



LAWS OF KENYA

COTTON ACT

CHAPTER 335

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CHAPTER 335

COTTON ACT

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CHAPTER 335

COTTON ACT

[Date of Assent: 21st July, 1988.]

[Date of Commencement: Part I-Part IV, Part V sections 19-21, Part VI sections 23(a), 24, 25(1)(a) and (c), 26-31, Part VIII, Part IX sections 40-43, Part X sections 44(1)-(5), (7)-(10): 1st September, 1989; Part V section 22, Part VI section 23(1)(b), (2), Part VII sections 32(1)(a)-(d), (2)-(7), (33), Part VIII sections 35(1)(a)-(f), (2), (3), Part XI sections 44(6)(a)-(c): 1st January, 1992.]

An Act of Parliament to establish the Cotton Development Authority and to provide for the promotion and regulation of the cotton industry and for connected purposes

[Act No. 3 of 1988, L.N. 264/1989, L.N. 55/1992, Act No. 7 of 2006, Act No. 17 of 2006, Act No. 7 of 2007.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Cotton Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**application**” means an application for the first issue of a licence or for the renewal of or variation of a licence, as the case may be;

“**Authority**” means the Cotton Development Authority established by section 3;

“**Board**” means the Board of the Authority referred to in section 3A;

“**Chief Executive Officer**” means the chief executive officer of the Authority appointed under section 10(1);

“**co-operative society**” means a co-operative society registered or deemed to be registered under the Co-operative Societies Act (Cap. 490);

“**cotton lint**” means ginned cotton produced from raw cotton;

“**cotton seed**” means cotton seed (including planting seed) produced from raw cotton;

“**cotton zone**” *deleted by Act No. 7 of 2006, s. 3(d);;*

“**former Board**” means the Cotton Board of Kenya established under section 3 (now repealed) of the principal Act;

“**ginner**” means any person or company licensed under section 26;

“**infected area**” means an area, cotton ginnery or cotton factory declared to be an infected area under section 40(1);

“**inspector**” means a person appointed as an inspector in terms of section 34(1);

“levy” means a levy imposed under section 32(1);

“licence” *deleted by Act No. 17 of 2006, s. 53;*

“licence holder” *deleted by Act No. 17 of 2006, s. 53;*

“managing director” *deleted by Act No. 7 of 2006, s. 3(c);*

“planting seed” means seed for or intended for use for growing cotton;

“premises” includes any building or structure;

“raw cotton” includes unginned cotton and seed cotton;

“staff” means the managing director, secretary of the Board, officers and employees of the Authority.

[Act No. 7 of 2006, s. 3, Act No. 17 of 2006, s. 53.]

PART II – THE COTTON DEVELOPMENT AUTHORITY

[Act No. 7 of 2006, s. 4.]

3. Establishment of the Authority

(1) The Cotton Development Authority is hereby established as a body corporate.

(2) The Authority shall have all the powers necessary or expedient for the performance of its functions.

(3) Without limiting the generality of subsection (2), the Authority shall have perpetual succession and a common seal and shall be capable of—

- (a) suing and being sued in its corporate name; and
- (b) holding and alienating movable and immovable property.

[Act No. 7 of 2006, s. 5.]

3A. Board of the Authority

(1) The Board of the Authority, which shall be responsible for the overall direction and management of the affairs of the Authority, shall consist of—

- (a) seven members, elected by cotton growers from each of the following provinces—
 - (i) Coast Province;
 - (ii) Central Province;
 - (iii) Eastern Province;
 - (iv) Western Province;
 - (v) Nyanza Province;
 - (vi) Rift Valley Province;
 - (vii) North Eastern Province;
- (b) four members, appointed by the Minister after being nominated by the following—
 - (i) the Kenya Cotton Ginners Association;
 - (ii) the Kenya Cotton Growers Association;
- (c) the following *ex officio* members—
 - (i) the Permanent Secretary of the Ministry responsible for Agriculture;
 - (ii) the Permanent Secretary of the Ministry responsible for finance;

- (iii) the Permanent Secretary of the Ministry responsible for co-operative development;
- (iv) the Chief Executive Officer.

(2) Deleted by Act No. 7 of 2007, Sch.

(3) The chairman of the Board shall be elected by the members of the Board from among the members elected under subsection (1)(a) or appointed under subsection (1)(b).

(4) The vice-chairman of the Board shall be elected by the members of the Board from among the members elected under subsection (1)(a) or appointed under subsection (1)(b).

(5) Each member elected under subsection (1)(a) or appointed under (1)(b) shall hold office for a term of three years and is eligible for reappointment or re-election but shall not serve for more than two consecutive terms at any one time.

(6) A member elected under subsection (1)(a) or appointed under subsection (1)(b) may resign by notice in writing to the Minister.

(7) The Minister may, with the concurrence of the Board, remove a member elected under subsection (1)(a) or appointed under subsection (1)(b) if the member—

- (a) is absent from three consecutive meetings of the Board without reasonable cause;
- (b) is convicted of an offence and sentenced to imprisonment;
- (c) is incapacitated by prolonged physical or mental illness from performing his duties as a member;
- (d) conducts himself in a manner that the Minister, with the concurrence of the Board, consider inconsistent with his membership on the Board;
- (e) in the case of a member appointed under subsection (1)(b), if the member ceases to be a member of the organization that nominated him;
- (f) becomes unqualified under subsection (6);
- (g) is declared bankrupt.

(8) A person employed by the Authority, other than the Chief Executive Officer, is not qualified to be a member of the Board.

(9) If a member appointed under subsection (1)(b) ceases to be a member, the Minister shall request a new nomination from the organisation that nominated the member.

[Act No. 7 of 2006, s. 5; Act No. 7 of 2007, Sch.]

4. Proceedings of the Board

(1) Meetings of the Board shall be presided over by—

- (a) the chairman;
- (b) in the absence of the chairman, the vice chairman;

(c) in the absence of both the chairman and the vice chairman, a member of the Board elected by the members for that purpose.

(2) The quorum for the meetings of the Board shall be eight, not including the Chief Executive Officer:

Provided that there shall be no quorum unless at least one member each under paragraphs (a), (b) and (c) of section 3(3) is present.

(3) All questions at a meeting of the Board shall be determined by a majority of the votes of the members present and voting.

The Chief Executive Officer shall not have a vote.

(4) If there is equality of votes, the person presiding at a meeting of the Board shall have a casting as well as a deliberative vote.

(5) The Board shall meet at least four times in each year, but the chairman may, and on written application by three or more members shall, convene a special meeting of the Board at any time.

(6) Subject to this Act, and to any general or special directions the Minister may give in writing, the Board shall regulate its own procedure.

[Act No. 7 of 2006, s. 6.]

5. Functions of the Board

(1) The principal object of the Authority is to promote, co-ordinate, monitor, regulate and direct the cotton industry in Kenya.

(2) The functions of the Board include carrying on activities and doing things to further its principal object and without prejudice to those general functions, the particular functions of the Board are—

- (a) to plan, monitor and regulate cotton growing and cotton ginning;
- (b) to license and control ginners and other persons dealing with cotton;
- (c) to regulate and carry out quality control of raw cotton and cotton ginning;
- (d) to regulate the export or import of cotton lint or cotton seed;
- (e) to advise the Minister on the pricing of raw cotton;
- (f) to organize and supervise the multiplication and distribution of planting seed and to ensure good quality seed maintenance on the farms;
- (g) to carry out and promote research and development in cotton production and processing technology;
- (h) to provide training, either on payment or without charge, or co-ordinate training for any sector of the cotton industry; and
- (i) to render any service prescribed by regulations made under section 41(1)(s);
- (j) to advise the Government on all policy issues related to the cotton industry;
- (k) to advise the Government on national strategies for cotton production, processing, and or trade in cotton and cotton products;

- (l) to generally monitor cotton production and advise on strategies to achieve the optimum levels in the production, in both the quality and quantity, of cotton;
- (m) to ensure that the production, supply and distribution of planting seed complies with such regulations as may be made under this Act;
- (n) to set standards, and to enforce compliance with the standards, for the assessment and grading of seed cotton;
- (o) to determine standards for lint classification, enforce compliance with such standards and monitor compliance with the international lint standards;
- (p) to establish, and maintain an up-to-date database for the cotton industry in the country;
- (q) to collect, analyse and disseminate information and statistics on the area under cotton, yields, cotton production trends, and costs thereof, and the markets, both local and foreign, for cotton and cotton products;
- (r) to promote and give technical or financial support to education programmes, courses, seminars, workshops, visits, tours and agricultural shows in furtherance of the development of the cotton industry;
- (s) to promote and give financial, technical and other support to sector associations within the cotton industry;
- (t) to represent the cotton industry at national and international fora;
- (u) to collect data from every ginner to whom seed cotton is delivered for ginning.

(3) The Authority shall, if the Minister so directs, be the agent of the Government for all matters concerning international agreements made or to be made in relation to cotton.

(4) *Deleted by Act No. 7 of 2006, s. 7.*

(5) Notwithstanding any other provisions of this Act, the Authority may, during such period as may be determined by the Minister, own and operate the cotton ginneries which at the commencement of this Act are owned and operated by the former Board and for that purpose may purchase raw cotton and sell cotton lint and cotton seed and do all other things necessary for the effective operation of the ginneries.

[Act No. 7 of 2006, s. 7.]

6. Powers of the Board

(1) The Authority may do anything which a body corporate may lawfully do and perform or which is necessary or helpful to carry out its functions.

(2) In particular, but without prejudice to the general powers specified in subsection (1), and subject to this Act, the Board may—

- (a) enter into contracts, arrangements or guarantees which are, in the opinion of the Board, necessary or expedient for carrying out its functions;

- (b) acquire, buy, sell, dispose of, rent or hire, pledge or mortgage any movable or immovable property or interest therein;
- (c) subject to the prior approval of the Minister, in consultation with the Minister for the time being responsible for Finance, borrow money;
- (d) accept gifts and donations;
- (e) make such investments of money as are allowed by law for the investment of trust funds or as are approved by the Minister;
- (f) make such charges for its services under this Act as it thinks fit;
- (g) appoint and employ agents to perform any of its functions or exercise any of its powers;
- (h) appoint committees, whether of its own members or otherwise, to carry out general or particular functions as specified by the Board;
- (i) by resolution delegate to any member, officer or employee of the Board, or to a committee appointed under paragraph (h), the performance of any of its functions or the exercise of any of its powers, either generally or in any particular case;
- (j) do anything required under this or any other written law to be done by the Board; and
- (k) do anything incidental to any of its powers.

[Act No. 7 of 2006, s. 8.]

PART III – ADMINISTRATION OF THE BOARD

7. Disclosure of interest

(1) A member of the Board who is, or is likely to be, in any way directly or indirectly interested in a transaction or project of the Board shall, on the matter coming up before the Board for consideration, immediately declare and disclose the nature of his interest; and the disclosure shall be recorded in the minutes of the Board, and the member shall not take any part in any deliberation or decision of the Board with respect to the transaction or project.

(2) A member need not attend in person at a meeting of the Board in order to make any disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by notice which is brought up and read at the meeting.

8. Indemnity for members, etc.

No action shall lie against any member of the Board, officer or employee of the Authority or any other public officer for any act done or ordered to be done in good faith in pursuance of this Act.

[Act No. 7 of 2006, s. 9.]

9. Authentication of documents

(1) The common seal of the Authority shall be authenticated by the signature of the chairman or of another member authorized by the Board to do so, together with the signature of the Chief Executive Officer.

(2) The Board shall keep a register showing the use of its common seal.

(3) All documents made by the Board, other than those required by law to be under seal, shall be executed, and all decisions of the Board shall be signified, under the hand of the chairman or a member or agent of the Board authorized by the Board to do so.

(4) A document purporting to be executed in accordance with subsection (1) or (3) shall be received in evidence and is, in the absence of evidence to the contrary, deemed to be so executed without further proof.

[Act No. 7 of 2006, s. 10.]

10. Appointment of Chief Executive Officer, secretary, officers and employees of the Board

(1) The Board shall appoint a Chief Executive Officer of the Authority who shall be responsible for the effective operation of the day-to-day activities of the Authority.

(2) In the exercise of his functions under this Act, the Chief Executive Officer shall act in accordance with such directions as he may, from time to time, receive from the Board.

(3) The Board shall appoint a secretary of the Board who, in addition to any other duties conferred under this Act, shall be responsible for convening all meetings of the Board, the proper recording of its decisions and the communication of those decisions to those who are required to act on them.

(4) The Authority shall appoint or employ such other officers and employees as may be necessary for the purposes of or in connection with its functions under this Act, on such terms and conditions as the Board may determine.

(5) The secretary, other officers and employees shall be under the administrative control of the Chief Executive Officer.

(6) The Chief Executive Officer, secretary, other officers and employees shall hold office on such terms and conditions as the Board may determine.

(7) The Authority shall provide for the training, career development and discipline of its officers and employees.

[Act No. 7 of 2006, s. 11.]

11. Remuneration and expenses of members and staff of the Board

(1) There shall be paid to the members of the Board, other than a public officer who receives a salary as such, such remuneration, fees and allowances for expenses as the Minister may determine.

(2) The Authority shall pay to its officers and employees such remuneration from the funds of the Authority as the Board may determine.

(3) The Authority shall refund travelling and other expenses reasonably incurred by the members of the Board, the officers and employees of the Authority in each case in the performance of their duties under this Act.

(4) The Authority may establish and make contributions to pension, superannuation, provident or medical funds, in each case for the benefit of its officers or employees, whom it may require to contribute to those funds.

(5) The Authority may grant pensions, gratuities or retirement allowances to its officers or employees from the funds established under subsection (4).

[Act No. 7 of 2006, s. 12.]

PART IV – FUNDS OF THE AUTHORITY, ETC.

[Act No. 7 of 2006, s. 13.]

12. Funds and property of the Authority

(1) The funds and property of the Board shall consist of—

- (a) property, assets, powers, rights, obligations, interests, liabilities and contracts of the former Board vested in the Authority under section 44 (now repealed);
- (b) money paid to the Authority as levy, commission, export or import agency fees and fees charged for anything done by it under this Act;
- (c) money paid to the Authority as grants, subsidies, donations, loans, subscriptions, rent, repayments of principal, interest and royalties;
- (d) money derived from the sale of property held by or on behalf of the Authority;
- (e) sums due on any investment made by the Authority;
- (f) other money and property lawfully received by the Authority for the purposes of the Authority;
- (g) accumulations of income derived from any money or property of the Authority; and
- (h) such sums as may be provided by Parliament for the purpose.

(2) The Authority may from time to time apply its funds and property—

- (a) to the exercise and carrying out of any of its powers, duties, functions, responsibilities and operations under this Act;
- (b) to the cost of the administration of the Authority;
- (c) to the payment of the expenses of its members and of the salaries, gratuities, pensions and retiring allowances of its officers and employees;
- (d) to the remuneration of any agents and other persons employed by or assisting the Authority in the carrying out of its powers, duties, functions, responsibilities or operations under this Act; and
- (e) to the payment of interest in respect of any money borrowed under this Act.

[Act No. 7 of 2006, s. 14, Act No. 17 of 2006, s. 54.]

13. Bank account of the Authority

(1) All money belonging to the Authority shall, as soon as practicable after it has been paid to an officer authorized to receive money on behalf of the Authority, be paid into a bank account in the name of the Authority.

(2) No money shall be withdrawn from the bank account in the name of the Authority except on the signature of the Chief Executive Officer and any other officer authorized so to sign by and on behalf of the Authority.

[Act No. 7 of 2006, s. 15.]

14. Financial duty of the Authority in conduct of its operations

The Authority shall pursue a policy directed towards securing revenue sufficient to meet all its expenditure properly chargeable to revenue including, in particular, proper provision for the depreciation of assets and allocation under section 16(2) to the general reserve fund.

[Act No. 7 of 2006, s. 16.]

15. Estimates

For each financial year the Authority shall prepare and submit to the Minister not later than such date as the Minister may direct, estimates of the income and expenditure of the Authority, including its capital budget, for the coming financial year and for any longer period required by the Minister.

[Act No. 7 of 2006, s. 17.]

16. General reserve fund

(1) The Authority shall establish and maintain a general reserve fund.

(2) At the end of each financial year, the Authority shall, after consultation with the Minister, from its revenue make a proper allocation to the general reserve fund.

(3) The Authority may apply the proceeds from the general reserve fund to carry out any of its functions.

[Act No. 7 of 2006, s. 18.]

17. Accounts and audit

(1) The Board shall cause to be kept all proper books and records of account of its income, expenditure, assets and liabilities.

(2) Where funds have been received by the Authority for a specific purpose, the estimates and accounts of the Authority shall show the application of those funds.

(3) At the end of each financial year, the accounts of the Authority shall be audited by the Controller and Auditor General in accordance with the provisions of the Public Audit Act (No. 12 of 2003).

[Act No. 7 of 2006, s. 19.]

18. Annual report

(1) Within four months of the end of each financial year or such longer periods as the Minister may approve, the Authority shall submit to the Minister an annual report dealing with its operation during the year; and the Authority shall publish the annual report in such manner as the Minister may specify.

(2) The Minister shall, upon receipt of the annual report under this section, lay the report before the National Assembly within a period of fourteen days of the day the National Assembly next sits after such receipt.

[Act No. 7 of 2006, s. 20.]

PART V – PROVISIONS RELATING TO THE EXPORT, MARKETING AND PROCESSING OF COTTON

19. Restriction on export and sale of cotton

(1) Subject to this Act, no person shall—

- (a) sell raw cotton, cotton lint or cotton seed to any person unless such person has been licensed by the Authority in respect of the raw cotton, cotton lint and cotton seed to the extent and subject to the conditions considered necessary by the Authority;
- (b) purchase raw cotton from any grower other than a ginner licensed under this Act;
- (c) carry out the ginning of raw cotton unless he holds a ginner's licence granted under section 26.

(2) The Minister may from time to time, after consultation with the Board, fix prices at which purchasers of raw cotton may purchase the cotton.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

[Act No. 7 of 2006, s. 21.]

20. Deleted by Act No. 7 of 2006, s. 22.

21. Deleted by Act No. 7 of 2006, s. 23.

22. Purchase of cotton lint by the Authority, etc.

(1) Subject to this Act, the Authority may purchase cotton lint which has been produced and ginned in Kenya on terms agreed to between the sellers and the buyers from time to time and the cotton lint so purchased shall be delivered to the Authority in such manner as may be agreed.

(2) Any cotton lint and cotton seed sold by the Authority shall be by auction or by tender or by such other method as the Authority may consider fit in the interest of the industry.

(3) Proceeds from the disposal of cotton lint shall be applied in the following manner—

- (a) payment of such commission fees as the Authority may from time to time determine in accordance with this Act;
- (b) payment of such export levy as may be prescribed under this Act; and
- (c) payment for the cotton lint purchased by the Authority under subsection (1).

[Act No. 7 of 2006, s. 24.]

PART VI – LICENSING PROVISIONS

23. Deleted by Act No. 17 of 2006, s. 55.

24. Repealed by Act No. 17 of 2006, s. 56.

25. *Repealed by Act No. 17 of 2006, s. 57.*
26. *Repealed by Act No. 17 of 2006, s. 58.*
27. *Repealed by Act No. 17 of 2006, s. 59.*
28. *Repealed by Act No. 17 of 2006, s. 60.*
29. *Repealed by Act No. 17 of 2006, s. 61.*
30. *Repealed by Act No. 17 of 2006, s. 62.*
31. *Repealed by Act No. 17 of 2006, s. 63.*

PART VII – IMPOSITION OF LEVIES

32. Imposition of levies

(1) The Authority may, from time to time, with the approval of the Minister, by notice in the *Gazette* impose one or more of the following levies—

- (a) a ginning levy payable by the ginner on all raw cotton ginned by him;
- (b) a cotton lint levy payable by the purchaser on all lint purchased from the ginner;
- (c) a cotton import levy payable by the importer on all cotton imported (whether as raw cotton, cotton lint or cotton seed), on cotton oil and seed cake;
- (d) a cotton export levy payable by the exporter on all cotton exported (whether as raw cotton or cotton lint).

(2) The rate of any levy shall be specified in the notice under subsection (1) and shall not exceed five per cent of the value of the cotton on which the levy is payable.

(3) Different rates of levy may be imposed for different types or grades of raw cotton, cotton lint, cotton seed, cotton oil or cotton cake.

(4) The time (being not earlier than three months' after the date of publication of the notice under subsection (1)) and the manner of payment of the levy shall be specified in that notice.

(5) All moneys due on account of a levy are recoverable by the Authority as a civil debt due to it from the person by whom it is payable.

(6) No cotton produced in Kenya shall be exported unless the export levy payable in respect thereof has been paid and any person who exports or attempts to export any such cotton in respect of which any money is owing in respect of export levy shall be guilty of an offence.

(7) No cotton produced outside Kenya shall be imported unless the import levy based on a proforma invoice has been paid and any person who imports or attempts to import any such cotton in respect of which any money is owing in respect of import levy shall be guilty of an offence.

[Act No. 7 of 2006, s. 33.]

33. Use of levies

The proceeds of any levy imposed under section 32 shall form part of the general funds and property of the Authority and may be used by the Authority in the furtherance or exercise of any function or power of the Authority.

[Act No. 7 of 2006, s. 34.]

PART VIII – ENFORCEMENT PROVISIONS**34. Appointment and function of inspectors**

(1) For the purposes of this Act, the Authority may, by notice in the *Gazette*, appoint such number of inspectors as it may consider necessary.

(2) The functions of an inspector shall be—

- (a) to monitor cotton growing, seed cotton purchases and cotton ginning;
- (b) to inspect cotton plants for disease and pests;
- (c) to carry out quality control of planting seed;
- (d) to take samples and grade raw cotton, cotton lint and cotton seed; and
- (e) to certify weights and qualities of raw cotton, cotton lint and cotton seed;
- (f) to certify the quality of fertilizers, leaf sprays, water and pesticides.

[Act No. 7 of 2006, s. 35.]

35. Powers of entry

(1) For the purposes of this Act, where an inspector has reasonable grounds for doing so he may at any reasonable time enter upon any land, premises or vehicle and may take with him such persons and things as he considers necessary for those purposes and may—

- (a) exercise his functions under section 34(2);
- (b) search for planting seed and inspect records of the planting seed, seed cotton and purchases and sales of the cotton seed and lint;
- (c) make enquiries or carry out a search to ascertain if this Act is being complied with;
- (d) *deleted by Act No. 7 of 2006, s. 36;*
- (e) *deleted by Act No. 7 of 2006, s. 36;*
- (f) do any other thing authorized under this Act.

(2) The owner or occupier of or any person on land or in premises which is entered under subsection (1) shall render such reasonable assistance as may be required of him by the inspector.

(3) A person who refuses or delays or fails to comply with a requirement under subsection (2) shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding ten thousand shillings or to both.

[Act No. 7 of 2006, s. 36.]

36. Obstruction of inspectors

(1) No person shall prevent, hinder or obstruct an inspector in the performance of his functions, powers or duties under this Act.

(2) A person who contravenes subsection (1) shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding ten thousand shillings or to both.

37. Deleted by Act No. 7 of 2006, s. 37.

38. Cognizable offences

Offences under this Act are cognisable offences.

39. Deleted by Act No. 7 of 2006, s. 38.

PART IX – MISCELLANEOUS PROVISIONS**40. Infected areas**

(1) The Minister may, after consultation with the Board, by order published in the *Gazette*—

- (a) declare an area, cotton ginnery or cotton factory which is infected with cotton disease or pest to be an infected area;
- (b) prohibit the use of an infected area for planting, growing, collecting, storing, ginning, baling or other dealing with planting seed, raw cotton, cotton lint or cotton seed or for any purpose connected with those activities;
- (c) for the purpose of preventing cotton disease or pest or the spread of cotton disease or pest, either in the crop or otherwise, prohibit the movement of planting seed, raw cotton, cotton lint or cotton seed from, to, through or within an infected area or another specified area;
- (d) extend, diminish or otherwise alter an infected area; and
- (e) where it is no longer infected with cotton disease or pest, revoke the declaration of an infected area.

(2) The Minister may by regulations make further provisions for the control of infected areas.

41. Regulations

The Minister may, upon the advice of the Authority, make regulations generally for the better carrying out of the objects and purposes of this Act, including—

- (a) prescribing the kind and quality of planting seed and prohibiting the use of any other kind and quality or seed for growing cotton;
- (b) regulating the method of purchase, collection, transport, movement, storage, ginning, baling or otherwise preparing, sale or disposal of any particular kind or quality of planting seed, raw cotton, cotton lint or cotton seed;

- (c) regulating the distribution of planting seed to persons requiring it for planting;
- (d) providing for the requisition of planting seed;
- (e) regulating and controlling the method, time and place of planting and growing cotton;
- (f) providing for the inspection of planting seed, raw cotton, cotton lint, cotton seed, cotton plantations, stores and ginneries and prescribing the class and standard of premises which may be used in the ginning, baling and storage of cotton;
- (g) prescribing the qualification, powers and duties of inspectors and other persons appointed to perform duties under this Act;
- (h) providing for the examination, inspection, analysis and testing of any cotton produce or any article used in connection with cotton produce, prescribing charges in respect thereof, and the condition upon and manner in which samples of such cotton produce may be taken;
- (i) providing for the establishment, organization and administration of cotton buying centres;
- (j) providing for the controlling of the weighing, sales and purchase of seed cotton intended for use as planting seed and for their grading and classification;
- (k) providing for the destruction or removal, in either case with or without compensation, of any soil, planting seed, cotton plant, cotton seed or cotton residues;
- (l) controlling diseases and pests in cotton plants, raw cotton, cotton lint and cotton seed;
- (m) prescribing grades for any form of cotton produce, and the minimum standards to which the produce shall conform, whether as a condition of importation or exportation or of sale within Kenya;
- (n) authorising the examination and inspection by authorised persons or officers of all books and documents relating to the production, manufacture, distribution or sale of any cotton produce;
- (o) *deleted by Act No. 17 of 2006, s. 64;*
- (p) *deleted by Act No. 7 of 2006, s. 39, Act No. 17 of 2006, s.64;*
- (q) *deleted by Act No. 7 of 2006, s. 39;*
- (r) recommending fees or charges to be paid for anything done under this Act;
- (s) regulating and prescribing the charges, if any, for services rendered under the Act including handling commissions;
- (t) providing for the enforcement, method of payment and regulation of levies imposed by the Authority under section 32;
- (u) prescribing any matter or thing which is to be or may be prescribed under this Act;
- (v) prescribing any forms, marks, registers, and all other documents to be used for the purposes of the Act;

- (w) prescribing, in consultation with the Kenya Cotton Growers Association the manner in which representatives of cotton growers for the purposes of section 3A(1)(a) may be elected;
- (x) prescribing the manner of nomination of a person to be appointed to the Board under section 3A(b)(ii).

[Act No. 7 of 2006, s. 39, Act No. 17 of 2006, s. 64.]

42. Repeal of Cap. 335

The Cotton Lint and Seed Marketing Act (Cap. 335) is repealed.

43. Consequential amendment, Cap. 318

(1) The Third Schedule to the Agriculture Act is amended by repealing the words “The Cotton Lint and Seed Marketing Act” and substituting the words “The Cotton Board of Kenya established by the Cotton Act, 1988 (No. 3 of 1988).”

(2) The First Schedule to the Income Tax Act (Cap. 470) is amended in paragraph 4 by inserting at the end the words “the Cotton Board of Kenya”.

PART X – TRANSITIONAL PROVISIONS

44. Deleted by Act No. 7 of 2006, s. 40.

CHAPTER 335

COTTON ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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1. Cotton (Buying) Regulations, 1991	23
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COTTON (BUYING) REGULATIONS, 1991

[L.N. 379/1991.]

1. These Regulations may be cited as the Cotton (Buying) Regulations, 1991.
2. In these Regulations, unless the context otherwise requires—
 - “**buying programmes**” means the schedule of dates for buying of cotton or seed cotton at the gazetted centres and locations and any other areas that may be gazetted by the Board from time to time;
 - “**buying team**” means persons appointed for the purpose of buying cotton by the Board;
 - “**commission**” means fees or allowances payable to a person authorized to serve as an agent for a licensed ginner, a cotton buyer or to handle the buying and ginning of seed cotton or cotton lint;
 - “**transporter**” means any person authorized to transport seed cotton, cotton lint bales and cotton seed from buying centres and field stores to cotton ginneries or oil mills.
3. The Board shall issue cotton buying programmes and cause the programmes to be gazetted for a period of not less than thirty days before the commencement of the cotton buying season.
4. The buying programmes shall not exceed four months unless in those exceptional circumstances where the Board in its discretion shall extend the buying period.
5. All cotton buyers shall apply for and obtain a cotton buying licence before embarking on cotton buying, in the form provided for in Form I and II of the Schedule.
6. The Board shall appoint a cotton buying team which shall comprise of the following persons—
 - (a) a team leader;
 - (b) two persons to act as graders;
 - (c) one person to act as a scaleman;
 - (d) two persons to be loaders;
 - (e) one person to act as a recorder;
 - (f) one person to act as a cashier,and any other person that the Board may from time to time co-opt to the team.
7. All cotton buyers and cotton ginneries shall take out appropriate insurance policy with reputable insurance companies in Kenya, before the commencement of the purchasing of cotton or the ginning of seed cotton.
8. All payments to cotton farmers shall be made on or before the 15th day of each month and in no case not later than 30 days after the delivery of the crop.
9. The buyer of seed cotton shall ensure that—
 - (a) the seed cotton is transported to the ginneries within forty-eight hours of purchasing the crop or not later than three days from the date of the purchase;

Cotton

[Subsidiary]

- (b) the cotton seed is transported in vehicles covered with tarpaulin cover, with valid road licence and the necessary insurance cover, for the crop on transit;
- (c) where the seed cotton so purchased cannot be immediately transported to the ginnery, the seed cotton shall be stored in a properly constructed field store for a period not exceeding 14 days.

10. The Board may, on its own initiative, transfer any seed cotton that is held in a field storage for more than fourteen days to other ginneries and the cost of transporting such cotton shall be borne by the buyer of the cotton crop.

11. The Board shall from time to time determine the commission and fees payable to cotton buying and cotton ginning agents and shall communicate such information to the agents at least thirty days before the buying or ginning season starts.

FORM I

(r. 5)

COTTON ACT
[CAP. 335]

APPLICATION FOR A RAW COTTON BUYING LICENCE

To: The Managing Director,
Cotton Board of Kenya,
P.O. Box 30477,
NAIROBI.

1. I/We
.....

(Name of Applicants)

2. Postal Address
.....

3. I/We hereby apply for a seed cotton buying licence.

Date

Signed

(Applicant or the authorized agent)

FORM II

COTTON ACT
[CAP 335]

COTTON BOARD OF KENYA
RAW COTTON BUYING LICENCE

Licence No. Province

..... District

Licence is hereby given to

..... of

Cotton

[Subsidiary]

SCHEDULE, FORM II—continued

to purchase, store unginned cotton at a building situated at

.....

in the

location.

This Licence expires on

.....
Signature of Licensee

Date

Fee KSh.

Signed

Designation

[Subsidiary]

COTTON (PLANTING) RULES, 1991

[L.N. 380/1991.]

1. These Rules may be cited as the Cotton (Planting) Rules, 1991.
 2. In these Rules, unless the context otherwise requires—
 - “**planting date**” means the appropriate date for planting cotton as may be prescribed by the Board from time to time.
 - “**planting seed**” means treated or dressed cotton seed;
 - “**variety seed**” means different species of cotton seed produced by research and imported into and grown in Kenya.
 3. An inspector shall—
 - (a) ensure that cotton seed for planting is properly treated, dressed, packaged and stored in accordance with the internationally accepted seed quality standards;
 - (b) ensure that information regarding planting dates reaches the farmers well in advance of the planting calendar;
 - (c) recommend to the Board a list of selected ginneries who shall be responsible for the treatment, dressing, packaging and storage of planting seed.
 4. All planting seed shall be provided to the farmers by the Board at a price of sixty shillings and fifty cents per nine kilogramme packet of seed.
 5. The Board shall make available to the farmers planting seed not later than one full month before planting date.
 6. The Board shall also make available to all cotton farmers information of commercial firms dealing with recommended equipment and chemicals suitable for cotton growing.
-

[Subsidiary]

COTTON (ELECTIONS AND NOMINATIONS) REGULATIONS, 2007

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Interpretation.
3. Notice to convene meetings.
4. Returning officer.
5. Eligibility to vote.
6. Registers.
7. Inspection of registers.
8. Grower candidates.
9. Publication of list of candidates.
10. Election procedure.
11. Proposal and seconding of candidates.
12. Election by secret ballot.
13. Elections of growers' representatives.
14. Nomination of representatives of associations.
15. Submission of names of elected and nominated candidates to Returning Officer and Minister.
16. First meeting of the Board.
17. Appeals.
18. Obstruction of voting.
19. Penalty.

SCHEDULES

- FIRST SCHEDULE – GROWERS' REPRESENTATION TO THE BOARD
- SECOND SCHEDULE – ASSOCIATIONS' REPRESENTATION TO THE BOARD
- THIRD SCHEDULE – FORMS
-

COTTON (ELECTIONS AND NOMINATIONS) REGULATIONS, 2007

[L.N. 70/2007.]

1. Citation

These Regulations may be cited as the Cotton (Elections and Nominations) Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**assistant presiding officer**” means a person appointed by the returning officer to be in charge of the electoral process in a polling station;

“**election**” means the process of selecting representatives of registered cotton growers by vote;

“**electoral zone**” means any administrative zone in which cotton is grown, specified in the Schedules to these Regulations;

“**nomination**” means the process of selecting representatives of the associations;

“**presiding officer**” means a person appointed by the returning officer to be in charge of the electoral process in an electoral zone;

“**register**” means a register of cotton growers kept by the District Agricultural Officer or the associations;

“**returning officer**” means a person appointed by the Minister to be in charge of the electoral process.

3. Notice to convene meetings

(1) The Minister shall, after giving twenty-one days’ notice in the *Gazette* and in at least two local daily newspapers of nationwide circulation, convene meetings in the electoral zones specified in the First and Second Schedules respectively.

(2) The registered growers shall attend the meeting convened by the Minister for the purpose of electing persons to represent them on the Board.

(3) The registered members of the Kenya Cotton Growers Association and the Kenya Cotton Ginners Association in the specified electoral zone shall attend the meeting convened by the Minister for the purpose of nominating persons from their respective associations to represent the associations on the Board.

(4) The number of members to be elected to the Board by registered growers from an electoral zone shall be as specified in the third column of the First Schedule, while the number of members to be nominated to the Board by their associations shall be as specified in the third column of the Second Schedule.

4. Returning officer

The Minister shall appoint a public officer from the Ministry for the time being responsible for matters relating to Agriculture to be the returning officer for the purpose of the election of the members of the Board.

5. Eligibility to vote

(1) Every registered cotton grower shall be entitled to one vote and be eligible to vote in one zone.

[Subsidiary]

(2) Every member of the association shall be eligible to nominate a member in one zone.

6. Registers

(1) The District Agricultural Officers in the districts shown in the First Schedule shall prepare and keep a register of registered cotton growers for purposes of the first elections.

(2) The associations named in the Second Schedule shall prepare and keep a register of their registered members.

(3) The register kept under subregulations (1) and (2) shall, in respect of each registered grower or member contain his or her—

- (a) full names and address;
- (b) national identity card number or membership number;
- (c) gender or legal status;
- (d) size of area planted with cotton (in hectares) or area of operation; and
- (e) administrative location, division, district and province.

(4) The Secretary to the Board shall, thereafter, prepare, keep and regularly review the register of registered cotton growers, for purposes of subsequent elections.

7. Inspection of registers

The register kept under regulation 6 shall be available for inspection at the District Agricultural Office or at the office of the Secretary to the Board, as the case may be, during official working hours.

8. Grower candidates

(1) Any candidate seeking to be elected to represent growers on the Board shall be a registered grower in the electoral zone in which the candidate aspires to represent.

(2) No person shall be a candidate in more than one zone.

(3) A candidate shall not be qualified for election where such candidate—

- (a) has not attained at least ordinary level of education;
- (b) is a public officer;
- (c) is an employee of the Authority;
- (d) is an undischarged bankrupt;
- (e) is of unsound mind;
- (f) has been convicted for mismanagement of public resources, corrupt practices or dishonesty;
- (g) has been convicted of any offence under this Act; and
- (h) has no outstanding debt owing to the cotton growers.

(4) All candidates aspiring to represent the growers and meet the qualifications set in subregulation (3) shall submit their names to the Returning Officer fourteen days before the date of the election.

9. Publication of list of candidates

The Returning Officer shall publish, in at least two daily newspapers of nationwide circulation, a list of the names of the candidates and the zones for which they aspire to be elected seven days before the date of the elections.

10. Election procedure

Every presiding officer shall display prominently, in every polling station, the names of the candidates who are vying in the elections.

11. Proposal and seconding of candidates

Each candidate for election shall be proposed and seconded by at least ten registered growers in the prescribed Form 1 set out in the Third Schedule or such other number as may be determined from time to time by the Minister.

12. Election by secret ballot

The elections of the growers' representatives to the Board shall be by secret ballot.

13. Elections of growers' representatives

(1) Where there is only one candidate, the Returning Officer shall forthwith declare such candidate to be duly elected to the Board.

(2) Where there is more than one candidate for election, the assistant presiding officer shall cause a plain piece of ballot paper to be delivered to every registered grower present and entitled to vote at a polling station.

(3) The registered cotton grower shall record his or her vote by writing on the ballot paper the name of the candidate whose name has been published in accordance with regulation 9 and shall not make any other mark, writing or signature on the ballot paper.

(4) The registered cotton grower shall forthwith fold the ballot paper so as to conceal his or her vote and shall deliver it or cause it to be delivered to the assistant presiding officer in such a manner as the presiding officer shall direct.

(5) After delivering the ballot paper to the assistant presiding officer the voter shall dip the left index finger in indelible ink provided for the purpose.

(6) Upon receipt and counting of votes cast under subregulation (4), the presiding officer shall 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 have been duly elected to represent that zone on the Board.

(7) In the event of an equality of votes between candidates at end of a poll, a second vote shall be taken pitting the candidates who tie and the same procedure shall be observed as if it were a first vote.

(8) No person, other than the registered cotton grower present in person, shall be entitled to vote.

14. Nomination of representatives of associations

(1) The nominations of representatives of the Kenya Cotton Growers Association and the Kenya Cotton Ginners Association shall be conducted in accordance with such procedures as the members at the meeting determine.

(2) The process determined by the members of the associations shall ensure a transparent and participatory process of nomination of their representatives.

15. Submission of names of elected and nominated candidates to Returning Officer and Minister

(1) The presiding officers shall forward the names of the candidates elected and nominated in their respective electoral zones in the prescribed Form 2 set out in the Third Schedule to the Returning Officer.

[Subsidiary]

(2) The names of candidates declared under subregulation (1) shall be the names to be submitted from the electoral zones by the Returning Officer in the prescribed Form 3 set out in the Third Schedule to the Minister for the purpose of appointment through letters and publication in the *Gazette*.

16. First meeting of the Board

The Minister shall convene the first meeting of the Board, at which the chairman and the vice-chairman shall be elected.

17. Appeals

Any person aggrieved by the decision of the Returning Officer to reject their candidature or right to vote or nominate may appeal within fourteen days from the date of such rejection to the Minister.

18. Obstruction of voting

Any person who interferes with the electoral process or obstructs any voter, candidate or election official from voting or being elected or conducting the elections respectively commits an offence.

19. Penalty

Any person who contravenes any provisions of these Regulations commits an offence and shall be liable, upon conviction, to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.

FIRST SCHEDULE

[Regulation 3.]

GROWERS' REPRESENTATION TO THE BOARD

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Zone (Provincial)</i>	<i>Districts</i>	<i>No. of Members</i>
1. Coast	Malindi, Taita-Taveta, Lamu, Tana River	1
2. Central	Kirinyaga, Maragua, Thika, Muranga	1
3. Eastern	Makueni, Machakos, Kitui, Mwingi, Tharaka, Mbeere, Meru Central, Meru South, Meru North	1
4. Western	Busia, Teso, Bungoma, Mt. Elgon, Butere, Mumias	1
5. Nyanza	Rachuonyo, Homabay, Siaya, Kisumu, Suba, Nyando, Bondo, Kuria	1
6. Rift Valley	Baringo, Koibatek, Keiyo, Turkana, West Pokot, Transmara, Kajiado	1
7. North Eastern	Ijara, Wajir, Garissa	1
Total		7

Cotton

[Subsidiary]

SECOND SCHEDULE

[Regulation 3.]

ASSOCIATIONS' REPRESENTATION TO THE BOARD

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Zone (Regional)</i>	<i>Association</i>	<i>No. of Members</i>
Eastern	(A) Kenya Cotton Growers Association North Eastern, Coast, Central and Eastern provinces	1
Western	Nyanza, Western and Rift Valley provinces	1
Eastern	(B) Kenya Cotton Ginners Association North Eastern, Coast, Central and Eastern provinces	1
Western	Nyanza, Western and Rift Valley provinces	1
Total		4

THIRD SCHEDULE

FORMS

FORM 1

(Regulation 11)

NOMINATION FORM FOR CANDIDATES IN THE ELECTIONS TO THE BOARD OF COTTON DEVELOPMENT AUTHORITY

- (a) Name and Number of Zone
- (b) Candidate's Name
- (c) ID No. Grower Registration No.
- (d) Proposers:

	<i>Proposer's name</i>	<i>ID Number</i>	<i>Grower Registration Number/L.R. No.</i>	<i>Signature</i>
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Cotton

[Subsidiary]

THIRD SCHEDULE, FORM 1—continued

(e) Seconders:

	<i>Secunder's name</i>	<i>ID Number</i>	<i>Growers' Registration Number/L.R. No.</i>	<i>Signature</i>
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

(f) Confirmation/Authentication of grower status by candidate:

I confirm that I am a grower in the electoral area. I attach the following documents to establish that I am such a grower:

.....
 (National Identity Card/Registration Card)

Signature of candidate

Date:

Witness: Name:

ID Number

Signature

Date

FORM 2

(Regulation 15(1))

FORM FOR REPORTING ELECTION RESULTS TO RETURNING OFFICER

(a) Electoral Zone.....

(b) Details of meeting:

Location of meeting

Date of meeting

(c) Results:

	<i>Candidate's name</i>	<i>Number of votes</i>
1		
2		
3		

THIRD SCHEDULE, FORM 2—continued

	<i>Candidate's name</i>	<i>Number of votes</i>
4		
5		
6		
7		

Total votes cast

Spoilt/Invalid votes

(d) Verification by candidate or candidate's agent of results:

<i>Candidate Number</i>	<i>Name of Candidate or Agent</i>	<i>ID Number</i>	<i>Signature</i>
1			
2			
3			
4			
5			

(e) Verification by presiding officer

I verify the above results

Presiding officer:

Name

Signature

Date

FORM 3

(Regulation 15(2))

CERTIFICATE OF ELECTION OF REPRESENTATIVE

THIS IS TO CERTIFY THAT

has been elected as a representative to the Cotton Development Authority

Returning officer:

Name

Signature

Date

[Subsidiary]

COTTON (GENERAL) REGULATIONS, 2007

ARRANGEMENT OF REGULATIONS

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Regulation

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2. Interpretation.

PART II – COTTON CULTIVATION

3. Planting of cotton.
4. Importation of Cotton seed for planting.
5. Registration of seed merchants.
6. Seed requirements for each planting season.
7. Cotton seed for planting.
8. Declaration of quarantine areas.
9. Notice.

PART III – COTTON GRADING

10. Grower to grade seed cotton before sale.
11. Mixing of seed cotton grades.

PART IV – BUYING OF SEED COTTON

12. Buying seed cotton.
13. Seed cotton buying registration certificate.
14. Restrictions imposed on seed cotton buying registration certificate.
15. Registration of cotton stores.
16. Declaration of cotton buying centers.
17. Sale of seed cotton.
18. Seed cotton buying dates.
19. Cotton pricing.
20. Obligations of seed cotton buyer.

PART V – COTTON GINNING AND BALING

21. Registration of ginners.
22. Ginning registration certificate.
23. Responsibilities of ginners.
24. Ginners register.
25. Classification of cotton.
26. Seed cotton movement permit.

PART VI – PURCHASE AND SALE OF COTTON LINT AND COTTON SEED

27. Restriction on export of cotton lint.
28. Restriction on export of cotton seed/cake.
29. Offences.
30. Adulteration of cotton.

Regulation

31. Trade on premises used for storage of cotton.
32. Revocation of certificates and permits.
33. General penalty.
34. Forfeiture.
35. Revocation of (Sub. Leg.).

SCHEDULE

[Subsidiary]

COTTON (GENERAL) REGULATIONS, 2007

[L.N. 405/2007.]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Cotton (General) Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**application**” means an application for the issue, renewal or variation of a registration certificate, as the case may be;

“**Authority**” means the Cotton Development Authority;

“**cotton buyer**” means a person registered as such under the provisions of the Act to purchase cotton;

“**cotton seed**” means cotton seed produced from seed cotton;

“**ginner**” means a person or company registered to gin seed cotton and convert it into lint;

“**ginnery**” means any place in which seed cotton is converted into lint;

“**grower**” means any person who grows cotton plant;

“**infected area**” means an area, cotton ginnery or cotton factory declared to be an infected area under section 40(1);

“**inspector**” means an inspector appointed in accordance with the provisions of the section 34(1);

“**KEPHIS**” means Kenya Plant Health Inspectorate Service;

“**planting seed**” means seed for or intended for use of growing cotton;

“**premises**” includes any building or structure;

PART II – COTTON CULTIVATION

3. Planting of cotton

All farmers except those in the cotton quarantine areas who desire to grow cotton shall use cotton seed availed to them under these Regulations.

4. Importation of Cotton seed for planting

(1) No person shall import cotton seed into the country, breed or multiply imported cotton without a permit in the prescribed form issued by Kenya Plant Health Inspectorate Service (KEPHIS) in consultation with the Authority.

(2) All imported seed shall be accompanied by a phytosanitary certificate and an international orange certificate of the International Seed Testing Association and shall meet the quarantine requirements prescribed in the Plant Protection Act.

(3) Any cotton seeds or plants which are not accompanied by a phytosanitary certificate shall be destroyed by KEPHIS on behalf of the Authority at the cost of the importer.

(4) Any person who contravenes the provisions of this Regulation shall be guilty of an offence.

5. Registration of seed merchants

Every person who by way of trade or business produces, purchases or otherwise acquires, sells, exposes keeps, stores, advertises for sale or in any manner deals with any cotton seeds to be tested made certified shall be registered by Secretary Seed Registration Committee as a seed merchant under the Seeds and Plant Varieties Act (Cap. 326).

6. Seed requirements for each planting season

(1) For the purposes of regulation 3, the Authority shall advise the seed merchants on the quantity and quality of cotton seed required for each planting season.

(2) The Authority may enter into contracts with seed companies for multiplication of foundation and certified cotton seed for planting.

7. Cotton seed for planting

(1) All cotton seed for planting shall be graded, dusted, packed, labeled transported, delivered, stored and sold to growers in the manner provided by the Seeds and Plants Varieties Act (Cap. 326).

(2) Every package of seed offered for sale shall be labeled in the manner and in accordance to the specifications prescribed by the provisions of the Seeds and Plant Varieties Act.

8. Declaration of quarantine areas

(1) The Minister may, in consultation with the Authority by order in the *Gazette*, declare any area to be a cotton quarantine area, where the Minister considers it necessary for the purpose of preventing the outbreak or spread of any cotton pest or disease and may by any such order—

- (a) prohibit or regulate the sowing of cotton seed or any other crop specified in the order known to harbour insect pest or disease of cotton within the area;
- (b) prohibit the removal of any seed cotton or cotton seed or any plant or any article which in the Minister's opinion is likely to harbour insect pests or diseases of cotton from such area without a permit issued by the Authority.
- (c) require any person to remove from any place or to destroy any seed cotton or cotton refuse in that person's possession or control within the cotton quarantine area within the time specified in the notice.
- (d) require that any cotton plants, cotton residues on any other plant specified in the order, to be uprooted and burned by the person possessing or having control over the same, within such area; or
- (e) require any grower within the area to harvest seed cotton, where in the opinion of the Minister is ready for harvesting.

9. Notice

(1) Where the person fails to comply with any order made under regulation 8, the Authority shall give seven days' of its intention so take the measures necessary to comply with the order.

(2) Any person who fails to comply with the order shall without prejudice to any other penalty which may have been prescribed for failure to comply with the order be liable to pay all the costs incurred by the Authority in the execution of the order.

[Subsidiary]

(3) Any person who contravenes or fails to comply with any order made under regulation 8 commits an offence,

PART III – COTTON GRADING**10. Grower to grade seed cotton before sale**

Every seed cotton grower shall before offering for sale, grade all seed cotton intended for sale into Grade AR and Grade BR.

11. Mixing of seed cotton grades

(1) No person shall mix—

- (a) any other seed cotton with Grade AR or Grade BR seed Cotton; or
- (b) any un-merchantable cotton with graded cotton.

(2) Any person who sells seed cotton before grading, improperly graded seed cotton or graded cotton mixed with unmerchantable cotton commits an offence.

PART IV – BUYING OF SEED COTTON**12. Buying seed cotton**

(1) No person shall purchase seed cotton unless the person is a duly registered seed cotton buyer by the Authority.

(2) Any persons who intends to purchase seed cotton shall apply for registration as a seed cotton buyer in the prescribed Form A1 set out in the schedule.

(3) The Authority shall designate seed cotton buying centres.

(4) Every registered cotton buyer shall buy seed Cotton at the cotton buying centre specified in the cotton buying registration certificate.

(5) Where a specified organization is registered as a seed cotton buyer buys seed cotton through its members, the organization shall keep the names and particulars of such members and shall apply on their behalf to be registered buyers. The registered members shall buy seed cotton using the organization's registration certificate.

(6) Any person who contravenes this regulation shall be guilty of an offence.

13. Seed cotton buying registration certificate

(1) The Authority shall, upon receiving an application for registration, issue to the applicant with a seed cotton buying registration certificate in the prescribed Form A2 set out in the schedule. The certificate shall entitle the holder to buy seed cotton.

(2) The cotton buying registration certificate shall specify the cotton buying center or centers at which the holder shall be entitled to buy seed cotton.

(3) A seed cotton buying registration certificate shall, unless earlier revoked or surrendered be valid for a period of twelve months after the date of issue of the registration certificate and shall not be assignable or transferable.

14. Restrictions imposed on seed cotton buying registration certificate

(1) The cotton buyers shall produce the cotton buying registration certificate upon the request of an inspector at all reasonable times.

(2) Any Cotton buyer who fails without reasonable cause to produce his cotton buying registration certificate upon request commits an offence.

15. Registration of cotton stores

(1) No person shall erect or operate a cotton buying store for the purpose of storing seed cotton without a permit from the Authority in the prescribed in Form 1 set out in the schedule.

(2) Any person who contravenes this Regulation commits an offence.

16. Declaration of cotton buying centers

The Authority may by notice declare any premises or place to be a cotton buying centre for purposes of these regulations and may in such declaration state that the place may be either a temporary cotton buying centre.

17. Sale of seed cotton

(1) All seed cotton shall be sold at registered cotton buying centres.

(2) Any person who contravenes this Regulation commits an offence.

18. Seed cotton buying dates

(1) The Authority shall, by order in the *Gazette*—

- (a) fix a date in each year when seed buying shall commence in any specified area;
- (b) declare the unit of weight to be used for the purpose of weighing seed cotton in any specified area;
- (c) fix a date each year after which no seed cotton shall be bought in any specified area.

(2) Any cotton buyer who fails to comply with the provisions of any order made under this Regulation commits an offence.

19. Cotton pricing

(1) All traders in the cotton industry shall be guided in their dealings in respect to prices and quality by the prevailing international marketing information.

(2) The cotton stakeholders in consultation with the Authority shall agree on the minimum prices for each growing season.

20. Obligations of seed cotton buyer

(1) Every registered seed cotton buyer shall—

- (a) where the premises are designated as seed cotton buying centres display in the local dialect, Kiswahili and English, in conspicuous characters the prices offered per unit weight of each grade of seed cotton at all times when the premises are open for business;
- (b) use jute, cotton or any other material that has been recommended by the Authority to pack seed cotton;
- (c) produce correct standard reports every fortnight to the Authority showing weekly purchases and deliveries of seed cotton by grade for every buying centre in the prescribed Form F set out in the schedule;
- (d) display standard grade for AR and BR in a sample box approved by the Authority and keep all Grade AR and Grade BR cotton in the buyer's possession separate;

[Subsidiary]

- (e) display and use a weighing scale that has been properly calibrated, serviced, inspected and approved by the Weights and Measures Department;
- (f) store all seed cotton in a cotton store at any of the cotton buying centers at which the buyer is registered to buy or in such other storage facility as the Authority may direct;
- (g) issue original produce receipts to every buyer and retain the duplicates in respect of all seed cotton purchased;
- (h) not buy seed cotton at a price lower than the price displayed.

(2) Any seed cotton seller who contravenes or fails to comply with any of the provisions of this Regulation commits an offence.

PART V – COTTON GINNING AND BALING**21. Registration of ginner**

(1) No person shall operate a ginnery, gin seed Cotton or bale cotton lint unless the person is a holder of a ginning registration certificate issued by the Authority and the ginnery has been duly inspected and certified by the Authority.

(2) The application for registration as a ginner shall be in the prescribed Form B1 set out in the schedule.

(3) The Authority shall consider the application and where satisfied shall issue a ginning registration certificate in the prescribed form B2 set out in the schedule with such conditions as the Authority may impose.

(4) The Authority may with reasonable cause after considering the application refuse to issue a ginner's registration certificate, and in that event shall communicate to the applicant the grounds for such refusal within fourteen days.

(5) A ginning registration certificate shall, unless earlier revoked or suspended, be valid for a period of twelve months from the date of issue and shall not be assignable or transferable.

(6) Any person who contravenes this regulation commits an offence.

22. Ginning registration certificate

(1) A ginner's registration certificate shall entitle the ginner to gin seed cotton and bale cotton lint on the premises specified in the certificate and in accordance with conditions relating to machinery, plant, storage accommodation and output that may be imposed in the registration certificate.

(2) Any ginner who fails to comply with any condition imposed under paragraph (1) commits an offence.

23. Responsibilities of ginner

(1) Every ginner shall—

- (a) maintain and work the ginnery in a proper and workmanship manner or in a manner that will not cause deterioration or damage to the seed cotton, cotton lint, or cotton seed handled therein;
- (b) ensure that all seed cotton delivered to the ginnery is correctly graded and shall keep all Grade AR cotton and the lint there from and all Grade BR cotton and the lint here separate from one another and from any other seed cotton;

[Subsidiary]

- (c) keep all seed cotton, cotton seed and cotton lint which as been salvaged from damage by fire or water separate from all other seed cotton, cotton seed and cotton lint and shall gin the seed cotton and bale the cotton lint only in accordance with instructions from the Authority;
- (d) keep records and make fortnightly returns in the prescribed Form G set out in the schedule.
- (e) keep records and make annual returns in the prescribed Form H set out in the schedule.
- (f) keep all seed cotton, cotton seed and cotton lint in the holder's possession or control properly stored in the ginnery buildings or stores;
- (g) keep the ginnery and its precincts in a clean and sanitary condition;
- (h) take all reasonable precaution to prevent accidents and fire;
- (i) produce cotton lint free from all seeds or parts of seeds or other processes of ginning.
- (j) gin all seed cotton that may be delivered for ginning to the maximum capacity of the ginnery.

(2) Where any ginnery or any machinery within a ginnery is being maintained or used in such a manner that causes deterioration or other damage to any cotton handled the ginnery, the Authority may suspend the ginning registration certificate relating the ginnery until it is satisfied that the cause of such deterioration or damage has been rectified.

(3) Any ginner who contravenes this Regulation commits an offence.

24. Ginners register

The Authority shall keep and maintain a register of all ginneries in respect of which registration certificates have been issued.

25. Classification of cotton

(1) Every ginner shall apply for cotton classification to be done by the Authority in the prescribed Form E1 set out in the schedule.

(2) Every ginner shall draw one sample from each bale that is one hundred per centum sampling, and each sample shall weigh not less than two hundred and fifty grams and shall deliver all samples to the Authority within one week after drawing the relevant samples.

(3) The Authority shall analyse and classify the samples delivered and after the analysis and classification issue a cotton quality certificate in the prescribed Form E2 set out in the schedule.

(4) Any person who contravenes this Regulation commits an offence.

26. Seed cotton movement permit

(1) No person shall move or cause to be moved any seed cotton from one region to another without a written movement permit issued by the Authority.

(2) Any person who contravenes the provisions of this Regulation shall be guilty of an offence.

PART VI – PURCHASE AND SALE OF COTTON LINT AND COTTON SEED**27. Restriction on export of cotton lint**

(1) No person shall export any cotton lint, unless the person is in possession of a cotton lint export certificate issued by the Authority.

[Subsidiary]

(2) An application for a cotton lint export certificate shall be made in the prescribed in Form C1 set out in the schedule.

(3) The Authority shall after considering the applicant issue to the applicant a cotton lint export certificate in the prescribed Form C2 set out in the schedule and may impose such terms and conditions as it deems fit.

28. Restriction on export of cotton seed/cake

(1) No person shall export any cotton seed or seed cake unless the person is in possession of a cotton seed or seed cake permit issued by the Authority.

(2) An application for a cotton seed or seed cake export permit shall be made in the prescribed in Form D1 set out in the schedule.

(3) The Authority shall after considering the application issue to the applicant a cotton seed or seed cake permit in the prescribed Form D2 set out in the schedule and may impose such terms and conditions as it deems fit.

29. Offence

Any person who contravenes regulations 28 and 29 or contravenes any of the terms and conditions of a cotton lint export or cotton seed or cake export certificate issued commits an offence.

30. Adulteration of cotton

(1) Any person who adds or causes to be added any foreign or extraneous matter to any seed cotton or cotton lint shall be guilty of an offence.

(2) Where upon examination of any cotton lint after ginning and baling the cotton lint is found to contain other foreign substances, the ginner of the cotton lint shall be held liable.

31. Trade on premises used for storage of cotton

(1) No trade, business or profession other than the one in respect of which a registration certificate was issued under these Regulations shall be carried on any premises used for the storing ginning, baling or sale of seed cotton, cotton lint or cotton seed except with the written permission of the Authority and in accordance, with the conditions which the Authority may impose.

(2) Any person who carries on any trade, business or profession without the approval of the Authority commits an offence.

32. Revocation of certificates and permits

Where a holder of any certificate or permit issued under these Regulations is convicted of an offence under these Regulations or fails to comply to the terms and conditions imposed, the Authority may revoke the registration certificate or permit issued under these Regulations.

33. General penalty

Any person found guilty of an offence for which no penalty is specified in these Regulations shall be liable to a fine of not exceeding six thousand shillings or imprisonment for a term not exceeding six months or in both such fine and imprisonment.

34. Forfeiture

In addition to any penalty which the court may impose, the court may where the offence committed relates to any quantity of seed cotton, cotton lint or cotton seed, or any product thereof, order that the same to be forfeited to the Authority.

35. Revocation of (Sub. Leg)

The following regulations are revoked—

- (a) The Cotton (Prices) Regulations.
- (b) The Cotton (Lint and Seed Marketing) Regulations,

SCHEDULE

COTTON ACT

COTTON (GENERAL) REGULATIONS, 2007

FORM A1

(r. 12)

APPLICATION FOR A REGISTRATION CERTIFICATE

FOR SEED COTTON BUYING

To: Chief Executive Officer

1. Particulars of Applicant:

I/We of P. O. Box and holders of Business Licence No. (attached) issued at wish to apply for registration as a seed buyer(s) for the

2. Areas of Operation:

I/We intend to operate in the following buying centers total in number The estimated total volume of the crop I/We expect to buy is about kgs of seed cotton.

3. Financial Arrangements:

I /We confirm that I/We have no problems with financing and the same can be confirmed by my/our bankers* of P. O. Box (*state if any source other than bankers)

4. Producer Price:

My/Our proposed price for GRADE A will be KShs per kg and GRADE B will be KShs per kg.

5. Ginning Arrangement:

I/We also confirm that I/We have my/our own ginnery (Name) I/We have ginning contract with M/S to use his/their ginnery (Name) (attach copy of ginning contract)

6. Application Fee:

I/We enclose a cheque/cash for KShs. 1,000/- being non refundable application fee for registration as a seed cotton buyer.

7. Declaration

I/We hereby declare that I/We shall abide by the regulations governing the purchase of seed cotton as issued and as will be directed by Authority from time to time.

.....

Signature Designation Official Stamp

Date:

NOTE: See terms and conditions to be followed over leaf.

Cotton

[Subsidiary]

SCHEDULE, FORM A1—continued

TERMS AND CONDITIONS FOR REGISTRATION AS SEED COTTON BUYERS

The applicant must do the following—

- (a) visit the area where he intends to buy cotton;
- (b) register with the District Agricultural Officer of the respective areas and abide by direction of such authorities;
- (c) visit and obtain confirmation from a ginnery that the seed cotton purchased shall be ginned at that designated ginnery.

QUALIFICATIONS FOR OBTAINING SEED COTTON BUYING LICENCE

- (a) The applicant must show financial ability with the support of a reputable bank or financial institution.
- (b) The applicant must show financial ability with the support of a reputable bank or financial institution.
- (c) The application should be supported by certification by the Authority or its agent that the intended buying centres have been inspected and passed for cotton buying for that season.
- (d) The applicant must be a member of Kenya cotton ginners Association.
- (e) Upon submission of the application from the applicant shall pay shillings one thousand as application fee.
- (f) The successful applicants will be required to pay shillings five hundred per buying center.

COTTON ACT

COTTON (GENERAL) REGULATIONS, 2007

FORM A2

(r. 13)

SEED COTTON BUYING REGISTRATION CERTIFICATE

Certificate is hereby granted to M/s of P.O. Box
to buy seed cotton during season ending
31st December, 20 at buying center Div
..... District
Province and the cotton so purchased shall be ginned at Ginnery
Issued at this day of 20
FEES SHS RECEIPT NO. OF

Signed Date
Chief Executive Officer
Cotton Development Authority

SEAL

SCHEDULE—continued

COTTON ACT

COTTON (GENERAL) REGULATIONS 2007

FORM B1

(r. 21(2))

APPLICATION FOR A GINNING REGISTRATION CERTIFICATE

To: Chief Executive Officer

1. Particulars of Applicant.

I/We of P.O Box and holders of Business Licence No. (attached) issued at wish to apply for registration as a ginner(s) for the season.

2. Areas of Operation:

I/We intend to operate the following buying centers total in number The estimated total volume of the crop I/We expect to buy is about kgs of seed cotton

3. Financial Arrangements:

I/We confirm that I/We will have no problems with financing and the same can be confirmed by my/our bankers* of P.O. Box (*state if any other source than bankers)

4. Producer Price:

My/Our proposed price for GRADE A will be per kg and GRADE B will be per kg.

5. Ginning Arrangement:

I/We also confirm that I/We have my/our own ginnery (Name) I/We have ginning contract with M/S to use his/their ginnery (Name) (attach copy of ginning contract)

6. Application Fee:

I/We enclose a cheque/cash for KShs 1,000/= being non refundable application fee for registration as seed cotton buyer,

7. Declaration:

I/We hereby declare that I/We shall abide by the regulations governing the purchase of seed cotton as issued and as will be directed by Authority from time to time.

Signature Designation Official

Stamp

Date:

NOTE. See procedure to be followed over leaf.

TERMS AND CONDITIONS FOR REGISTRATION AS SEED COTTON BUYERS

The applicant must do the following—

- (a) visit the area where he intends to buy cotton;
(b) register with the District Agricultural officer of the respective areas and abide by direction of such authorities;
(c) visit and obtain confirmation from a ginnery that the seed cotton purchased shall be ginned at that designated ginnery.

Cotton

[Subsidiary]

SCHEDULE, FORM B1—continued

QUALIFICATIONS FOR OBTAINING SEED COTTON BUYING LICENCE

- (a) The applicant should be in possession of a valid trading licence.
- (b) The applicant must show financial ability with the support of a reputable bank or financial institution.
- (c) The application should be supported by certification by the Authority or its agent that the intended buying centers have been inspected and passed for cotton buying for that season.
- (d) The applicant must be a member of Kenya cotton ginners Association.
- (e) Upon submission of the application form the applicant shall pay shillings one thousand as application fee.
- (f) The successful applicants will be required to pay shillings five hundred per buying center.

COTTON ACT

COTTON (GENERAL) REGULATIONS 2007

FORM B2

(r. 21(3))

GINNING CERTIFICATE

Registration is hereby granted to M/s of P.O BOX to gin and bale cotton during season, ending, 31st March 20 at the Ginnery (Registration No.) situated at in District Province by means of single/double roller/saw gins and press providing bales weighing between 181 and 220 kilograms net.

Issued at this day of 20.....

FEES SHS RECIEPT No. OF

REMARKS

.....

Signed Date

*Chief Executive Officer,
Cotton Development Authority*

SEAL

NOTE: This registration is issued subject to the terms and conditions

TERMS AND CONDITIONS TO COTTON GINNERS

- (a) Every ginner shall be a member of Kenya Cotton Ginners Association.
- (b) The ginner shall obtain and display a valid ginning licence.
- (c) The ginner shall maintain and work the ginnery in a proper manner and in such a way as to maintain cotton quality standards.
- (d) The ginner shall ensure that all raw cotton delivered to the ginnery is correctly graded and shall keep all Grade A cotton and the lint there from separate from the other.
- (e) The ginner shall separate disease infected cotton from non-infected cotton.
- (f) The ginner shall keep seed cotton, cotton seed and cotton lint which may be salvaged from damage by fire or water, separate from other seed cotton, cotton seed and cotton lint and shall gin the seed cotton and bale the cotton lint in accordance with conditions of the licence.
- (g) Ginners shall produce correct fortnightly reports.
- (h) The ginner shall not later than 15th April of each year produce annual reports to the Board in the prescribed form.
- (i) The ginner is prohibited from buying and or ginning improperly graded cotton.

SCHEDULE, FORM B2—continued

- (j) The ginner shall ensure that lint bales are labeled with lot numbers as issued by the Authority.
- (k) The ginner shall ensure that lint bales are stored in proper conditions.
- (l) The ginner shall deliver samples to the Board within a fortnight after drawing the relevant samples. Upon receipt of the samples the Authority shall classify them and issue a report. Copy of the classification report shall be made available to the owner. Each sample shall weigh not less than two hundred and fifty grammes (250g).
- (m) The ginner shall ensure that all bales produced are properly weighed and the same is clearly indicated in bale specification forms.
- (n) The Board may exercise its powers under rule 36 of the Cotton Development Authority to revoke or suspend a certificate if the licensee fails to comply with terms and conditions of the registration. Where a registration is revoked, the ginner shall have to re-apply and where the registration is suspended the ginner shall pay US Dollars five hundred (US\$500) after complying with the conditions of regulation 36.
- (o) In addition any person who contravenes any one of the regulations shall be guilty of an offence
- (p) A person aggrieved by the decision of the Authority to revoke or suspend his certificate may appeal to the Minister.
- (q) The ginner shall gin non infected cotton separate from infected cotton.
- (r) Every ginner shall ensure that all non-infected cotton is ginned first and that no infected is ginned before requirement of seeds for planting as determined by the Board is satisfied.
- (s) All seeds from seed cotton purchased at ginnery gate shall not be used for planting purposes.
- (t) The ginner shall draw one sample from each bale that is one hundred per cent (100%) sampling.
- (u) Ginners shall use jute, cotton or any other material recommended by the Board to pack lint bales, cotton seed and cotton samples.
- (v) Ginners shall pay a levy of not more than 5% per kilogram of lint or its equivalent to be collected at ginnery gate to the Authority to finance regulatory functions of the Board.

COTTON ACT

COTTON (GENERAL) REGULATIONS, 2007

FORM C1

(r. 27(2))

APPLICATION FOR LINT EXPORT CERTIFICATE

To: Chief Executive Officer

1. Particulars of Applicant
 - Name of Applicant
 - Address:
 - Trading Licence No. of 20
 - Bankers full name and address
 - I/We of P.O. Box and holders
 - of Business License No. (attached) issued at
 - hereby apply for a Cotton Lint Export certificate for the season.
2. Types of Lint Exporters (Tick whichever is applicable)
 - 2.1 Registered seed cotton buyer, registration No. (copy attached)
 - 2.2 Agent of registered Seed Cotton Buyer (copy of Agency Agreement attached).
3. Financial Arrangement:
 - I/We confirm that I/We will have no problems with financing and same can be confirmed by my/our Banker of P.O. Box

Cotton

[Subsidiary]

SCHEDULE, FORM C1—continued

4. Application Fee:

I/We enclose a payment of US \$ 100/= being non refundable application fee for the Lint Export certificate

5. Declaration:

I/We hereby declare that I/We shall abide by the regulations governing the Cotton Lint Export as issued by the Minister for Agriculture from time to time and satisfy conditions for lint exporters shown overleaf.

Signature Date

Official Stamp

NOTE: See condition overleaf

TERMS AND CONDITIONS FOR LINT EXPORTERS

- (a) The exporters shall show financial ability endorsed by a reputable Bank/Financial institution.
(b) The exporter shall pay a non-refundable application fee for US \$100
(c) Successful applicants shall be issued with export license upon payment of US \$2,000 per annum or its equivalent.
(d) No exporter shall export lint without a valid export permit issued by the Authority for every consignment.
(e) CONDITIONS FOR ISSUANCE OF EXPORT PERMITS
(i) Lint exporters must have valid seed cotton buying certificates, evidence of agency for seed cotton buyer or ownership;
(ii) Lint quality certificate issued by the Authority to be provided for every consignment.
(f) Exporters shall perfect the export permit issued for each consignment and return to the Board within 14 days from the date of shipment failure of which no export permit will be issued.
(g) All Lint exporters must register every sale of cotton lint with the board within seven days from the date of sale otherwise the Board will not issue any Export permit for any contract not registered. The information should include the buyer's name, number of bales sold, the type, price and delivery period.
(h) Relevant certificate for export should be availed (phytosanitary).

COTTON ACT

COTTON (GENERAL) REGULATIONS, 2007

FORM C2

(r. 27(3))

COTTON LINT EXPORT CERTIFICATE NO.

Certificate is hereby granted to M/S of P. O. Box

to export cotton lint during marketing season, ending

31st December 20 Issued at Nairobi this day of 20

FEE US \$100 RECEIPT NO. OF

REMARKS

.....

Signed Date

Chief Executive Officer
Cotton Development Authority

SEAL

NOTE: This certificate is issued subject to the conditions shown overleaf.

Cotton

[Subsidiary]

SCHEDULE, FORM C2—continued

TERMS AND CONDITIONS TO BE OBSERVED BY COTTON LINT EXPORTERS

- (a) Premiums and discounts for grade and staple shall be as per Authority Terms and Conditions of cotton sale.
- (b) The Authority and KEBS shall have a final say on Kenya Cotton lint quality standard.
- (c) Exporters must not exchange or barer seed cotton, cotton lint or cotton seed.
- (d) The Board may in exercise of its powers under rule 38 of the Cotton Development Authority to cancel or suspend a certificate if the licensee fails to comply with terms and conditions upon which the license is issued. Where a license is cancelled, the exporter shall have to reapply and where a licensee is suspended the exporter shall pay US Dollars one thousand (US \$1,000/=) after complying with the conditions of this license.
- (e) In addition, any person who contravenes any one of the conditions shall be guilty of an offence.
- (f) A person aggrieved by the decision of the Board canceling or suspending his licence may appeal to the Minister.
- (g) Exporters shall perfect the export permit issued for each consignment and return to the board within 14 days from the date of shipment.
- (h) All lint exporters must register every sale of cotton lint with the Board within seven days from the date of sale. The information should include the buyer's name, number of bales sold, the type price and delivery period.

COTTON ACT

COTTON (GENERAL) REGULATIONS, 2007

FORM D1

(r. 28(2))

APPLICATION FOR COTTON SEED/CAKE EXPORT PERMIT

To: Chief Executive Officer

1. Particulars of Applicant.

Name of Applicant

Address

Trading Licence No. of

I/We of PO Box and Holders
of Business Licence No. (attached), issued at

hereby apply for Cotton seed Export Permit for tons of season.

2. Declaration

I/We hereby declare that I/We shall abide by the regulations and By-laws governing the cotton seed export as issued and as will be issued from time to time and satisfy conditions for cotton seeds exporters as shown overleaf.

Signed: Date

Official Stamp:

NOTE: See conditions overleaf

1. CONDITIONS FOR COTTON SEEDS EXPORTERS

- (a) The applicant/exporter shall pay a non refundable application fee of US Dollars one hundred or its equivalent to the Authority.
- (b) No one shall export cotton seeds without a valid export permit issued by the Authority for every consignment.

Cotton

[Subsidiary]

SCHEDULE, FORM D1—continued

2. CONDITIONS FOR ISSUANCE OF EXPORT PERMIT

- (c) Cotton seed exporters should have valid trading licences.
- (d) Exporters shall perfect the export permit issued for each consignment and return to the Board within fourteen days from the date of shipment, failure of which no export permit will be issued.
- (e) Exporters must not exchange or batter cotton seeds.

COTTON ACT

COTTON (GENERAL) REGULATIONS, 2007

Serial No.

FORM D2

(r. 28(3))

COTTON SEEDS/SEED CAKE EXPORT PERMIT FORM

COTTON SEED/CAKE EXPORT PERMIT

1. Exporter's Name and Address				2. Export licence No.	
3. Buyer's (Name and Address)				4. Consignee	
5. To be shipped on ETA				6. Terms of delivery	
7. Description of cotton seeds:				8. Port of shipment	
Crop year	Quantity – tons	Price us c/lb	Total Values	9. Port of destination	
10. Contract No.					
11. DECLARATION BY THE EXPORTER We the owners (or agents duly authorized by the owner of the seeds specified in the form), hereby declare that the export prices quoted above are correct Stamp & signature of Exporter Date.....				12. VERIFICATION BY COTTON DEVELOPMENT AUTHORITY We certify that this application the requirements have been fulfilled. Checked by Stamp & signature of COTTON DEVELOPMENT AUTHORITY Date	

13. FOR OFFICIAL USE BY CUSTOMS (at Exit Point)

We hereby certify that this export shipment has been completed as follows:

Date of shipment Port of shipment carrying vessel

Mode of shipment Bill of lading/Airway Bill/Consignment No.

Export Entry No. Export Entry Date Port and Country of Destination

Cotton

[Subsidiary]

SCHEDULE, FORM D2—continued

		QUANTITY TONS	AMOUNT FOREIGN CURRENCY	KSH. VALUE EQUIVALENT

Checked by Approved by Date

Stamp & Signature

.....
of
authorized Official of Customs
COTTON DEVELOPMENT AUTHORITY
P. O. BOX 30028, NAIROBI

Issued to

.....
.....

CQC

COTTON ACT

COTTON (GENERAL) REGULATIONS, 2007

FORM E1

(r. 25(1))

REQUISITION FOR COTTON CLASSIFICATION

To: Chief Executive Officer

1. Particulars of applicant

Name of applicant

Address

Please supply classing services for samples delivered as here under:

GINNERY	LOT NO.	SAMPLE BALE NOS	VARIETY AND QUALITY SYMBOL	TYPE OF GINNING SAW/ROLLER

2. Classing Services Required

(Tick the required service, but STAPLE and GRADE is mandatory)

(a) STAPLE and GRADE

(b) HVI TEST

(1) Macronaire

(2) Upper Half Mean

(3) Strength (g/tex)

(4) Uniformity Index

(5) Uniformity ratio

(6) Span length 50%

(7) Span Length 2.5%

(8) other (specify)

Cotton

[Subsidiary]

SCHEDULE, FORM E1—continued

3. Test Results

Please (i) Telex/Fax/Post the classing data to the following address.

.....
.....

(ii) Keep for collection from your lab by us or our agent

4. Fees

I enclose cash/cheque No. US\$

Amount in words

the service as follows:

(i) No of samples for grade and staple @ US Dollar 1.25

(ii) No. of samples for HVI TEST (All parameters) @ US\$ 1.50

(iii) No. of samples For HVI TEST (any one parameter) @ US\$1.00

Specify the date required

5. Declaration

I/We hereby declare that the samples of the above mentioned lot/lots were drawn and sealed, under our responsibility in accordance with the sampling rules and, regulations issued by the Cotton Development Authority and were delivered to the Authority as being to the best of my/our knowledge, truly representative of the lot refereed to and that the Authority shall not be held responsible for any claims arising from inconsistencies between the sample and the exported/sold cotton.

.....
Signature

.....
Date

COTTON ACT

COTTON (GENERAL) REGULATIONS, 2007

FORM E2

(r. 25(3))

COTTON QUALITY CERTIFICATE

We certify that the samples of raw cotton delivered to the Authority *vide* Delivery Note No. of are as follows:

CROP	LOTS NO.S	NO OF BALES	SAMPLE NO.S	GRADE	STAPLE

COTTON DEVELOPMENT AUTHORITY

COTTON CLASSIFIER DATE

CHIEF EXECUTIVE OFFICER DATE

SEAL

Cotton

[Subsidiary]

SCHEDULE—continued

COTTON ACT

COTTON (GENERAL) REGULATIONS, 2007

FORM F

(r. 20(1)(c))

FORTNIGHTLY SEED COTTON PURCHASES REPORT

FOR SEASON

To: Chief Executive Officer

Week No. Ending GRADE AR/BR

Buying center	PURCHASES			DELIVERIES			Balances
	Purchases to previous week	Purchases this week	Total purchases to date	Deliveries to previous week	Deliveries this	Total Deliveries to week	

.....
Branch Manager

.....
Official stamp

.....
Date

COTTON ACT

COTTON (GENERAL) REGULATIONS, 2007

FORM G

(r. 23(1)(d))

FORTNIGHTLY GINNING REPORT FOR SEASON

To: Chief Executive Officer

Week No. ending GRADE AR/BR

GINNERY	GINNING			Bales Delivered to Export points	Bales railed to Mombasa	Balance at the Ginnery
	Ginning to previous week	Ginning this week	Total Bales Ginning to date			

Ginnery Manager Official Stamp Date

Cotton

[Subsidiary]

SCHEDULE, FORM H—continued

Add loose lint kgs Add loose lint Kgs
 Total net kgs AR BR BR
 Weight of seed produced AR Tons BR Tons
 Weight of seeds sold AR Tons BR Tons
 Weight of seed requisitioned for
 Planting AR Tons BR Tons
 Any other lint not included in the above e.g. Sweeping lint from
 Cleaner waste cotton etc. AR Kgs BR Kgs.
 For and on behalf of GINNERY MANAGER (Signature)

COTTON ACT

COTTON (GENERAL) REGULATIONS, 2007

FORM I

(r. 15)

COTTON BUYING STORE REGISTRATION

Registration is hereby granted to M/s of P.O. Box
 to store cotton during season, ending 31st March 20 at the
 buying center (Registration No.) situated at in
 District, Province.

Issued at this day of 20

FEES SHS RECEIPT No. OF

REMARKS

.....

Signed

Chief Executive Officer,
 Cotton Development Authority

SEAL