



LEGAL NOTICE NO.....

THE CROPS ACT, 2013
(No. 16 of 2013)

IN EXERCISE of the powers conferred by section 40 of the Crops Act, 2013, the Cabinet Secretary for Agriculture, Livestock and Fisheries, in consultation with the Agriculture and Food Authority and county Governments, makes the following Regulations—

THE SUGAR (IMPORTS, EXPORTS AND BY- PRODUCTS) REGULATIONS, 2019

Citation. 1. These Regulations may be cited as the Sugar (Imports, Exports and By-products) Regulations, 2019.

Interpretation. 2. In these Regulations except where the context otherwise requires-

No. 13 of 2013. “Authority” means the Agriculture and Food Authority established under the Agriculture and Food Authority Act, 2013;

“export approval” means an approval issued by the Authority in accordance with regulation 4;

“import approval” means a approval issued by the Authority in accordance with regulation 5;

“registered exporter” means a person who holds an export approval;

“registered importer” means a person who holds an import approval;

“mill white sugar” means sugar meant for direct human consumption; and

“refined Sugar” means white sugar that is used as raw material by manufacturers to process other products.

Registration for the import or export of sugar or sugar by-products. 1. (1) A person who intends to import or export sugar or sugar by-products shall apply to the Authority for registration on an annual basis based on the Government financial year calendar.

(2) Where the Authority approves an application for the registration of a registered importer or exporter, it shall register the applicant by entering the name and such other particulars as may be required in the register maintained under regulation 4.

(3) An application shall be accompanied by the payment of a registration fee provided in schedule II where the applicant wants to export or import mill white sugar or industrial sugar.

4. Sugar imports applications shall be based on the COMESA and EAC Annual Quota Export Allocation and shall strictly be based on the Market deficit, the Authority shall provide guidelines to applicants.

Annual register.

2. (1) The Authority shall maintain an annual register of all registered importers and exporters who have been granted approvals in accordance with these Regulations.

Import Approval and pre-import approval.

3. (1) A person who intends to import sugar or sugar by-products shall apply for an import approval as per the requirements in schedule I and shall fill the form A1 as set out in Schedule 2

(2) The Authority may issue an annual import approval/Form AII as set out in Schedule 2 to a person who intends to import /export sugar or sugar by-products

(3) The Authority may issue to a person who intends to import sugar or sugar by-products with an import approval before issuing the pre-shipment approval for the importation of a specific consignment, as prescribed in Form B as set out in Schedule 2.

Export Approval .

4. (1) A person who intends to export sugar or sugar by-products shall apply for an export Approval as per the requirements in Schedule I and shall fill the form A1 as set out in Schedule 2

(2) The Authority may issue an annual export approval/Form AII as set out in Schedule 2 to a person who intends to export sugar or sugar by-products

(3) The Authority may issue to a person who intends to export sugar or sugar by-products with an export approval before issuing the pre-export approval for the exportation of a specific consignment, as prescribed in Form B as set out in Schedule 2.

Authority to determine quantity of refined sugar required.

5. (1) The Authority shall annually determine the quantity of refined sugar that may be required from manufacturers for domestic consumption while accounting for any shortfall or surplus in domestic production of refined sugar.

(2) A registered importer shall apply for approval from the Authority to import a consignment of refined sugar as per regulation 5 and 6.

(3).A registered exporter shall apply for authorization from the Authority to export refined sugar.

(4)An Import Approval issued to a person to import refined sugar shall not be transferable.

- Physical verification of consignments.
6. After the successful processing of customs documentation, a consignment of sugar for import or export shall be physically verified jointly by the Authority, Kenya Revenue Authority and the Kenya Bureau of Standards.
- Release order after verification.
7. After a consignment of sugar for import or export has been verified under regulation 8, the Authority may issue a release order provided in Form C as set out in Schedule 2 authorising the consignment to be released to the consignee.
- Monthly returns.
8. (1) A registered importer shall submit monthly returns of his or her sugar and sugar by-products imports to the Authority by filling Form D provided in schedule 2.
9. (2) A registered exporter shall submit monthly returns of his or her sugar and sugar by-products exports to the Authority by filling Form D provided in schedule 2.
- Importer to provide documents.
10. A registered importer selling or offering for sale imported sugar for sale shall, as may be required by the Authority, provide original copies of importation documentation and evidence of payment of duties and levies.
- Registered Importer/Exporter to provide documents.
11. A Registered Importer/Exporter in sugar shall provide, as may be required by the Authority to provide—
- (a) a copy of the customs entry documents;
 - (b) proof of payment of taxes that are duly certified by the registered importer from whom the sugar was procured;
 - (c) proof of payment for the sugar from the registered importer;
 - (d) identification and contact details of the importer from whom dealer procured the sugar; and
 - (e) copies of the invoices and payment receipts relating to the sugar.
 - (f) Certificate of origin,
 - (g) phytosanitary- approvals, certificates, permits, certificate of conformity

Repackaging of sugar. **12.** (1) A person shall not pack sugar into a different quantity, material or brand from the original packaging, whether it is imported or locally manufactured, without the approval of the Authority.

(2) A package of imported sugar, whether repackaged or in original packaging, shall carry, in bold print, the name and contact details of the manufacturer, country of origin, consignor and consignee.

Rebranding of sugar. **13.** (1) A registered importer of sugar who wishes to rebrand a consignment of imported sugar shall apply for approval from the Authority before rebranding the sugar.

(2) A Registered Importer who does not comply with sub regulation (1) commits an offence and on conviction shall be liable to a fine not exceeding ten million shillings.

No. 1 of 2005. Cancellation of Approval . **14.** (1) The Authority may cancel the import or export Approval issued to a person who contravenes these Regulations.

(2) A person whose export/import approval has been cancelled may appeal against the decision through a written appeal to the Cabinet Secretary.

(3) An appeal under this section shall be lodged within thirty days from the date on which the appellant first received notice of the decision.

Revocation of L.N. 114/2008. **15.** The Sugar (Imports, Exports and By-products) Regulations, 2008 are revoked.

Made on.....2019.

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MWANGI KIUNJURI, EGH
Cabinet Secretary,
Ministry of Agriculture, Livestock, Fisheries and Irrigation

SCHEDULE 1

LIST OF REQUIREMENTS

- A. Company Profile**
- B. Certificate of incorporation**
- C. Current Business Permit**
- D. Latest Audited Accounts**
- E. PIN/VAT Registration Certificate**
- F. Memorandum and Article of Association**
- G. Identification and Profile of Company's Directors**
- H. Tax Compliance Certificate**
- I. Certificate of Good Conduct for Directors of the Company**

2.

3.

4.

5.

8. Branch Office(s) if any

Address:..... Building

Street..... Town/City.....

L.R. No. Telephone

E-mail.....

I/We enclose the following required certified documentation in support of our application for registration

- i. Company Profile
- ii. Current Business Permit
- iii. Certificate of incorporation or Business Registration Certificate;
- iv. Copy of memorandum and articles of association or CR12
- v. PIN/VAT Registration Certificate
- vi. Copy of Tax Compliance Certificate
- vii. Identification and profile of Company's Directors
- viii. Certificate of Good Conduct for Directors of the Company
- ix. Payment of Kenya Shillings One Hundred Thousand to the Authority upon successful application

9. I/We certify that we have read and understood the provisions of the Crops Act, 2013 and the rules made there under. I/We also understand that the registration certificate granted on this application may be cancelled and penalties and punishment may be imposed on each of us if any document or statement submitted by us in the course of this application is false or materially misleading.

Date.....

Name of Director..... Signature

Name of Director..... Signature

Name of Secretary..... Signature

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10. Additional registration requirements shall be as communicated from time to time by the Authority.

**Director General
Agriculture, and Food Authority**

**Agriculture and Food Authority
Sugar Directorate**



FORM A II

IMPORT APPROVAL

1. Name of Company
2. Categories (tick as appropriate)
 - a) Importer: Brown Sugar
White Refined Sugar
 - b) Exporter: Brown Sugar
White Refined Sugar
3. Registered address
.....
Building
Street..... Town/City.....
L.R. No.Telephone
- E-mail.....
4. Post Office Address
5. Period of Registration.....
6. Expiry Date.....
7. Registration Fee Kshs. 100,000.

HEAD-SUGAR DIRECTORATE

**Agriculture and Food Authority
Sugar Directorate**



TO.....

IMPORT APPROVAL

You will therefore be required to provide the following to facilitate pre-shipment authorization of quantities you intend to bring in the next 3 months.

1. Quantity and type of sugar.
2. Country of Origin.
3. Proforma Invoice.
4. Intended time of importation.
5. Supplier.

Please note that you are required to submit your returns quarterly without fail.

HEAD-SUGAR DIRECTORATE

**Agriculture and Food Authority
Sugar Directorate**



FORM B

PRESHIPMENT APPROVAL FORM

1. Name of Company
2. Categories
3. Registered address
Building..... Street.....
Town/City..... L.R. No.
Telephone E-mail.....
4. Post Office Address
5. Date of Approval.....
6. Expiry Date.....
7. Quantity Approved (MT).....
8. Country of Origin.....

HEAD-SUGAR DIRECTORATE



TO.....

PRESHIPMENT APPROVAL

Submit online the following documents within the validity period to facilitate conclusion of the process.

1. Dated Bill of Lading
2. Imports Declaration Form (IDF)
3. Certificate of Origin
4. Commercial Invoice

This authority is non-transferable and third party transaction is prohibited. Also note that you are required to seek release orders from the Directorate at the port of entry/exit during clearance.

HEAD-SUGAR DIRECTORATE

**Agriculture and Food Authority
Sugar Directorate**



FORM C

RELEASE FORM

a) Consignment Details

1. Importer/ Consignee

2. Categories (tick as appropriate)

a) Importer: Brown Sugar

White Refined Sugar

b) Exporter: Brown Sugar

White Refined

Sugar

3. Declarant/ Clearing Agent.....

4. Number of Containers.....

5. Quantity in Metric Tonnes.....

6. Good Description.....

7. Entry Number.....

8. UCR Number.....

9. Country of Origin.....

10. Verification Officer Details

Batch Number:
Production Date:
Expiry Date:
Number of Containers Verified:

Name of Officer

Sign..... Date

.....

Stamp

**Agriculture and Food Authority
Sugar Directorate**



**FORM D
SUGAR IMPORTS RETURNS (CONFIDENTIAL)**

1. Name of importer:
2. Address:
3. Details of sugar / by-products imports
 - (a) Port and Country of origin
 - (b) Manifest Numbers at Gazetted entry points
 - (c) Category of import Quantity
 - (d) C.I.F. value
4. Utilization of imports. Please give detailed break down of utilization under following categories: (If space is inadequate provide attachment)
 - (a) Direct human consumption (give a full list of purchasers, addresses, physical location and quantities purchased)
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 - (b) Industrial manufacturing (specify type of products in which sugar was used and production returns for the period)
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 - (c) Raw sugar for processing (specify quality of raw sugar processed into mill white, refined sugar, brown sugar or other by-products. Also give a full list, addresses and physical locations of all the end users of the processed goods.)
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(d) Transit sugar (provide full details of the quantities imported and exported including the dates of actual export at entry and exit points. Also attach copies of re-export certificates duly signed)

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5. Full name and address of buyer and consignee

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6. Name and address of warehouse where sugar can be inspected.....

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7. Sugar short shipment if (any): -

<i>Manifest Numbers</i>	<i>Invoice No.</i>	<i>Type</i>	<i>No. of Bags</i>	<i>Net Weight (kilograms)</i>
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(a)

(b)

(c)

(d)

(e)

(If space provided is not adequate provide an attachment)

NB: Applicant to attach certified copies of the following documents for verification.

- (a) Sale contract
- (b) Letter of credit / Telegraphic Transfer Documents
- (c) Commercial invoice
- (d) Brokers invoice; and

Full Names: Signature:

Date:

For official use:

AUTHENTICATION BY
SUGAR DIRECTORATE

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SIGNATURE AND STAMP

Date: