

THE DAIRY INDUSTRY (SALES BY PRODUCERS) REGULATIONS

L.N.259/1961,
L.N.210/1965

1. These Regulations may be cited as the Dairy Industry (Sales by Producers) Regulations.

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

"agent" means a person to whom dairy produce may be sold without a licence under the provisions of regulation 4 (1) (b);

"application" means an application for the grant or renewal of a licence;

"licence" means a licence granted by the Board under regulation 5;

"licensee" means the holder of a valid, current licence;

"milk producer" means a person who produces dairy produce from milk from cows on land occupied by him or under his control, whether he owns those cows or not, and whether as agent, manager or owner;

"prescribed" means prescribed in an order made by the Board and published in the Gazette ;

"sell" includes any disposal of dairy produce by a producer, whether with or without consideration for the purpose of subsequent sale.

3. A milk producer who, unless exempted under the provisions of regulation 4, sells dairy produce except under and in accordance with a valid current licence issued by the Board shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a period not exceeding one year or both.

4. (1) A licence shall not be required in the case of dairy produce—

(a) distributed, given or kept, free of charge, for the purpose of consumption by the producer or his family or servants or workmen or by any of his resident labourers or by the live-stock of any such person—

(i) on the property on which it was produced; or

(ii) (Deleted by L.N.210/1965); or

(b) sold to a prescribed agent in the form of milk or cream or in such other form as may be agreed between the producer and the prescribed agent during such period or periods and in accordance with such terms and conditions as to price or otherwise as may be prescribed; or

(c) sold by a prescribed agent.

(2) For the purpose of paragraph (1) (a), "producer" does not include a person who processes, manufactures, prepares or treats dairy produce for sale unless he also produces dairy produce for sale.

5. (1) A licence shall be granted for such period and on such terms and conditions as to price or otherwise and shall authorize the sale of dairy produce to such person or class of persons or within such area as may be specified therein or as may be prescribed.

(2) The Board shall, in considering an application, take into account the interests of consumers and other producers in the area in respect of which the application is made.

6. Applications and licences shall be in such form and contain such particulars as shall from time to time be prescribed.

7. The Board may refuse to grant a new licence or renew an existing licence or may suspend or cancel an existing licence if the Board is satisfied that—

(a) the producer's standard of efficiency is unsatisfactory; or

(b) the grant or renewal is not, or the suspension or cancellation is, in the interests of other producers and of consumers; or

(c) the conditions of a licence have not been fulfilled; or

(d) the applicant or licensee has failed to pay within the prescribed period any cess due by him to the Board.

FIRST SCHEDULE

(r. 2)

COLUMN 1

Agent

COLUMN 2

Period

Kenya Co-operative Creameries Limited

From the date of this Order until further notice

SECOND SCHEDULE

(r. 3)

PART 1

Application for Licence to Sell/Dispose of Dairy Produce

To,

The Secretary,
Kenya Dairy Board,
P.O. Box 30406, Nairobi.
Dear Sir,

I hereby apply for a licence to sell/dispose of the quantities of dairy produce specified in column 1 of the Schedule to this application to the person(s) or class of persons specified in column 2 within the area specified in column 3 at the prices specified in column 4 for the period(s) specified in column 5.

The reasons for this application are

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SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Nature of dairy produce	Quantity per day	For sale to whom (and whether whosale or retail)	Area Price	For what period

Full name (in block capitals)

Address

Date

.....
Signature

PART 2

Licence to Sell/Dispose of Dairy Produce

Name

Address

is hereby licensed to sell/dispose of the quantities of dairy produce specified in column 1 of the Schedule to this licence to the person(s) or class of persons specified in column 2 within the area specified in column 3 at the price(s) specified in column 4 for the period(s) specified in column 5 subject to the following terms and conditions:—

(1) The Kenya Dairy Board reserves the right to modify or vary this licence from time to time upon giving to the licensee thirty days' previous notice in writing.

(2)

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SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Nature of dairy produce	Quantity per day (and whether wholesale or retail)	For sale to whom Area	Price	Period

or such other price or prices as may from time to time be prescribed.