;

Provided that this subsection shall not apply to immature bark claimed to be under-grade bark and certified as such by an inspector, whose certificate shall be final.

(2) No person shall buy or sell, offer to buy or sell or deal in dried bark which is—

(a) cut and dried in lengths of under three feet; or

(b) mouldy or damp.

6. (1) No person shall mix, or permit or cause to be mixed, any foreign matter or material in bark or under-grade bark offered for sale.

(2) No person shall offer for sale or in any way deal in bark which has been adulterated by mixing or including therewith any foreign matter or material, or any immature bark or under-grade bark.

(3) No person shall offer for sale or in any way deal in under-grade bark which has been adulterated by mixing with it any foreign material or immature bark.

(4) No person shall transport more than one grade of bark at any one time.

7. (1) Any person storing or transporting bark or under-grade bark shall take proper precautions to ensure that such bark or under- grade bark does not become damp during storage or transport.

(2) If any such bark or under-grade bark is found to be damp during storage or transport it shall be deemed to have become damp during storage or transport, as the case may be, and the onus of proving that it has not so become damp shall lie on the person in whose store or vehicle it is found:

Provided that if any such bark or under-grade bark is found to be damp while in any vehicle or store of the East African Railways and Harbours Administration the onus shall lie on the consignor of such bark or under-grade bark to prove that such wattle bark or under-grade bark was not damp at the time it was consigned by him.

8. Any inspector may, for the purpose of examining any bark or under-grade bark, enter upon any land or premises in or upon which he has reason to believe that bark and under-grade bark may be stored.

9. (1) The Minister shall from time to time by notice in the Gazette, specify the dates between which shall be permitted—

(a) the stripping of bark and under-grade bark;

(6) the purchase, sale and movement of bark, under-grade bark or green bark:

Provided that no under-grade bark shall be purchased, sold, moved or caused to be moved from its place of preparation in any period during which the sale of bark is permitted.

(2) No person shall strip, offer for sale or purchase or deal in bark or under-grade bark in any of the areas specified in the first column of the First Schedule to these Rules unless the stripping and sale of such bark or under-grade bark has been authorized under a permit in that behalf in the form set out in the Third Schedule to these Rules issued by an inspector.

10. No bark or under-grade bark shall be delivered to any of the places of inspection specified in the second column of the First Schedule to these Rules or by road to any factory licensed under the Crop Production and Livestock (Wattle Bark Factory) Rules and situate in any of the areas specified in the first column of the said Schedule, between the hours of 6 p.m. and 6 a.m.

11. (1) No person shall mix, or permit to be mixed bark or under-grade bark within any of the areas specified in the first column of the First Schedule to these Rules unless such bark or under-grade bark is accompanied by a stripping permit issued under rule 9 of these Rules, or unless such bark or under-grade bark has been inspected at one of the places specified in the second column of the said Schedule,

(2) No bark or under-grade bark shall be removed from any of the areas specified in the first column of the First Schedule to these Rules except after inspection at one of the places specified in the second column of the said Schedule.

12. (1) No person shall purchase or sell bark or under-grade bark at any of the places specified in the second column of the First Schedule to these Rules unless it has been inspected and passed by an inspector, and a certificate in (be form set out in the Fourth Schedule to these Rules issued in respect thereof.

(2) Where any person presents any bark or under-grade bark for inspection under this rule, he shall surrender to the inspector the stripping permit issued in respect of such bark, and, if he fails to do so, the inspector may refuse to inspect the same.

(3) Any inspector may reject green bark, immature bark, wattle bark and under-grade bark offered for inspection, the purchase or sale of, or dealing with, which is prohibited under these Rules, and may destroy or cause to be destroyed such rejected bark.

(4) Any inspector may reject, destroy or cause to be destroyed under-grade bark offered for inspection otherwise than between dates which have been specified under paragraph (1) of rule 9 of these Rules.

13. (1) (a) A fee, which shall be prescribed from time to time by the Director, shall be payable in respect of each ton of bark, under-grade bark, and green bark which has been passed by an inspector, and which is removed from any of the places specified in the second column of the First Schedule to these Rules.

(b) Such fee shall be payable by the consignor at the time the bark is dispatched by rail, or, if the bark is not so dispatched, by the owner or lessee of any factory or warehouse in Kenya to which it may be consigned.

(2) The consignor or factory owner or lessee, as the case may be, shall keep in respect of each district a record of all bark or under-grade ark or green bark purchased and disposed of by him, and of the manner of its disposal, and shall submit a copy of such record, in the form get out in the Second Schedule to these Rules, to the District Commissioner, and, except in the case of a consignor who has paid the fee at the time of consigning bark, such record shall be accompanied by the fee prescribed under paragraph (1) of this rule, at the end of each month in respect of bark, under-grade bark or green bark purchased by him during that month, and such record, together with the books of accounts kept by the buyer, shall be open for inspection by an inspector duly authorized in that behalf.

14. (1) Every trader shall, daily before purchasing bark or under- grade bark which has been inspected and passed under paragraph (1) of rule 12 of these Rules, display, in a prominent position at the entrance to his premises, the price which he is offering for the purchase of bark or under-grade bark.

2) No trader shall during any day lower the price advertised by him under paragraph (1) of this rule, or buy or offer to buy any bark or under-grade bark at a price lower than such advertised price.

FIRST SCHEDULE (rr. 9 (2), 10, 11, 12 and 13 (1) (a))

<i>Areas</i>	<i>Places of Inspection</i>
1. The Central Province. Maragua, Karatina, Sagana, Machakos, Sultan Hamud, Meru Township, Chuka, Konza.	Thika, Ruiru, Limuru, Uplands, Kikuyu, Fort Hall,
2. Kipsigis Special Reserve. Kipsonoi, Cheborge.	Kapkatet, Sosiot, Kapsaus, Silibwet, Mogogossiek,
3. South Nyanza Special Reserve.	Kisii, Manga, Keumbu, Keroka, Tinga, Nyamaia, Kebirigo.
4 Nandi Special Reserve.	Kapsabet, Hunters Trees.
5 Voi.	Bura, Mwatate, Voi.

SECOND SCHEDULE (r. 13 (2))

To: The District Commissioner,
.....

Record of Wattle Bark Purchased and Disposed of During the Month of,
19

Name of Buyer

Address of Buyer

Licence No.

District

PURCHASES

Buying points	Wattle bark	Under-grade bark	Green bark	Total
	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>

Total purchases ..

Total in stock at beginning of month: tons.

Total of stocks and purchases: tons.

DISPOSALS

	DELIVERED TO EXACT FACTORIES				DELIVERED TO CHOPPING			
FACTORIES	BOOKED FOR EXPORT							
	Wattle bark	U.G. bark	Green bark	Wattle bark	U.G. bark	Green bark		
	Wattle bark	U.G. bark	Green bark	Total				
By road ..	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>
By rail ..								
Total ..								

Total in stock at end of month: tons.

FEES PAYABLE

Grade	Quantity	Rate	Total
Wattle bark	<i>Tons</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>
Under-grade bark			
Green bark			
Total			

Amount of fees enclosed: Sh. cts.

THIRD SCHEDULE (r. 9 (2))

STRIPPING PERMIT
No. Department of Agriculture,

..... District.
Date

Bearer

of

has permission to strip and sell

(a) Wattle bark lb. only during the season

(b) Under-grade bark lb. only during the season

.....
Agricultural Officer.

L.N. 267/1968. FOURTH SCHEDULE (r. 12 (1))

CERTIFICATE OF WATTLE BARK INSPECTION

Station

No. of bundles passed:

(a) Wattle bark

(b) Under-grade bark

Owner

Cess paid

Inspector

Date

Dates specified under rule 9 (1) of the Crop Production and Livestock (Wattle Bark) Rules—

The dates in any year between which the purchase, sale and movement of the type of bark, specified in the third column shall be permitted in the areas specified in the first column—

<i>Places</i>	<i>Dates</i>	<i>Type of Bark</i>
Nyeri and Kirinyaga Districts. and Under- grade (Ug.) Bark.		2nd January-15th March. Stick Bark
Murang'a and Kiambu Districts and the Nairobi Area. and Under- grade (Ug.) Bark.		2nd January-15th March. Stick Bark
	1st April-31st July.	Green Bark.
	1st September-15th October.	Stick Bark and Under- grade (Ug.) Bark.
Meru and Embu Districts.	2nd January-15th March.	Stick Bark and Under- grade (Ug.) Bark.
Machakos District.	1st August-15th October.	Stick Bark and Under- grade (Ug.) Bark.
Taita District.	2nd January-15th March.	Stick Bark and Under- grade (Ug.) Bark.

1st August-15th October. Stick Bark and Under- grade (Ug.) Bark.