



LAWS OF KENYA



**DAIRY INDUSTRY ACT**

CHAPTER 336

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**CHAPTER 336**

**DAIRY INDUSTRY ACT**

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SCHEDULE

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## CHAPTER 336

## DAIRY INDUSTRY ACT

[Date of assent: 11th August, 1958.]

[Date of commencement\* ]

**An Act of Parliament to provide for the improvement and control of the dairy industry and its products**

[Act No. 34 of 1958, Act No. 15 of 1961, Act No. 26 of 1963, Act No. 45 of 1963, L.N. 2/1964, L.N. 183/1964, Act No. 9 of 1967, Act No. 10 of 1969, L.N. 415/1992, Act No. 17 of 2006.]

## PART I – PRELIMINARY

**1. Short title and commencement**

(1) This Act may be cited as the Dairy Industry Act.

(2) Subject to the provisions of section 2, this Act shall come into operation on such day as the Minister may appoint, and the Minister may appoint different days in relation to different provisions of this Act and to different classes of persons, for the whole or for different areas of Kenya.

**2. Application**

This Act shall not be applied to any part of the Non-scheduled Areas, except in respect of dairy produce produced in those Areas and sold or intended for sale in the Scheduled Areas or in any municipality or township, unless the Central Agricultural Board has been consulted.

[Act No. 10 of 1969, Sch.]

\* In respect of the Scheduled Areas—

- (a) for the coming into operation of Parts I to IV to Part VI – 19th August, 1958;  
 (b) for the coming into operation of Part V – 16th December, 1958.

In respect of the Non-scheduled Areas – 16 December, 1958, for the coming into operation of Parts I to IV and Part VI in the following municipalities and townships:

<i>Municipalities</i>	6. Molo	19. Muhoroni
1. Nairobi City	7. Ruiru	20. Nandi Hills
2. Mombasa	8. Naivasha	21. Naro Moru
3. Nakuru	9. Nanyuki	22. Ngong
4. Eldoret	10. Ol Kalou	23. Njoro
5. Kisumu	11. Nyeri	24. Ravine
6. Kitale	12. Thika	25. Rongai
<i>Townships</i>	13. Thomson's Falls	26. Rumuruti
1. Gilgil	14. Elburgon	27. Sotik
2. Kericho	15. Fort Ternan	28. Timau
3. Kiambu	16. Kijabe	29. Voi
4. Londiani	17. Limuru	30. Malindi
5. Machakos	18. Lumbwa	

### 3. Interpretation

In this Act, except where the context otherwise requires—

“**Board**” means the Kenya Dairy Board established by section 4;

“**butterfat**” means the natural and complete fat which is present in milk;

“**Central Agricultural Board**” means the Board established by section 35 of the Agriculture Act (Cap. 318);

“**consumer**” means a person who buys dairy produce for his own use and not for resale;

“**dairy produce**” means milk, cream, butter, ghee, cheese and any other product or by-product of milk;

“**distributor**” means a person who buys dairy produce for the purpose of resale;

“**ghee**” means pure clarified butterfat containing no preservative or colouring matter and no fats or oils other than butterfat;

“**milk**” means milk from a cow;

“**Non-Scheduled Areas**” means all areas of land in Kenya not for the time being comprised in the Scheduled Areas;

“**package**” includes cask, keg, crate, can, box, case, wrapper, tin, bottle, carton and every other receptacle or covering used for the packing of dairy produce;

“**producer**” means a person who produces, processes, manufactures, prepares or treats dairy produce for sale;

“**registered producer**” means a person registered under Part V;

“**retailer**” means a producer who sells dairy produce directly to consumers or a person who purchases dairy produce from a distributor for resale to consumers;

“**Scheduled Areas**” means the areas of land specified in the Schedule;

“**sell**” includes offer, advertise, keep, expose, transmit, convey, deliver, or prepare for sale and any exchange or disposal for consideration.

[L.N. 183/1964.]

## PART II – ESTABLISHMENT AND ADMINISTRATION OF THE KENYA DAIRY BOARD

### 4. Establishment of the Board

(1) There is hereby established a Board to be known as the Kenya Dairy Board, which shall be a body corporate with perpetual succession and a common seal, with power to sue and be sued and to purchase, hold, manage and dispose of land and other property, and to enter into such contracts as it may consider necessary or expedient.

(2) Except where the Board acts as agent for the Minister under any provision of this Act the Board shall not be regarded as the servant or agent of the

Government or as enjoying any status, immunity or privilege of the Government, and no property of the Board shall be regarded as property of, or held on behalf of, the Government.

## 5. Membership of the Board

(1) The Board shall consist of twelve members appointed by the Minister.

(2) The members of the Board shall be—

- (a) a chairman;
- (b) five members, being producers selected for appointment from a panel of not less than ten names submitted to the Minister by the Central Agricultural Board;
- (c) three members, being selected for appointment from a panel of not less than seven names submitted to the Minister by the Central Agricultural Board;
- (d) two members, being selected for appointment, after consultation by the Minister with any person or organisation which the Minister thinks fit to consult; and
- (e) one member, being selected for appointment from a panel of not less than three names submitted to the Minister by the Kenya members of the Association of Municipalities of East Africa or of any body formed to take over the functions of that Association.

(3) The Board shall once in every year elect from amongst its members a vice-chairman who shall hold office in the ensuing year.

(4) An appointment made under this section shall be notified in the *Gazette*.

[L.N. 183/1964.]

## 6. Duration of office of members of the Board

(1) Three members of the Board shall retire one year after the first appointment of members, and thereafter three members of the Board shall retire annually in rotation; the members to retire shall be those who have been continuously longest in office, and, as between members who have been continuously in office for an equal period, the order of retirement shall, in default of agreement between them, be determined by lot:

Provided that—

- (i) not more than two members appointed by virtue of section 5(2)(b);
- (ii) not more than one member appointed by virtue of section 5(2)(c);  
and
- (iii) not more than one member appointed by virtue of section 5(2)(d),

shall retire at any one time.

(2) A member of the Board shall cease to hold office—

- (a) if he delivers to the Minister a written resignation of his office;
- (b) if he is adjudged bankrupt or enters into a composition or scheme of arrangement with his creditors;

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- (c) if the Board declares by resolution that he has been absent from three consecutive meetings of the Board without the leave of the Board;
- (d) if he undergoes any term of imprisonment on conviction for an offence;
- (e) if he accepts office as a member of the staff of the Board;
- (f) if the Minister removes him from office on being satisfied that he is incapacitated by physical or mental illness or is otherwise unable or unfit to discharge the functions of a member or is unsuitable to continue as a member.

(3) A member of the Board who retires or resigns shall be eligible for reappointment.

(4) Section 5 (2) shall apply in relation to the appointment of a person to be a member of the Board to fill a vacancy in the membership thereof, save that, if two persons are to be so appointed by virtue of paragraph (b) of the said section, then the panel shall consist of not less than five names, and, if one person is to be so appointed by virtue of paragraph (b) or paragraph (c) of that subsection, then the panel or panels shall consist of not less than three names.

(5) If a member of the Board is, by reason of illness, absence or other cause, unable to perform the duties of his office, the Minister may appoint a person to be a temporary member of the Board for the period of the incapacity of the member; and any such temporary member shall have the powers and authority of a member of the Board during that period.

(6) Every appointment made under this section shall be notified in the *Gazette*.

[Act No. 15 of 1961, Sch.]

## 7. Remuneration and expenses of members of the Board

(1) The remuneration of the members of the Board shall be determined by the Minister, who shall take into consideration any recommendations made to him under section 21 (3).

(2) In addition to remuneration the Board may pay travelling and other expenses which may reasonably have been incurred by the members by reason of their office.

(3) No public officer shall be entitled to remuneration or expenses under this section.

## 8. Officers and staff

The Board may employ an executive officer, a secretary and such other officers, servants and agents as may be necessary or desirable for the efficient conduct and operation of the Board.

## 9. Pensions and staff funds

The Board may establish and make contributions to a pension or superannuation fund and a medical fund, for the benefit of its officers and other employees, and may require those officers and employees to contribute thereto.



**10. Presiding officer at meetings**

The chairman, or in his absence the vice-chairman, or in the absence of both a member elected by the Board, shall preside at all meetings of the Board, and the member presiding at a meeting shall with respect to that meeting or to any business transacted thereat have all the powers of the chairman of the Board under this Act.

**11. Decisions of the Board**

(1) The member presiding at a meeting shall have a casting as well as a deliberative vote, and subject thereto the decision of the majority of the members present and voting at any meeting of the Board shall be deemed to be the decision of the Board.

(2) The quorum of the Board shall be six, exclusive of the chairman or member presiding.

(3) Subject to the provisions of subsection (2), no act, decision or proceeding of the Board shall be questioned on account of a vacancy in the membership thereof, or on account of the appointment of a member of the Board being defective.

**12. Common seal**

The common seal of the Board shall be authenticated by the signature of the chairman of the Board or of some other member authorised by the Board to act in that behalf, together with the signature of the executive officer to the Board or the secretary to the Board, or some other person authorised by the Board to act in that behalf, and the seal shall be officially and judicially noted.

**13. Execution of documents, etc., not under seal**

All documents other than those required by law to be under seal made by, and all decisions of, the Board may be signified under the hand of the chairman, the executive officer or the secretary, or of any member of the Board authorised in that behalf.

**14. Meetings of the Board**

(1) The Board shall hold ordinary meetings as and when necessary, but not less than once in every three months.

(2) Ordinary meetings of the Board shall be convened by the chairman at such times and at such places as he may deem fit.

(3) The chairman, or in his absence the vice-chairman, shall convene a special meeting of the Board at any time upon receipt of a requisition signed by not less than three members calling upon him so to do, and the special meeting shall be held not later than twenty-one days after the receipt of the requisition.

**15. Consumers' Committee and other committees of the Board**

(1) The Board shall appoint a committee to represent the interests of consumers (hereinafter referred to as the Consumers' Committee), and may appoint such other committees as it may deem necessary, to examine and report to it on any matter whatsoever arising out of or connected with any of its functions or powers under this Act.

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(2) A committee appointed under this section shall consist of persons, whether members, officers or servants of the Board or not, whose assistance or advice the Board may desire.

(3) A committee appointed under this section may appoint one or more subcommittees.

(4) The Board may pay to persons, not being members, officers or servants of the Board, who are members of a committee or subcommittee appointed under this section, such travelling and other expenses as may reasonably have been incurred by them by reason of membership.

#### **16. Board to regulate its own conduct**

The Board may from time to time make standing orders providing for the regulation of its meetings, the conduct of its business and the duties of its officers and other employees.

### PART III – FUNCTIONS, POWERS AND DUTIES OF THE BOARD

#### **17. Functions of the Board**

(1) The functions of the Board shall be—

- (a) to organise, regulate and develop the efficient production, marketing, distribution and supply of dairy produce, having regard to the various types of dairy produce required by different classes of consumers;
- (b) to improve the quality of dairy produce;
- (c) to secure reasonable and stable prices to producers of dairy produce;
- (d) to promote market research in relation to dairy produce;
- (e) to permit the greatest possible degree of private enterprise in the production, processing and sale of dairy produce, consistent with the efficiency of the producer and the interests of other producers and of consumers; and
- (f) generally to ensure, either by itself or in association with any Government department or local authority, the adoption of measures and practices designed to promote greater efficiency in the dairy industry.

(2) In the exercise of its powers and in the performance of its functions under this Act, the Board shall act in accordance with any general or special directions that may be given to it by the Minister.

[Act No. 45 of 1963, s. 6.]

#### **18. Management and utilization of assets of the Board**

(1) All the funds, assets and property, movable and immovable, of the Board shall be managed and utilised by the Board in accordance with the provisions of this Act and of any regulations made thereunder, in such manner and for such purposes as in the opinion of the Board shall promote the best interests of the dairy industry.

(2) The expenses of the Board shall be met from the Board's funds.

**19. Power to make regulations**

The Minister may, on the advice of the Board, make regulations generally for the better carrying out of the purposes and provisions of this Act, and, without prejudice to the generality of the foregoing, may make regulations with regard to dairy produce—

- (a) prescribing grades for any form of dairy produce, and minimum standards to which dairy produce shall conform, whether as a condition of importation or of exportation or of sale within Kenya;
- (b) fixing the price to be paid for any grade or type of dairy produce to producers, distributors or retailers, with power to fix different prices on a basis of quota or for different seasons or circumstances;
- (c) prescribing the manner of handling, transporting and storing of dairy produce intended for the use of or consumption by any person other than the producer thereof;
- (d) regulating and controlling the manufacture of any form of dairy produce;
- (e) imposing a levy or cess, payable to the Board, on any form of dairy produce, or imposing different rates as between different forms of produce, or as between produce for export and produce for consumption in Kenya;
- (f) prescribing the terms and form in which contracts for the sale of milk by producers, other than producers who sell direct to consumers, shall be made, and making provision for the Board to be joined as an additional party to any such contract;
- (g) providing for the creation and administration by the Board of schemes for the pooling of dairy produce by producers in such area or areas as may be prescribed and for the distribution to producers of the proceeds of sale of such dairy produce after payment to the Board, therefrom, of such sums as may be prescribed;
- (h) controlling the sale, purchase and delivery by any person of dairy produce in such area as may be prescribed:  

Provided that no distributor or retailer shall be compelled to buy dairy produce from a producer or distributor unless the Board guarantees a regular and sufficient supply of the dairy produce;
- (i) prescribing the areas within which retailers may sell dairy produce to consumers;
- (j) requiring the registration and licensing, in such manner and upon payment of such fees as may be prescribed, of distributors of dairy produce;
- (k) requiring the giving of such security to the Board as the Board may specify a licensed distributor or retailer in respect of payment for dairy produce which a producer or distributor is directed by the Board to sell to the distributor or retailer;
- (l) prescribing fees or charges for services rendered under this Act by the Board or its officers, servants or agents;

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- (m) prescribing the manner in which delegates to represent registered producers for the purposes of section 21 may be selected;
- (n) requiring returns, reports and estimates to be furnished to the Board by producers, distributors and retailers;
- (o) prescribing the forms of application, and of licences, marks, registers and all other documents to be used for the purpose of this Act;
- (p) prescribing the manner of marking articles intended for use in connection with dairy produce, including wrappers or packages intended to contain dairy produce;
- (q) prescribing the qualifications, powers and duties of inspectors and other persons appointed to exercise powers and perform duties under this Act;
- (r) for the examination, inspection, analysis and testing of dairy produce or any article used in connection with dairy produce, prescribing charges in respect thereof, and the conditions upon and the manner in which samples of such produce may be taken, whether compulsorily or otherwise;
- (s) authorising the opening by prescribed persons or officers, for the purpose of inspection, of any package which contains or is reasonably thought to contain dairy produce;
- (t) prescribing the books, accounts, vouchers and records to be kept by persons carrying on business in dairy produce;
- (u) authorising the examination and inspection by prescribed persons or officers of all books and documents relating to the production, manufacture, distribution or sale of any dairy produce;
- (v) making different provisions with respect to different cases or classes of case, different areas, seasons or circumstances, and for different purposes of this Act and may impose conditions and restrictions and make exceptions.

[Act No. 9 of 1967, Sch., L.N. 415/1992, Sch., Act No. 17 of 2006, s. 65.]

## **20. General provisions with regard to regulations**

Regulations made under this Act may provide for—

- (a) their application to any specified area, or class of persons, or type or description of dairy produce;
- (b) empowering such authorities or persons as may be specified in the regulations to make orders or issue directions for any of the purposes for which regulations are authorised by this Act to be made;
- (c) imposing a fine or imprisonment or both for the breach of any such regulation, order or direction but so that the fine shall not exceed ten thousand shillings and the period of imprisonment shall not exceed one year;
- (d) the particulars, information, proof or evidence to be furnished as to any question or matter arising under this Act or such regulations;

- (e) imposing on any person accused of an offence under this Act or regulations the burden of proving particular facts, but not so as to impose on an accused person the general burden of proving his innocence.

[Act No. 9 of 1967, Sch.]

## **21. Regional and delegates meetings**

(1) The Board shall at least once in every year convene a meeting (hereinafter referred to as a regional meeting) of the registered producers in each region into which Kenya may, for this purpose, be divided by the Board.

(2) The chairman of the Board, or in his absence a member of the Board appointed by the chairman, shall preside at every regional meeting.

(3) The Board shall at least once in every year convene a meeting of delegates of registered producers for the purpose of considering the reports and accounts specified in section 30 (4), of recommending to the Minister the remuneration of the chairman and members of the Board and of transacting such other business of which notice has been given.

(4) The Board shall give the Minister at least six weeks' prior notification of the date upon which each annual meeting under subsection (3) is to be held, and the Minister shall cause not less than ten persons who in his opinion are representative of the consumers affected by the meeting to be invited thereto, not less than seven of whom shall be invited after consultation with the Consumers' Committee; and each of the ten persons so invited shall be entitled to speak, but not to vote, at the meeting.

(5) The Board may also convene other regional meetings or meetings of delegates of registered producers for such purposes and at such times as it thinks fit.

(6) The Board may from time to time make standing orders providing for the regulation of regional meetings and of meetings of delegates of registered producers.

## **22. Notice of meetings**

(1) Not less than twenty-one days before the day fixed for the holding of a regional meeting or a meeting of delegates of registered producers, the Board shall send to the Minister and to every registered producer in the region or to every delegate, as the case may be, a notice stating—

- (a) the time and place appointed for the holding of the meeting; and
- (b) the business to be transacted at the meeting,

and if the business is to include consideration of the reports and accounts specified in section 30(4) then those reports and accounts shall be sent with the notice.

(2) The Board shall include in the business to be transacted at a regional meeting or a meeting of delegates of registered producers any matter of which not less than ten registered producers in the region or a delegate of registered producers, as the case may be, have given notice in writing to the Board.

(3) No business shall be transacted at a regional meeting or meeting of delegates of registered producers other than the business of which notice has been given under subsection (1) by the Board:

Provided that the accidental omission to send a notice to a registered producer or a delegate, as the case may be, shall not invalidate proceedings of the meeting.

### **23. Vesting of dairy produce in the Board**

(1) Subject to subsection (2), the Minister may by order empower the Board to acquire by compulsory purchase all or any form of dairy produce, upon such terms as to the price of, and the method of payment for, such form of produce and otherwise as may be specified in the order.

(2) No order shall be made under subsection (1) unless notice of its intention to apply for the making of such an order has been published by the Board in a newspaper circulating in the area in which the order is to have effect at least twenty-one days before the application.

(3) A person who thinks he may suffer detriment by reason of an order proposed to be made under subsection (1), or by any provision of the order, may, within twenty-one days of the publication of the notice referred to in subsection (2) state his objection in writing to the Minister.

(4) A person who obstructs or impedes the Board or its servants or agents in an acquisition pursuant to an order made under this section, or who fails to comply with any reasonable requirement made by the Board pursuant to such an order, shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year.

[L.N. 183/1964.]

### **24. Power of the Board to acquire and dispose of property**

(1) The Board may, out of its funds, purchase, take on lease, hire or otherwise acquire such land, buildings, plant, machinery, equipment and livestock as in the opinion of the Board are necessary for the performance of its functions.

(2) The Board may sell, transfer, lease, hire, or otherwise dispose of any of its movable or immovable property.

(3) The Board may, out of its funds, provide for the erection of such depots, factories and stores as it thinks fit.

(4) The Board may buy or import any dairy produce, may process or manufacture any dairy produce and may sell, grade, pack, store, adapt for sale, insure, advertise, transport or export any dairy produce or any dairy produce so processed or manufactured.

(5) The Board may, out of its funds, if in its opinion it is expedient so to do, purchase sites and erect houses for the use of its officers or make advances, on such terms and conditions as it thinks fit to its officers for the purpose of enabling those officers to purchase houses for their own use.

(6) Where pursuant to subsection (5) the Board erects or purchases a house, it may let the house to its officer for such time and at such rent and otherwise upon such terms and conditions as it thinks fit.

## PART IV – FINANCIAL

**25. Board may establish accounts and special funds**

(1) The Board may establish in the name of the Board at such banks as it may determine such accounts as it deems necessary or convenient for the exercise of its powers and functions under the provisions of this Act or of regulations made under this Act.

(2) Every such account shall be operated on by cheque signed by a person or persons as may from time to time be authorised in that behalf by the Board.

(3) The Board may from time to time establish special funds or reserves as it deems necessary or expedient for any purpose contemplated by this Act.

**26. Investment of funds of the Board**

The Board may invest moneys in securities in which trustees are empowered to invest under the Trustee Act (Cap. 167), and in other securities which may be approved for the purpose by the Minister for the time being responsible for Finance.

**27. Loans, subsidies and guarantees by the Board**

The Board may from time to time out of its funds—

- (a) make loans to persons, or grant subsidies to producers or manufacturers, for such purposes and on such terms and conditions as the Minister may approve;
- (b) guarantee payments for dairy produce, to be made by agents or licensed buyers, on such security by way of indemnity or otherwise as the Minister may require;
- (c) with the consent of the Minister in each case and subject to such conditions as the Minister thinks fit, in any suitable case where a licence issued under regulations made under this Act has been cancelled or amended or its renewal has been refused, compensate any person for loss occasioned thereby.

[Act No. 26 of 1963, s. 2.]

**28. Borrowing powers**

The Board may, with the consent of the Minister and upon and subject to such conditions as the Minister thinks fit, borrow moneys and mortgage or charge any of its property.

**29. Books of account**

The Board shall cause to be kept proper books of account and other books in relation thereto in respect of all its undertakings, funds, activities and property, including yearly statements of income and expenditure and balance sheets made up to the end of each financial year showing in detail the assets and liabilities of the Board, and shall prepare such other accounts as the Minister may require.

**30. Audit of accounts**

(1) The Minister shall appoint one or more accountants (in this section referred to as the auditors) being holders of practising certificates issued



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pursuant to section 21 of the Accountants Act (Cap. 531), who shall annually examine, audit and report upon the accounts of the Board.

(2) The Board shall produce and lay before the auditors all books and accounts of the Board, with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the auditors may require from all members, officers, agents and employees of the Board such information and explanation as may be necessary for the performance of their duties as auditors.

(3) The expenses of and incidental to the audit shall be paid by the Board.

(4) The Board shall within a period of seven months after the end of its financial year, or within such longer period as the Minister may approve, submit to the Minister a report of its operations during that year, and the auditor's report, together with the yearly statement of income and expenditure, balance sheet and such other statements of accounts as the Minister shall require; and in addition to the requirements of section 22 (1) the Board shall publish the reports and accounts in such manner as the Minister may specify.

## PART V – REGISTRATION OF PRIMARY PRODUCERS

### 31. “Primary producer” defined

In this Part, “**primary producer**” means a person who produces milk for sale, but does not include persons employed by him for that purpose.

### 32. Requirement to register

(1) A primary producer who has already begun production at the time when this Part comes into operation in relation to himself and to his area of production in accordance with section 1(2) shall, within one month of that date, register with the Board by supplying the following particulars—

- (a) the full name and postal address of the primary producer;
- (b) the survey or land reference number of the dairy premises used;
- (c) such particulars as to the cattle, equipment, production and disposal of produce, and otherwise in relation thereto, as may be prescribed by the Board.

(2) A primary producer who begins production at any time after this Part comes into operation in relation to himself and to his area of production shall, within one month of beginning production, register in the manner provided in subsection (1).

(3) A primary producer who is registered in accordance with this section shall, within one month of any change occurring in the particulars supplied by him for registration, notify the Board in writing of the details of the change.

### 33. Penalty for failure to register

After the appropriate period of one month referred to in section 32 has elapsed, a primary producer to whom this Part applies who carries on business as such without being registered in accordance with this Part, or who wilfully neglects to supply the particulars prescribed by that section, or who knowingly or recklessly supplies any such particulars which are materially false, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings.



**34. Register of primary producers**

(1) The Board shall maintain a register for the purposes of this Part and shall record therein the particulars supplied in accordance with section 32.

(2) Where the Board has reasonable cause to believe that a person whose particulars are so recorded has ceased to be a primary producer it may, after giving that person written notification by registered post of its intention so to do, remove the relevant particulars from the register.

(3) The register shall be *prima facie* proof of the fact that a person is or is not registered under this Part.

## PART VI – GENERAL

**35. Offences by companies**

Where a person in breach of any provision of this Act or of any regulations made under this Act is a company, every director, manager, secretary and other officer of the company who is knowingly a party to the breach shall also be guilty of the breach and be liable to the same punishment.

**36. Appeals**

A person aggrieved by a decision of the Board or of an agent of the Board may, within one month after being notified of that decision, appeal to the Agricultural Appeals Tribunal established under Part XV of the Agriculture Act (Cap. 318), and, save as aforesaid, the provisions of that Part shall, *mutatis mutandis*, apply in relation to every such appeal.

**37. Act additional to public health laws**

The provisions of this Act and of any regulations made thereunder shall be in addition to and not in derogation of the provisions of any written law relating to public health for the time being in force.

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**SCHEDULE**

[Section 3, L.N. 183/1964.]

**SCHEDULED AREAS**

The areas of land the boundaries whereof are delineated and edged red on Boundary Plans Nos. 476A to 476K, deposited in the Survey Records Office, Survey of Kenya, excepting therefrom—

Land Reference No. 8739;  
Land Reference No. 8740;  
Land Reference No. 8741;  
Land Reference No. 9904;  
Land Reference No. 4870/R;  
Land Reference No. 4886/6; and  
Land Reference No. 226.

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## CHAPTER 336

## DAIRY INDUSTRY ACT

## SUBSIDIARY LEGISLATION

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**DAYS APPOINTED FOR THE COMMENCEMENT OF THE ACT UNDER  
SECTION 1(2)**

[L.N. 364/1958]

1. In respect of the Scheduled Areas—

- (a) for the coming into operation of Parts I to IV and Part VI—19th August, 1958;
- (b) for the coming into operation of Part V—16th December, 1958.

2. In respect of the Non-scheduled Areas—16th December, 1958, for the coming into operation of Parts I to IV and Part VI in the following municipalities and townships—

*Municipalities*

- 1. Nairobi City
- 2. Mombasa
- 3. Nakuru
- 4. Eldoret
- 5. Kisumu
- 6. Kitale

*Townships*

- 1. Gilgil
- 2. Kericho
- 3. Kiambu
- 4. Londiani
- 5. Machakos
- 6. Molo
- 7. Ruiru
- 8. Naivasha
- 9. Nanyuki
- 10. Ol Kalou
- 11. Nyeri
- 12. Thika
- 13. Thomson's Falls
- 14. Elburgon
- 15. Fort Ternan

*Townships*

- 16. Kijabe
- 17. Limuru
- 18. Lumbwa
- 19. Muthoroni
- 20. Nandi Hills
- 21. Naro Moru
- 22. Ngong
- 23. Njoro
- 24. Ravine
- 25. Rongai
- 26. Rumuruti
- 27. Sotik
- 28. Timau
- 29. Voi
- 30. Malindi



Regulations under section 19

**DAIRY INDUSTRY (RETURNS, REPORTS AND ESTIMATES) REGULATIONS**

[L.N. 534/1958.]

- 1. These Regulations may be cited as the Dairy Industry (Returns, Reports and Estimates) Regulations.
- 2. Every producer, distributor and retailer in relation to whom and to whose area of production, distribution or retail, as the case may be, the Act has come into operation shall, within such period as may be specified in an order made by the Board and published in the *Gazette*, render to the Board such returns, reports and estimates as may be required by the order, and shall thereafter supply such further particulars as may be required, either by specific direction or by a subsequent order, by the Board.
- 3. An order issued under regulation 2 may provide for exempting any producer, or class of producer, or any producers in any specified area, from all or any of the requirements of the order, and for such period, if any, as may be specified in the order.
- 4. A producer, distributor or retailer who wilfully neglects to render a return, report or estimate, or to supply any particulars required by an order or direction referred to in regulation 2 or who knowingly or recklessly renders any such return, report or estimate, or supplies any such particulars, containing matter which is materially false, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings.

FIRST SCHEDULE

FORM OF RETURN

(para. 2)

- A. To be completed by ALL Producers
    - 1. Name of proprietor or company .....
    - 2. Postal address .....
    - 3. Land reference number(s) and name(s) of farm(s) .....
  - B. If you are a member of Kenya Co-operative Creameries Limited, state—
    - 4. Which factory (factories) or creamery (creameries) you supply .....
    - 5. Whether you have been granted exemption to sell milk or other dairy produce otherwise than to Kenya Co-operative Creameries Limited (give details of exemption) .....
    - 6. To what extent are you making use of this exemption? .....
  - C. If you are not a member of Kenya Co-operative Creameries Limited, state—
    - 7. Area(s) of sales .....
    - 8. Type(s) of dairy produce sold .....
    - 9. Whether wholesale or retail .....
- I/We certify that the foregoing is a true statement.

Signature .....  
Date .....

Dairy Industry

[Subsidiary]

SECOND SCHEDULE

FORM OF RETURN

- (1) This return must be completed monthly by *all* producers.
- (2) Primary producers should note that the cess due on milk and/or cream supplied to Kenya Co-operative Creameries Limited will be paid by that company on their behalf.
- (3) This return must be completed and sent to the Kenya Dairy Board, P.O. Box 30406, Nairobi, not later than fourteen days after the end of the month of production.

MILK PRODUCTION FOR THE MONTH OF  
....., 20.....

	<i>Gal.</i>
Total production of milk .....	.....
<i>Deduct:</i>	
(a) quantity of milk separated and sent to K.C.C. Ltd., as cream .....	<i>Gal.</i> .....
(b) Quantity of milk sent to K.C.C. Ltd. ....	.....
(c) Quantity of milk consumed by own household, labour or livestock .....	.....
Balance quantity of milk on which cess is payable.....	Gallons <u>          </u>

DECLARATION

I/We declare that this return contains a full and true statement of the milk produced by me/us during the month of ..... , 20.....

*Signature of producer* .....

*Date* .....

*Postal address* .....

[If signature is on behalf of limited company, estate or partnership, this must be stated.]

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**DAIRY INDUSTRY (LICENSING OF RETAILERS) REGULATIONS, 1961**

[L.N. No. 287/1961.]

**PART I – COMMENCEMENT OF REGULATIONS**

- 1. This Order shall take effect from the 1st July, 1961.

**PART II – APPLICATIONS**

- 2. Every application for the grant or renewal of a licence shall be made on Form 1 in the First Schedule hereto.
- 3. Every application for the transfer or removal of a licence shall be made on Form 2 in the First Schedule hereto.
- 4. Every application for an assurance in accordance with regulation 4 shall be made on Form 3 in the First Schedule hereto.
- 5. Every application for a duplicate licence shall be made in writing and shall set forth details of the licence lost or destroyed and the manner in which it was lost or destroyed.

**PART III – LICENCES**

- 6. Every licence shall be in Form 1 in the Second Schedule hereto.
- 7. Every assurance in accordance with the provisions of regulation 4 shall be in Form 2 in the Second Schedule hereto.

**PART IV – FEES**

- 8. There shall be paid to the Board in respect of every grant, renewal, transfer or removal of a licence and for every assurance in accordance with the provisions of regulation 4 and for every duplicate of any of these items a fee of shillings five.

**FIRST SCHEDULE**

**FORM 1**

**COLONY AND PROTECTORATE OF KENYA**

**DAIRY INDUSTRY (LICENSING OF RETAILERS) REGULATIONS, 1961**

**APPLICATION FOR THE GRANT OR RENEWAL OF A LICENCE FOR SALE OF LICENSED PRODUCE**

- 1. Full name of applicant .....
- 2. Full name(s) of owner(s) of business of applicant.....  
.....  
(N.B.—In case of a firm, give full names of all partners. In case of a body corporate, give full name thereof and full names of all directors.)
- 3. Trade name (if different) .....
- 4. Postal address of applicant .....
- 5. Address of premises in respect of which application made:  
L.R. No. .... Plot No. ....  
Name of street/district .....

FIRST SCHEDULE, FORM 1—continued

(Give sufficient details adequately to identify premises including description of premises and name by which premises are known; if necessary, attach rough sketch showing position of premises.)

- 6. Full name and address of owner of premises .....
- 7. Full name of manager (if any) .....
- 8. Particulars of previous experience in retail dairying of applicant and manager (if any) .....
- 9. Whether milk and cream to be sold in bottles/packs or in bulk or both and whether to be sold by retail or wholesale or both .....
- 10. Are premises in respect of which application made licensed or registered by a local authority(ies)? .....
- If so, give details of such licence(s)/registration(s) .....
- 11. If for renewal, give expiring Licence No. ....
- 12. Details of applicant's convictions as required by regulation 3 of the Regulations .....
- 13. I enclose Sh. 5 licence fee, returnable if application is refused.

I, ..... the applicant named in the foregoing application, do solemnly and sincerely declare that the statements made by me in the foregoing application are true and correct in all respects to the best of my knowledge and belief, and I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Ordinance.

.....  
*Applicant.*

Declared at ..... in the.....  
..... this ..... day of ..... 196 .....

before me (Magistrate, Justice of the Peace, or Commissioner for Oaths).

.....  
( )

**FORM 2**

COLONY AND PROTECTORATE OF KENYA

DAIRY INDUSTRY (LICENSING OF RETAILERS) REGULATIONS, 1961

APPLICATION FOR TRANSFER/ REMOVAL OF A LICENCE FOR SALE OF LICENSED PRODUCE

- 1. Full names of applicants .....
- (a) Licensee .....
- (b) Transferee .....
- 2. No. of licence held .....
- 3. Address of premises specified therein .....

FIRST SCHEDULE, FORM 2—continued

- 4. Full name(s) of owner(s) of business of transferee .....  
 .....  
 (N.B.—In case of a firm, give full names of all partners. In case of a body corporate, give full name thereof and full names of all directors.)
- 5. Trade name (if different) .....
- 6. Postal address of transferee .....
- 7. Address of premises to which it is desired to remove licence:  
 L.R. No. .... Plot No. ....  
 Name of street/district .....  
 (Give sufficient details adequately to identify premises including description of premises and name by which premises are known; if necessary, attach rough sketch showing position of premises.)
- 8. Full name and address of owner of premises .....
- 9. name of transferee's manager (if any) .....
- 10. Particulars of previous experience in retail dairying of transferee and manager (if any) .....
- 11. Whether milk and cream to be sold in bottles/packs or in bulk or both and whether to be sold by retail or wholesale or both .....
- 12. Are premises to which it is desired to remove licence licensed or registered by a local authority(ies)? .....  
 If so, give details of such licence(s)/registration(s) .....
- 13. Details of transferee's convictions as required by regulation 3 of the Regulations .....
- 14. We enclose Sh. 5 transfer/removal fee, returnable if application is refused.

We, ..... and ..... the applicants named in the foregoing application, do solemnly and sincerely declare that the statements made by us in the foregoing application are true and correct in all respects to the best of our knowledge and belief, and we make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Ordinance.

.....  
*Licensee.*

.....  
*Transferee.*

Declared at ..... in the .....  
 ..... this ..... day of ..... 196 .....

before me (Magistrate, Justice of the Peace, or Commissioner for Oaths).

.....  
 ( ..... )

FORM 3

COLONY AND PROTECTORATE OF KENYA

THE DAIRY INDUSTRY (LICENSING OF RETAILERS) REGULATIONS, 1961

APPLICATION FOR AN ASSURANCE IN ACCORDANCE WITH THE PROVISIONS OF REGULATION 4

- 1. Full name of applicant .....
- 2. Full name(s) of owner(s) of business of applicant .....  
.....  
(N.B.—In case of a firm, give full names of all partners. In case of a body corporate, give full name thereof and full names of all directors.)
- 3. Trade name (if different) .....
- 4. Postal address of applicant .....
- 5. Address of premises in respect of which assurance applied for .....  
.....  
.....
- 6. Whether being constructed or reconstructed .....
- 7. Particulars of plant and equipment to be provided .....  
.....  
.....  
(use separate sheet if space insufficient)
- 8. Full name and address of owner of premises .....
- 9. Date from which licence would require to run .....
- 10. name of manager (if any) .....
- 11. Particulars of previous experience in retail dairying of applicant and manager (if any) .....  
.....  
.....
- 12. Whether milk and cream to be sold in bottles/packs or in bulk or both and whether to be sold by retail or wholesale or both .....
- 13. Details of applicant's convictions as required by regulation 4 of the Regulations .....
- 14. Details of applicant's interest in the premises .....
- 15. 1 enclose Sh. 5 assurance fee, returnable if application is refused.

I, ..... the applicant named in the foregoing application, do solemnly and sincerely declare that the statements made by me in the foregoing application are true and correct in all respects to the best of my knowledge and belief, and I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Ordinance.

.....  
*Applicant.*

Declared at ..... in the .....  
.....this ..... day of ..... 196 .....

FIRST SCHEDULE, FORM 3—continued

before me (Magistrate, Justice of the Peace, or Commissioner for Oaths).

.....  
( )

Note.—In accordance with the Dairy Industry (Licensing of Retailers) regulation 4 (2), this application must be accompanied by a signed copy of the plans endorsed with the approval of the appropriate local authority.

SECOND SCHEDULE

FORM 1

COLONY AND PROTECTORATE OF KENYA

THE DAIRY INDUSTRY (LICENSING OF RETAILERS) REGULATIONS, 1961

LICENCE FOR SALE OF LICENSED PRODUCE  
LICENCE NO. ....

This licence is granted under the provisions of the Dairy Industry (Licensing of Retailers) Regulations, 1961, to .....  
.....  
of .....  
in respect of premises situate at .....

(Full details of premises to be inserted by issuing officer.)

This licence is granted subject to the provisions of the Dairy Industry (Licensing of Retailers) Regulations, 1961, and to the following conditions .....

This licence shall expire on .....  
Fee paid Sh. ....  
Date of issue .....

.....  
*Chairman/ Vice-Chairman.*

.....  
*Executive Officer Secretary  
Kenya Dairy Board.*

FORM 1

COLONY AND PROTECTORATE OF KENYA

THE DAIRY INDUSTRY (LICENSING OF RETAILERS) REGULATIONS, 1961

ASSURANCE THAT A LICENCE WILL BE ISSUED

.....  
of .....

Dairy Industry

[Subsidiary]

SECOND SCHEDULE, FORM 1—continued

having satisfied us that he has an interest in premises to be built/being built\* at .....

for the purpose of being used for the sale of licensed produce, and having supplied us with a signed copy of the plans of the premises, he is hereby assured that, on completion of the premises in accordance with the signed plans and provision of the plant and equipment specified in Part 1 of the Schedule hereto not later than ....., 19 .....

and subject to the conditions specified in Part 2 of the said Schedule and to the provisions of regulation 4 of the Dairy Industry (Licensing of Retailers) Regulations, 1961, he will be granted a licence.

SCHEDULE

PART I – PLANT AND EQUIPMENT TO BE PROVIDED

PART 2 – CONDITIONS

Fee paid: Sh. ....

Date of issue .....

.....  
Chairman Vice-Chairman.

.....  
Executive Officer Secretary  
Kenya Dairy Board.

\* Delete where not applicable.

**AREAS PRESCRIBED UNDER REGULATION 1**

[L.N. 289/1961, L.N. 191/1962, L.N. 113/1964, L.N. 114/1964.]

1. City of Nairobi.
  2. Municipality of Mombasa.
  3. Municipality of Nakuru.
  4. Municipality of Eldoret.
-





**DAIRY INDUSTRY (ELECTION OF DELEGATES) REGULATIONS**

[L.N. 511/1959.]

1. These Regulations may be cited as the Dairy Industry (Election of Delegates) Regulations.
2. In these Regulations, except where the context otherwise requires—
  - “**chairman**” means the chairman of the meeting;
  - “**meeting**” means a regional meeting of registered producers convened by the Board under section 21 of the Act.
3. Delegates of registered producers shall be elected at regional meetings in accordance with the provisions of these Regulations.
4. One delegate, and no more, shall be elected to represent each region.
5. A candidate for election to the office of delegate shall be a producer in the region which it is proposed he should represent.
6. (1) Each candidate for election shall be proposed and seconded by a registered producer entitled to vote at the meeting at which the election is held.
  - (2) If only one candidate is nominated for election at a meeting, the chairman shall forthwith declare that candidate to be elected.
  - (3) If more than one candidate is nominated for election the chairman shall put to the meeting the question whether the election shall be decided by a show of hands or by ballot, and the question shall be determined by a show of hands by a majority of registered producers present and voting.
  - (4) Where it is determined under subsection (3) that the election shall be decided by a show of hands, the chairman shall call out the name of each candidate for election, and the election shall be decided, by a show of hands, by a majority of the registered producers present and voting.
  - (5) Where it is determined under subsection (3) that the election shall be decided by ballot—
    - (a) the chairman shall cause a plain piece of paper to be delivered to every registered producer present and entitled to vote and the registered producer shall record his vote by writing on his paper the name of a candidate who has been proposed and seconded;
    - (b) no other mark, writing or signature shall be made on the paper, and the registered producer shall forthwith fold the paper so as to conceal his vote, and shall deliver it, or cause it to be delivered, to the chairman in such manner as the chairman shall direct;
    - (c) the chairman shall thereupon announce the number of votes cast for each candidate, and shall declare the candidate for whom the greatest number of votes has been cast to be elected.
  - (6) In the event of an equality of votes between two candidates at the head of a poll, election of one of those candidates shall be made by lot.
7. Only those registered producers carrying on business in the region in which the meeting is held, and being present in person, shall be entitled to vote upon any matter provided for by these Regulations, and each such registered producer shall have one vote.

8. Delegates elected under these Regulations shall hold office until the next meeting.
  9. If a delegate is prevented by absence, illness or other sufficient cause from fulfilling the duties of his office he may appoint a substitute delegate.
-

**PRESCRIBED AREAS UNDER REGULATION 1**

[L.N. 290/1961, L.N. 192/1962, L.N. 455/1962, L.N. 521/1962, L.N. 565/1962, L.N. 329/1964,  
L.N. 382/1964, L.N. 60/1966, L.N. 21/1969.]

The City of Nairobi.

Eldoret.

Gilgil.

Kericho.

Kiambu.

Kisumu.

Kitale.

Machakos.

Mombasa.

Naivasha.

Nakuru.

Nanyuki.

Nyahururu.

Nyeri.

Thika.

Thomson's Falls.



**DAIRY INDUSTRY (INSPECTORS) REGULATIONS**

[L.N. 215/1964, Corr. No. 94/1964.]

1. These Regulations may be cited as the Dairy Industry (Inspectors) Regulations.
2. (1) The Board may by notice in the *Gazette* appoint any person to be an inspector to exercise the powers and perform the duties of an inspector under these Regulations.  
(2) All police officers shall be inspectors for the purposes of these Regulations.
3. If an inspector has reasonable grounds for suspecting that evidence of an offence under the Act or any regulations or orders made thereunder is to be found on or in any land, premises, place, vehicle, bicycle, pack animal or vessel, or in the possession of any person, he may—
  - (a) after notification of his authority and purpose, enter the land, premises or place; or
  - (b) stop the vehicle, bicycle, pack animal or person and, after notification of his authority and purpose—
    - (i) examine the land, premises, place, vehicle, bicycle, pack animal or vessel and any plant, equipment or container thereon or therein or in the possession of that person;
    - (ii) require the production of and examine any dairy produce thereon or in the possession of that person;
    - (iii) open for the purpose of inspection any container or package which contains or is reasonably thought to contain dairy produce;
    - (iv) take samples of any such dairy produce or other article which may appear to him to comprise or contain dairy produce, and test any such plant, container or equipment;
    - (v) require the production of and examine all books, accounts, licences and documents relating to or reasonably thought to relate to the production, purchase, manufacture, conveyance, carriage, distribution or sale of dairy produce and take copies of any book, account, licence, document or part thereof;
    - (vi) seize, remove and detain any dairy produce which gives reasonable cause to suppose will afford evidence of an offence under the Act or any regulations or orders made thereunder, and for the same reason seize, remove and detain or take charge of any vehicle, bicycle, pack animal, plant, machinery, vessel, container or receptacle, and any book, account or document;
    - (vii) require any occupant of such land, premises or place or the owner of any such vehicle, bicycle, pack animal or any person in charge thereof, or an employee of such occupier or other person, to give such explanation and such information relating to dairy produce as may be reasonably required by the inspector in the performance of his duties; but no person may be required to answer a question the answer to which may tend to expose him to a criminal charge, penalty or forfeiture.
4. A person who—
  - (a) obstructs or hinders an inspector in making entry or inspection of any land, premises, or place or in stopping any vehicle, bicycle, pack animal or person which he is authorised by these Regulations to enter or stop and inspect, as the case may be; or

*Dairy Industry*

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**[Subsidiary]**

- (b) without reasonable cause or excuse refuses or fails to produce to an inspector upon demand any dairy produce or any container, package, book, account, licence or document; or
- (c) wilfully withholds information or gives information knowing or having reason to believe it to be false or misleading,

shall be guilty of an offence and shall be liable to a fine not exceeding ten thousand shillings, or to a term of imprisonment not exceeding one year or to both.

5. Before removing any dairy produce or article under regulation 3(f), the inspector removing it shall furnish the person in whose custody or possession the dairy produce or article is at the time of removal with a written receipt therefor.

6. An inspector seizing dairy produce under the provisions of these Regulations may dispose or arrange for the storage thereof in the name of the Board in such manner as the inspector may deem convenient having regard to the perishable nature of dairy produce, and in any that event the inspector or police officer concerned shall, without unnecessary delay, furnish a written statement to the Board or its agent setting out brief particulars of the circumstances of seizure, the quantity of the dairy produce and the manner of disposal or storage thereof together with a receipt, if appropriate, relative to the disposal or storage of the dairy produce.

7. Every seizure under these Regulations shall be reported without unnecessary delay to a magistrate, who shall also be furnished with a copy of any written statement provided for under regulation 6.

8. The Dairy Industry (Inspectors) Regulations are hereby revoked.

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**DAIRY INDUSTRY (PRICES OF DAIRY PRODUCE) REGULATIONS**

[L.N. 258/1961, L.N. 125/1970.]

1. These Regulations may be cited as the Dairy Industry (Prices of Dairy Produce) Regulations, and shall apply to such areas as may be prescribed from time to time.

2. In these Regulations—

“**prescribed**” means prescribed in an order made by the Board and published in the *Gazette*;

“**prescribed area**” means an area prescribed under regulation 1 of these Regulations;

“**retailer**” means a person who purchases dairy produce for re-sale to consumers from either Kenya Co-operative Creameries Limited or direct from a producer licensed pursuant to the Dairy Industry (Sales by Producers) Regulations and includes a producer who is licensed to sell dairy produce direct to consumers and an importer of dairy produce who imports for re-sale to consumers but does not include purchasers of milk in bulk as defined by the Dairy Industry (Prices of Dairy Produce) Order.

3. The prices to be paid by retailers on and after the prescribed date to producers and distributors for dairy produce produced in the prescribed area for sale therein, and for dairy produce produced outside the prescribed area but sold or intended for sale in the prescribed area, shall be the respective fixed prices from time to time prescribed by the Board or, where no such fixed prices are so prescribed, shall be not less than the respective minimum prices nor more than the respective maximum prices from time to time prescribed by the Board.

4. The prices to be paid to retailers for dairy produce in the prescribed area on and after the prescribed date shall be the respective fixed prices from time to time prescribed by the Board or, where no such fixed prices are so prescribed, shall be not less than the respective minimum prices nor more than the respective maximum prices from time to time prescribed by the Board:

Provided that the Board may, by notice in the *Gazette* or otherwise, grant exemption to a retailer from the provisions of this regulation in respect of the sale of dairy produce to consumers or classes of consumers specified in the notice and subject to due compliance with any terms and conditions specified therein.

5. The Board may prescribe different prices for different areas and for different quantities, qualities, grades or types of dairy produce or for different classes of consumers or for different terms of payment.

6. A producer, distributor or retailer who buys or sells dairy produce except at the prescribed price shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year, or to both.





Orders under regulations 1, 3 and 4

**DAIRY INDUSTRY (PRICES OF DAIRY PRODUCE) ORDER**

[L.N. 143/1977.]

1. This Order may be cited as the Dairy Industry (Prices of Dairy Produce) Order.
2. In this Order, unless the context otherwise requires—
  - “**bottle**” means a glass or plastic bottle capable of holding either one litre, one half litre or two decilitres of milk;
  - “**collected**” means collected by the consumer from the premises (other than from a vehicle utilized for distribution or sale of milk) of the retailer;
  - “**delivered**” means delivered to the premises of the retailer or to the premises of the consumer by the retailer;
  - “**milk in “bulk”**” means milk in containers containing fifty litres or multiples thereof or bulk of one packs;
  - “**polythene pack**” means a sealed polythene pack capable of holding either one litre, one half litre or two decilitres of milk;
  - “**purchasers of milk in bulk**” means a public corporation, company, Government or municipal institution including hospitals, schools or bodies of persons who purchase milk in bulk for consumption on their premises or for further processing in pursuance of a licence issued by the Kenya Dairy Board;
  - “**special quality milk**” means milk which contains not less than 4.25 percent butter fat.
  - “**tetrapak**” means a sealed pack of tetrapak design capable of holding either one litre, one half litre or two decilitres of milk;
3. The Dairy Industry (Prices of Dairy Produce) Regulations shall apply to all Scheduled Areas.
4. For the purpose of regulation 3 of the Dairy Industry (Prices of Dairy Produce) Regulations, the respective prices to be paid by retailers and purchasers of milk for the categories of milk specified in the first column of Part I of the Schedule hereto shall be—
  - (a) in the case of retailers the respective prices specified in subcolumn (A) of the second column of Part I; and
  - (b) in the case of purchasers of milk in bulk not more than the maximum prices specified in subcolumn (B) of the second column of Part I.
5. For the purpose of regulation 4 of the Dairy Industry (Prices of Dairy Produce) Regulations, the respective prices to be paid to retailers for the categories of milk specified in the first column of Part II of the Schedule shall be not more than the respective maximum prices specified in the second column of Part II of the said Schedule.
6. The Board may, on application, give special written authority to purchase or sell milk at prices other than those prescribed by this Order.

## Dairy Industry

[Subsidiary]

## SCHEDULE

## PART I

<i>Column 1</i>	<i>Column 2</i>	
Categories of sales of milk	(A) Retailers (Fixed Maximum Prices)	(B) Purchasers of milk in bulk
Unhomogenised milk in bulk.	—	Sh. 2/25 per litre.
Homogenised milk in bulk.	—	Sh. 2/35 per litre.
Unhomogenised milk in containers containing a half litre (blue tetrapak, polythene pack and bottle).	Sh. 21/60 per crate of 18 packs or KSh. 1/20 per pack.	—
Homogenised milk in containers containing a half litre (green tetrapak, polythene pack and bottle).	Sh. 22/50 per crate of 18 packs or KSh. 1/25 per pack.	—
Unhomogenised milk in containers containing one litre (blue tetrapak, polythene pack and bottle).	Sh. 41/40 per crate of 18 packs or KSh. 2/30 per pack.	—
Homogenised milk in containers containing one litre (green tetrapak, polythene pack and bottle).	Sh. 43/20 per crate of 18 packs or KSh. 2/40 per pack.	—
Milk in containers containing 2 decilitres (tetrapak, polythene pack and bottle).	Sh. 10/80 per crate of 18 packs or cents 60 per pack.	—
Unhomogenised milk in bottles containing one pint.	Sh. 25/00 per crate of 20,1 pint bottles.	—

## PART II

<i>Column 1</i>	<i>Column 2</i>
Categories of sales of milk	Maximum prices to be paid to retailers
Unhomogenised milk in containers containing a half litre (green tetrapak, polythene pack and bottle).	Sh. 1/25 per pack collected or Sh. 1/30 per pack delivered to premises of consumer.
Homogenised milk in containers containing a half a litre (green tetrapak, polythene pack and bottle).	Sh. 1/30 per pack collected or Sh. 1/35 per pack delivered to premises of consumer
Unhomogenised milk in containers containing one litre (blue tetrapak, polythene pack and bottle).	Sh. 2/40 per pack collected or Sh. 2/50 per pack delivered to premises of consumer.
Homogenised milk in containers containing one litre (blue tetrapak, polythene pack and bottle).	Sh. 2/50 per pack collected or Sh. 2/60 per pack delivered to premises of consumer.
Milk in containers containing 2 decilitres (tetrapak, polythene pack and bottle).	Cents 65 per pack collected or delivered.
Unhomogenised in bottles containing one pint.	Sh. 1/30 per bottle collected or Sh. 1/35 per bottle delivered to premises of consumer.

**DAIRY INDUSTRY (PRICES OF DAIRY PRODUCE) (KISUMU) ORDER**

[L.N. 62/1971, L.N. 131/1971, Corr. No., L.N. 81/1972.]

1. This Order may be cited as the Dairy Industry (Prices of Dairy Produce) (Kisumu) Order.

2. In this Order—

“**bottle**” means a glass or plastic bottle capable of holding either one litre, one-half-litre or two decilitres of milk;

“**collected**” means collected by the consumer from the premises (other than a vehicle utilized for distribution or sale of milk) of the retailer;

“**delivered**” means milk delivered to the premises of the retailer or to the premises of the consumer by the retailer;

“**milk in bulk**” means milk in containers containing fifty litres or multiples thereof or bulk in one litre packs;

“**polythene pack**” means a sealed polythene pack capable of holding either one litre, one-half litre or two decilitres of milk;

“**purchasers of milk in bulk**” means a public corporation, company, Government or municipal institution including, without prejudice to the generality of the foregoing, hospitals, schools or bodies of persons who purchase milk in bulk for consumption on their premises or for further processing in pursuance of a licence issued by the Kenya Dairy Board;

“**special quality milk**” means milk which contains not less than 4.25 percent butter fat.

“**tetra pak**” means a sealed pack of tetra pak design capable of holding either one litre, one-half litre or two decilitres of milk;

3. The Dairy Industry (Prices of Dairy Produce) Regulations (hereinafter referred to as the Regulations) shall apply to the Municipality of Kisumu.

4. For the purpose of regulation 3 of the Regulations the respective prices to be paid by retailers and purchasers of milk in bulk for the categories of milk specified in Column 1 of Part I of the Schedule hereto shall be—

- (a) in the case of retailers the respective prices specified in subcolumn (A) of Column 2 of Part I;
- (b) in the case of purchasers of milk in bulk not more than the respective maximum prices specified in subcolumn (B) of Column 2 of Part I.

5. For the purpose of regulation 4 of the Regulations, the respective prices to be paid to retailers for the categories of milk specified in Column 1 of Part II of the Schedule to this Order shall be not more than the respective maximum prices specified in Column 2 of Part II of that Schedule.

6. The Board may, on application, give special written authority to purchase or sell milk at prices other than those prescribed by this Order.

## Dairy Industry

[Subsidiary]

## SCHEDULE

## PART I

<i>Column 1</i>	<i>Column 2</i>	
Categories of sales of milk	(A) Retailers (Fixed Maximum Prices)	(B) Purchasers of milk in bulk
Unhomogenized milk in bulk.	—	Sh. 1/25 per litre.
Homogenized milk in bulk.	—	Sh. 1/35 per litre.
Unhomogenized milk in containers containing a half litre (blue tetrapak, polythene pack and bottle).	Sh. 12/60 per crate of 18 packs or 70 cents per pack.	—
Homogenized milk in containers containing a half litre (green tetrapak, polythene pack and bottle).	Sh. 13/50 per crate of 18 packs or 75 cents per pack.	—
U.H.T. milk in containers containing a half litre.	Sh. 16/20 per crate of 18 packs or Sh. 35 per cardboard carton of 36 packs.	—
Unhomogenized milk in containers containing one litre (blue tetrapak, polythene pack and bottle).	Sh. 23/10 per crate of 18 packs or Sh. 1/30 per pack.	—
Homogenized milk in containers containing one litre (green tetrapak, polythene pack and bottle).	Sh. 25/20 per crate of 18 packs or Sh. 1/40 per pack.	—
Special quality milk in containers containing one litre (tetrapak, polythene pack and bottle).	Sh. 27/90 per crate of 18 packs or Sh. 1/55 per pack.	—
Milk in containers containing 2 decilitres (tetrapak, polythene pack and bottle).	Sh. 6/12 per crate of 18 packs or 34 cents per pack.	—
Unhomogenized milk in bottles containing one pint.	Sh. 15 per crate of 20,1 pint bottle.	—

## PART II

<i>Column 1</i>	<i>Column 2</i>
Categories of sales of milk	Maximum prices to be paid to retailers per pack
Unhomogenized milk in containers containing a half litre (blue tetrapak, polythene pack and bottle).	Cents 75 per pack collected or cents 80 per pack delivered to premises of consumer.
Homogenized milk in containers containing a half litre (green tetrapak, polythene pack and bottle).	Cents 80 per pack collected or cents 85 per pack delivered to premises of consumer.
U.H.T. milk in containers containing a half litre.	Sh. 1 per pack collected or delivered.
Unhomogenized milk in containers containing one litre (blue tetrapak, polythene pack and bottle).	Sh. 1/40 per pack collected or Sh. 1/45 per pack delivered to premises of consumer.
Homogenized milk in containers containing one litre (green tetrapak, polythene pack and bottle).	Sh. 1/50 per pack collected or Sh. 1/55 per pack delivered to premises of consumer.

*Dairy Industry*

[Subsidiary]

SCHEDULE—*continued*

<i>Column 1</i>	<i>Column 2</i>
<i>Categories of sales of milk</i>	<i>Maximum prices to be paid to retailers per pack</i>
Special quality milk in containers containing one litre (tetrapak, polythene pack and bottle).	Sh. 1/65 per pack collected or Sh. 1/70 per pack delivered to premises of consumer.
Milk in containers containing 2 decilitres (tetrapak, polythene pack and bottle).	Cents 35 per pack collected or delivered.
Unhomogenized milk in bottles containing 1 pint.	Cents 80 per bottle collected or cents 85 per bottle delivered to premises of consumer.



**DAIRY INDUSTRY (MILK) REGULATIONS**

[L.N. 127/1970, L.N. 81/1971.]

1. These Regulations may be cited as the Dairy Industry (Milk) Regulations.
  2. These Regulations shall apply to all Scheduled Areas.
  3. No person shall sell for any purpose whatsoever milk which contains less than 3.3 percent butter fat and 8.5 per cent solids not fat.
  4. A person who sells milk of a lower standard than that specified by these Regulations shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both.
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**DAIRY INDUSTRY (IMPORTS) REGULATIONS**

[L.N. 190/1964, L.N. 155/1995, L.N. 11/1996, L.N. 285/1996, Corr. No. 62/1996.]

1. These Regulations may be cited as the Dairy Industry (Imports) Regulations.
2. In these Regulations “**prescribed**” means prescribed in an order made by the Board and published in the *Gazette*.
3. An importer of prescribed dairy produce shall, within seven days of a written notice to that effect issued by or under the authority of the Board, deliver to the Board a statement in writing giving such information and particulars in relation to any prescribed dairy produce as may be required by the notice, and in particular, without prejudice to the generality of the foregoing, information and particulars in relation to—
  - (a) the quantities of prescribed dairy produce held in stock by the importer or imported during the six months previous to the notice, stating whether they are held in bond or otherwise, and the date or dates of import;
  - (b) the quantities of prescribed dairy produce for which import orders have been placed by the importer, the anticipated date or dates of arrival in Kenya and the respective quantities thereof and the source of supply;
  - (c) the intended destination of prescribed dairy produce imported by the importer and the names and addresses of the intended distributors, wholesalers or retailers thereof.
4. (1) The Board may, by order in writing, direct an importer of prescribed dairy produce as to the quantities thereof which the importer may release for distribution, sale or otherwise, over any stated period or periods and in relation to such area or areas of distribution or intended distribution as may be specified by the Board, and to deliver to the Board full particulars of all such releases as may be made by the importer.

(2) No person shall import any quantity of milk or prescribed dairy produce during a period of twelve months with effect from 5th January, 1996.

(3) Notwithstanding the provisions of subregulation (2), any person may import—

  - (a) finished products in terms of infant nutritional formulae; and
  - (b) white or creamy pure spray-dried instant full cream milk powder and medium-to-high heat treated white pure instant skimmed milk powder,subject to the following conditions—
  - (i) the products conform to the World Health Organisation standards;
  - (ii) in the case of (b) above, the products are imported by industrial users in packages of not less than twenty-five (25) kilogrammes for use in the preparation of the specialised infant nutrition formulae; and
  - (iii) in both cases the amounts imported correspond to the monthly requirements of the importer.

[L.N. 155/1995, L.N. 11/1996, L.N. 285/1996.]
5. A person who has, or has had in his possession or under his control prescribed dairy produce shall disclose to any inspector of the Board or any other person authorised in that behalf by the Board, the source or sources of supply thereof and the date or dates of delivery and shall make that disclosure, if so required, in writing and signed by the person making it.
6. A person who—
  - (a) fails to comply with a notice issued under regulation 3; or

*Dairy Industry*

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**[Subsidiary]**

- (b) supplies any information or particulars required to be made or disclosed under these Regulations which is or are in any respect incorrect or inaccurate or misleading; or
  - (c) fails to comply with any direction issued by the Board under regulation 4,
- shall be guilty of an offence and shall be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both.
-

**DAIRY PRODUCE PRESCRIBED UNDER REGULATION 2**

[L.N. 290/1964, L.N. 371/1964, L.N. 61/1966, L.N. 301/1966, L.N. 315/1966.]

Sweetened skimmed condensed milk

Dried full cream milk powder

Condensed full cream milk sweetened

Evaporated milk

Cheese, including processed cheese

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**DAIRY INDUSTRY (CARRIAGE OF MILK) REGULATIONS**

[L.N. 286/1964.]

1. These Regulations may be cited as the Dairy Industry (Carriage of Milk) Regulations.
2. In these Regulations, except where the context otherwise requires—
  - “carry” in relation to milk includes—
    - (a) convey by hand or by any other means;
    - (b) drive or be in charge of any vehicle, bicycle or animal on or in which there is milk; and
    - (c) stock, store or in any other manner have or hold milk on any premises or in any container, and the word
  - “carriage” shall be construed accordingly;
  - “milk” includes skimmed milk and milk adulterated by the addition thereto of water or any substance;
  - “prescribed” means prescribed by the Board by notice in the *Gazette*;
  - “prescribed area” means an area prescribed by the Board by notice in the *Gazette*.
3. (1) Save as hereinafter specifically provided, no person shall carry milk or permit any milk to be carried in a prescribed area except under the authority of, and in accordance with a permit issued by the Board or by some person authorised in writing by the Board in that behalf, whether that person is named or is specified by reference to his office or to his duties or functions.
  - (2) The provisions of paragraph (1) shall not apply to—
    - (a) the carriage of milk in such quantities as may be prescribed for that purpose;
    - (b) the carriage of milk in a prescribed pack;
    - (c) the carriage of milk which has been obtained from a prescribed source; or
    - (d) the carriage of milk by a prescribed person or class of persons on terms or conditions which may be prescribed.
4. A person carrying milk under the authority of a permit granted under these Regulations shall carry or exhibit the permit with the milk to which it relates and shall produce it on request to an inspector appointed under the Dairy Industry (Inspectors) Regulations.
5. (1) An application for a permit and a permit issued under regulation 3(1) shall be in prescribed forms.
  - (2) A permit may be issued for such period and subject to such terms, conditions and restrictions as may be determined by the person issuing it, and may be cancelled or varied by the Board, or by any person authorised in writing by the Board in that behalf.
6. A person who contravenes any of the provisions of these Regulations and a person who knowingly aids or abets any contravention of these Regulations shall be guilty of an offence and shall be liable to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding one year or to both.



Order under regulations 2, 3 and 4

**DAIRY INDUSTRY (CARRIAGE OF MILK) ORDER**

[L.N. 366/1964, L.N. 65/1965, L.N. 236/1966, L.N. 237/1966.]

1. This Order may be cited as the Dairy Industry (Carriage of Milk) Order.
2. An application for a permit shall be in Form 1 in the Schedule to this Order and every permit shall be in Form 2 in that Schedule, with such variations as may be required to meet individual circumstances.
3. For the purposes of regulation 3(2) of the Regulations no permit shall be required for the carriage of milk—
  - (a) by Kenya Co-operative Creameries Ltd., in its own vehicles or in vehicles under its control; or
  - (b) contained in a tetrapak or other prepacked heat-sealed container; or
  - (c) obtained by a person for his own consumption from a dairy licensed under the Dairy Industry (Licensing of Retailers) Regulations, or from a shop licensed by a local authority to sell milk.

SECOND SCHEDULE

**FORM 1**

APPLICATION FOR A PERMIT

I/We apply for a permit to carry milk in (prescribed area) .....

as follows—

1. Milk for which a permit is sought will be obtained by me/us from (state source(s) of supply) .....  
 ..... and in the following respective daily quantities .....  
 and will be transported only in the following vehicle(s) .....  
 ..... during the hours of ..... in each day .....  
 and will be held by me/us at (describe premises) .....  
 ..... for wholesale/retail sale to .....  
 and will be delivered to .....
2. My/Our reasons for this application are as follows (state full particulars) .....

Signature

If this application is made on behalf of a limited company, partnership or registered business, full particulars must accompany this application.

Dairy Industry

[Subsidiary]

SECOND SCHEDULE—continued

FORM 2

PERMIT

- (Name of Permit Holder .....  
is authorised to carry milk in (prescribed area) .....
- (a) obtained from (source(s) of supply) .....
- (b) on vehicle(s) registration number(s) .....
- (c) along the following route(s) .....  
between the hours of .....
- (d) at (premises) .....
- (e) for delivery to .....  
between the hours of .....
- (f) for wholesale/retail sale .....
- (g) .....

Special Conditions

This permit is liable to cancellation forthwith upon the breach of the terms hereof or of the Dairy Industry (Carriage of Milk) Regulations.

This permit is valid for the period commencing .....  
..... and terminating .....  
/until terminated by notice in writing. Upon termination this permit must be surrendered to the person issuing the same.

Dated ..... Issued by .....

Officer .....

Note.—This permit must be completed in triplicate.  
The TOP copy must be delivered to the holder of the permit.  
The SECOND copy must be delivered to the Kenya Dairy Board.  
The THIRD copy shall be retained by the person issuing the same.

THIRD SCHEDULE

[L.N. 236/1966]

Deleted by L.N. 236/1966, Third Sch.



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**AREAS PRESCRIBED UNDER REGULATION 2**

1. The area comprised within the former boundaries of the City of Nairobi as defined in the Municipalities Act (now repealed).
  2. The area comprised within the former boundaries of the Municipality of Mombasa as defined in the Municipalities Act (now repealed).
  3. The areas comprised within the former boundaries of the undermentioned municipalities being areas declared to be municipalities under the Municipalities Act (now repealed)—  
Eldoret, Kisumu, Kitale, Nakuru.
  4. The areas within the boundaries of the following townships declared to be townships under the Townships Act (Cap. No. 133 of 1948 now repealed)—  
Gilgil, Kericho, Naivasha, Nyeri, Nanyuki, Thika, Kiambu and Machakos.
  5. The areas of jurisdiction of the former Kericho Urban Council, the former Buret Area Council (Location 8 and Buret Island) and the former Lumbwa Area Council (area of Saosa, Karenga and Chagaik).
  6. Nairobi Area.
  7. The area within the boundaries of the former township of Nyahururu.
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**REGIONS INTO WHICH KENYA HAS BEEN DIVIDED UNDER SECTION 21(1)**

[L.N. 405/1959.]

Kenya has been divided, for the purpose of subsection (1) of section 21 of the Act, into the regions specified in the first column hereunder, which regions consist of the Agricultural Committee areas established under section 31 of the Agriculture Act respectively specified in the second column hereunder, which areas are deemed to include such townships and municipalities as fall within them.

<i>FIRST COLUMN</i>	<i>SECOND COLUMN</i>	<i>THIRD COLUMN</i>
<i>Number</i>	<i>Regions</i>	<i>Agricultural Committee Areas</i>
1.	Nairobi	Nairobi, Thika, Machakos.
2.	Mount Kenya	Mount Kenya.
3.	Nyahururu	Laikipia.
4.	Nakuru	Nakuru.
5.	Naivasha	Naivasha.
6.	Eldoret	Uasin Gishu.
7.	Kitale	Trans Nzoia.
8.	Western	Kericho, Sotik, Lumbwa/ Songhor, Kibos/Chemelil, Nandi Hills.
9.	Coast	Voi.



**DAIRY IND STRY (RETURNS, REPORTS AND ESTIMA ) (DISTRIBUTORS)  
ORDER**

[L.N. 428/1960.]

1. This Order may be cited as the Dairy Industry (Returns, Reports and Estimates) Distributors) Order.

2. Every distributor and retailer of milk and other dairy produce in relation to whom and to whose area of distribution or retail, as the case may be, the Act has come into operation shall, when required by the Board in writing, not later than the seventh day of each month, complete and submit to the Board returns in such form as the Board may from time to time require showing the names and addresses of all supplier from whom they received milk or other dairy produce during the previous month, together with the details of the quantities so supplied by each supplier and such other particulars as the Board may require from time to time.

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**DAIRY INDUSTRY (SALES BY PRODUCERS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

*Regulation*

1. Short title and citation.
2. Producer to hold a valid licence.
3. Application for licence.
4. Form of a licence.
5. Fees.
6. Term of licence.
7. Interests of producers and customers to be considered.
8. Conditions of licence.
9. Refusal to grant or renew licence.
10. Penalty.
11. Revocation.

SCHEDULES

- FIRST SCHEDULE – LIST OF FEES PAYABLE UNDER THESE REGULATIONS
- SECOND SCHEDULE – FORMS
-

[Subsidiary]

**DAIRY INDUSTRY (SALES BY PRODUCERS) REGULATIONS**

[L.N. 102/2004, L.N. 86/2006, L.N. 120/2007.]

**1. Short title and citation**

These Regulations may be cited as the Dairy Industry (Sales by Producers) Regulations, 2004.

**2. Producer to hold a valid licence**

(1) No person shall operate as a producer unless the person holds a licence issued by the Board.

(2) Paragraph (1) does not apply to a dairy farmer unless the dairy farmer also processes, manufactures, prepares or treats dairy produce for sale.

**3. Application for licence**

An application for a licence shall be in Form 1 in the Second Schedule.

**4. Form of a licence**

(1) The following licences may be issued pursuant to an application made under regulation 3—

- (a) Primary producer's licence;
- (b) Processor's licence which shall authorize the processor to—
  - (i) process milk; and
  - (ii) operate a mini dairy and cottage industry;
- (c) Milk bar licence; and
- (d) Cooling plant licence.

(2) A licence issued by the Board under this regulation shall be as prescribed in Form 2 in the Second Schedule.

[L.N. 86/2006, s. 1, L.N. 120/2007, s. 2.]

**5. Fees**

The fees set out in the First Schedule are prescribed as fees to be paid to the Board.

**6. Term of licence**

A licence issued under these Regulations shall be valid for a period of twenty four months from the date of issue.

[L.N. 120/2007, s. 3.]

**7. Interests of producers and customers to be considered**

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

**8. Conditions of licence**

The Board can—

- (a) modify or vary the licence from time to time upon giving thirty (30) day's notice in writing to the licensee;
- (b) cancel the licence if satisfied that there has been any material error or omission in the facts stated in the application;



[Subsidiary]

- (c) cancel the licence if the licensee is in default in the payment of cess or any other sum due to the Board or arising from any contractual arrangements with producers or their agents;
- (d) cancel the licence if the licensee contravenes these regulations.

### 9. Refusal to grant or renew licence

The Board may refuse to issue a new licence or may suspend or cancel an existing licence if the Board is satisfied that—

- (a) the producer's standards of performance are unsatisfactory;
- (b) the issue is not, or the suspension or cancellation, is in the interest of other producers and of consumers;
- (c) the conditions of a licence have not been fulfilled;
- (d) the applicant or licensee has failed to remit, within the prescribed period, any cess due by the applicant or licensee to the Board; or
- (e) the applicant or licensee has not paid dairy farmers for milk delivered to the applicant or licensee.

### 10. Penalty

A person who contravenes regulation 2 (1) is guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding one year or to both.

### 11. Revocation

The following are revoked—

- (a) the Dairy Industry (Sales by Producers) Regulations, (L.N. 259/1961; L.N. 210/1965);
- (b) the Dairy Industry (Sales by Producers) Order, (L.N. 285/1961).

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## SCHEDULES

### FIRST SCHEDULE

[Section 39, Regulation 5, L.N. 120/2007, s. 4.]

#### LIST OF FEES PAYABLE UNDER THESE REGULATIONS

<i>Item</i>	<i>KSh.</i>
1. Application for licence .....	100
2. Primary producer licence fee .....	500
3. Processor licence fee .....	25,000
4. Deleted by L.N. 120 of 2007, s. 4(c)	
5. Deleted by L.N. 120 of 2007, s. 4(c)	
6. Milk bar licence fee .....	2,500
7. Deleted by L.N. 86/2006	
8. Deleted by L.N. 86/2006	

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*Dairy Industry*

[Subsidiary]

SECOND SCHEDULE

FORM 1

(Regulation 3)

[L.N 102/2004.]

KENYA DAIRY BOARD

APPLICATION FOR LICENCE TO PRODUCE/PROCESS/SELL/DISPOSE OF DAIRY PRODUCE

P.O. Box 30406-00100 GPO TEL: 310559/335057 Fax: 244064  
E-mail: info@kdb.co.ke

Serial No.: .....

To:

The Chief Executive  
Kenya Dairy Board  
P.O. Box 30406-00100 GPO  
Nairobi

Dear Sir/Madam,

I (Name) .....

Address ..... Tel. No. ....

E-mail ..... Fax ..... hereby apply for ..... licence to produce/process/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) of the said schedule within the area specified in column (3) on the said schedule for the period specified in column (4) on the said schedule.

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<i>Nature of Dairy Produce</i>	<i>Quantity Per Day</i>	<i>For sale to whom (and whether Wholesale or Retail)</i>	<i>Area</i>	<i>Period</i>

Full name of business ..... Location of Business .....

Address ..... Tel. .... Fax ..... E-mail .....

Date ..... Signature and Stamp.....

(If signature is on behalf of a Limited Company, Estate or Partnership, this must be stated.)

FOR OFFICIAL USE ONLY

1. Kenya Dairy Board Inspector's Remarks .....

Name ..... Signature and Stamp.....

SECOND SCHEDULE—continued

2. Officer in charge's remarks:

.....  
.....

.....  
*Signature & Stamp*

3. Kenya Dairy Board Management Licensing Committee  
Recommended/Deferred/Rejected

.....

.....  
*Signature*

FORM 2

KENYA DAIRY BOARD

LICENCE TO PRODUCE/PROCESS/SELL/DISPOSE OF DAIRY PRODUCE

Licence No. ....

Category .....

Name .....

Postal Address ..... Physical Address .....

Telephone No. .... E-mail .....

Is hereby licensed to produce/process/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 of the said schedule within the area specified in column 3 of the said schedule for the period(s) specified in column 4 of the said schedule 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 (30) days' previous notice in writing.
2. This licence is subject to immediate cancellation if the Board is satisfied that there has been any material error or omission in the facts stated in the application.
3. This licence is subject to immediate cancellation if the licensee is in default in the payment of any cess or other sums due to the Board or arising from any contractual arrangements with producers or their agents.
4. This licence is liable to immediate cancellation if the licensee contravenes any of the conditions of the licence or otherwise acts in contravention of the Dairy Industry (Sales by Producers) Regulations, 2004.

COLUMN 1		COLUMN 2	COLUMN 3	COLUMN 4
<i>Nature of Dairy Produce</i>	<i>Quantity Per Day</i>	<i>For sale to whom (and whether Wholesale or Retail)</i>	<i>Area</i>	<i>Period</i>

*Dairy Industry*

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[Subsidiary]

SECOND SCHEDULE—*continued*

By Order of the Kenya Dairy Board.

Expiry Date .....

.....  
*for Kenya Dairy Board*

Date of Issue .....

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**DAIRY INDUSTRY (IMPOSITION OF CESS AND LEVY) REGULATIONS**

ARRANGEMENT OF REGULATIONS

*Regulation*

1. Short title.
  2. Payment of cess.
  3. Remittance of cess.
  4. Payment of levy.
  - 4A Payment of processor's levy
  5. Failure to pay or remit cess or levy.
  6. Monthly returns.
  7. Cess and levy to be recovered as a civil debt.
  8. Revocation.
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[Subsidiary]

## DAIRY INDUSTRY (IMPOSITION OF CESS AND LEVY) REGULATIONS

[L.N. 111/2004, L.N. 113/2010.]

### 1. Short title

These Regulations may be cited as the Dairy Industry (Imposition of Cess and Levy) Regulations, 2004.

### 2. Payment of cess

(1) A dairy farmer, who produces milk for sale or converts milk to any other dairy produce for sale, shall pay cess on the milk sold or converted at the rate of twenty cents per litre.

(2) A dairy farmer, shall pay cess, in accordance with subregulation (1)—

- (a) to the Board through the producer, if the dairy farmer sells the milk of other dairy produce to a producer; and
- (b) directly to the Board, if the dairy farmer sells the milk or other dairy produce to a person other than a producer.

(3) A producer described in paragraph (2)(a) shall collect the cess and remit it to the Board.

### 3. Remittance of cess

A person who is required under these regulations to pay or remit cess to the Board, shall do so on a monthly basis and in each case within a period of ten days after the last day of the month during which the milk or dairy produce in respect of which the cess is payable was sold or purchased.

### 4. Payment of levy

A person who imports milk or any other dairy produce shall pay to the Board a levy of seven *per centum* of gross cost, insurance and freight (landed value) of the milk or dairy produce at the port of entry prior to the release of the milk or dairy produce.

#### 4A. Payment of Processor's Levy

(1) A producer shall pay to the Board a processor's levy of twenty cents per kilogram of milk processed.

(2) A producer shall remit the processor's levy on a monthly basis within a period of ten days after the last day of the month during which the milk in respect of which the levy is payable, was processed.

[L.N. 113/2010.]

### 5. Failure to pay or remit cess or levy

(1) A person who fails to pay or remit the cess to the Board as provided under regulation 3 shall, in addition to the cess, be liable to pay interest of twelve percent for the first or part of the month in which the cess remains unpaid and six percent compound interest for each subsequent month or part of a month in which the cess remains unpaid.

(2) A person who fails to pay the levy to the board prior to the release of the imported milk or dairy produce as provided under regulation 4 shall, in addition to the levy, be liable to pay interest of twenty-five percent for the first month or part of a month in which the levy remains unpaid and twelve percent compound interest for each subsequent month or part of a month in which the levy remains unpaid.

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(3) The interest rates set out in subregulations (1) and (2) are monthly interest rates and not annual interest rates.

(3A) A person who fails to pay or remit the processor's levy as provided for under regulation 4A shall in addition to the processor's levy be liable to pay an interest of twelve per cent of the amount owing for each month the levy remains unpaid.

[L.N. 113/2010.]

**6. Monthly returns**

The Board may require monthly returns, reports and estimates indicating the quantities of milk sold or quantities of milk converted to any other dairy produce and sold.

**7. Cess and levy to be recovered as a civil debt**

The cess and levy that is due to the Board shall be a civil debt due from the person on whom it is imposed.

**8. Revocation**

The following are revoked—

- (a) the Dairy Industry (Imposition of Cess) Regulations (L.N. 41/2000);
  - (b) the Dairy Industry (Cess) Non-Scheduled Areas Regulations (L.N. 390/1960).
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**DAIRY INDUSTRY (IMPORTS AND EXPORTS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

*Regulation*

1. Citation.
2. Permit required for import and export.
3. Application for a permit.
4. Form of permit.
5. Fees.
6. Conditions for issuance of permit.
7. Clearance certificate.
8. Statement of particulars of dairy produce.
9. Disclosure to inspector.
10. Penalty.

FIRST SCHEDULE – FEES PAYABLE UNDER THESE REGULATIONS

SECOND SCHEDULE – APPLICATION TO IMPORT MILK AND MILK PRODUCTS

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[Subsidiary]

**DAIRY INDUSTRY (IMPORTS AND EXPORTS) REGULATIONS, 2004**

[L.N. 103/2004.]

**1. Citation**

These Regulations may be cited as the Dairy Industry (Imports and Exports) Regulations, 2004.

**2. Permit required for import and export**

(1) No person shall import or export dairy produce without a permit issued by the Board.

(2) A permit shall be required for each consignment imported or exported.

**3. Application for a permit**

(1) An application for the issue of an import permit shall be in form 1 in the Second Schedule.

(2) An application for the issue of an export permit shall be in form 2 in the Second Schedule.

(3) The applicant shall give to the Board such information and particulars as the Board may require.

**4. Form of permit**

(1) An import permit shall be in form 3 in the Second Schedule.

(2) An export permit shall be in form 4 in the Second Schedule.

**5. Fees**

The fees set out in the First Schedule are prescribed as fees to be paid to the Board.

**6. Conditions for issuance of permit**

(1) The Board shall, before issuing the permit, take into account the interests of other producers and consumers.

(2) An import permit shall not be issued unless the applicant obtains a no objection certificate from the veterinary department (which is the final authority on animal diseases) before a permit is issued.

(3) An export permit shall not be issued unless the applicant obtains a veterinary approval that the milk to be exported is fit and that it meets the health requirements of the importing country.

**7. Clearance certificate**

An importer, having met all the necessary requirements, shall be issued with a clearance certificate by the Board, in form 5 in the Second Schedule, at the port of entry or port of discharge.

**8. Statement of particulars of dairy produce**

Any person who imports dairy produce shall, within seven days of a written notice issued by or under the authority of the Board, deliver to the Board a statement in writing giving such information and particulars in relation to any dairy produce as may be required

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by the notice, and in particular and without prejudice to the generality of the foregoing, give information and particulars in relation to—

- (a) the quantities of imported dairy produce held in stock previous to the notice or any other period as may be required by the Board, stating whether the dairy produce is held in bond or otherwise, and the date or dates of such importation;
- (b) the quantities of the daily produce for which import orders have been placed, the anticipated date or dates of arrival in Kenya and the source of supply;
- (c) the intended destination of imported dairy produce and the names and addresses of the intended distributors, wholesalers or retailers thereof.

**9. Disclosure to inspector**

A person suspected to have imported dairy produce may be required to disclose to an inspector of the Board or any other authorized person, the source or sources of supply of the dairy produce and the date or dates of delivery and shall make that disclosure, if so required, in writing.

**10. Penalty**

Any person who—

- (a) contravenes regulation 3;
- (b) fails to comply with a notice issued under regulation 9;
- (c) supplies any information or particulars required to be made or disclosed under these regulations which is or are in any respect incorrect, inaccurate or misleading; or
- (d) fails to comply with any requirement of an inspector of the Board or any other person authorized by the Board under regulation 10;

is guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both.

FIRST SCHEDULE

FEEs PAYABLE UNDER THESE REGULATIONS

<i>Item</i>	<i>KSH.</i>
1. Application fee .....	600
2. Fee for the issue of permit .....	1,000

**FORM 1**

SECOND SCHEDULE

KENYA DAIRY BOARD

APPLICATION TO IMPORT MILK AND MILK PRODUCTS

*(Note: This is not an authority to import milk and milk products. The Import Permit is obtainable from the Chief Executive, Kenya Dairy Board after this form has been approved and on production of Veterinary no. objection Certificate).*

<b>Part I:</b> To be completed by applicant	
Application No.:	Date:
Name of the Importer	PIN No.:

Dairy Industry

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SECOND SCHEDULE—continued

Address:		VAT No.:		
Tel. No.:		Business Location:		
E-mail:	Street/Road:		Town:	
Commodity: <i>(valid for one consignment only)</i>	Value (C.I.F.) KSH. <i>(in figures)</i>	Value: <i>(in words)</i>		
	Quantity- Kg.(in figures)	Quantity – Kg. (in words)		
Country of Origin*:	Destination:	Date of Manufacture:	Use by Date:	Route of Import:
Point of Entry:	Landing Date:	Storage Premises: L.R./Plot No.:	Town:	Street/Road: Warehouse No.:
Date of last import:	Quantity Kg.:		Value KSH. (C.I.F.):	
Purpose of importation: Commercial/Donation/Domestic/Other (specify) <i>(Tick where appropriate)</i>				
<b>Declaration:</b>				
I/We ..... the undersigned of ..... <i>(Company Name)</i> being the agent/principal of ..... <i>(importer)</i> do hereby declare that the information and particulars declared herein are true and complete and I/We accept to comply fully with the conditions and requirements provided by the Dairy Industry Act or any other law relating to imports of dairy produce.				
Date ..... Signature of Applicant .....				
Designation .....				
<i>Note— Part 1: to be completed by the applicant. Misleading information in Part 1 may lead to invalidation of the application and/or prosecution.</i>				
<b>Part II: Evaluation – For Official Use Only</b>				
for KENYA DAIRY BOARD				
I have examined the application				
I recommend /do not recommend				
1. ....				
2. ....				
3. ....				
Name .....				
Signed ..... Date .....				

This form is valid for **three months only**, for only one consignment from the date of approval.  
(Relevant Act: Caps. 364, 496, 336, 254, 242)

\*Country of origin – primary source of the produce.

SECOND SCHEDULE—continued

FORM 2

APPLICATION TO EXPORT MILK AND MILK PRODUCTS

Note— This is not authority to export milk and milk products. The Export permit is obtainable from the Chief Executive, Kenya Dairy Board after this form has been approved and on productive of a Veterinary no. objection Certificate).

<b>Part I:</b> To be completed by applicant				
Application No.:		Date:		
Name of the exporter:		PIN No.:		
Address:		VAT NO.:		
Tel. No.:		Business Location:		
E-mail:	Street/Road:		Town:	
Commodity: <i>(Valid for one consignment only)</i>	Value (C.I.F.) KSH. (in figures)		Value (in words)	
	Quantity –Kg. (in figures)		Quantity – Kg. (in words)	
Country of Origin*	Destination:	Date of Manufacture	Use by Date:	Route of Export:
Point of Exit:	Shipment Date:	Storage Premises: L.R./Plot No.:	Town:	Street/Road: Warehouse No.:
Date of last export:	Quantity-Kg.:		Value KSH. (C.I.F.):	
Purpose of Exportation: Commercial/Donation/Domestic/Other (specify) <i>(Tick where appropriate)</i>				
<b>Declaration:</b>				
I/We ..... the undersigned of ..... <i>(Company Name)</i> being the agent/principal of ..... <i>(Exporter)</i> do hereby declare that the information and particulars declared herein are true and complete and I/We accept to comply fully with the conditions and requirements provided by the Dairy Industry Act or any other law relating to exports of dairy produce.				
Date ..... Signature of Applicant .....				
Designation .....				
Note— Part 1: to be completed by the applicant. Misleading information in Part I may lead to invalidation of the application and/or prosecution.				
<b>Part II: Evaluation – For Official Use Only</b>				
<i>for KENYA DAIRY BOARD</i>				
I Have examined the application I recommend/do not recommend				
1. ....				
2. ....				
3. ....				
Name .....				
Signed ..... Date .....				

The form is valid for **three months only**, for only one consignment from the date of approval.  
(Relevant Act: Caps. 364,496,336,254,242).

\*Country of origin – primary source of the produce

Dairy Industry

[Subsidiary]

SCHEDULE—continued

FORM 3

THE DAIRY INDUSTRY (IMPORT/EXPORTS) REGULATIONS, 2004

IMPORT PERMIT FOR DAIRY PRODUCE

Import Permit No. ....

Attached Certificate of no objection No. ....

This Permit is granted under the provisions of the Dairy Industry (Imports/Exports) Regulations to:

Name .....

Address ..... Tel. ....

E-mail .....

To import the products listed below

No.	Product	Quantity (Kg./Litres)
1.		
2.		
3.		
4.		

As per application No. .... Dated ..... 20.....

Conditions:

.....  
.....  
.....  
.....

This permit shall expire on ..... 20.....

Fee paid KSH .....

Date of Issue ..... 20.....

For Kenya Dairy Board.

Not.— This import permit is subject to the regulations prescribed under the Dairy Industry (Imports/Exports) Regulations, 2004.

FORM 4

THE DAIRY INDUSTRY (IMPORT/EXPORTS) REGULATIONS, 2004

EXPORT PERMIT FOR DAIRY PRODUCE

Export Permit No. ....

This Permit is granted under the provisions of the Dairy Industry (Imports/Exports) Regulations to:

Name .....

Address ..... Tel. ....

E-mail .....

To export the products listed below

Dairy Industry

[Subsidiary]

SECOND SCHEDULE—continued

No.	Product	Quantity (Kg./Litres)
1.		
2.		
3.		
4.		

As per application No. .... Dated ..... 20 .....

Conditions:

.....  
.....  
.....

This permit shall expire on ..... 20 .....

Fee paid KSH .....

Date of Issue ..... 20 .....

For Kenya Dairy Board.

Note— This Export permit is subject to the regulations prescribed under the Dairy Industry (Import/Exports) Regulations, 2004.

FORM 5

KENYA DAIRY BOARD

THE DAIRY INDUSTRY (IMPORTS AND EXPORTS) REGULATIONS

CLEARANCE CERTIFICATE FOR IMPORTED DAIRY PRODUCE

This is to certify that the below named importer, having satisfied the conditions provided under the Dairy Industry (Import and Export) Regulations, 2004, is hereby cleared to release the dairy produce list below:

Name .....

Address ..... Tel. ....

E-mail .....

No.	Product	Quantity (Kg./Litres)
1.		
2.		
3.		
4.		

As per application No. .... Dated ..... 20 .....

Signature .....

Clearing Officer

Name .....

Designation .....

Official stamp .....





**DAIRY INDUSTRY (LICENSING OF RETAILERS) (REVOCATION)  
REGULATIONS, 2006**

[L.N. 85/2006.]

**1. Citation**

These Regulations may be cited as the Dairy Industry (Licensing of Retailers) (Revocation) Regulations, 2006.

**2. Sub-Leg**

The Dairy Industry (Licensing of Retailers) Regulations are revoked.

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