THE DAIRY INDUSTRY REGULATIONS [2018]
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In the exercise of the powers conferred by section 7(1)(q) of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries, on advise of the Kenya Dairy Board makes the following regulations:-

**DAIRY INDUSTRY (REGISTRATION AND LICENCING) REGULATIONS, 2018**

**Citation**

1. These regulations may be cited as the Dairy Industry (Registration and Licensing ) Regulations, 2018

**Interpretation**

2. In these regulations unless the context otherwise requires-

   “Act” means the Dairy Industry Act;
   
   “registration” means the action or process of registering or of being registered under the Act
   
   “certificate of registration” means a certificate issued under regulation (4) of the regulations by an officer designated by the Board to perform registration functions under the Act;
   
   “licence” means the licence issued by the Board
   
   “person” means any individual adult person, group of persons or organization, whether corporate or otherwise;
   
   “Register” means a register or registers kept pursuant to this Regulations;

3. (a) Any person who intends to operate a dairy produce plant, machinery or equipment or use any premises, facility or structure for purposes of producing, processing, packaging, storing therein, distributing or selling therefrom any dairy produce or carrying therein any activity connected therewith, shall register such plant, machinery, equipment, premises, facility or structure and obtain a certificate of registration thereof from the Board as is specified under these regulations.

5. (b) The Board shall not issue a certificate of registration and shall not register any person pursuant to this regulation unless the plant, machinery, equipment, premises, facility or structure which is the subject of the application fulfills the documentation, construction, structural, environmental, hygienic or any other requirements of these regulations and any other relevant legislations.

(c) The requirement for registration under this regulation shall not apply to premises or facilities such as retail shops, grocery shops, restaurants and similar establishments where dairy produce is only sold or served.

**Registration fees**

(d) The registration fees charged under this regulation shall be as follows

1. Application for registration .........................Kshs 1,000
2. Producer registration fee ...............................Kshs 1,000
3. Milk bar registration fee ...............................Kshs 1,500
4. Cottage industry registration fee ..................Kshs 2,000
5. Mini Dairy registration fee .............................Kshs 2,000
6. Processor registration .................................Kshs 5,000
7. Cooling plant registration fee  
   (below 5,000 litres)…………………………..Kshs 1,000  
8. Cooling plant registration fee  
   (Above 5,000 litres)……………………….   Kshs.2,000  
9. Distributors of Dairy Produce……………….Kshs 5,000  
10. Dairy Equipment, Materials and Additives …Kshs 5,000  
11. Exporter and Importers of Dairy Supplies…..Kshs 5,000  
4. The registration of primary producers shall be in accordance with the 
   provisions of Part V of the Act.  
5. (1) The application for registration under sub regulation (3) shall be 
   addressed and submitted to the Board in as set out in the first schedule of 
   this regulation and may be communicated to the Board by electronic, 
   registered post or physical means.  

   (2) The application may be accompanied by such official and certified copies 
   of documents containing such information as the Board may require from 
   time to time.  

   (3) Upon receipt of the application, the Board shall -  

   (a) issue the certificate applied for if the application satisfies all the 
       requirements of this Act as to registration; or  

   (b) reject the application and decline to issue the certificate applied for, among 
       other reasons, if-  

      (i) the application is wanting in any material particulars, or  

      (ii) the application is contrary to any provision of the Act. 

   6. If the Board rejects the application it shall, furnish the applicant with 
      reasons for the rejection. 

   7. Every certificate issued under sub regulation (3) (a) shall be in the form 
      prescribed under schedule 1 of these Regulations. 

   8. A certificate issued under this regulation may be issued subject to such 
      terms and conditions of issue as the Board may determine and considers 
      appropriate so long as those terms and conditions are stated on the 
      certificate. 

   9. Registration under this regulation shall be a one off undertaking except 
      in circumstances which the Board may consider warranting. 

   10. Application for registration shall be accompanied by such non-
        refundable amount of registration fee as the Board may specify from time 
        to time. 

   11. The Board shall annually publish the names of all registered persons 
        under these regulations in a widely read newspaper in Kenya. 

   12. Any person who violates the provisions of sub regulations (3) (a) or 
        obtains registration through fraudulent misrepresentation of any material 
        fact commits an offence and is liable to a fine of twenty thousand shillings 
        or one month imprisonment or to both. 

Offence for failure to register
13. (1) The Board may revoke a registration and cancel the certificate issued thereof if the holder of the certificate -

(a) violates any provision of the Act, the terms and conditions to which the registration was subject or has been convicted of an offence under the Act or the provisions of any other written law relating to the sale or handling of dairy produce or any food, or

(b) for whatever reason, withdraws from or abandons the activity for which his plant, machinery, equipment, premises, facility or structure was registered, or

(c) relocates to a place or site different from where his plant, machinery, equipment, premises, facility or structure was situated at the time of registration, or

(d) substantially changes or engages in activities other than what his plant, machinery, equipment, premises, facility or structure was registered for to the extent that the dairy produce activities are substantially or materially altered or affected, or

(e) combines dairy produce operations with business the Board considers incompatible with the dairy produce, or

(f) changes ownership of the dairy produce business, or

(g) changes his name or personal particulars on the basis of which he/she acquired registration, or

(h) secured the registration fraudulently or corruptly; or

(i) he/she has, in connection with his plant, machinery, equipment, premises, facility or structure, an employee who is suffering from any infectious or contagious disease certified by a medical practitioner and no remedial action has been taken at all or satisfactorily, or

(j) he/she has substantially violated any of the hygiene and safety measures required under the Act, or any other written law, or

(k) if the plant, machinery, equipment, premises, facility or structure is not in a good state of repair or is deficient in any material particulars or that the same is not adequate for the purpose of the business for which it was intended and the holder is unable to give guarantees to the Board that necessary action is to be undertaken within reasonable time to remedy the problem at hand, or

(l) it is contrary to public policy and/or national interest that the producer should continue to be registered; or

(m) the person has been in the past or he is presently in breach of ethical conduct relating to the dairy business; or

(n) being a registered entity, he has been deregistered by the relevant Board in accordance with the law governing the registration in question; or
The Dairy Industry Regulations, 2018

(o) has voluntarily surrendered a certificate of registration.

14. (a) Before revocation of a certificate pursuant to this regulation the Board, or its authorized agent, shall give to the certificate holder a notice of not more than thirty (30) days suspension, stating reasons for the intended revocation.

(b) Prior to giving the notice, the Board may elect to first require the holder to remedy the wrong for which suspension notice was preferred and may also enter into an agreement with the holder regarding the manner and time within which the remedy in question should be undertaken.

15. If the certificate holder fails or neglects to remedy the wrong, or remedies the wrong but not to the satisfaction of the Board, or he is in any way in breach of any of the terms of the agreement entered into with the Board under sub regulation (13)(b), the Board shall proceed to issue a revocation order in terms of sub regulation (12)(1).

16. (a) If the Board in its sole consideration, considers that it is not in the best interests of the dairy industry or a section thereof to revoke the registration of any producer, it may make an order suspending the registration for such a period and on terms and conditions as it deems appropriate.

(b) A suspension order made under paragraph (a) shall remain in effect unless lifted for any reason stated under sub regulation (16).

(5)While the revocation or suspension order remains in effect, the certificate holder or his agent shall not in any manner, form or style engage in any dairy produce business or operations in respect of which his plant, machinery, equipment, premises, facility or structure had been registered.

17. (1)The Board may, at its sole discretion, lift the revocation or suspension order if-

(a) the person whose certificate was revoked or suspended petitions the Board for reinstatement of the certificate and the Board, after hearing, is convinced that the petitioner has advanced compelling reasons for reinstatement, or

(b) the person appeals to the Tribunal or Court and the Tribunal or Court makes an order for reinstatement, or

(c) the Board, on its own motion, decides to reinstate even when not petitioned.

(2) The revocation or suspension order may not be lifted if the wrong committed;

(a) amounted to actual endangerment of public health;

(b) was an intended criminal or unethical act or omission; or

(c) was, among other considerations, as a result of the willful refusal of the holder or his agent to take a remedial action required by the Board or obstruction by self or agent which obstruction prevented an inspector or any
other authorized officer or agent of the Board from performing his/her duty under the Act.

**Appeal to tribunal**

18. (1) Any person aggrieved by the decision of the Board to-
(a) reject his application for registration or replacement of a registration certificate; or
(b) revocation or suspension of registration may, in person or by an advocate, make a written petition to the Board in terms of sub clause 13 (1) (b) or appeal to the Tribunal or further to the court in terms of sub clause 13 (2) thirty (30) days from the date of revocation, suspension or decision of the Tribunal, as the case may be, and in the case of appeal to the court, its decision shall be final.

(2) If the Board accepts the petition it shall reinstate the petitioner in accordance with regulation 13(1)(b) and if the Tribunal or court upholds the appeal, it shall reinstate as provided under regulation 13(1)(b).

(3) If the Board or its officer or agent refuses, fails, delays or neglects to take a decision or communicate a decision or any information as is required under this Regulations, the party aggrieved by such refusal, failure, delay or neglect shall make an appropriate appeal to the Tribunal and further to the court, if need be, for redress as is provided under sub regulation (1) of this regulation.

**Validity of certificate**

19. A certificate issued to a corporate body under this Regulations shall not cease to be valid for reason only of the bankruptcy, death or cessation of the registered holder, reason where for the Board may, upon a written petition, direct that the business which was the subject of the registered plant, machinery, equipment, premises, facility or structure continue to be carried on by the surviving spouse, executor, administrator, trustee or manager of the bankrupt or deceased person, as the case may be, approved by the Board until the expiry of the certificate or the Board prematurely directs otherwise.

**Cause to keep register**

20. (1)(a) The Board shall keep a record of each registered plants, machinery, equipment, premises, facilities or structures registered from time to time under regulation 4(2)(a) in a register.

(b) The register shall show in respect with every plant, owner of the machinery, equipment, premises, facility or structure and such other particulars as the Board has prescribed.
(2) A register maintained pursuant to this regulation shall be open to inspection by any interested person only for official or legitimate purposes and for that reason the register shall at all times during the Board’s working hours, be open to inspection in a place accessible to the person seeking to inspect and such person may, at his own cost, take notes there from or photocopy the whole or part of the contents of the register. In addition the Board shall publish annually all the names of registered producers.

(3) Where a person, other than an officer of the Government acting in his official capacity, makes notes from or photocopies contents of a register as is permitted under sub regulation (2), the person shall pay to the account of the Board such an amount of inspection fee as the Board may determine from time to time and the fee charged shall take into account any mutilation, defacement or mishandling, as the case may be, of the register by the person inspecting.

(4) The Board may make corrections of any clerical error apparent on the register, but shall not make corrections of any substantive nature and,

(5) a record of all errors corrected under this regulation shall be kept in writing at all times.

(6) If any person who has surrendered his certificate under regulation 5(1)(m) wants to resume dairy produce business or operations, he shall apply for a fresh certificate in accordance with the provisions of regulation 4.

21. (1) A lost, destroyed, defaced or mutilated certificate which is still valid may be replaced by the issuance of another one upon satisfactory proof, by the holder thereof or his agent, of loss, destruction, defacement or mutilation;

(b) There shall be payment of such replacement fee for replacement of a certificate as the Board may determine;

(c) a replaced certificate shall be marked on its face “REPLACEMENT”;

(d) Every certificate or a replacement thereof issued under this Regulation shall remain the property of the Board and shall in no way be transferable as to person, location, plant, machinery, equipment, premises, facility or structure, reason wherefore the certificate shall be submitted to the Board when revoked, suspended or surrendered under this Regulation.

22. (a) A certificate of registration issued under this Regulations shall be prominently and conspicuously displayed in the premises where the registered plant, machinery or equipment is constructed or in the premises, facility or structure which are the subject of registration

(b) Any person whose duty is to display fails to so display or at all commits an offence under these regulation.
23. (1) Every person whose plant, machinery, equipment, premises, facility or structure is registered under this Regulation for purposes of engaging in dairy business and every other dairy produce dealer or operator shall apply for and obtain a licence from the Board before engaging in any dairy produce business or operation.

(2) No licence shall be issued under sub-regulation 11(1) without a valid registration from the Board.

(2) Exporters, importers and dairy equipment suppliers shall apply for and obtain licence from the Board before engaging in business or operation

(3) Every milk producer, milk trader, milk transporter, milk collection center operator, milk processor is required to have a licence before operating.

(4) The licence required under sub regulation (1) shall be issued by the Board or its authorized agent and shall be renewed after every twelve months from the date of last issue and subject to valid registration by the Board.

24. Licences in respect of dairy produce enterprises whose operations are restricted within a particular county shall be issued by the respective county governments

25. Any person who conducts any dairy produce business or operation without a valid licence commits an offence under these regulations.

26. (a) The Board shall from time to time, issue permits for the traceability and regulation of import or export of dairy produce or equipment.

(b) The Board shall also issue milk carriage permits for the traceability and regulation of dairy produce.

27. Any person who imports or exports any dairy produce or equipment and transport dairy produce without a valid permit commits an offence under these regulations.

28. Any person who violates any of the provisions of these regulation commits an offence and is liable to fine of not more than five hundred thousand shillings or an imprisonment of twelve months or to both.
FIRST SCHEDULE

FORM A

APPLICATION FOR DAIRY DEALER REGISTRATION

1. Name of applicant: .................................................................
   Postal Address: ........................................................................
   Physical Address: ......................................................................
   Tel: ........................................................................ Fax: ..............
   Mobile No: ........................................
   E-mail: ..............................................................

2. Business Registration No*: ............................................................

3. Is this a New/Re-application? .................................................................
   If Reapplication, provide previous registration No: ..........................................................

4. Category of business application: .............................................................

5. Estimated quantity of milk to be handled daily (kgs): ...........................................

6. Source of raw material: .............................................................

7. Types of dairy products to be produced: ..........................................................

8. Proposed market for final product: ............................................................

9. Description of Business—
   ..........................................................................................................................
   ..........................................................................................................................
   ..........................................................................................................................

10. How long have you been in this business: ..............................................

11. Do you or any of your personnel possess any technical skills or experience in dairy:
   a) If so specify: .............................................................
   b) Indicate duration of experience: ..........................................................

Declaration by Applicant:

I ................................................................................................ hereby declare and certify that the information
given in this application including attachments thereto is true and correct to the best of my knowledge
and belief.

Date: ..........................................................
Signature: ..........................................................
Designation: ..........................................................

Official Stamp: 
CERTIFICATE OF REGISTRATION

Registration No:………………

REGISTRATION OF DAIRY DEALERS

(Issued under part 3(a) of the Dairy Industry (Registration and 
Licencing )Regulations ,2017

This is to certify that
Name of Certificate Holder:…………………… Trading As:……………………

Of P.O Box No:………………Post Code:………………Town/center:………………

Physical Address:………………………………………………..

Is a Registered Dairy Dealer in KENYA

Date of Registration:………………/………………../20……………..

Signed by: ……………………………………….

Managing Director
KENYA DAIRY BOARD
The Dairy Industry Regulations, 2018

[Rev. 2018] THE DAIRY INDUSTRY ACT CAP. 336

In the exercise of the powers conferred by section 7(1)(q) of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries, on advise of the Kenya Dairy Board makes the following regulations:

DAIRY INDUSTRY (RETURNS, REPORTS AND ESTIMATES) REGULATIONS, 2018

<table>
<thead>
<tr>
<th>Citation</th>
<th>(1) These Regulations may be cited as the Dairy Industry (Returns, Reports and Estimates) Regulations.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement to render return, report and estimate</td>
<td>(2) Every dairy dealer in relation to whom and to whose area of production, distribution or retail, as the case may be, the Act has come into operation shall, within such period as may be specified in an order made by the Board and published in the Gazette, render to the Board such returns, reports and estimates as may be required by the order, and shall thereafter supply such further particulars as may be required, either by specific direction or by a subsequent order, by the Board.</td>
</tr>
<tr>
<td>Confidentiality of information</td>
<td>(3) All information generated through rendering of the returns, reports and estimates shall be held in confidence by the Board for purposes of these regulations.</td>
</tr>
<tr>
<td>Offence not to render return</td>
<td>(4) A producer, distributor or importer who willfully neglects to render a return, report or estimate, or to supply any particulars required by an order or direction referred to in regulation 2 or who knowingly or recklessly renders any such return, report or estimate, or supplies any such particulars, containing matter which is materially false, shall be guilty of an offence under the Act and is liable to a maximum fine of one hundred thousand shillings or to an imprisonment of not more than three months or to both such fine and imprisonment.</td>
</tr>
</tbody>
</table>
FIRST SCHEDULE

KENYA DAIRY BOARD
P.O BOX 30406-00100(GPO) NAIROBI

FORM OF RETURN

KDB No A…………………………

1. This form must be completed by all licencees
2. This form must be completed and sent to the nearest Kenya Dairy Board offices not later than the tenth (10th) day after the month of production.

Name………………………………………………………………. Licence No…………………………

Milk Statistics for the month of: __________________________________________________________
Total milk intake/Production ____________________________________________________________

Dairy Produce a) Pasteurised Milk
b) UHT Milk
c) Fermented Milk
   i. Mala
   ii. Yoghurt
d) Butter KG
e) Ghee KG
f) Cheese Mozarella
   Other Fresh Cheese
g) Cream
h) Milk Powder
   i. Skim Milk Powder
   ii. Whole Milk Powder
i) Condensed Milk
j) Ice Cream
k) Milk Shake
l) Flavoured Milks

SOURCE OF MILK
Indicate which of these regions your source of milk is:
*Mount Kenya Region *Nyandarua Region *Central Rift Region

*North Rift Region *Kericho Region *Bomet Region

Others specify...........................................................................................................................

DECLARATION
I/We declare that the above information is correct
NAME:_________________________________ ADDRESS:______________________________

SIGNATURE & STAMP:____________________ DATE:_______________________________
(if the signature is on behalf of the Limited Company or Estate, this must be stated)

FOR OFFICIAL USE ONLY
Litres at ________ cents per litre Kshs:________ plus Penalty for late return Kshs_________ Total Kshs___________________

Amount Received in Words________________________________________________________
Debit Note No.____________________________  Receipt No._____________________________

Officers Name___________________________ Signature___________________ Date________________

~ 11 ~
THE DAIRY INDUSTRY ACT CAP. 336

In the exercise of the powers conferred by section 19(d) of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries, on advise of the Kenya Dairy Board makes the following regulations:-

### DAIRY INDUSTRY (SALES BY PRODUCERS) REGULATIONS 2018

<table>
<thead>
<tr>
<th>Citation</th>
<th>(1) These Regulations may be cited as the Dairy Industry (Sales by Producers) Regulations, 2018.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interpretation</td>
<td>(1) In these Regulations, except where the context otherwise requires</td>
</tr>
<tr>
<td></td>
<td>&quot;application&quot; means an application for the grant, renewal, transfer or removal of a licence;</td>
</tr>
<tr>
<td></td>
<td>&quot;licence&quot; means a licence granted under these regulations for the sale of dairy produce;</td>
</tr>
<tr>
<td></td>
<td>&quot;licensee&quot; means any person who is issued with a licence under these regulations to sell or distribute any dairy produce;</td>
</tr>
<tr>
<td></td>
<td>&quot;licensed premises&quot; means any premise in respect of which a licence is in force;</td>
</tr>
<tr>
<td></td>
<td>“person” means any individual adult person, group of persons or organization, whether corporate or otherwise;</td>
</tr>
<tr>
<td></td>
<td>&quot;premises&quot; includes a building, structure, motorcycle, bicycle, vehicle, or any vessel utilized for the storage, distribution or sale of dairy produce;</td>
</tr>
<tr>
<td></td>
<td>“primary producer” means a person who produces milk for sale, but does not include an agent;</td>
</tr>
<tr>
<td></td>
<td>(2) &quot;prescribed&quot; means an order made by the Board and published in the Gazette;</td>
</tr>
<tr>
<td></td>
<td>(3) (1) No person shall operate as a producer unless the person holds a licence issued by the Board.</td>
</tr>
<tr>
<td></td>
<td>(2) Paragraph (1) does not apply to a primary producer</td>
</tr>
<tr>
<td>Licencing of a dairy dealer</td>
<td></td>
</tr>
<tr>
<td>Application for licence</td>
<td>(4) (1) A person desiring to make an application for a licence shall apply to the Board in the prescribed form.</td>
</tr>
<tr>
<td></td>
<td>(2) An application for a licence shall be in Form 2 in the Second Schedule.</td>
</tr>
<tr>
<td>General provisions as to grant, renewal, transfer, removal, suspension or cancellation of licence</td>
<td>(5) (1) Save as otherwise provided in these Regulations the Board may grant, renew, transfer, remove, suspend or cancel a licence and may embody therein such conditions as it may deem appropriate or it may refuse to grant, renew, transfer, remove, suspend or cancel a licence.</td>
</tr>
<tr>
<td></td>
<td>(2) Every licence and every renewal or transfer or removal thereof shall be subject to the payment to the Board of such fee or fees as may be prescribed, and shall expire twelve months from the anniversary date.</td>
</tr>
</tbody>
</table>
(6) (1) The Board may refuse to grant a new licence or transfer or renew or remove an existing licence or may suspend or cancel an existing licence if the Board is satisfied that—

(a) the applicant or licensee—
   i. has been convicted of selling dairy produce or offering or exposing it for sale without a licence
   ii. is not a fit and proper person to hold a licence; or
   iii. has, while holding a licence or during a period of six months prior to obtaining a licence, been convicted of an offence under the provisions of any written law at any time in force relating to the sale or care or handling of dairy produce; or
   iv. has failed to give particulars of any conviction which he is required to give under regulation 3 (2); or

(b) the harness to which an existing licence relates is conducted in an improper manner; or

(c) the conditions of an existing licence have not been satisfactorily fulfilled; or

(d) any person taking part in the storage, handling, distribution or sale of licensed produce on the premises in respect of which the application is made or to which an existing licence relates is suffering from any infectious or contagious disease or is not clean in his person or clothing; or the premises in respect of which the application is made or to which an existing licence relates are not in good repair or are deficient in accommodation or sanitary or drainage requirements or are not in a clean and wholesome condition or are not provided with plant and equipment adequate for the purpose of the business or that the plant or equipment are not being satisfactorily maintained or utilized and the owner of the premises or the applicant or the licensee refuses or is unable to give guarantees satisfactory to the Board that the necessary repairs or cleansing will be carried out or plant or equipment provided within a time specified by the Board and the premises and plant and equipment there after maintained and utilized to the satisfaction of the Board.

(7) (1) A licence issued to a body corporate shall be issued in the name of the body corporate thereof.

(2) Any person who for the time being is the manager of the body corporate shall be entitled to the privileges granted by, and subject to the duties and liabilities imposed upon the holder of, the licence.

(3) No transfer of the licence shall be necessary on a change in the office of the manager, as the case may be, but any person for the time being holding that office shall be entitled to the privileges granted by, and shall be subject to the duties and liabilities imposed upon the holder of, the licence.

(8) In the event of the death, bankruptcy or unsoundness of mind of a licensee or in any similar event to which the Board declares in writing that the provisions of this regulation should be applied, for the purpose of these Regulations the widow, executor, administrator, trustee or manager, as the case may be, or any other person approved by the Board, may carry on the business of the licensee without a transfer or grant of
a licence, either personally or by an agent approved by the Board, until the expiry of the current licence, or for such shorter period as the Board may direct.

**Form of a licence**

(9) (1) The following licences may be issued pursuant to an application made under regulation 3—
   a) Processor’s licence
   b) Mini dairy licence
   c) Dispensers licence
   d) Cottage industry licence;
   e) Milk bar licence; and
   f) Cooling plant licence.
   g) Distributors Licence

(2) A licence issued by the Board under this regulation shall be as prescribed in Form 3 in the third schedule under this regulation.

**Fees**

(10) The fees payable is as prescribed in the First Schedule of these regulations.

**Conditions for issuance of a distributor license**

(11) For a distributor to be issued with a licence, the person shall comply with the requirements for storage and distribution of dairy produce.

**Term of licence**

(12) A licence issued under these Regulations shall be valid for a period of twelve months from the date of the first anniversary.

**Licences to be displayed**

(13) A licence shall be prominently and conspicuously displayed on the premises to which it relates and a licensee who fails or neglects so to display his licence shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three months, or to both.

**Managers and employees**

(14) (1) No licensee shall permit another person to manage, superintend or conduct the day-to-day business of the premises in respect of which he is licensed except where provided for by the Board in these regulations, and every person in respect of whom consent is given shall be subject and liable to the same duties, obligations and penalties under these Regulations as the licensee:

Provided that nothing in this paragraph shall relieve the licensee of any such duties, obligations or penalties.

(2) A licensee who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three months, or to both.

(15) (1) An act done or omitted to be done by an employee in contravention of any of the provisions of these Regulations shall be deemed also to be the act or omission of the employer and any proceedings for an offence arising out of that act or omission may be taken against both employer and employee.
Holding out as a licensee

(16) A person causing or permitting to be on his premises or on premises under his control any words, letters or sign falsely purporting that he is a licensee shall be guilty of an offence and liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years.

No sale of dairy produce except under licence

(17) A producer who sells dairy produce or offers or exposes it for sale except under and in accordance with, and on such premises as may be specified in, a licence shall be guilty of an offence and liable—
   (a) for a first offence, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months, or to both;
   (b) for a second or subsequent offence, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both;

but this regulation shall not apply to a consumer.

Interests to be considered

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

Conditions of licence

(19) The Board may—
   (a) modify or vary the licence from time to time upon giving thirty (30) days’ notice in writing to the licensee;
   (b) cancel the licence if satisfied that there has been any material error or omission in the facts stated in the application;
   (c) cancel the licence if the licensee is in default in the payment of cess or any other sum due to the Board or arising from any contractual arrangements with producers or their agents;
   (d) cancel the licence if the licencee is deregistered by the Board
   (e) cancel the licence if the licensee contravenes these regulations.

Refusal to grant or renew licence

(20) The Board may refuse to issue a new licence or may suspend or cancel an existing licence if the Board is satisfied that—
   (a) the producer’s standards of performance are unsatisfactory;
   (b) the issue is not, or the suspension or cancellation, is in the interest of other producers and of consumers;
   (c) the conditions of a licence have not been fulfilled;
   (d) the applicant or licensee has failed to remit, within the prescribed period, any cess and/or levy due by the applicant or licensee to the Board; or
   (e) the applicant or licensee has not paid dairy farmers for milk delivered to the applicant or licensee.

Licences, etc., to be in writing

(21) Every licence and every renewal, transfer, removal, suspension or cancellation thereof and every direction by the Board under regulation 9 shall be authenticated in writing and signed by an authorized officer of the Board.
| Penalty | (22) A person who contravenes regulation 3 (1) is guilty of an offence under the Act. |
SCHEDULES

FIRST SCHEDULE

LIST OF FEES PAYABLE UNDER THESE REGULATIONS

<table>
<thead>
<tr>
<th>Category of Licence</th>
<th>Kshs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Application for licence</td>
<td>1,000</td>
</tr>
<tr>
<td>2. Processor Licence fee(handling over 100,000 litres per day)</td>
<td>50,000</td>
</tr>
<tr>
<td>3. Processor licence fee(handling below 100,000 litres per day)</td>
<td>25,000</td>
</tr>
<tr>
<td>4. Milk bar licence fee</td>
<td>3,000</td>
</tr>
<tr>
<td>5. Mini Dairy Licence fee</td>
<td>6,000</td>
</tr>
<tr>
<td>6. Dispenser Licence fee</td>
<td>6,000</td>
</tr>
<tr>
<td>7. Cottage industry licence fee</td>
<td>4,000</td>
</tr>
<tr>
<td>8. Cooling plant licence fee(below 5,000 litres capacity)</td>
<td>1,000</td>
</tr>
<tr>
<td>9. Cooling plant licence fee (Above 5,000 litres capacity)</td>
<td>2,000</td>
</tr>
<tr>
<td>10. Distributors Licence fee</td>
<td>25,000</td>
</tr>
</tbody>
</table>
SECOND SCHEDULE

KENYA DAIRY BOARD
P.O. Box 30406-00100 TEL:310559/335057 FAX:244064
e-mail:info@kdb.co.ke

Serial No:

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

To:
The Managing Director
Kenya Dairy Board
P.O. Box 30406-00100
Nairobi

Dear Sir/Madam,

I (Name)………………………………………………………………………………………
Address………………………………………………………………Tel. No………………
E-mail…………………………………………Fax………………………………. hereby apply for
………………………………………..Licence to produce/process/sell/dispose of the quantities of
dairy produce specified in column(1) of the schedule to this application to the person (s) or class of
persons specified in column(2) of the said schedule within the area specified in column (3) on the said
schedule for the period specified in column (4) on the said schedule.

<table>
<thead>
<tr>
<th>Nature of Dairy Produce</th>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
<th>COLUMN 3</th>
<th>COLUMN 4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quantity per Day</td>
<td>For sale to whom (and whether wholesale or Retail)</td>
<td>Area</td>
<td>Period</td>
</tr>
</tbody>
</table>

Full name of business………………………………………………………….Location of
Business………………..Address………………..Tel…………………..Fax…………………………
E-mail………………………………………. Signature & Stamp…………
(if signature is on behalf of a limited Company, Estate or Partnership, this must be stated)

FOR OFFICIAL USE ONLY

1. Kenya Dairy Board Inspector’s Remarks
   ……………………………………………………………………………………………………………………………
   Name…………………………………..Signature & Stamp ……………………..

2. Officer in charge’s Remarks:
   ……………………………………………………………………………………………………………………………
   ……..Signature & Stamp……………………………………

3. Kenya Dairy Board Management Licensing Committee
   Recommended/Deferred/Rejected
   ……………………………………………………………………………………………………………………………
   Signature ………………………………………
THIRD SCHEDULE

KENYA DAIRY BOARD

FORM 2

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

Licence No……………

Category……………………………………………………

Serial Number

Name……………………. Station:…………………

Postal Address…………………………Physical Address…………………………

Telephone No………………………E-mail………………………………………………

Is hereby licensed to produce/process/sell/dispose of the quantities of dairy produce specified in column 1 of the schedule to this licence to the person(s) or class of persons specified in column 2 of the said schedule within the area specified in column 3 of the said schedule for the period(s) specified in column 4 of the said schedule subject to the following terms and conditions:

1. The Kenya Dairy Board reserves the right to modify or vary this licence from time to time upon giving to the licensee thirty (30) day’s previous notice in writing.

2. This licence is subject to immediate cancellation if the licensee is in default in the payment of any cess or other sums due to the Board or arising from any contractual arrangements with producers or their agents.

3. This licence is subject to immediate cancellation if the licensee is in default in the payment of any cess or other sums due to the Board or arising from any contractual arrangements with producers or their agents.

4. This licence is liable to immediate cancellation if the licensee contravenes any of the conditions of the licence or otherwise acts in contravention of the Dairy Industry (Sales by Producers) Regulations, 2004.

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
<th>COLUMN 3</th>
<th>COLUMN 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of Dairy Produce</td>
<td>Quantity Per Day</td>
<td>For Sale to whom (and whether Wholesale or Retail)</td>
<td>Area</td>
</tr>
</tbody>
</table>

BY ORDER OF THE KENYA DAIRY BOARD

Expiry Date………………

Issue Date………………

For Kenya Dairy Board
In the exercise of the powers conferred by section 19(e) of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries, on advise of the Kenya Dairy Board makes the following regulations:-

DAIRY INDUSTRY (IMPOSITION OF FESS AND LEVY) REGULATIONS, 2018

Citation (1) These Regulations may be cited as the Dairy Industry (Imposition of Fess and Levy) Regulations, 2018

Imposition of Regulatory levy (2) (1) A consumer, who buys dairy produce for own consumption, shall pay regulatory levy on the dairy produce purchased at the rate of one per centum of ex-factory price.
(2) A consumer, shall pay levy, in accordance with sub regulation (1) to the Board through the producer and (b) directly to the Board, if the consumer processes dairy produce for own consumption.
(3) A producer described in paragraph (2) (a) shall collect the levy and remit it to the Board

Failure to pay or remit regulatory levy (4) A person who fails to pay or remit the regulatory levy as provided for under regulation 2 shall in addition to the regulatory levy be liable to pay interest of twenty-five percent for the first month or part of a month in which the levy remains unpaid and twelve percent compound interest for each subsequent month or part of a month in which the levy remains unpaid.
(5) The interest rates set out in sub regulations (4) are monthly interest rates.

Imposition of import levy (6) A person who imports milk or any other dairy produce shall pay to the Board a levy of seven per centum of gross cost, insurance and freight (landed value) of the milk or dairy produce at the port of entry prior to the release of the milk or dairy produce.

Payment of consumer levy (7) (1) A consumer, who buys dairy produce for own consumption, shall pay consumer levy on the dairy produce purchased at the rate of one per centum of ex-factory price.
(2) A consumer, shall pay levy, in accordance with sub regulation (1) to the Board through the producer and (2) directly to the Board, if the consumer processes dairy produce for own consumption.
(3) A producer described in paragraph (2) (a) shall collect the levy and remit it to the Board.

Failure to pay or remit import levy (8) A person who fails to pay the import levy to the Board prior to the release of the imported milk or dairy produce as provided under regulation 6 shall, in addition to the levy, be liable to pay interest of twenty-five percent for the first month or part of a month in which the levy remains unpaid and twelve percent compound interest for each subsequent month or part of a month in which the levy remains unpaid.
The Dairy Industry Regulations, 2018

(9) The interest rates set out in sub regulations (7) are monthly interest rates.

Payment of Processor Levy

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

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

(11) (1) A person who fails to pay or remit the processor levy as provided for under regulation 10 shall in addition to the processor levy be liable to pay interest of twenty-five percent for the first month or part of a month in which the levy remains unpaid and twelve percent compound interest for each subsequent month or part of a month in which the levy remains unpaid.

(2) The interest rates set out in sub regulations (11) are monthly interest rates.

Monthly returns

(12) The producer, distributor or importer shall remit monthly returns, reports and estimates indicating the quantities of milk sold or quantities of milk converted to any other dairy produce and sold.

Offence not to render return

(13) A producer, distributor or importer who contravenes the requirements of this regulation shall be guilty of an offence and is liable to a maximum fine of one hundred thousand shillings or to an imprisonment of not more than three months or to both such fine and imprisonment.

Levy to be recovered as a civil debt

(14) The levies that are due to the Board shall be a civil debt due from the person(s) on whom it is imposed.
THE DAIRY INDUSTRY (LICENSING OF DAIRY MANAGERS), REGULATIONS, 2018

<table>
<thead>
<tr>
<th>Citation</th>
<th>1. These Regulations may be cited as the Dairy Industry (Licensing of Dairy Managers) Regulations, 2018.</th>
</tr>
</thead>
</table>
| Interpretation | 2. In these regulations excepts where the context otherwise requires—
   “application” means an application for grant or renewal of a licence;
   “licence” means a licence granted under sub regulation 5;
   “prescribed” means prescribed by an order made by the Board and published in the gazette;
   “specified dairy” means a dairy producing more than 500 litres of milk daily; |
| Prohibition to manage dairy without licence | 3. No person shall manage or employ a person to manage a specified dairy unless the manager has been granted a licence by the Board. |
| Application to be accompanied by certificates | 4. An application for a licence shall be in Form 1 of the first schedule and shall be submitted to the Board accompanied by certificates or other documents relating to the applicants academic and professional competence as determined by the Board from time to time which would qualify him/her to manage a specified dairy. |
| Granting of licence | 5. The Board shall consider applications made under regulation 4 and shall grant a licence in Form 2 of the second schedule to an applicant whom it considers competent to manage a specified dairy. |
| Board to publish list of persons licenced | 6. A Licence shall not be transferable and shall be issued for a period of one calendar year and may thereafter be renewed annually. |
| Refuse to grant or renew licence | 7. The Board shall publish in the Gazette a list of all persons licenced under this regulations |
| 8. (1) The Board may refuse to grant or renew a licence or may cancel or suspend an existing licence if it is satisfied that the applicant or licensee has been dismissed by his employer on the grounds of proven professional negligence by the Board or is otherwise not a fit and proper person to hold a licence
(2) the Board shall refuse to grant or renew licence or shall cancel an existing licence if the applicant or licensee is convicted of an offence in connection with his employment |
| 9. A person whose application has been refused or whose licence has been cancelled may reapply to the Board for a licence after a period of twelve months from the date of the refusal or cancellation and the Board may thereupon— |
| (a) Grant a new licence to the applicant; or |
| (b) Grant a probationary licence in Form 3 of the third schedule for a maximum period of six months. |
10. Where the Board grants a probationary licence it may at any time cancel it if any of the conditions set out in sub-regulation 8 apply

(a) On expiry of a probationary licence, the Board may issue or refuse the applicant any further licence

11. A fee as prescribed in sub-regulation 12 shall be paid to the Board in respect of the grant or renewal of a licence, or probationary licence, or for a duplicate copy thereof.

**Applicable fees**

12. The following fees shall be paid to the Board-

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee (Ksh.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application fee</td>
<td>1,000</td>
</tr>
<tr>
<td>Licence fee (grant/renewal)</td>
<td>2,000</td>
</tr>
<tr>
<td>Probationary licence fee</td>
<td>2,000</td>
</tr>
<tr>
<td>Duplicate Licence Copy</td>
<td>1,000</td>
</tr>
</tbody>
</table>

**Offence under the regulations**

13. A person who contravenes any of the provisions of these regulations shall be guilty of an offence under the Act and is liable to a fine of not more than five hundred thousand shillings or to an imprisonment of six months or to both such fine and imprisonment.
FIRST SCHEDULE

FORM 1

THE DAIRY INDUSTRY (LICENSING OF DAIRY MANAGERS) REGULATIONS

APPLICATION FOR THE GRANT OR RENEWAL OF LICENCE TO
MANAGE A SPECIFIED DAIRY

Type of licence applied for: New/Renewal/Probational ..........................................................
1. Full names of the applicant.................................................................................................
2. Postal address of the applicant .........................................................................................
3. Full name of the dairy to be managed ..............................................................................
4. Physical address of dairy...................................................................................................
   Postal address ....................................................................................................................
   Telephone ...........................................................................................................................
   E-mail:..............................................................................................................................
5. Full name of the owner of the dairy ..................................................................................
   Postal address ....................................................................................................................
   Tel:.................................................................................................................................
   E-mail:..............................................................................................................................
6. Volume of milk handled at the dairy per day
7. Details of the applicant’s competence as required by regulation 4 of these regulations
   (Attach certificate/s and details of experience)..................................................................
   I enclose KSh.................................................................................................................... Licence fee which is refundable in the event that the application is not successful.
Declaration
I.............................................................................................................................(the undersigned) do hereby declare that the information provided herein are true and I accept to comply with the conditions and requirements provided by the Dairy Industry Act (Cap.336) or any other regulation that relates to the Dairy Produce.
Applicant’s Signature...........................................................................................................

FOR OFFICIAL USE ONLY
Remarks by KDB Inspector

Name.................................................................................................................................
Date....................................................................................................................................
Signature.............................................................................................................................Official
Stamp:.............................................................................................................................

KDB HEADQUARTERS
Approved/Reject/Deferred.................................................................................................
Name:.................................................................................................................................
Signature.............................................................................................................................Date. ............................
SECOND SCHEDULE

THE DAIRY INDUSTRY (LICENSING OF DAIRY MANAGERS) REGULATIONS

LICENCE TO MANAGE A SPECIFIED DAIRY

Type of licence: New/Renewal

Licence No:

Name of Licencee:

Address of Licencee:

Tel No:

E-Mail:

Is licensed under regulation 5 of the Dairy Industry (Licensing of Dairy Managers Regulations) to manage:

Dairy at...near...(location)

P. O. Box:

Commencing (Date) to (Date):

This license is issued subject to the following conditions:

(a) It must be renewed every year
(b) Application for the renewal of this licence must be made to the Managing Director, Kenya Dairy Board P. O. Box 30406 00100 Nairobi, so as to reach him/her at least 3 months before it is due to expire.
(c) It is not transferable.
(d) It may be cancelled, suspended or withdrawn at the discretion of the Kenya Dairy Board

For Kenya Dairy Board
THIRD SCHEDULE

THE DAIRY INDUSTRY (LICENSING OF DAIRY MANAGERS) REGULATIONS

PROBATIONARY LICENCE TO MANAGE A SPECIFIED DAIRY

This is to certify that:
Name…………………………………………………………………………………………………………………………
.........................................................................................................................................................
Address……………………………………………………………………………………………………………………
.........................................................................................................................................................
Tel. No.…………………………………………………E-mail……………………………………………………………
Is hereby licensed under regulation 9 (b) of the Dairy Industry Licensing of Dairy Managers
Regulations to manage a specified dairy
named…………………………………………………Located………………………………………………
Address………………………………………………………………….for a period of six months
ending on …………………

Date of issue…………………………………………………………
.........................................................................................................................................................

For Kenya Dairy Board.

This probationary licence is issued subject to the following conditions:
(a) it is not transferable.
(b) it may be cancelled or withdrawn at the discretion of the Kenya Dairy Board;
(c) the grant of any further licence to the person named in this licence.

Dated the …………..
In the exercise of the powers conferred by section 19(q) of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries, on advise of the Kenya Dairy Board makes the following regulations:-

THE DAIRY INDUSTRY (INSPECTORS) REGULATIONS, 2018

Citation
1. These regulations may be cited as the Dairy Industry (Inspectors) Regulations, 2018.

Interpretation
2. For purposes of this Regulations and unless the context otherwise requires-
   “dairy dealer” means a milk producer, milk trader, milk transporter, milk collection center operator, milk processor or retail bulk raw and boiled milk shop operator;
   “inspector” means a dairy inspector appointed under these regulations.

Appointment of inspectors
3. The Board shall appoint qualified persons to be inspectors for the purpose of this Act and such appointment shall be effected through a gazette notice.
4. (1) The Board may by notice in the gazette appoint any person to be an inspector to exercise the powers and perform the duties of an inspector under these regulations.

Qualifications of Industry Inspectors
(2) Without prejudice to the generality of sub regulation (1), no person shall qualify for appointment as inspector unless -
   a) possesses a diploma or other higher qualification in Dairy or Food Science, Public Health, Veterinary Science or any other related fields, and
   b) has a minimum of two years’ experience in the dairy industry field or any other related field as the Board may approve;
(3) Upon appointment of inspector the Board shall -
   a) Subject the inspector to an induction course of such content and duration as the Board shall determine for purposes of, inter alia, equipping the person with techniques for effective inspection of dairy enterprises.
   b) maintain a file on each inspector in which shall, among other things, be entered an appropriate record of the inspector’s performance during the background check, interview for hire, if any, and performance during employment.
   c) review from time to time the information recorded and maintained under paragraph (c) and take appropriate action thereon as circumstances may require.
5. Upon appointment but prior to field deployment, the Board shall subject each inspector to a certification process determined by the Board.
6. Every inspector shall be re-certified every three years by the Board.

Identification of inspector
7. (1) Every inspector appointed under these Regulations shall be issued with a photo identity card duly stamped and signed by the Board’s authorized officer or any other means of identification or verification for purposes of undertaking the requirements of these regulation.
(2) The inspector shall carry an inspectors card or any verifiable document at all times when the inspector is performing duties under these regulations and shall produce it upon entering any place or engaging any person to be inspected under these regulations whether or not the inspector is required to do so by the person who is, for the time being, in charge of the undertaking.
(3) The inspector shall ensure that the identification document is-
(a) at all times secured when not in use to avoid unauthorized use;
(b) legible and clear for proper identification and when lost, defaced or
destroyed, it is replaced immediately; and
(c) immediately returned to the Board upon ceasing to be inspector and
if not returned for whatever reason, the document shall
automatically cease to be of effect from the date of ceasing to be an
inspector.

Prohibition of
conflict of
interest
8. (a) No person shall, while still validly holding the position of an
inspector under these regulations, engage in any dairy business other
than for primary production unless a formal declaration is made.
(b) The Board shall take such action as it deems appropriate against an
inspector who violates the provisions of this regulation.

Powers and
Duties of
inspector
9. (1) In the performance of his duties under these regulations the inspector
shall have the power to inspect dairy farms, milk collection centers,
transporters, milk bars, cottage industries, mini dairies, milk plants, and
any other place, facility or structure which the Board directs that it is in
the interests of the public that such place, facility, structure, area or
operation should be inspected in order to determine compliance with the
requirements of these regulations.
(2) Inspection of dairy farms shall not include sanitary requirements as
provided under the Veterinary and Paraprofessionals Act.

10. Pursuant to sub regulation 9(1), an inspector may:
   b) at any reasonable time, enter any premises, plant, facility, structure,
place or area where inspector reasonably suspects, knows or in
connection with which he has received information to the effect that
dairy activities are being conducted or are about to be conducted
therein or thereon, and conduct an inspection for purposes of
ascertaining whether or not the premises, plant, facility, structure,
place or area is dully registered for purposes of dairy business under
the Act; and
   c) determine that the premises, plant, facility, structure, place or area is
not so dully registered, and shall forthwith take appropriate action
under these regulations;

   d) If an inspector has reason to believe that the dairy product, material,
substance, equipment or other thing which is the subject of
inspection under this Act, or any record or thing connected
therewith, is in a dwelling house, inspector may request the
occupant thereof for permission to instantly enter the house to
conduct inspection.

   e) If the occupant declines, neglects or unduly delays to grant
permission, the inspector shall seek the assistance of the nearest
police officer to facilitate a forced entry into the house and the
officer as well as the occupant shall stay with the inspector until the
inspection is satisfactorily concluded.
11. Any inspector who is compelled to conduct an inspection under the provisions of sub regulation (10) may:

(a) take from the dwelling house any materials relevant for the inspection and shall endeavour to expeditiously complete the inspection so as not to cause undue inconvenience to the occupant.

(b) at any reasonable time, enter premises, plant, facility, structure, place or area in connection with which he has reason to believe that an offence under this regulation is being, is about to or has been committed, in order to investigate and obtain evidence;

(c) examine or test or cause to be examined or tested, any dairy produce to which this regulation applies and which is found in or at such premises, plant, facility, structure, place or area;

(d) examine or test or cause to be examined or tested any equipment, material, substance or other article which is used or is suspected to be used at or in connection with the collection, evaluation, processing, packing or storing of any dairy produce;

(e) inspect the operations or process in connection with any action referred to in paragraph (d), and demand from the owner or custodian of the dairy produce, equipment, material, substance or things concerned, or from the person who has it in his custody, or who supervises such operations or processes any information or an explanation regarding the operation, process, dairy animal, material, substance or thing;

(f) order correction of non-compliant findings and/or closure of dairy or any related business

(g) examine and make copies of or take extracts from any book or document in respect of which he reasonably suspects that it relates to such dairy produce, material or any other thing, irrespective of whether or not it is kept on or at the place, premises, facility or conveyance concerned or at any other place or area, and demand from the owner of such book or document or from the person who has it in his custody an explanation regarding any record or entry therein;

(h) seize and remove from any premises, place, area or vehicle any dairy produce, or the whole or any part of material, substance, equipment or any other thing, or any book or document relating to such dairy produce, premises, place, area or vehicle, material, substance or other article or sale of the animal, produce, material, substance or thing which he has reasonable cause to believe affords evidence of contravention of any of the provisions of this Regulations.

(i) examine any dairy produce, product, material, substance, equipment or any other thing and-

   i. where inspector determines that there is nothing wrong with the produce, material, substance, equipment or thing, make a record covering the relevant period of inspection accordingly and give a copy of that record to the dairy dealer; or

   ii. if, in the inspectors professional determination, there is need for further analysis, take samples thereof in such quantities as is reasonable in the circumstances and give the dairy dealer the reason for his determination; and
iii. As soon as the results of the analysis are known, inform the dairy dealer in writing of the same including, if any, remedial actions the dealer may be required to take.

(j) inspect any process or operation, manufacture, production, processing, mixing, packaging or treatment that may relate to any dairy product which is or appears to be carried out in those premises or places for purposes of determining whether or not the provisions of the Dairy Industry Act and its regulation are being contravened; and

(k) require from a dairy dealer or any person whom he reasonably believes to be in charge or control of any premises, place, dairy product, material, substance or thing being inspected, to supply information or produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, records, receipts, invoices, shipping bills, bills of lading, documents containing mixing instructions, operational procedures or other documents or papers which are reasonably suspected or expected to be in the operator’s possession the production of which will render successful inspection.

12. Any sample taken pursuant to this section shall be taken:
   (a) free of charge from the dairy dealer or custodian;
   (b) by the inspector with such care not to prejudice the results and in the best opinion of the inspector that the sample is representative of the whole; and
   (c) in accordance with the method of sampling prescribed in the relevant standard, in the presence of the dairy dealer or custodian; and if the dealer is not there for whatever reason, in the presence of any assignee or agent of the dairy dealer or custodian whom the inspector determines to be in charge of the premises, place, material, substance, equipment or thing being inspected, and in the absence of any such assignee or agent, the inspector shall take the sample and document the circumstances under which the sample was taken.

13. The dairy dealer or assignee or agent, as the case may be, and any other person found in the place where inspection takes place, shall give the inspector all reasonable assistance, including the actual taking of samples, as the inspector may require to enable carrying out of duties under this regulations and shall furnish the inspector with any other information which may reasonably be required with respect to the purposes of this regulation.

14. In the course of the performance of the inspectors’ duties under these regulations, the inspector may put any relevant question to the dairy dealer, assignee or agent and the owner. The owner, assignee or agent shall be obligated to fully, honestly and without undue delay furnish the answer to the question; and, where the question put requires the preparation of written answer or some prior enquiry, the inspector shall allow the owner, assignee or agent reasonable time in the circumstances to prepare and furnish the written answer or the answer requiring prior enquiry.

Offence by Inspector

15. Any inspector who-
(a) directly or otherwise solicits for, or receives in connection with any of his duties, a payment or other reward whatsoever, whether pecuniary or otherwise, or a promise or security for any such payment or reward whether or not he is entitled to claim; or

(b) enters into any agreement to do, abstains from doing, permit, conceal or connive at any act whereby the Board is or may be defrauded, or which is contrary to the provisions of these regulations or the power of execution of the duty of that inspector; or

(c) discloses, except for the purposes of these regulations or when required to do so as a witness in a court of law or with the approval of the Board, information acquired by him in the performance of his duties relating to a person, premises, place, material, substance or thing being or already inspected, or

(d) uses his position to improperly enrich himself or others, commits an offence under the regulations and is liable to a maximum fine of five hundred thousand shillings or an imprisonment not exceeding twelve months or to both such fine and imprisonment.

16. (1) An inspector shall take such steps as are reasonably practicable to afford the dairy dealer or custodian of anything that is the subject of inspection under these regulations, an opportunity to be present during the inspection and the dealer or custodian shall have the right to put any relevant questions to the inspector and the inspector shall be obligated to answer unless the questions are calculated to, in any way, defeat the inspection.

(2)(a) In return for taking away of any book, record, document, material or anything for purposes of inspection, the inspector shall give to the person from whose custody any book, record, document, material or anything has been taken away, the original of a duplicate receipt and such receipt shall fully indicate what has been taken away by the inspector, be duly stamped by the inspector’s official rubber stamp and signed by the inspector; and the person to whom the receipt is given shall in turn sign the copy of the receipt retained by the inspector.

(b) If the person to whom the receipt is given as provided in paragraph 2(a) above refuses to sign the copy of the receipt, the inspector shall document the circumstances leading to the occurrence and this shall be used as a prima facie evidence of obstruction of an inspector.

(c) Anything taken away from a dairy dealer or custodian under this section shall, at the end of the purposes for which it was taken, and where practicable be expeditiously returned in whole to the operator unless the inspector has a compelling reason not to return it in whole or any part thereof.
<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
</tr>
</thead>
</table>
| Offence to obstruct an inspector | 17. Any person who—
   a) in any manner or style, willfully obstructs, impedes or hinders an inspector or police officer accompanying the inspector from exercising any of his powers or performing duties under these regulations;
   b) knowingly makes a false statement in terms of questions put to him or information required from him under these regulations;
   c) refuses or neglects to answer any relevant question put to him by the inspector or delays to answer or answers only in part without lawful excuse, refuses or neglects to furnish any information or to produce any document, to attend at any place when required, or instigates any person to disobey or make it difficult for the inspector to conduct inspection;
   d) in any way threatens the inspector or any person lawfully accompanying the inspector;
   e) refuses or unreasonably delays to obey any instructions given to him by the inspector for the attainment of the purposes of these regulations, commits an offence under these regulations and is liable to a maximum fine of five hundred thousand shillings or an imprisonment not exceeding twelve months or to both such fine and imprisonment. |
| Offence to abating violation of the Regulation | 18. Any person who in any way abates or facilitates the violation of any of the provisions of sub regulation (17) commits an offence under these regulations is liable to a maximum fine of one hundred thousand shillings or an imprisonment not exceeding three months or to both such fine and imprisonment. |
| Seizure and destruction of dairy produce. | 19. (1) An inspector may at any time seize, with intent to destroy, any product, material, substance, article, feedstuff, machinery, plant, or any other thing which he has reason to believe or about which he has received credible information to the effect that it has been used or is about to be used in contravention of these regulations or any of the provisions of the Act.  
(2) Every seizure made under this regulation shall be reported without unnecessary delay to a magistrate, who shall also be furnished with a copy of any written statement provided for in this regulation.  
(3) Any destruction pursuant to this regulation which is likely to endanger the environment and or public health shall only be carried out in compliance with relevant regulations. The destruction will be done at the cost of the owner.  
(4) where legal proceedings had already been commenced in respect with the violation, whatever had been seized may be detained as the court hearing the matter may direct, until the conclusion of the proceedings.  
(5) A dairy dealer or custodian who violates any of the provisions of this section commits an offence under these regulations liable to a maximum fine of one hundred thousand shillings or an imprisonment not exceeding three months or to both such fine and imprisonment. |
| Inspection Records | 20. Every inspector shall maintain, in such a manner as the Board shall prescribe, a record of his inspection work for every year of operation. |
FIRST SCHEDULE

FORM 1

THE DAIRY INDUSTRY (DAIRY INSPECTORS) REGULATIONS

KENYA DAIRY BOARD
P.O BOX 30406-00100(GPO) NAIROBI

SEIZURE /CONSIFICATION RECEIPT

The following dairy produce has been seized by…………………………………………………………… on behalf of the Kenya Dairy Board in accordance with the powers given under the Dairy Industry (Inspectors) Regulations.

From (Name)………………………………………………..
Address:…………………………………………………
Type and Quantity of dairy produce seized……………………………………………………………………
Containers seized…………………………………………………………………………………………………
Books or Records seized………………………………………………………………………………………….
Any other item seized……………………………………………………………………………………………..

How disposed of…………………………………………………………………………………………………
Date…………………………………..
Signed………………………………………
Witness……………………………………..

Note: The person issuing this receipt should ensure that he/she obtains a receipt from any person to whom he/she disposes or whom he leaves in charge of any item mentioned in this receipt.
FORM II

SECOND SCHEDULE

THE DAIRY INDUSTRY (DAIRY INSPECTORS) REGULATIONS

INSPECTION NOTICE/ORDER

S/No:…………………………

KENYA DAIRY BOARD
DAIRY INSPECTORATE DIVISION
INSPECTION NOTICE/ORDER

KDB Branch:_________________________ Date:_________________________

INSPECTION PARTICULARS

Name of Premise: ______________________________ Located at: ______________________________

Licence No: ______________________________ Category: ______________________________

Volume of Milk (On site) __________ (Ltrs) Nature of Milk: ______________________________

Following an inspection conducted at your premise(s) on (date) ____________________ at (time) __________________the following non-compliances were established:

i. ______________________________________________________________________________

ii. ______________________________________________________________________________

iii. ______________________________________________________________________________

iv. ______________________________________________________________________________

v. ______________________________________________________________________________

You are hereby notified that you are to correct the non-compliances identified at your premises [IMMEDIATELY] or [WITHIN FOURTEEN(14) DAYS] of this notice or [CLOSE THE BUSINESS OPERATIONS], failure to which necessary enforcement action will be undertaken in accordance with the Dairy Industry (Inspectors) Regulations.

Client Acknowledgement

Name_____________________________ Designation: ______________________________

Signature:_________________________ Date:_________________________

KDB Dairy Inspector

Name_____________________________ Designation: ______________________________

Signature:_________________________ Date:_________________________

DISTRIBUTION DETAILS:

ORIGINAL: CLIENT COPY   DUPLICATE: BRANCH FILE COPY   TRIPlicate: TO HEAD OFFICE
The Dairy Industry Regulations, 2018

In the exercise of the powers conferred by section 7(1)(a) of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries, on advise of the Kenya Dairy Board makes the following regulations:

### DAIRY INDUSTRY (CARRIAGE OF MILK) REGULATIONS, 2018

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>These Regulations may be cited as the Dairy Industry (Carriage of Milk) Regulations, 2018</td>
</tr>
<tr>
<td>(2)</td>
<td>In these Regulations, except where the context otherwise requires</td>
</tr>
<tr>
<td></td>
<td>“carry” in relation to milk includes –</td>
</tr>
<tr>
<td></td>
<td>(a) convey by hand or by any other means;</td>
</tr>
<tr>
<td></td>
<td>(b) drive or be in charge of any vehicle, bicycle or animal on or in which there is milk; and</td>
</tr>
<tr>
<td></td>
<td>(c) stock, store or in any other manner have or hold milk on any premises or in any container,</td>
</tr>
<tr>
<td></td>
<td>and “carriage” shall be construed according;</td>
</tr>
<tr>
<td></td>
<td>“milk” includes any dairy produce, skimmed milk and milk adulterated by the addition thereto water or any substance;</td>
</tr>
<tr>
<td></td>
<td>“prescribed” means prescribed by the Board by notice in the Gazette;</td>
</tr>
<tr>
<td>(3)</td>
<td>(1) Save as hereinafter specifically provided, no person shall carry milk or permit any milk to be carried except under the authority of, and in accordance with a permit issued by the Board or by some person authorized in writing by the Board in that behalf, whether that person is named or is specified by reference to his office or to his duties or functions.</td>
</tr>
<tr>
<td></td>
<td>(2) the provisions of paragraph (1) shall not apply to</td>
</tr>
<tr>
<td></td>
<td>(a) the carriage of processed and packaged dairy produce</td>
</tr>
<tr>
<td></td>
<td>(b) Dairy produce obtained by a person for his own consumption from a dairy licensed under the Dairy Industry (Sales by Producers) regulations</td>
</tr>
<tr>
<td>(4)</td>
<td>An application for a permit and a permit issued under regulations 3 (1) shall be in prescribed forms.</td>
</tr>
<tr>
<td></td>
<td>(2) Shall be issued for a specified vehicle or means of carriage</td>
</tr>
<tr>
<td>(5)</td>
<td>A permit may be issued for such period and subject to such terms, conditions and restrictions as may be determined by the person issuing it, and may be cancelled or varied by the Board.</td>
</tr>
</tbody>
</table>
Prescribed container

(6) (1) A person carrying milk under the authority of a permit granted under these regulations shall carry the milk in a container prescribed by the Board.

(2) For the purpose of this regulation, a prescribed container shall include any container, can or tank made of stainless steel or aluminum material or any other material meeting the requirements of the Kenyan standards.

Requirement to exhibit permit

(7) A person carrying milk under the authority of a permit granted under these Regulations shall carry or exhibit the permit with the milk to which it relates and shall produce it on request to an inspector appointed under the Dairy Industry (Inspectors) Regulations.

Amendment of permit

(8) A permit issued under this regulation may -

(a) be amended at any time on written notice to the holder by the Board, if in its opinion, the amendment is necessary for the purposes of public safety;

(b) be suspended or revoked by the Board if the holder fails to comply with the conditions laid down in these Regulations.

Penalty

(9) A person who contravenes any of the provisions of these Regulations or who knowingly aids or abets any contravention of these Regulations shall be guilty of an offence under these regulations and is liable to a maximum fine of one hundred thousand shillings or an imprisonment not exceeding three months or to both such fine and imprisonment.
# FIRST SCHEDULE

**FEES PAYABLE UNDER THESE REGULATIONS**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>KSHS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Application fee</td>
<td>1,000</td>
</tr>
<tr>
<td>2) Fee for the issue of permit</td>
<td>1,000</td>
</tr>
</tbody>
</table>
SECOND SCHEDULE

APPLICATION FOR A PERMIT

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

As follows:

1. Milk for which a permit is sought will be obtained by me/us from (state source(s) of supply)
   And in the following respective daily quantities ............................................
   And will be transported only in the following vehicle(s)............................
   During the hours of ........................................... In each day ..................
   And will be held by me/us at (describe premises)...............................
   For wholesale/retail sale to ........................................... and will be delivered to

2. My/Our reasons for this application are as follows (state full particulars)
   ...........................................................................................................

.................................................................
Signature

If this application is made on behalf of a limited company, partnership or registered business, full
particulars must accompany this application.
FORM 2

PERMIT

(Name of Permit Holder) ……………………………………………………………………………………………

Is authorized to carry milk in (prescribed area) …………………………………………………………….

(a) obtain from (source (s) of supply) ………………………………………………….

(b) on vehicles(s) registration number(s) …………………………………………………………….

(c) along the following route(s) ………………………………………………………………………

   Between the hours of ……………………………………………………………………….

(d) at (premises) ……………………………………………………………………….

(e) for delivery to ………………………………………………………………………….

   Between the hours of ………………………………………………………………………….

i. for wholesale/retail sale

………………………………………………………………………………………………………………

………………………………………………………………………………………………………………
In the exercise of the powers conferred by section 19(f)(h)(k) of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries, on advise of the Kenya Dairy Board makes the following regulations:

DAIRY INDUSTRY (SALE CONTRACT) REGULATIONS, 2018

Citation

(1) These Regulations may be cited as the Dairy Industry (Sales and Contracts) Regulations, 2018

Interpretation

(2) In these Regulations, except where the context otherwise requires

“contract” means a written agreement for sale of dairy produce between two dairy dealers, that is intended to be enforceable by law

“sale” means the exchange of dairy produce for money or any other agreed consideration for a given time period.

“security” means a tradeable asset which has sufficient financial value for the protection of sellers interest in dairy produce sold on credit terms.

“dairy dealer” means a person or entity who buys and sells dairy produce and includes an agent.

“agent” means a producer, a distributor, a dairy processor, a mini-dairy, a cottage industry, a milk bar, an importer, an exporter or any person acting on their behalf or any other person or entity as may be prescribed by the Cabinet Secretary;

Conditions for sale of raw milk

(3) (1) Sale of raw milk to consumers is prohibited.

(2) Raw milk shall only be sold in bulk through organized groups such as but not limited to cooperatives or registered companies licenced by the Board.

(3) A producer shall only buy bulked raw milk from licenced organized groups.

(4) Raw milk shall be cooled between 4 ºc to 7ºc within two hours of milking.

(5) Without prejudice to (2) above, the Board may allow an individual who produces above 500 kilograms of raw milk daily or any other quantity the Board may determine and publish in the gazette, to sell directly to another producer.

Conveyance of raw milk

(4) (1) Conveyancing of raw milk shall be carried out as required in the milk transportation regulations.

(2) Raw milk transported in milk cans shall only be allowed up to the bulk milk collection and cooling centers.

(3) Without prejudice to (2) above, producers who are able to reach the milk processing plants within two hours of milking will be exempt from the provisions of the regulation as the processing plant will be construed to be the collection and cooling center.
The sale of dairy produce on credit terms shall be carried out through legally binding contracts. In addition to the routine contractual obligations, all contracts shall contain:

i. The agreed upon price for exchange of dairy produce between parties.

ii. The agreed upon quantities to be delivered over a period of time.

iii. Established time for collection of dairy produce.

iv. Contractual period to last for at least twelve months.

v. Provide for sanctions for failure to honor contractual obligations.

vi. Frequency for payment of deliveries.

(2) The Board shall from time to time review contracts for the sale of dairy produce for compliance with these regulations.

(3) The Board may require the buyers of dairy produce to deposit an appropriate security guarantee for settlement of debts where the buyer defaults in payments as per the requirements of the contract.

(6) In the event of a dispute between parties involved in a contract, the matter may be presented to the Board for arbitration in the first place.

(2) Where a dispute has not been resolved through arbitration by the Board, the parties may seek other dispute resolution mechanisms.

(7) A person who contravenes any of the provisions of these Regulations or who knowingly aids or abets any contravention of these Regulations shall be guilty of an offence and is liable to a fine of three million shillings or to an imprisonment of three years or both.
In the exercise of the powers conferred by section 19(a)(b) of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries, on advise of the Kenya Dairy Board makes the following regulations:

**DAIRY INDUSTRY (PRICING OF DAIRY PRODUCE) REGULATIONS, 2018**

<table>
<thead>
<tr>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) These Regulations may be cited as the Dairy Industry (Pricing of Dairy Produce) Regulations, 2018</td>
</tr>
<tr>
<td>(2) In this regulations, unless the context otherwise requires: “farm gate price” means payment made to the primary producer by the milk dealer.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Producers required to pay raw milk prices by quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3) (1) The Board shall advise on the farm gate price for different qualities, grades or types of dairy produces or for different types of payments.</td>
</tr>
<tr>
<td>(2) The pricing of dairy produce shall be determined by incorporating values for quality based payment system, value chain costs and approved sales margins based on a formula to be prescribed and gazetted by the Board from time to time.</td>
</tr>
<tr>
<td>(4) (1) Producers shall buy raw milk based on quality of milk they receive at the point of acceptance as prescribed in these regulations.</td>
</tr>
<tr>
<td>(2) The pricing of milk may be based on quality and safety parameters detailed below:</td>
</tr>
<tr>
<td>i. Somatic cell count</td>
</tr>
<tr>
<td>ii. Total Bacterial Count</td>
</tr>
<tr>
<td>iii. Added water values</td>
</tr>
<tr>
<td>iv. Total Solids content</td>
</tr>
<tr>
<td>v. Butterfat content</td>
</tr>
<tr>
<td>or any other parameter as may be determined from time to time and gazetted by the Board</td>
</tr>
<tr>
<td>(3) The graded payment system to be used by producers shall be determined and gazetted by the Board from time to time and tabulated in Form A of the first schedule of these regulations.</td>
</tr>
<tr>
<td>(4) Notwithstanding the parameters in (2) above, the Board shall periodically assess the prevalence of mycotoxins and residues in dairy produce.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Offences under the regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5) Any producer or distributor who pays in disregard of the farm gate pricing model shall be guilty of an offence and liable to a fine not exceeding five hundred thousand shillings or to imprisonment to a term not exceeding twelve months or to both.</td>
</tr>
<tr>
<td>Parameter</td>
</tr>
<tr>
<td>-----------------------------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Total Somatic Cell Count (TSCC)</td>
</tr>
<tr>
<td>Total Bacterial Count (TBC)</td>
</tr>
<tr>
<td>Butterfat Value (%)</td>
</tr>
</tbody>
</table>
In the exercise of the powers conferred by section 19(d)(h) of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries, on advise of the Kenya Dairy Board makes the following regulations:

**DAIRY INDUSTRY (PRODUCE TRACEABILITY) REGULATIONS, 2018**

**Citation**
(1) These Regulations may be cited as the Dairy Industry (Produce Traceability) Regulations, 2018

**Interpretation**
(2) This Regulation shall apply to dairy produce.

(3) In these regulations unless the context otherwise requires-

- “Person” means a natural person or a legal entity.

**Requirements for traceability**

(4) The traceability of dairy produce shall be established at all stages of production, collection, processing, distribution and consumption.

(5) A producer shall ensure that any person from whom they have been supplied with dairy produce is identifiable.

(6) Dairy business operators shall ensure that the following information concerning consignments of dairy produce is recorded and made available to whom the produce is supplied and, upon request, to the Board:

1. an accurate description of the dairy produce;
2. the volume or quantity of the dairy produce;
3. the name and the physical address of the producer from whom the produce is dispatched;
4. the name and the physical address of the consignor (owner) if different from the producer from whom the produce has been dispatched;
5. the name and the physical address of the consignee (owner), if different from the producer to whom the produce is dispatched;
6. a reference identifying the lot, batch or consignment, expiry dates where applicable; and
7. the date of dispatch.

(7) The information referred to in paragraph 6 shall be made available in addition to any information required under relevant provisions or legislation concerning the traceability of dairy produce.

(8) The information referred to in paragraph 6 shall be updated on a daily basis and kept at least available until the dairy produce shelf life has expired provided it is reasonably assumed that there are no claims in relation to the consumption of the dairy produce.

(9) In order to achieve the traceability of dairy produce, the names and addresses of both the producer supplying the produce and the producer to whom the dairy produce was supplied are recorded and provided when required by the Board.

(10) Producers shall have in place a system enabling them to identify their immediate supplier(s) and their immediate customer(s), except when they are final consumers.

(11) When required by the Board, the producer shall provide the information as demanded. The information shall be provided in a manner prescribed by the Board in Form A of the first schedule of this regulations.

(12) Dairy produce which is placed on the market or is likely to be placed on the market shall be adequately labelled or identified to facilitate its traceability.
13) If a producer considers or has reason to believe that a dairy produce which has been produced, processed, manufactured or distributed is not in compliance with the dairy safety requirements, shall immediately initiate procedures to withdraw the produce in question from the market and inform the Board thereof.

14) Where the product may have reached the consumer, the producer shall effectively and accurately inform the consumers of the reason for its withdrawal, and if necessary, recall from consumers products already supplied to them when other measures are not sufficient to achieve a high level of health protection.

15) Where a dairy inspector has a reason to believe that a dairy produce does not meet the requisite safety requirements, the inspector shall order the producer to recall the produce and provide sufficient evidence of produce recall.

16) A producer who fails to comply with any of the provisions of these regulations shall be guilty of an offence and shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding twelve months, or to both.
# DAIRY PRODUCE TRACEABILITY INFORMATION SHEET

<table>
<thead>
<tr>
<th>A</th>
<th>NATURE/CATEGORY OF DAIRY PRODUCE:</th>
<th>BRAND NAME (If Applicable):</th>
<th>Volume/Weight of Dairy Produce (Litres/Kg):</th>
<th>Nature of Packaging:</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>Name of Producer:</td>
<td>Physical Address of Producer:</td>
<td>Contact Details of Producer:</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Name of Consignor (If different from Producer):</td>
<td>Physical Address of Consignor:</td>
<td>Contact Details of Consignor:</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Name of Consignee (If different from Producer):</td>
<td>Physical Address of Consignee:</td>
<td>Contact Details of Consignee:</td>
<td></td>
</tr>
</tbody>
</table>
| E | Condition of Dairy Produce at Dispatch:
- Name of Consignor: | Date of Dispatch: | Signature of Consignor: |
| F | Condition of Dairy Produce when Receiving:
- Name of Consignee: | Date of Receiving: | Signature of Consignee: |
| G | DECLARATION:
- I………………………………………..(the undersigned) do hereby declare that the information provided herein are true and is in compliance with the conditions and requirements provided by the Dairy Industry Act (Cap.336) or any other regulation that relates to the Dairy Produce. | Signature of Declaring person: | Date: |

**SERIAL NO:** …………………………………………………… **DATE:** ………/…………/………….. **BRAND NAME (If Applicable):** ……………………………………… **Lot No:** ……………………….. **Batch No:** ………………….. **EXPIRY DATE (If Applicable):** ………………….. **VOLUME/WEIGHT OF DAIRY PRODUCE (Litres/Kg):** ……………………….. **NATURE OF PACKAGING:** ……………………….. **NAME OF PRODUCER:** ……………………….. **PHYSICAL ADDRESS OF PRODUCER:** ……………………….. **CONTACT DETAILS OF PRODUCER:** ……………………….. **MAILING ADDRESS:** ……………………….. **TELEPHONE NO:** ……………………….. **EMAIL:** ……………………….. **NAME OF CONSIGNOR (IF DIFFERENT FROM PRODUCER):** ……………………….. **PHYSICAL ADDRESS OF CONSIGNOR:** ……………………….. **CONTACT DETAILS OF CONSIGNOR:** ……………………….. **MAILING ADDRESS:** ……………………….. **TELEPHONE NO:** ……………………….. **EMAIL:** ……………………….. **NAME OF CONSIGNEE (IF DIFFERENT FROM PRODUCER):** ……………………….. **PHYSICAL ADDRESS OF CONSIGNEE:** ……………………….. **CONTACT DETAILS OF CONSIGNEE:** ……………………….. **MAILING ADDRESS:** ……………………….. **TELEPHONE NO:** ……………………….. **EMAIL:** ……………………….. **CONDITION OF DAIRY PRODUCE AT DISPATCH:** ……………………….. **CONDITION OF DAIRY PRODUCE WHEN RECEIVING:** ……………………….. **DECLARATION:** ……………………….. **SIGNATURE OF DECLARING PERSON:** ……………………….. **DATE:** ……………………….. **OFFICIAL STAMP:** ………………………..
In the exercise of the powers conferred by section 19(v) of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries, on advise of the Kenya Dairy Board makes the following regulations:

**DAIRY INDUSTRY (DAIRY EQUIPMENT, MATERIALS AND ADDITIVES) REGULATIONS, 2018**

**Citation**

(1) These Regulations may be cited as the Dairy Industry (Dairy Equipments, Materials and Additives) Regulations, 2018

**Interpretation**

(2) In these regulations unless the context otherwise requires-

“dairy equipment” means equipment that comes into direct contact with dairy produce excluding materials

“materials” include but are not limited to packaging, packings, encasing and tubs used for dairy produce.

“additive” means any substance not normally consumed as a dairy produce by itself and not normally used as a typical ingredient of the dairy produce, whether or not it has nutritive value. It does not include contaminants or substances added to dairy produce for maintaining or improving nutritional qualities and longevity.

**Licence required for sale of dairy equipment, material and additives**

(3) (1) No person shall offer for sale any dairy equipment, material or additives without a license issued by the Board.

(2) A licence issued under these regulations shall be valid for a period of one year.

**Approval by the Board**

(4) (1) Subject to such exemptions as may be specified by the Board, no person shall import or cause to be imported; any dairy equipment, material and additives unless the commodity conforms to the relevant Kenya Standard and the person has obtained the prior approval of the Board signified by the grant of a licence as set out in these Regulations.

(2) For the purposes of paragraph (1), a dairy equipment, material and additives shall be deemed to have been imported when it is placed on a ship, aircraft, train or any other vehicle to Kenya for the purposes of import.

**Application and Issuance of licence**

(5) (1) A person who intends to offer for sale any dairy equipment, material and additives shall apply, to the Board for a license.

(2) The application for a license under paragraph (1) shall be in Form A set out in the Second Schedule and shall be accompanied with–

(a) certificate of registration issued by the Board,

(b) certified copies of the certificate of incorporation where the applicant is a firm or company together with a certified list of the partners or directors;

(c) such fees as the Board may specify;

(d) such other documentation as the Board may require.

(6) On receiving an application for a licence or for a renewal of a licence the Board may, issue to the applicant the appropriate licence or renew the licence.

(7) If the Board refuses to issue a licence, the Board shall notify the applicant in writing of the reasons for the refusal and give the applicant an opportunity to be heard.

(8) A licence issued under this regulation shall –
(a) be in Form B set out in the Second Schedule;
(b) authorize sale of the dairy equipment, materials or additives
(c) authorize the importer to import specified dairy equipment, material and additives;
(d) be specific with regard to the commodity and/or equipment and person to whom it is issued;
(e) be valid for a period of one year or such other period as the Board may determine at the time of granting or renewal; and
(f) contain such other conditions as the Board deems necessary to impose.

Conditions for issuance of licence

(9) (1) A licence issued under this regulation may -
(a) be amended at any time on written notice to the holder by the Board, if in its opinion, the amendment is necessary for the purposes of public safety;
(b) be suspended or revoked by the Board if the holder fails to comply with the conditions contained in the licence or laid down in these Regulations.

Disclosure to inspector

(10) A person suspected to have imported or offered for sale dairy equipment, material and additives shall be required to disclose to an inspector of the Board or any other authorized person, the source or sources of supply of the dairy equipment, material or additives and the date or dates of delivery and shall make that disclosure, if so required, in writing.

Penalty

(11) Any person who—
(a) contravenes regulation 3;
(b) fails to comply with a notice issued under regulation 9;
(c) supplies any information or particulars required to be made or disclosed under these regulations which is or are in any respect incorrect, inaccurate or misleading; or
(d) fails to comply with any requirement of an inspector of the Board or any other person authorized by the Board under regulation 10;
is guilty of an offence under these regulations and shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding twelve months, or to both.
FIRST SCHEDULE

FEES PAYABLE UNDER THESE REGULATIONS

<table>
<thead>
<tr>
<th>ITEM</th>
<th>KSHS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3) Application fee</td>
<td>1,000</td>
</tr>
<tr>
<td>4) Licence Fee</td>
<td>25,000</td>
</tr>
</tbody>
</table>
SECOND SCHEDULE

FORM A

APPLICATION FOR LICENCE TO IMPORT OR SELL DAIRY EQUIPMENT, MATERIAL AND ADDITIVES

1. Name of applicant............................................................................................................
   Postal Address..................................................................................................................
   Physical Address..............................................................................................................
   Tel.................................................... Fax.....................................................
   E-mail ..........................................

2. Business Registration No*..........................................................................................

3. Is this a New/Renewal application? .............................................................................
   If Renewal, provide Registration No...........................................................................

4. Description of commodity—
   i. Brief description of commodity (ies)/equipment......................................................
   ii. Intended use of the commodity (ies)/equipment......................................................
   iii. Cost of the commodity in KSh.............................................................................

   Do you have manufacturer’s certification?
   Yes*………No………………

5. Origin/destination of the commodity/equipment—
   (i) Point of origin and address....................................................................................
   (ii) Destination and address........................................................................................
   (iii) No. of packages......................................................................................................
   (iv) Mode of transportation and storage conditions....................................................
   (v) Precautionary measures during transportation.....................................................

6. Describe the purpose for which the commodity(s) will be used
............................................................................................................................................

7. Declaration by Applicant:

I ................................................................................................................................. hereby declare and certify that the information
given in this application including attachments thereto is true and correct to the best of my knowledge
and belief.

Date........................................................
Signature: ........................................
Designation:......................................

Official Stamp:
FORM B

LICENCE TO IMPORT OR SELL DAIRY EQUIPMENT, MATERIAL AND ADDITIVES

File Ref. No. .................. Licence Ref. No. .................. Serial No. ..............
This Licence/Certificate is Granted to: ........................................................................
Company's Reg. No . ............... of P. O. Box ............. Tel. No. ..................
for the purpose of ...........................................................................................................
at (physical location) .................................................................................................
This licence is valid from ...................................................... to .....................................

Issued this ................................ day of ........................................ Year ..............
Issuing Officer:

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

For: Kenya Dairy Board

Official Stamp

Conditions of Licence:

1. .............................................................................................................................

2. .............................................................................................................................

3. .............................................................................................................................
In the exercise of the powers conferred by section 7(1)(a) of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries, on advise of the Kenya Dairy Board makes the following regulations:-

### DAIRY INDUSTRY (IMPORTS AND EXPORTS) REGULATIONS, 2018

<table>
<thead>
<tr>
<th>Citation</th>
<th>1. These Regulations may be cited as the Dairy Industry (Imports and Exports) Regulations, 2018</th>
</tr>
</thead>
</table>
| Permit required for import and export | 2. (1) No person shall import or export dairy produce without a permit issued by the Board.  
3. A permit shall be required for each consignment imported or exported. |
| Application for a permit | 4. (1) An application for the issue of an import permit shall be in form 4 in the Second Schedule.  
(2) An application for the issue of an export permit shall be in form 5 in the third Schedule.  
(3) The applicant shall give to the Board such information and particulars as the Board may require. |
| Form of permit | 5. (1) An import permit shall be in form 6 in the fourth Schedule.  
(2) An export permit shall be in form 7 in the fifth Schedule. |
| Fees | 6. The fees set out in the First Schedule are prescribed as fees to be paid to the Board. |
| Conditions for issuance of permit | 7. (1) The Board shall, before issuing the permit, take into account the interests of other producers and consumers.  
(2) An import permit shall not be issued unless the applicant obtains a no objection certificate from the veterinary department (competent Board on animal diseases) before a permit is issued.  
(3) An export permit shall not be issued unless the applicant obtains a veterinary approval that the milk to be exported is fit and that it meets the health requirements of the importing country. |
| Clearance certificate | 8. An importer, having met all the necessary requirements, shall be issued with a clearance certificate by the Board, in form 8 in the sixth Schedule, at the port of entry or port of discharge. |
| Statement of particulars of dairy produce | Any person who imports dairy produce shall, within seven days of a written notice issued by or under the Board of the Board, deliver to the Board a statement in writing giving such information and particulars in relation to any daily produce as may be required by the notice, and in particular and without prejudice to the generality of the foregoing, give information and particulars in relation to— |
(a) the quantities of imported dairy produce held in stock previous to the
notice or any other period as may be required by the Board, stating
whether the dairy produce is held in bond or otherwise, and the date or
dates of such
importation;

(b) the quantities of the daily produce for which import orders have been
placed, the anticipated date or dates of arrival in Kenya and the source
of supply;

(c) the intended destination of imported dairy produce and the names
and addresses of the intended distributors, wholesalers or retailers
thereof.

Disclosure
inspector
to 9. A person suspected to have imported dairy produce may be required
to disclose to an inspector of the Board of any other authorized person,
the source or sources of supply of the dairy produce and the date or dates
of delivery and shall make that disclosure, if so required, in writing.

Penalty 10. Any person who—
  (e) contravenes regulation 3;
  (f) fails to comply with a notice issued under regulation 9;
  (g) supplies any information or particulars required to be made or
disclosed under these regulations which is or are in any respect
incorrect, inaccurate or misleading; or
  (h) fails to comply with any requirement of an inspector of the
      Board or any other person authorized by the Board under
      regulation 10;

is guilty of an offence under these regulations and shall be liable to a
fine not exceeding one million shillings or to imprisonment for a term
not exceeding three years, or to both.
**FIRST SCHEDULE**

**FEES PAYABLE UNDER THESE REGULATIONS**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>KSHS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Application fee</td>
<td>1,000</td>
</tr>
<tr>
<td>2) Export permit fee</td>
<td>1,000</td>
</tr>
<tr>
<td>3) Import permit fee</td>
<td>5,000</td>
</tr>
</tbody>
</table>
SECOND SCHEDULE

FORM 4

APPLICATION TO IMPORT DAIRY PRODUCE

(Note: this is not Board import dairy produce. The import permit is obtainable from the Managing Director, Kenya Dairy Board after this form has been approved and on production of a veterinary no objection Certificate).

<table>
<thead>
<tr>
<th>Part 1: To be completed by applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application No.:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Name of the Importer</td>
</tr>
<tr>
<td>PIN. No.:</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>VAT NO.:</td>
</tr>
<tr>
<td>Tel. No.:</td>
</tr>
<tr>
<td>Business Location:</td>
</tr>
<tr>
<td>E-mail</td>
</tr>
<tr>
<td>Street/Road</td>
</tr>
<tr>
<td>Town:</td>
</tr>
<tr>
<td>Commodity: (valid for one consignment only)</td>
</tr>
<tr>
<td>Quantity – Kg. (in figures)</td>
</tr>
<tr>
<td>Country of Origin*:</td>
</tr>
<tr>
<td>Destination:</td>
</tr>
<tr>
<td>Date of Manufacture:</td>
</tr>
<tr>
<td>Use by Date:</td>
</tr>
<tr>
<td>Route of Import:</td>
</tr>
<tr>
<td>Point of Entry:</td>
</tr>
<tr>
<td>Landing Date:</td>
</tr>
<tr>
<td>Storage Premises:</td>
</tr>
<tr>
<td>Town:</td>
</tr>
<tr>
<td>Street/road:</td>
</tr>
<tr>
<td>Warehouse No.</td>
</tr>
<tr>
<td>Date of last Import:</td>
</tr>
<tr>
<td>Quantity-Kg.</td>
</tr>
<tr>
<td>Value Kshs. (C.I.F.):</td>
</tr>
<tr>
<td>Purpose of Importation:</td>
</tr>
<tr>
<td>Commercial/Donation/Domestic/Other (Specify)</td>
</tr>
<tr>
<td>(Tick where appropriate)</td>
</tr>
</tbody>
</table>

Declaration:
1/We…………………………………………………………………(Company Name) being the agent/principal of…………………………..(importer) do hereby declare that the information and particulars declared herein are true and complete and 1/we accept to comply fully with the conditions and requirements provided by the Dairy Industry act or any other law relating to imports of dairy produce.

Date…………………………………………Signature of Applicant…………………………………………..............................

Note. – Part 1 to be completed by the application. Misleading information in part 1 may lead to invalidation of the application and/or prosecution.

<table>
<thead>
<tr>
<th>Part II: Evaluation – For Official Use Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>For KENYA DAIRY BOARD</td>
</tr>
</tbody>
</table>

I have examined the application
I recommend/do not recommend

1……………………………………………………………………………………………………
2……………………………………………………………………………………………………
This form is valid for three months only, for only one consignment from the date of approval. (Relevant Act: 364,496,336,254,242)

*Country of Origin – Primary source of the produce.
# THIRD SCHEDULE

## APPLICATION TO EXPORT DAIRY PRODUCE

**KENYA DAIRY BOARD**

(Note: This is not an official Board to export dairy produce. The Export Permit is obtainable from the Managing Director, Kenya Dairy Board after this form has been approved and on production of a Veterinary no. objection Certificate).

<table>
<thead>
<tr>
<th>Part 1: To be completed by applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Application No.:</strong></td>
</tr>
<tr>
<td><strong>Date:</strong></td>
</tr>
<tr>
<td><strong>Name of the exporter:</strong></td>
</tr>
<tr>
<td><strong>PIN. No.:</strong></td>
</tr>
<tr>
<td><strong>Address:</strong></td>
</tr>
<tr>
<td><strong>VAT NO.:</strong></td>
</tr>
<tr>
<td><strong>Tel. No.:</strong></td>
</tr>
<tr>
<td><strong>Business Location:</strong></td>
</tr>
<tr>
<td><strong>E-mail</strong></td>
</tr>
<tr>
<td><strong>Street/Road</strong></td>
</tr>
<tr>
<td><strong>Town:</strong></td>
</tr>
<tr>
<td><strong>Commodity:</strong> (valid for one consignment only)</td>
</tr>
<tr>
<td><strong>Value (C.I.F.) Kshs. (in figures):</strong></td>
</tr>
<tr>
<td><strong>Value:</strong> (in words)</td>
</tr>
<tr>
<td><strong>Quantity – Kg. (in figures):</strong></td>
</tr>
<tr>
<td><strong>Quantity – Kg. (In words):</strong></td>
</tr>
<tr>
<td><em><em>Country of Origin</em>:</em>*</td>
</tr>
<tr>
<td><strong>Destination:</strong></td>
</tr>
<tr>
<td><strong>Date of Manufacture:</strong></td>
</tr>
<tr>
<td><strong>Use by Date:</strong></td>
</tr>
<tr>
<td><strong>Route of export:</strong></td>
</tr>
<tr>
<td><strong>Point of Exit:</strong></td>
</tr>
<tr>
<td><strong>Shipment Date:</strong></td>
</tr>
<tr>
<td><strong>Storage Premises:</strong></td>
</tr>
<tr>
<td><strong>L.R./Plot No.:</strong></td>
</tr>
<tr>
<td><strong>Town:</strong></td>
</tr>
<tr>
<td><strong>Street/Road:</strong></td>
</tr>
<tr>
<td><strong>Warehouse No.:</strong></td>
</tr>
<tr>
<td><strong>Date of last Export:</strong></td>
</tr>
<tr>
<td><strong>Quantity-Kg.:</strong></td>
</tr>
<tr>
<td><strong>Value Kshs. (C.I.F.):</strong></td>
</tr>
</tbody>
</table>

**Purpose of Exportation:** Commercial/Donation/Domestic/Other (Specify)  
(Tick where appropriate)

**Declaration:**

1/We…………………………………………………………………the undersigned of……………………………………………….(Company Name) being the agent/principal of………………………….(exporter) do hereby declare that the information and particulars declared herein are true and complete and 1/we accept to comply fully with the conditions and requirements provided by the Dairy Industry act or any other law relating to imports of dairy produce.

**Date…………………………………………Signature of Applicant……………………………………………………………..**

**Note:** Part 1 to be completed by the applicant. Misleading information in part 1 may lead to invalidation of the application and/or prosecution.

---

**Part II: Evaluation – For Official Use Only**

For KENYA DAIRY BOARD

I have examined the application I recommend/do not recommend

1…………………………………………………………………………………………………………………………

2…………………………………………………………………………………………………………………………
The Dairy Industry Regulations, 2018

3 .................................................................................................................................

Name ....................................................................................................................... 

Signed......................Date..................................................................................... 

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

FORM 6

IMPORT PERMIT

THE DAIRY INDUSTRY (IMPORT/EXPORTS) REGULATIONS, 2017
Import Permit for Dairy Produce

Import Permit No………………………………………………………………..
Attached Certificate of no. objection No……………………………..
This Permit is granted under the provisions of the Dairy Industry (Imports/Exports)
Regulations to:
Name……………………………………………………………………………………………
Address………………………………………………………………………..Tel……………
E-mail……………………………………………………………………………………..
To import the products listed below

<table>
<thead>
<tr>
<th>No.</th>
<th>Product</th>
<th>Quantity (Kg./litres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Conditions:
………………………………………………………………………………………………………………
………………………………………………………………………………………………………………
………………………………………………………………………………………………………………
………………………………………………………………………………………………………………
………………………………………………………………………………………………………………

This Permit shall expire on
………………………………………………………………………………………………………………

Fee paid KSh…………………………………………………………………………………
Date of Issue………………………………………………………..20……………………….

For Kenya Dairy Board.

Note-This import permit is subject to the regulations prescribed under the Dairy Industry (Imports/Exports) Regulations, 2017.
FIFTH SCHEDULE

FORM 7

THE DAIRY INDUSTRY (IMPORTS/EXPORTS) REGULATIONS, 2017

Export Permit for Dairy Produce

Export Permit No……………………………………………………………
This Permit is granted under the provisions of the Dairy Industry (Imports/Exports) Regulations to:
Name………………………………………………………………………………
Address………………………………………………Tel. ………………………………………
E-Mail………………………………………………………………………………...

To export the products listed below

<table>
<thead>
<tr>
<th>No.</th>
<th>Product</th>
<th>Quantity (Kg./litres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As per application
No…………………………………………Dated……………………………………20…………………………

Conditions:
………………………………………………………………………………………………………………
………………………………………………………………………………………………………………

This Permit shall expire on
………………………………………………………………………………………………………………
Fee paid KSh………………………………………………………………………………………………
Date of Issue………………………………………………………………………………………………

For Kenya Dairy Board.

Note-This Export Permit is subject to the regulations prescribed under the Dairy Industry (Imports/Exports) Regulations, 2017
KENYA DAIRY BOARD
The Dairy Industry (Imports and Exports) Regulations, 2017
CLEARANCE CERTIFICATE FOR IMPORTED DAIRY PRODUCE

This is to certify that the below named importer, having satisfied the conditions provided under the Dairy Industry (Import and Export) Regulations, 2017, is hereby cleared to release the dairy produce listed below:

Name: ........................................................................................................................................
Address: ...................................................................................................................................
E-Mail: .........................................................................................................................................

To export the products listed below

<table>
<thead>
<tr>
<th>No.</th>
<th>Product</th>
<th>Quantity (Kg./litres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Signature: ........................................

Clearing Officer
Name: ......................................
Designation: .............................
Official stamp: ............................
In the exercise of the powers conferred by section 19(o)(r)(s) of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries, on advise of the Kenya Dairy Board makes the following regulations:

THE DAIRY INDUSTRY (MANAGEMENT OF THE DAIRY PRODUCE, PERSONNEL, EQUIPMENT, PLACES AND FACILITIES) REGULATIONS, 2018

PART I: PRELIMINARIES

Citation
1. These regulations may be cited as the Dairy Industry (Management of the Dairy produce, personnel, equipment, places and facilities) Regulations.

Interpretation
2. (1) In these regulations unless the context otherwise requires-
   “abnormal milk” means milk that is visibly changed in colour, odour, viscosity or texture;

   “aseptic processing” means a process that is used to subject a dairy product to a sufficient heat process and packaged aseptically in a hermetically sealed container to maintain commercial sterility of the product under normal non-refrigerated conditions;

   “Board” means the Kenya Dairy Board or its authorized and or designated officer or agent;

   “Bulk Milk Collection Tanker” means a bulk milk collection tanker and includes a truck and tank and its accessory equipment used by a milk transporter to transport bulk raw or processed milk from a dairy farm, a milk collection centre to a milk processing plant or retail milk shop;

   “COMESA” means the Common Market for East and Southern Africa;

   “container” means a vessel that meets the requisite standards for holding or transporting dairy produce

   “Dairy animal” means a female cow, camel, sheep, goat, buffalo or any other animal prescribed for milk production.

   “Dairy Farm” means a farm, place or premises where dairy animals are kept and from which milk is obtained or offered for sale;

   “designated laboratory” a laboratory that is authorized by the Board to conduct analyses of dairy produce;

   “dry milk and whey products” means products which have been produced for use in pasteurized or aseptically processed milk products and which have been manufactured in accordance with the provisions of this Regulations;

   “Kenya Standard” means a milk or relevant standard developed pursuant to the provisions of the Standards Act [Cap. 496] or any other written law and may include any Standard developed on the same subject matter for application within the region;
“milk” means the normal, clean and fresh secretions, without any addition or subtraction, extracted from the udder of a healthy dairy animal and free from colostrum;

“milk bar” means a fixed milk retail premise handling less than 1000 litres per day of processed dairy produce and distributing directly to consumers;

“Milk Collection Center or Milk Bulking Center” means any place, premises or establishment where raw milk is received, collected, handled, stored or cooled and prepared for further transportation;

“milk product” means any product in which milk is an ingredient and includes any dairy foods made by modifying milk products, dairy produce which have been aseptically processed and packaged or those which have been packaged and then processed by sterilization in a retort;

“Milk Processing Plant” means any place, premises or establishment where milk or milk products are collected, handled, stored, processed, packaged or prepared for distribution;

“milk sampler” means a person who has is authorized by the Board or any other competent authority to sample dairy produce;

“milk trader” means any person who offers for sale or sells to another, any milk or milk product,

“milk transporter” means a person who transports dairy produce from or to a farm, a milk collection point, a milk collection center, a chilled raw milk storage tank to or from a milk processing plant, receiving station or transfer station or retail milk shop;

“Milk Tank Truck and Milk Transport Van Cleaning Facility” means any place, premises, establishment separate from a milk processing plant, milk collection center, or receiving station, where a milk tank or milk cans are cleaned and sanitized;

“Milk Tank Truck and Milk Transport Van Driver” means driver or any person who transports raw or pasteurized milk products to or from a milk collection center, milk processing plant, milk receiving station, milk transfer station or retail milk shop;

“Milk Transportation Company” means a milk transportation company or person responsible for a milk tank truck or a milk transport van vehicle;

“Milk Transport Tank” means a vehicle, including the truck and tank, used by a bulk milk transporter to transport bulk shipments of milk from a milk collection center, a dairy farm or farms, a processing plant to a retail milk shop, another milk collection center or a processing plant;

“Milk Transport Van” means a transport van or any vehicle prescribed to transport milk in milk cans or milk transport tank;
“Official Milk Sampler” means a person who is employed by the Board or is authorized by the Board to collect official samples of milk for the purposes of this Regulations;

“processing” means to treat, prepare or manufacture dairy produce;

“pasteurization” means the process of heating every particle of milk or milk product in properly designed and correctly operated equipment in accordance with the relevant Kenya standard for pasteurized milk and “pasteurized” shall be construed accordingly;

“person” means a natural or legal;

“potable water” means water that is of a quality suitable for drinking whose quality requirements comply with the relevant Kenya Standard for drinking water;

“reconstituted or recombined dairy produce” means milk or milk products which result from reconstituting or recombining milk powder or milk constituents with potable water;

“sanitization” means the application of any effective method or substance to properly cleaned surfaces for the destruction of pathogens, and other microorganisms as far as is practicable which method or substance shall not adversely affect the equipment, the milk or milk product, or the health of the consumers and which is approved by the Board;

“sheep milk” means the natural lacteal secretion practically free from colostrum, obtained by the complete milking a healthy sheep;

“Single Service Articles” means any packaging materials, or other material which is intended for single use which will come into contact with milk or milk product;

“Transfer Station” means any place, premises or establishment where milk or milk products are transferred directly from a milk tank, milk, milk transport truck or transport van vehicle to another.

(2) The acronyms hereunder are, for the purposes of these regulations, representations of words written in full against each as follows-

“CIP” means Cleaning-in-Place;

“CCL” means Critical Control Limit;

“CCP” means Critical Control Point;

“EAC” means the East African Community;

“FDD” means Flow Diversion Device;

“HACCP” means Hazard Analysis and Critical Control Point;

“HTST” means High temperature short time;
“KDB” means Kenya Dairy Board;

“KEBS” means Kenya Bureau of Standards;

“KENAS” means Kenya Accreditation Services;

“UHT” means Ultra High Temperature;

“VIP” means Ventilated Improved Pit Latrine.

PART II: STANDARDS FOR MILK AND MILK PRODUCT

3. (1) All dairy produce offered for sale in Kenya shall comply with the relevant Kenyan standards.

(2) No process or manipulation other than pasteurization, UHT processing, retort-sterilization, or processing methods integral therewith, and appropriate refrigeration shall be applied to dairy produce for the purpose of removing or deactivating microorganisms.

(3) Whey shall be from cheese made from pasteurized milk before use. Buttermilk shall be from butter whose cream has been pasteurized prior to use in accordance with Kenya dairy produce standards. Provided that this requirement shall not be construed as barring any other heat treatment process which has been recognized to be equally efficient in the destruction of microorganisms and which is approved by the Board.

(4) Cheese shall be made from pasteurized milk which has been heat-treated to a temperature of at least 64°C and held continuously at that temperature for at least thirty minutes or to at least 75°C and held continuously at that temperature for at least fifteen seconds, in equipment meeting the pasteurization requirements complying with Kenya dairy produce standards. Provided that this requirement shall not be construed as barring any other heat treatment process which has been recognized and approved by the Board to be equally efficient in the destruction of pathogenic microorganisms.

(5) Goat milk shall be produced in accordance with the sanitary standards set forth in this Regulation and when sold in retail packages it shall comply with the relevant Kenyan standards.

4. (1) Any person who violates any of the provisions of this regulation commits an offence and is liable to a fine of five hundred thousand shillings or an imprisonment of twelve months or to both.

(2) any dairy produce thereof which was the subject of violation and which is found in his possession, shall be handled in accordance with the provisions of Dairy inspectors regulation; and

(3) the registration certificate or unexpired license or permit shall, subject to the provisions of these regulations, be cancelled forthwith.
5. (1) Subject to these regulations, no person shall sell or attempt to sell, offer or expose for sale or have in possession with intent to provide, sell, offer or expose for sale any dairy produce which is adulterated or misbranded.

(2) For the purposes of this regulation “misbranded milk” means milk or milk products labelled with misleading information or information that is contrary to the provisions of this Regulations or not authorized by the Board.

PART III: LABELLING OF DAIRY PRODUCE

6. The regulations in this Part shall apply to the labelling and packaging of dairy produce in accordance with the applicable Kenyan Standard on labelling and packaging.

7. Any information required to be shown on the label of a dairy produce, container, truck or vehicle shall be printed conspicuously, legibly and indelibly in English and or Kiswahili languages if intended for local market and in an applicable foreign language if destined for export.

8. All bottles, containers and packages containing processed dairy produce, shall be labelled in accordance with the applicable Kenya Standard.

9. (1) All bottles, containers and packages containing dairy produce, shall be conspicuously marked with-

(a) identity of the plant where the dairy produce was processed;

(b) the words “Keep refrigerated after opening” in the case of aseptically packaged dairy produce;

(c) the word “Cow” or “Goat” or “Sheep” or “Camel” or any word referring to the name of any other species of animal declared by the Cabinet Secretary under the Act to be a dairy animal for the purposes of the Act, preceding the word “milk” or the milk product in a container, where the milk or milk product is made from cow, goat, sheep, camel or from any other dairy animal respectively.

10. In the case of condensed or dry milk products the container shall bear information in legible letters indicating -

(a) the identity of the manufacturer, distributor and whether the distributor is processor or agent;

(b) a code or lot number identifying the contents with a specific date of manufacture and expiry ,batch of the product and the quantity of the contents in the container.

11. The provisions of sub regulation (9) shall not apply to milk tank trucks, milk cans containing raw milk, storage tanks containing raw or pasteurized milk, retail sales shops, and milk storage tanks in milk collection centers.

12. (a) All milk tank trucks, milk van vehicles containing or transporting milk in bulk or in milk cans, shall be legibly marked with the name and
address of the producer where the milk was sourced and the name and address of the milk transporter in possession of the vehicle and contents;

(b) All cans of raw milk from individual dairy farms shall be identified by the name or number of each individual milk producer at the collection center or the processing plant.

13. (1) Milk tank trucks, milk van vehicles transporting milk in bulk or in milk cans shall be marked with the name of and address of the milk transporter or the milk trader and in addition each transporter shall carry with him a delivery note containing at least the following information:

a. date and time of collection at the farm or milk collection center and destination thereof;

b. milk tanker or can transport vehicle permit;

c. farmer’s name and address or milk collection center identification;

d. driver’s name and national identification card number;

e. volume of milk taken from each of the farmers or the milk collection center or the farm tank, and the respective volumes loaded in each compartment of the tanker, or into milk cans.

f. name and signature of the milk collection center manager or authorized agent, the farmer and the transport driver;

g. where any milk is imported, shall be marked accordingly;

h. a batch number, where applicable;

i. in the case of a milk product, its type and brand name, expiry date and nutrient information;

j. the country of origin.

(2) Imported milk shall be accompanied by information showing what is required under paragraphs (g) through (j) of sub regulation (1).

(3) Once imported milk has been cleared to enter the country it shall, in all respects, be subject to existing regulations.

14. (1) In cases where several processing plants are operated by one company, the common company name shall be indicated on all its product packages so long as the location of the plant at which the contents were processed and packaged is also shown, directly and by a code where necessary.

(2) The identity labeling required by this regulation when used; permits plants and persons to purchase and distribute under their own label, dairy produce processed and packaged at another processing plant so long as the label reads and shows the name and address of that other plant as in “Processed at (Name and address)”, or that the processing and packaging plant is identified by a known code.

(3) For the purposes of this regulation “identity labelling” means the name and address of the milk processing plant at which the processing and packaging has taken place.

15. It shall be the duty of the dairy dealer to ensure that the labeling is done in accordance with the requirements of the regulations.
16.(1) It shall be an offence to use any misleading marks, words or endorsements on the label or superimpose any material to conceal the contents of the label and a person who commits this offence is liable to a fine of five hundred thousand shillings or imprisonment of twelve months or both.

Use of trademarks and logos

(2) The use of trademarks or similar logos on milk trucks, vans, tankers, bottles and other containers and vehicles shall not constitute a misleading marks or words so long as the same are not used so as to obscure the labeling required by the regulation.

PART IV: EXAMINING OF DAIRY PRODUCE

17. (1) Every dairy dealer shall collect a representative sample of milk or milk product in accordance with Kenya Standard on sampling procedure.

(2) Milk and milk produce shall be examined and tested before receipt at every point of acceptance and graded in accordance to the requirement of the relevant Kenya Standard.

(3) Dairy produce that do not meet the acceptable levels of quality and safety as provided in the standards shall be rejected and issued with a rejection certificate indicating the reasons for rejection.

(3) Samples collected pursuant to sub regulation (1) shall be analyzed by the dairy dealer for purposes of routine monitoring of its quality and safety.

(4) Portions of samples collected under this regulation shall be submitted to the nearest designated laboratory and the number of samples and frequency of submission shall be:

a. In the case of a Milk Collection Centers: during any consecutive twelve months for every batch samples of raw milk for processing shall be collected from each milk collection center in at least three separate months, when the sampling days will be separated by not less than sixty days;

b. In the case of milk processing plants: during any consecutive twelve months, for every batch samples of raw milk for processing, shall be obtained by the processing plant and submitted to own laboratory for quality and safety analysis;

c. In the case of milk processing plants: during any consecutive twelve months, at least six samples of pasteurized and or ultra-heat treated milk products, from milk processing plants offering such products for sale, shall be submitted to a designated laboratory;

d. In the case of milk processing plants: during any consecutive twelve months, at least two samples of each dairy product processed in any milk processing plant, shall be submitted to an official laboratory.

18. (a) An inspector, or a person duly authorized by the Board for that purpose, shall obtain representative samples of dairy produce while in the possession of the producer, milk plant or distributor at any time prior to delivery to the shop or consumer;

(b) Samples of dairy produce from dairy retail shops, supermarkets, grocery shops and other places where dairy produce are sold shall be examined quarterly by an inspector or a person duly authorized by the Board for that
purpose and the results of such examination shall be used to determine compliance with Kenya dairy products standards.

19. Processing plants shall, furnish the Board on a quarterly basis with names of all suppliers through whom milk or milk products are obtained.

Recall of non-compliant dairy produce

20. (a) Whenever the results of tested samples fail to meet the standard for milk or milk products, the producer shall take immediate remedial action including making a recall as provided for in the Dairy Produce Traceability regulations halting production, placing distribution on hold, produce recycling, initiating concessions amongst others.

(b) Where the non-compliance is detected by the Board, the dairy inspector shall take appropriate action including ordering the producer to recall the product from the market, halting production, placing distribution on hold, produce recycling, initiating concessions, seizure and destruction amongst others.

(c) whenever there is any detection of any non-conforming products, the dairy inspector shall be promptly informed of the occurrence, corrective action taken, the root cause of the problem and the proposed preventive action.

Regulatory agency to determine tests and test methods

21. The Board may from time to time determine the tests and test methods for assessment of compliance by dairy dealers.

Non-conforming products

22. Whenever a breakdown during the processing or packaging of dairy produce occurs, an imminent hazard to public health shall be presumed to exist; reason wherefore prompt and appropriate action by the manufacturer shall be undertaken to avert the hazard;

Offence to expose for sale substandard dairy produce

23. No person shall expose for sale any substandard or rejected dairy produce

24. Any person who contravenes any of the provisions of these regulations is guilty of an offence and shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

PART V: LABORATORY REQUIREMENTS

25. (1) Procedures for the collection and handling of samples, the selection and preparation of apparatus and instrumental analytical equipment, media and reagents, and the analytical procedures, incubation, reading, recording and reporting of results shall be in accordance with the methods provided in the relevant Kenya standards.

PART VI: GENERAL REQUIREMENTS

26. (1) All the personnel involved in milking, milk handling, collection, transportation, processing and distribution shall -

a. have a valid medical certificate as proof of their medical fitness to handle dairy produce.

b. Always wear clean protective clothing of a light colour, of easy to wash material. Such clothing may include overalls, overcoats, hand
gloves, caps, mouth covers and gumboots or any other outfit as may be prescribed from time to time;

c. not store items in their clothing except such items that have been approved for work;

d. not change clothing in the working areas;

e. not keep their personal clothing and other items in the operation areas;

f. wear hair restraints of approved material, which include hair net, hat, cap or head band and beard restraints, such restraints being used to prevent detached hair from falling into the milk or milk products;

g. change their protective clothing as and when circumstances warrant or the dairy inspector may direct;

h. cover their mouth when coughing and their nose when sneezing, not smoke, chew or eat any substance or food, as the case may be, nor crisscross between operational high risk and low risk areas and outside areas while still working;

i. be checked medically at such intervals of time as is reasonable or whenever ordered by the dairy inspector whether the order is for the check-up of an individual worker or the entire staff;

j. report to the supervisor whenever they are sick, reasonably suspect that they are or have been diagnosed to be so;

k. wash their hands as the maintenance of good hygiene standards during work dictates, and that approved soap or substance is used for hand washing;

l. not to wear jewellery, bangles, bracelets, long hair which is uncapped, and fingernails that are dressed in nail polish or similar substance; and

m. otherwise observe the basic principles of hygiene such as keeping short finger nails, no beard unless capped, no spitting in work area, no nose picking, no drunkenness or intoxication, no nail vanish, no smoking or any other undesirable behaviour during milking, or handling of dairy produce.

Qualifications of personnel

(2) Personnel handling milk and/or engaged in milk transportation shall, to the satisfaction of the Board, be provided with basic skills in evaluating milk to determine its quality.

(3) Personnel involved in milk value addition operations shall, to the satisfaction of the Board, have basic professional knowledge in dairy produce manufacture.

(4) All personnel responsible for milk bars, milk collection-cooling centre, cottage industry, mini-dairy or a milk processing plant, dispensers shall be qualified with a minimum of a one year certificate in dairy sciences and or food technology.

Sanitation requirements and installations

(5) In addition to general hygiene and operational standards on personnel, operator of a dairy farm, milk collection center or dairy processing plant shall install adequate sanitary facilities and accommodations as follows—

a. dressing rooms, toilet rooms which shall be sufficient in number, ample in size and conveniently located;

b. suitable sanitary conveniences with hot and cold running water, liquid soap in a dispenser, dispensable hand paper or towels provided and situated outside toilet rooms or urinals and their use by dairy staff shall be supervised and recorded;

c. proper drainage from toilet rooms or urinals, where applicable; and

d. properly located facilities for cleansing and disinfecting utensils and other handheld equipment.
27. Any person, including the owner, his employee or agent, who violates or abates in the violation of the provisions of this regulation, commits an offence and is liable to a fine of one hundred thousand shillings or one month imprisonment or to both.
PART VII: STORAGE AND DISTRIBUTION OF DAIRY PRODUCE

Requirements for storage and distribution of dairy produce

28. Dairy produce shall be stored and distributed:
   a. in a conducive environment that will prevent contamination, spoilage and or deterioration through exposure to adverse conditions.
   b. in premises free from infestation by insects, birds and pests.
   c. Within the appropriate storage conditions as recommended for the specific dairy produce in the relevant standard
   d. in a manner that will not affect the integrity of the produce packaging material so as to disturb or alter the nature of the produce packaged therein.
   e. within the shelf life of the dairy produce

Floors:

29. The floor construction of buildings shall meet the following requirements-
   a. the floors of all rooms in which dairy produce are handled or packaged, or in which dairy produce containers, utensils, and or equipment are stored, shall be constructed of good quality concrete, or equally impervious tile or brick laid closely with impervious joint material, or metal surfacing with impervious joints, or other material which is the equivalent of good quality concrete;
   b. the floor surface shall be smooth and sloped, provided with trapped drains and kept in good repair so that there are no pools of standing water after flushing, and the joints between the floor and the walls are impervious. However, cold-storage rooms used for storing dairy produce need not be provided with floor drains when the floors are sloped to drain to one or more exits.

Walls and ceilings:

30. (1)Walls and ceiling of rooms of a building in which dairy produce are handled, packaged, or stored; shall meet the following requirements-
   (a) shall be tiled at least one and half meters high from the floor, and ceilings shall have a smooth, washable, light-colored surface of impervious materials;
   (b) Walls, partitions and ceilings shall be kept in good repair.

Doors and windows

31. The doors and windows of a building used for storage of dairy produce shall meet the following requirements-
   a) all outer openings shall be fly and rodent-proofed to the extent necessary to prevent the entry of flies and rodents;
   b) the sills shall be sloping to prevent it from being used for storage of items.

Lighting and ventilation

32. All rooms of a building used for storage of dairy produce in which dairy produce are handled, packaged, or stored, shall have adequate ventilation and lighting that is not colored

Separate rooms

33. A building used for storage of dairy produce shall have distinct rooms for receiving dairy produce, packaging and storage of returned packaged dairy produce.

Sanitary facilities

34. A building used for storage of dairy produce shall have a clean toilet and other sanitary facilities located in a manner that does not lead to product contamination.

Water supply

35. A building used for storage of dairy produce shall have adequate running water supply that complies with relevant Kenya standard;
36. A building used for storage of dairy produce shall have adequate and conveniently located hand-washing facilities.

37. Buildings for storage of dairy produce shall be constructed in a manner to ensure that cleaned and sanitized containers and equipment are properly stored and handled to prevent product contamination.

38. Buildings for storage of dairy produce shall have provisions to handle and store dairy produce as required by the manufacturer specifications.

39. Vehicles for distribution of dairy produce shall have fully enclosed bodies with well-fitted solid doors to ensure that the integrity and the quality of dairy produce is not compromised.

40. Any person who contravenes any provisions of these regulations is guilty of an offence and is liable to a fine of one hundred thousand shillings or three months imprisonment or to both.

**PART VIII: REGULATION OF MILK PROCESSING ESTABLISHMENTS (COTTAGE INDUSTRY, MINI DAIRY AND MILK PLANTS)**

41. Every dairy plant shall be located in an area that does not pose any threat to safety of the dairy produce processed therein and shall be protected from environmental pollution. The surroundings of the dairy plant shall be kept neat, clean and free from conditions which might attract or harbour flies, other insects and rodents or which otherwise constitute a nuisance by observing the following requirements:

   a. There shall be no accumulation of trash, garbage or similar waste in areas adjacent to the milk plant. Waste material shall be stored in suitable covered containers;
   
   b. Driveways, lanes and areas serving milk plant vehicle traffic shall be graded, drained and free from pools of standing water;
   
   c. Outdoor areas for milk tank truck unloading shall be constructed of smooth concrete or impervious material, properly sloped to drain and equipped with trapped drains of sufficient size;
   
   d. Only insecticides and rodenticides approved for use by the competent authority responsible for pest control shall be used for insect and rodent control;
   
   e. Rooftops shall be kept clean of dry milk or milk products which may accumulate and contribute to unsanitary conditions.

42. The floor construction of dairy plants buildings shall meet the following requirements:

   c. The floors of all rooms in which milk or milk products are handled, processed, packaged, or stored, or in which milk containers, utensils, and or equipment are washed, shall be constructed of good quality concrete, or equally impervious tile or brick laid closely with impervious joint material, or metal surfacing with impervious joints, or other material which is the equivalent of good quality concrete;
   
   d. The floor surface shall be smooth and sloped, provided with trapped drains and kept in good repair so that there are no pools of standing water after flushing, and the joints between the floor and the walls are impervious. However, cold-storage rooms used for storing dairy
produce need not be provided with floor drains when the floors are sloped to drain to one or more exits.

Walls and ceilings: Construction

43. (1) Walls and ceiling of rooms of a dairy plant in which milk or milk products are handled, processed, packaged, or stored; or in which milk containers, utensils and or equipment are washed, shall meet the following requirements-

   (a) Walls shall be tiled at least one and half meters high from the floor, and untiled surface shall have a smooth, washable, light-colored surface of impervious materials;

   (b) Ceilings shall have a smooth, washable, light-colored surface of impervious materials;

   (c) Walls, partitions and ceilings shall be kept in good repair.

Doors and windows

44. The doors and windows of a dairy plant shall meet the following requirements-

   a) All outer openings shall be fly and rodent-proofed to the extent necessary to prevent the entry of flies and rodents;

   b) The sills should be sloping to prevent it from being used for storage of items.

Lighting and ventilation

45. All rooms of a dairy plant in which milk or milk products are handled, processed, packaged, or stored, or in which milk containers, utensils and or equipment are washed shall meet the following requirements-

   a) have adequate lighting that is not colored;

   b) have sufficient ventilation to keep the rooms free of odours and build-up of excessive condensation on equipment, walls and ceilings;

   c) The bulbs for artificial lighting shall be shatter proof or suitably protected. Glass windows and other glass fittings shall be shatterproof;

   d) pressurized venting, or air conditioners if used shall have a filtered air intake;

   e) for milk plants that condense or dry milk or milk products or both, ventilating systems in packaging rooms, where used shall be separate and where possible have the ducts installed in a vertical position.

Separate rooms

46. A dairy plant shall have separate sections for-

   a) milk reception, processing and packaging;

   b) the cleaning of milk cans and containers, bottles, cases and dry milk or milk product containers;

   c) the fabrication of containers and closures for dairy produce;

   d) cleaning and sanitizing facilities for milk tankers in a milk plant receiving milk;

   e) receiving cans of dairy produce in a milk plant receiving such cans;

   f) Designated areas or rooms for receiving, handling and storage of returned dairy produce.

Toilet and Sanitary facilities

47. Without prejudice to provisions of Part VI, a dairy plant shall have toilet and sanitary facilities that meet the following requirements-

   a) clean toilet facilities;

   b) toilet rooms shall not open directly into any room in which milk and milk products are handled, processed and stored;

   c) toilet rooms and fixtures that are kept in good repair, well ventilated and well lit;

   d) toilet tissue and easily cleanable covered waste receptacles provided in toilet rooms;

   e) pit latrines shall not be allowed in milk plants;

   f) sewage and other liquid wastes are disposed of in a sanitary manner;
(g) there shall be adequate and suitable bins in which to collect solid wastes;
(h) the bins shall be located in areas that do not pose a risk of contamination of the dairy produce; and
(i) there shall be drainage adequate and sufficient to drain off liquid waste and sewage in a sanitary manner.

**Water supply**

48. A dairy plant shall have water supply system that meets the following requirements-

(a) adequate water supply, properly located, protected, and of a safe sanitary quality;
(b) water supply that complies with Kenya Standards for drinking water;
(c) without cross-connection between the safe water supply and any unsafe or questionable water supply, or any source of pollution through which the safe water supply might become contaminated;
(d) water for different purposes shall be clearly distinguished by pipe colour coding in accordance with the provisions of the relevant Kenya standards.

**Hand washing facilities**

49. A dairy plant shall have convenient hand-washing facilities that meet the following requirements-

(a) provision of hot and cold and or warm free running water, soap and individual sanitary paper towels;
(b) kept in clean condition and in good repair;
(c) Wash hand basins in the toilets and milk handling areas shall be non-hand operated.

**Dairy plant cleanliness**

50. The cleanliness in every dairy plant shall meet the following requirements-

a) All rooms in which dairy produce are handled, processed or stored; or in which containers, utensils and or equipment are washed or stored, shall be kept clean, neat and free of pests, insects and rodents;

b) Only equipment directly related to processing operations or the handling of containers, utensils and equipment shall be permitted in the processing, cooling, condensing, drying, packaging, and bulk milk or milk product storage rooms;

c) Floors, walls, ceilings, shelves, tables and the non-product-contact surfaces of other facilities and equipment shall be kept clean;

d) All sanitary piping, fittings and connections which are exposed to dairy produce shall consist of smooth, impervious, corrosion-resistant, non-toxic, easily cleanable material, which is approved for milk product-contact surfaces in the relevant Kenya standards;

e) All piping shall be in good repair;

f) Trash, solid or dry waste product shall be removed promptly so as not to pose a source of contamination;

g) Pasteurized dairy produce shall be conveyed from one piece of equipment to another only through sanitary piping.

**Construction and repair of containers and equipment**

51. The construction and repair of every dairy plant containers and equipment shall meet the following requirements-
Cleaning and sanitizing of containers and equipment

52. (1) The cleaning and sanitizing of equipment in the dairy plants shall meet the following requirements:

(a) The product-contact surfaces of all multi-use containers, utensils and equipment used in the transportation, processing, condensing, drying, packaging, handling, and storage of milk or milk products shall be effectively cleaned and sanitized before each use.

(b) The cloth-collector systems used on dryers shall be cleaned and sanitized or purged at intervals and by methods recommended by the manufacturer.

(c) Piping, equipment and containers used to process, conduct or package aseptically processed dairy produce, beyond the final heat treatment process, shall be sterilized before any aseptically processed milk or milk product is packaged and shall be re-sterilized whenever any non-sterile product has contaminated it.

(d) Storage tanks shall be cleaned when emptied and shall be emptied at least every seventy-two hours. Records must be available to verify that milk storage in these tanks does not exceed seventy-two hours. These records shall be available for at least the previous three months or from the time of the last regulatory inspection, whichever is longer;

(e) In the case of pasteurized storage tanks, which are mechanically cleaned at intervals of less than seventy-two hours, the mechanical cleaning records shall be available;

(f) Storage tanks, which are used to store raw milk or milk products or heat-treated milk products longer than twenty-four hours and silo tanks used for the storage of raw milk or milk products or heat-treated milk products shall be equipped with a seven day temperature recording device complying with the manufacturer’s specifications or manual system of recording with a documented frequency of a maximum of three hours;

(g) Evaporators shall be cleaned at the end of a continuous operation, not to exceeding forty-four hours, and records must be available to verify that the operation time does not exceed forty-four hours;

(h) Drying equipment, cloth-collector systems, packaging equipment and multi-use dry milk products and dry whey storage containers shall be cleaned at intervals and by methods recommended by the manufacturer. Such methods may include cleaning without water by use of vacuum cleaners, brushes, or scrapers. After cleaning, such equipment shall be sanitized by methods recommended by the manufacturer;

(i) Cloth collector systems and all dry product-contact surfaces downstream from the dryer shall be sanitized or purged at intervals and by methods recommended by the manufacturer;
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(j) Storage bins used to transport dry milk or milk products shall be dry cleaned after each usage and washed and sanitized at regular intervals.

(2) Pipelines and equipment designed for mechanical cleaning shall meet the following requirements-
   (a) undergo an effective cleaning and sanitizing regime for each separate cleaning circuit;
   (b) have a temperature recording device, complying with the manufacturer’s specifications or a recording device which provides sufficient information to adequately evaluate the cleaning and sanitizing regime and shall be installed in the return solution line or other appropriate area to record the temperature and time which the line or equipment is exposed to cleaning and sanitizing solutions;
   (c) cleaning charts and electronically stored records shall be identified, dated and retained for a minimum of two years for long life products;
   (d) During each official inspection, the inspector shall examine charts and records to verify the cleaning regimes.

53. Dairy plants shall ensure that cleaned and sanitized containers and equipment are-
   (a) transported and stored to assure complete drainage;
   (b) protected from contamination before use; and
   (c) single-service caps, cap stock, parchment paper, containers, gaskets, liners, bags and other single-service articles for use in contact with dairy produce are purchased and stored in sanitary tubes, wrappings or carton, kept in a clean, dry place until used, and shall be handled in a sanitary manner.

54. Dairy produce in dairy plants shall be protected from contamination by observing the following requirements-
   a) Milk plant operations, equipment and facilities shall be located and conducted to prevent any contamination of milk or milk products, ingredients, containers, utensils and equipment;
   b) All milk or milk products or ingredients that have been spilled, overflowed or leaked shall be discarded;
   c) The processing or handling of products other than quality assured processed milk or milk products in the milk plant shall be performed to preclude the contamination of such quality assured dairy produce;
   d) The storage, handling and use of poisonous or toxic materials shall be performed to preclude the contamination of dairy produce, or ingredients of such dairy produce, or the product-contact surfaces of all containers, utensils and equipment;
   e) Only insecticides and rodenticides approved by the competent authority for the time being responsible for pesticide control shall be used for insect and rodent control. Such insecticides and rodenticides shall be used only in accordance with the manufacturer's label directions and shall be handled in such a manner as to prevent them from contaminating dairy produce, containers, utensils and equipment;
   f) All insecticides and rodenticides shall be stored in a lockable poisons cabinet which is properly labeled and under the control of a designated officer of the plant.

55. Dairy processing plants shall process dairy produce in accordance with the respective Kenya standards.
(a) Pasteurization and aseptic processing of milk shall be performed in accordance with the Kenya standards.

(b) Pasteurization of raw milk or milk product shall be performed before the raw milk or milk product enters the reverse osmosis (RO), ultra-filtration (UF), evaporator or condensing equipment and shall be performed in the milk plant where the processing is done.

(c) All condensed dairy produce transported to a dairy plant for drying shall be re-pasteurized at the milk plant at which it is dried.

(d) Milk tank trucks, dedicated to hauling pasteurized product, shall be used to transport the condensed, partially crystallized whey and shall be washed and sanitized immediately prior to filling and then sealed after filling until unloading.

(e) Separate unloading pumps and pipelines shall be provided and used only for the unloading of the condensed and partially crystallized whey. Such pumps and pipelines shall be cleaned and sanitized as a separate cleaning circuit.

56. Dairy plants with batch pasteurization systems shall comply with the following requirements-

a) All indicating and recording thermometers used in connection with the batch pasteurization of milk or milk products shall comply with the applicable specifications. The pasteurizer shall be so designed that the simultaneous temperature difference between the milk or milk product, at the center of the coldest milk or milk product in the vat, will not exceed 0.5°C at any time during the holding period.

b) The vat shall be provided with adequate agitation, operating throughout the holding period and no batch of milk or milk product shall be pasteurized unless it covers a sufficient area of the agitator to ensure adequate agitation.

c) Each batch pasteurizer shall be equipped with an indicating and a recording thermometer or manual recording by the operator.

d) The thermometers shall not read less than the required pasteurization temperature throughout the required holding period.

e) The recording thermometer, if present, shall not read higher than the indicating thermometer.

f) No batch of milk or milk product shall be pasteurized unless it is sufficient to cover the bulbs of both the indicating and the recording thermometer.

g) Batch pasteurizers shall be so operated that every particle of milk or milk product will be held at not less than the minimum pasteurization temperature continuously for at least thirty minutes.

h) No milk or milk product shall be added to the batch pasteurizer after the start of the holding period.

57. Dairy plants with continuous flow-pasteurization systems shall comply with the following requirements-

(a) All indicating thermometers and recorder or controller instruments and devices used in connection with the HTST, continuous-flow pasteurization of milk or milk products shall comply with the applicable specifications.

(b) Each HTST continuous-flow pasteurization system shall be equipped with an automatic milk-flow control of the diversion type.
(c) Milk or milk product-flow controls shall be of the flow-diversion type, which automatically cause the diversion of the milk or milk product in response to a sub-legal pasteurization temperature which complies with applicable regulations.

(d) All Flow Diversion Devices (FDDs) used in continuous pasteurizers shall comply with the following or equally satisfactory specifications-

i. The forward-flow of milk or milk product below the minimum pasteurization temperature shall be prevented by requiring the timing pump to be de-energized when the milk or milk product is below the pasteurization temperature and the valve is not in the fully diverted position; or by any other equally satisfactory means;

ii. When a packing gland is used to prevent leakage around the actuating stem, it shall be impossible to tighten the stem-packing nut to such an extent as to prevent the valve from assuming the fully diverted position;

iii. A leak-escape shall be installed on the forward-flow side of the valve seat. When backpressure is exerted on the forward-flow side of the valve seat, while the milk or milk product-flow is being diverted, the leak-escape should lie between two valve seats or between two portions of the same seat, one upstream and the other downstream from the leak-escape. The leak-escape shall be designed and installed to discharge all leakage to the outside, or to the constant-level tank through a line separate from the diversion line;

iv. The FDD shall be so designed and installed that failure of the primary motivating power shall automatically divert the flow of milk or milk product;

v. The FDD shall be located downstream from the holder. The flow-control sensor shall be located in the milk or milk product line not more than 46 centimetres (18 inches) upstream from the FDD.

(e) The HTST Milk or Milk Product-Flow Controller Instrumentation shall meet the following requirements with respect to the instrumentation of the milk or milk product-flow controller-

i. The thermal-limit-controller shall be set and sealed so that forward-flow of milk or milk product cannot start unless the temperature at the controller sensor is above the required pasteurization temperature as defined in this document for the milk or milk product, and the process used, nor continue during descending temperatures when the temperature is below the required pasteurization temperature.

ii. The system shall be so designed that no milk or milk product can be bypassed around the controller sensor that shall not be removed from its proper position during the pasteurization process. The cut-in and cut-out milk or milk product temperatures, as shown by the indicating thermometer, shall be determined at the beginning of each day's operation and entered upon the recorder chart daily by the milk plant operator;

iii. In the case of pasteurization systems, with the FDD located downstream from the regenerator and or cooler section, additional temperature controllers and timers shall be inter-wired with the thermal-limit-controller, and the control system shall be set so that forward-flow of milk or milk product cannot start until all product-contact surfaces between the holding tube and FDD have
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been held at or above the required pasteurization temperature, continuously and simultaneously for at least the required pasteurization time as defined in this document. The control system shall also be set and sealed so that forward-flow cannot continue when the temperature of the milk or milk product in the holding tube is below the required pasteurization temperature;

iv. Manual switches for the control of pumps, homogenizers or other devices, which produce flow through the holder, shall be wired so that the circuit is completed only when milk or milk product is above the required pasteurization temperature as defined in this document for the milk or milk product and the process used, or when the FDD is in the fully-diverted position.

(f) The holding tubes in the HTST system shall comply with the following requirements-

i. Holding tubes shall be designed to provide for the holding of every particle of the milk or milk product for at least the time required in accordance with the standard for the milk or milk product and the process used;

ii. No device shall be permitted for short-circuiting a portion of the holding tube to compensate for changes in rate of milk or milk product-flow. Holding tubes shall be installed so that sections of pipe cannot be left out, resulting in a shortened holding time;

iii. Supports for holding tubes shall be provided to maintain all parts of the holding tubes in a fixed position, free from any lateral or vertical movement.

(g) The HTST indicating and recording thermometers shall meet the following requirements-

i. An indicating thermometer shall be located as near as practicable to the temperature sensor of the recorder/controller, but may be located a short distance upstream from the latter where milk or milk product between the two thermometers does not differ significantly in temperature;

ii. The temperature shown by the recorder/controller shall be checked daily by the milk plant operator against the temperature shown by the indicating thermometer. Readings shall be recorded on the chart. The recorder/controller shall be adjusted to read no higher than the indicating thermometer;

iii. The recorder/controller charts shall comply with the applicable provisions.

(h) The HTST Flow-Promoting Devices shall meet the following requirements-

i. The pump or pumps and other equipment which may produce flow through the holding tube shall be located upstream from the holding tube, provided that pumps and other flow-promoting devices may be located downstream from the holding tube, if means are provided to eliminate negative pressure between the holding tube and the inlet to such equipment. When vacuum equipment is located downstream from the holding tube, an effective vacuum breaker, plus an automatic means of preventing a negative pressure in the line between the FDD and the vacuum chamber, shall be acceptable;

ii. The speed of pumps or other flow-promoting devices, governing the rate of flow through the holding tube, shall be so controlled as to ensure the holding of every particle of milk or milk product for
at least the time required as defined in this document for the milk or milk product and the process used. In all cases, the motor shall be connected to the timing pump by means of a common drive shaft, or by means of gears, pulleys, or a variable-speed drive, with the gear box. The pulley box or the setting of the variable speed shall be protected. Variable speed drives, used in connection with the timing pump, shall be so constructed that wearing or stretching of the belt results in a slowdown, rather than a speedup, of the pump;

iii. The metering or timing pump shall be of the positive-displacement type or shall comply with the specifications for magnetic flow meter based timing systems. Timing pumps and homogenizers, when used as a timing pump, shall not have by-pass lines connected from their outlet pipelines to their inlet pipelines during processing if an additional flow-promoting or vacuum producing device is located within the system.

(i) When a homogenizer is used in conjunction with a timing pump-

i. The holding time shall be taken to mean the flow time of the fastest particle of milk or milk product at or above the required pasteurization temperature as defined in this document for the milk or milk product and the process used, throughout the holding tube section; i.e., that portion of the system that is outside of the influence of the heating medium, slopes continuously upward in the downstream direction and is located upstream from the FDD;

ii. Tests for the holding time shall be made when all equipment and devices are operated and adjusted to provide for maximum flow;

iii. When a homogenizer is located upstream from the holding tube, the holding time shall be determined with the homogenizer in operation with no pressure on the homogenizer valves;

iv. For those systems which do not homogenize all milk or milk products and utilize by-pass lines as outlined above, the holding time shall be tested in both flow patterns and the fastest time used. The holding time shall be tested during both forward and diverted-flow. If it is necessary to lengthen the holding time during diverted-flow, an identifiable restriction may be placed in the vertical portion of the diversion pipeline;

v. When vacuum equipment is located downstream from the holding tube, the holding time shall be tested with the timing pump operating at maximum flow and the vacuum equipment adjusted to provide for the maximum vacuum. The holding time shall be tested in both forward and diverted-flow upon installation semi-annually; after any alteration or replacement that may affect the holding time and records on such tests kept as evidence.

Aseptic processing systems

58. Dairy plants using aseptic processing systems shall meet the following requirements-

a) The design and operation of aseptic processing systems shall comply with the applicable specifications and operational procedures.

b) All indicating thermometers, recorder/controller instruments and devices, used in connection with aseptic processing systems, used for the aseptic processing of milk or milk products shall comply with the Kenya or other approved specifications.
c) Each aseptic processing system shall be equipped with at least one alcohol thermometer or an equivalent temperature-indicating device.

d) An accurate temperature recorder/controller shall be installed in the milk or milk product at the holding tube outlet and before the inlet to the cooler or regenerator. The following requirements shall be met with respect to the instrumentation of the temperature recorder/controller-

vi. The temperature recorder/controller shall be set so that during milk or milk product processing the forward-flow of milk or milk product cannot start unless the temperature at the controller sensor is above the required temperature for the milk or milk product and the process used, nor continue during descending temperatures when the temperature is below the required temperature. The system shall be so designed that no milk or milk product can be bypassed around the controller sensor, which shall not be removed from its proper position during the processing of aseptic dairy produce;

vii. Additional temperature-controllers and timers shall be inter-wired with the thermal-limit controller, and the control system shall be set so that forward-flow of milk or milk product cannot start until all product-contact surfaces between the holding tube and FDD have been held at or above the required sterilization temperature, continuously and simultaneously for at least the required sterilization time. The control system shall also be set so that forward-flow cannot continue when the temperature of the milk or milk product in the holding tube is below the required temperature. The system shall be so designed that no milk or milk product can be bypassed around the control sensors, which shall not be removed from their proper position during the processing of aseptic dairy produce.

a) The timing pump in aseptic processing system shall meet the following requirements-

viii. A timing pump shall be located upstream from the holding tube and shall be operated to maintain the required rate of milk or milk product flow. The motor shall be connected to the timing pump by means of a common drive shaft, or by means of gears, pulleys or a variable-speed drive, with the gear box, the pulley box or the setting of the variable speed protected in such a manner that the hold time cannot be shortened. Variable speed drives, used in connection with the timing pump, shall be so constructed that wearing or stretching of the belt results in a slowdown, rather than a speedup, of the pump. The metering or timing pump shall be of the positive-displacement type or shall comply with the specifications for magnetic flow meter based timing systems;

ix. The holding time shall be taken to mean the flow time of the fastest particle of milk or milk product throughout the holding tube section, i.e., that portion of the system that is outside of the influence of the heating medium; and slopes continuously upward in the downstream direction; and is located upstream from the FDD.

a) The milk or milk product holding tube for aseptic processing system shall meet the following requirements-
x. The holding period shall be tested and demonstrated that it lasts for the required time. Records for such tests shall be made available to the Board;

xi. For new equipment, the holding tube shall be designed to give continuous holding of every particle of milk or milk product for at least the minimum holding time specified in the Regulations process. The holding tube shall be designed so that no portion of the holding tube between the milk or milk product inlet and the milk or milk product outlet can be heated. In addition, it must be sloped upward at least 2.1 centimeters per meter. Supports for holding tubes shall be provided to maintain all parts of the holding tubes in a fixed position, free from any lateral or vertical movement;

xii. No device shall be permitted for short-circuiting a portion of the holding tube to compensate for changes in rate of milk or milk product flow. Holding tubes shall be installed so that sections of the pipe cannot be left out, resulting in a shortened holding time;

xiii. The holding tube length must be such that the fastest flowing particle of any milk or milk product will not traverse the holding tube in less than the required holding time;

xiv. An aseptic processing system which can operate with milk or milk product in forward-flow mode, with less than 518 kPa (75 psi) pressure in the holding tube shall be equipped with a pressure limit indicator/pressure switch in the holding tube to assure that the heated milk or milk product remains in the liquid phase. In systems that do not have a vacuum chamber between the holding tube and the aseptic milk or milk product side of the regenerator, this can be established by verifying that the aseptic processing equipment cannot operate in forward-flow with less than 518 kPa (75 psi) pressure on the aseptically processed side of the regenerator. The pressure limit indicator/pressure switch must be inter-wired so that the FDD, milk or milk product divert system, milk or milk product divert valve or other acceptable control system will move to the divert position, if the milk or milk product pressure falls below a prescribed value. The instrument must be set at a pressure 69 kPa (10 psi) above the boiling pressure of the milk or milk product at its maximum temperature in the holding tube. If this pressure is too low, the resultant vaporization in the holding tube will substantially reduce residence times. The instrument must have a differential pressure switch so that the FDD will move to the divert position if the pressure drop across the injector falls below 69 kPa (10 psi).

59. The following measures shall be taken to prevent milk or milk product adulteration with added water-

a) When culinary steam is introduced directly into the milk or milk product or by automatic means, that is to say, stand-alone and or PLC-based ratio control system, shall be provided to maintain a proper temperature differential between incoming and outgoing milk or milk products to preclude dilution with water.

b) Where a water feed line is connected to a vacuum condenser and the vacuum condenser is not separated from the vacuum chamber by a physical barrier, means shall be provided to preclude the back-up and overflow of water from the vacuum
condenser into the vacuum chamber. This provision may be satisfied by the use of a safety shutoff valve located on the water feed line to the vacuum condenser that is automatically actuated by a control that shuts off the in-flowing water. This valve may be actuated by water, air or electricity and shall be so designed that failure of the primary motivating power will automatically stop the flow of water into the vacuum condenser.

Flow Diversion devices

60. All Flow Diversion Devices (FDDs) used in continuous aseptic process systems shall comply with the Kenya or other approved specifications.

Regeneration heating in pasteurizers and aseptic processing

61. Regeneration heating in pasteurizers and aseptic processing shall meet the following requirements-

i. The heating system with this design shall comply with the following or equally satisfactory specifications-
   a) Regenerators shall be constructed, installed and operated so that pasteurized or aseptic milk or milk product in the regenerator will automatically be under greater pressure than raw milk or milk product in the regenerator at all times.
   b) The pasteurized or aseptic milk or milk product, between its outlet from the regenerator and the nearest point downstream open to the atmosphere, shall rise to a vertical elevation of 30.5 centimetres (12 inches) above the highest raw milk or milk product level, downstream from the balance tank, and shall be open to the atmosphere at this or a higher elevation.
   c) The overflow of the top rim of the constant-level tank shall always be lower than the lowest milk or milk product level in the regenerator.
   d) No pump shall be located between the raw milk or milk product inlet to the regenerator and the balance tank, unless it is designed and installed to operate only when milk or milk product is flowing through the pasteurized or aseptic milk or milk product side of the regenerator and when the pressure of the pasteurized or aseptic milk or milk product is higher than the maximum pressure produced by the pump. This may be accomplished by wiring the booster pump so that it cannot operate unless:
      i. The timing pump is in operation;
      ii. The FDD is in forward-flow position;
      iii. The pasteurized or aseptic milk or milk product pressure exceeds, by at least 6.9 kPa (1 psi), the maximum pressure developed by the booster pump. Pressure gauges shall be installed at the raw milk or milk product inlet to the regenerator and the pasteurized or aseptic milk or milk product outlet of the regenerator or the outlet of the cooler inlet to the regenerator and the pasteurized or aseptic milk or milk product outlet of the regenerator or the outlet of the cooler.
      iv. The accuracy of these required pressure gauges shall be checked by the inspector, on installation; quarterly thereafter; and following repair or adjustment.
   e) The motor, casing and impeller of the booster pump shall be identified and recorded and the records for those systems that rely on a pressure switch, located only on the pasteurized side, shall be maintained.
f) All electric wiring interconnections for the booster pump should be in permanent conduit; except that rubber covered cable may be used for final connections with no electrical connections to defeat the purpose of any provisions of this regulation.

g) All raw milk or milk product in the regenerator will drain freely back into the balance tank when the raw milk or milk product pump(s) are shut down and the raw milk or milk product outlet from the regenerator is disconnected.

h) When vacuum equipment is located downstream from the FDD, means shall be provided to prevent the lowering of the pasteurized or aseptic milk or milk product level in the regenerator during periods of diverted flow or shutdown. An effective vacuum breaker plus an automatic means of preventing a negative pressure shall be installed in the line between the vacuum chamber and the pasteurized or aseptic milk or milk product inlet to the regenerator.

i) In the case of pasteurization systems, with the FDD located downstream from the regenerator and or cooler section, the requirements above may be eliminated. Provided that a differential pressure controller is used to monitor the highest pressure in the raw milk or milk product side of the regenerator and the lowest pressure in the pasteurized side of the regenerator and the controller is interlocked with the FDD and is set so that whenever improper pressures occur in the regenerator, forward flow of milk or milk product is automatically prevented and will not start again until all milk or milk product contact surfaces between the holding tube and FDD have been held at or above the required pasteurization temperature, continuously and simultaneously for at least the required pasteurization time as defined in this regulation.

j) In the case of aseptic processing systems used for producing aseptic dairy produce, there shall be an accurate differential pressure recorder-controller installed on the regenerator. The scale divisions shall not exceed 13.8 kPa (2 psi) on the working scale of not more than 138 kPa (20 psi) per 2.54 centimetres (1 inch). The controller shall be tested for accuracy against a known accurate standard pressure indicator upon installation at least once every three (3) months of operation thereafter, or more frequently if necessary, to ensure its accuracy. One pressure sensor shall be installed at the aseptic milk or milk product regenerator outlet and the other pressure sensor shall be installed at the raw milk or milk product regenerator inlet.

k) When culinary steam is introduced directly into milk or milk product to achieve pasteurization or aseptic processing temperature, and vacuum equipment is located downstream from the holding tube, the requirement that a vacuum breaker be installed at the inlet to the pasteurized or aseptic side of the regenerator may be eliminated. Provided, that the differential pressure controller is installed and wired to control the FDD.

l) (l) When the differential pressure controller is installed and wired to control the FDD, the raw milk or milk product booster pump may be permitted to run at all times provided, that the timing pump is in operation.
(2) **Option 1.** Milk or milk product-to-water-to-milk or milk product regenerators, with both the milk or milk product and the heat-transfer water in the raw milk or milk product section, closed to the atmosphere, shall comply with the following or equally satisfactory specifications—

a) Regenerators of this type shall be so designed, installed and operated that the heat-transfer-medium side of the regenerator, in the raw milk or milk product section, will automatically be under greater pressure than the raw milk or milk product side at all times.

b) The heat-transfer water shall be safe water and the heat-transfer water shall be in a covered tank, which is open to the atmosphere at an elevation higher by at least 30.5 centimeters (12 inches) than any raw milk or milk product level downstream from the constant-level tank. The heat-transfer water between its outlet from the regenerator and the nearest point downstream open to the atmosphere shall rise to a vertical elevation of at least 30.5 centimeters (12 inches) above any raw milk or milk product in the system and shall be open to the atmosphere at this or a higher elevation.

c) The heat-transfer water circuit shall be full of water at the beginning of the run and all loss of water from the circuit shall be automatically and immediately replenished whenever raw milk or milk product is present in the regenerator.

d) The overflow of the top rim of the balance tank shall always be lower than the lowest milk or milk product level in the raw milk or milk product section of the regenerator. The regenerator shall be designed and installed so that all raw milk or milk product shall drain freely back to the upstream supply tank when the raw milk or milk product pumps are shut down and the raw milk or milk product line is disconnected from the regenerator outlet.

e) No pump shall be located between the raw milk or milk product inlet to the regenerator and the balance tank unless it is designed and installed to operate only when water is flowing through the heat-transfer section of the regenerator and when the pressure of the heat-transfer water is higher than the pressure of the raw milk or milk product. This may be accomplished by wiring the booster pump so that it cannot operate unless—

i. The heat-transfer water pump is in operation; and

ii. The heat-transfer water pressure exceeds, by at least 6.9 kPa (1 psi) the raw milk or milk product pressure in the regenerator. A differential pressure-controller shall be installed at the raw milk or milk product inlet and the heat-transfer water outlet of the regenerator.

iii. The raw milk or milk product booster pump must be wired so that it cannot operate unless the differential pressure is met.

iv. The accuracy of the required differential pressure-controller shall be checked on installation, quarterly thereafter and following repair or replacement.

v. Records for such checks shall be kept as evidence.

**Option 2.** Milk or milk product-to-water-to-milk or milk product regenerators may also be constructed, installed and operated such that the pasteurized or aseptic milk or milk product in the regenerator will be under greater pressure than the heat-transfer-medium in the pasteurized or aseptic milk or milk product side of the regenerator and shall comply with the following specifications—
a) A differential pressure controller shall be used to monitor pressures of the pasteurized milk or milk product and the heat-transfer-medium.

b) In the case of aseptic processing systems, a differential pressure-recorder shall be used to monitor pressures of the aseptic milk or milk product and the heat-transfer-medium.

c) In either case, one pressure sensor shall be installed at the pasteurized or aseptic milk or milk product outlet of the regenerator and the other pressure sensor shall be installed at the heat-transfer-medium inlet of the pasteurized or aseptic milk or milk product side of the regenerator. This controller or recorder-controller shall divert the FDD whenever the lowest pressure of pasteurized or aseptic milk or milk product in the regenerator fails to exceed the highest pressure of the heat-transfer-medium in the pasteurized or aseptic milk or milk product side of the regenerator by at least 6.9 kPa (1 psi). Forward-flow of milk or milk product shall be automatically prevented until all milk or milk product-contact surfaces between the holding tube and the FDD have been held at or above the required pasteurization or sterilization temperature continuously and simultaneously for at least the pasteurization or sterilization time.

d) The heat-transfer-medium pump shall be wired so that it cannot operate unless the timing pump is in operation.

62. (1) Pasteurization and aseptic processing systems shall keep the following records-

(a) (i) All temperature and flow rate pasteurization recording charts or alternative records in place of charts shall be preserved for a period of two years provided that all records and recording charts for aseptic milk and milk product systems shall be retained for a period of three years. The use of such charts shall not exceed the time limit for which they are designed.

(ii) It is an offence to overlap recorded data.

(b) The following information shall be entered on the charts or other records in place of charts as applicable-

**Batch Pasteurizers**-

(a) Date
(b) Number or location of recording thermometer when more than one is used where applicable
(c) A continuous record of the product temperature
(d) Extent of holding period, including filling and emptying times when required
(e) Reading of indicating thermometer, at the start of the holding period, at a given time or reference point as indicated on the chart
(f) Quarterly, the initials of the Board
(g) Quarterly, the time accuracy of the recording thermometer as determined by the Board.
(h) Volume and name of the pasteurized milk or milk product, represented by each batch or run on the chart
(i) Record of unusual occurrences
(j) Signature or initials of the operator
(k) Name of the milk plant.

**HTST Pasteurizers**

(c) Recording thermometer charts shall contain all the specified information referring to regulation 62(b) above except number (d) thereof and, in addition, shall include the following-

(a) A record of the time during which the FDD is in the forward-flow position
(b) The cut-in and cut-out milk or milk product temperatures, recorded daily by the operator, at the beginning of the run
(c) The information required by number (e) under regulation 62(b) above shall also be recorded immediately after a chart has been changed.

(d) Flow rate recording charts shall be capable of continuously recording flow at the flow alarm set point and at least 19 liters (5 gallons) per minute higher than the high flow alarm setting. Flow rate recording charts shall contain all the specified information referred to under regulation 62(b) I above except information contained in numbers (c) through (g) and, in addition, shall include the following-

i. a continuous record of the status of the high and low-flow/loss of signal alarms; and

ii. a continuous record of the flow rate.

(2) Recording thermometer charts shall contain all the specified information above, except (4). In addition these records shall include the following if applicable:

a. A continuous record of the time during which the FDD, valve or system is in the forward-flow position;

b. A continuous record of applicable regenerator pressures;

c. Not later than one (1) working day after the actual process, and before release for distribution, a representative of the milk plant management, who is qualified by suitable training or experience, shall review all processing and production records for completeness and to ensure that the milk or milk product received pass the Regulations process. The records, including the recording thermometer chart or charts, as the case may be, shall be signed or initialed and dated by the reviewer; and

d. the information required under numbers (iv) Number (vi) in reference to under regulation 62(b) above shall also be recorded immediately after a chart has been changed.

**Continuous-Flow Pasteurizers or Aseptic Processing Equipment with Magnetic Flow Meter Based Timing Systems**

63. (a) The processing plant shall perform the tests indicated in this regulation in accordance with the requirements prescribed in the fifth Regulations on instruments and devices initially on installation; and at least once every 6 months, including the remaining days of the month in which the equipment tests are due and whenever any alteration or replacement is made which may affect the proper operation of the instrument or device.

(b) Test results for Pasteurization and Aseptic Processing Equipment Testing shall be recorded by all milk plants.
Equipment tests and examinations

(c) Industry personnel conducting the Pasteurization and UHT Processing Equipment Testing must be adequately trained and must be able to demonstrate, to the satisfaction of the Board, an acceptable understanding and ability to conduct these tests.

(d) The processor must physically demonstrate to the satisfaction of the Board that they understand and can perform the required equipment tests according to the requirements of this regulation.

(e) The Board shall accept a field practical exercise, a written exam, formal classroom training, on-the-job training or any combination of these except that, if industry personnel do not physically demonstrate the appropriate capability to perform the tests to the satisfaction of the Board, they shall be disqualified from conducting such tests.

(f) Continued training such as, but not limited to, on-the-job training with supervision or an acceptable pasteuriser training course shall be undertaken and successfully completed before any person disqualified under paragraph (e) reapplies for pasteuriser equipment testing approval.

(g) The processor shall have responsibility for the performance of all required tests. Once a year, the Board or its authorised agent shall physically supervise these tests. Regulatory supervised tests shall include the annual HTST tests. These twelve month tests should be performed at a time that is mutually convenient to both parties. The processor is responsible for conducting these tests even in the absence of the regulatory official, with appropriate supporting report documentation.

(h) Upon initial installation or extensive modification of any pasteurization and aseptic processing equipment, tests shall be physically supervised by the Board.

(i) During an inspection, the dairy inspector may conduct any or all of the Pasteurization or Aseptic Processing Equipment Tests. The inspector shall, through a combination of physical examination of the equipment and a records review, satisfy himself that the equipment is properly installed and operated.

Handling and storage of dairy produce

64. Dairy plants shall handle and store dairy produce as follows:

a) All pasteurized dairy produce, except those to be cultured, shall be cooled immediately prior to filling or packaging in approved equipment, to a temperature of 7°C or less, unless drying is commenced immediately after condensing. All condensed whey and whey products shall be cooled during the crystallization process to 7°C or less within 48 hours of condensing, including the filling and emptying time, unless filling occurs above 57°C, in which case, the 48 hour time period begins when cooling is started. Aseptically processed dairy produce to be packaged in hermetically sealed containers shall be exempt from the cooling requirements.

b) Each refrigerated room in which dairy produce are stored, except aseptically processed dairy produce, shall be equipped
with an accurate indicating thermometer. Such thermometer shall be located in the warmest zone of the refrigerated room.

c) Each storage tank shall be equipped with an indicating thermometer the sensor of which shall be located to permit the registering of the temperature of the contents when the tank contains no more than twenty percent (20%) of its calibrated capacity.

d) Pasteurized and fermented milk delivery vehicles should be insulated and or refrigerated so as not to lose or gain heat.

e) All surface coolers shall comply with the following specifications-

   i. The sections of open-surface coolers shall be so installed as to leave a gap of at least 6.4 millimeters (0.25 inches) between the header sections to permit easy cleaning;

   ii. Where header ends are not completely enclosed within the cooler covers, condensation or leakage from the headers shall be prevented from entering the milk or milk product by so shaping the exposed header faces, above and below all gaps, that condensation is directed away from the tubes, and by using deflectors at the bottom of the headers; or by shortening the bottom of the headers; or by shortening the bottom trough; or by some other approved method;

   iii. The location of supports of cooler sections shall prevent condensation and leakage from entering the milk or milk product;

   iv. All open-surface coolers shall be provided with tight-fitting shields that protect the milk and milk product from contamination by insects, dust, drip, splash or manual contact.

**Bottling, packaging and container filling**

65. (1) Bottling, packaging and container filling of dairy produce in dairy plants shall meet the following requirements-

a) All dairy produce, including concentrated (condensed) dairy produce, shall be bottled and packaged at the milk plant where final pasteurization is performed. Such bottling and packaging shall be done without undue delay following final pasteurization.

b) All bottling or packaging shall be done on mechanical equipment which has been approved by the Board. For the purposes of this paragraph, the term "approved mechanical equipment" shall not be interpreted to exclude manually operated machinery, but shall be interpreted to exclude methods in which the bottling and capping devices are not integral within the same system.

c) All pipes, connections, de-foaming devices and similar accessories shall comply with requirements of this regulation. Dairy produce from continuous de-foamers shall not be returned directly to the filler bowl.

d) Bottling or packaging machine supply tanks and bowls shall be equipped with covers that are constructed to prevent any contamination from reaching the inside of the filler tank or bowl. All covers shall be in place during operation.

e) A drip deflector is installed on each filler valve. Drip deflectors shall be designed and adjusted to divert condensation away from the open container.

f) Container in-feed conveyors to automatic bottling or packaging machines have overhead shields to protect the bottles or packages
from contamination. These shields shall extend from the bottle washer discharge to the bottle feed-star, or in the case of single-service packaging machines, from the foaming unit discharge to the filling unit and from the filling unit to the closure unit. Overhead shields shall be required on can in-feed conveyors when the cans are fed to the filler with the covers off.

g) Container coding or dating devices are designed, installed and operated such that the coding or dating operations are performed in a manner that open containers are not subjected to contamination. Shielding shall be properly designed and installed to preclude the contamination of open containers.

h) Container fabricating materials such as, but not limited to, paper stock, foil, wax and plastic, are handled in a sanitary manner and protected against undue exposure during the package assembly operation.

i) Bottling and packaging machine floats shall be designed to be adjustable without removing the cover.

j) The filler pipe of all bottling and packaging machines shall have a diversion apron or other acceptable device as close to the filler bowl as possible to prevent condensation from entering the inside of the filler bowl.

k) Filling cylinders on packaging machines shall be protected from contamination by overhead shields. When lubricants are used on filler pistons, cylinders or other milk or milk product-contact surfaces, the lubricant shall be food-grade and applied in a sanitary manner.

l) In the case of aseptic processing systems, the milk and milk product shall be aseptically filled into sterilized containers and hermetically sealed in conformance with the relevant Kenya standard.

(2) For milk plants that condense and or dry milk or milk products, the following requirements shall be fulfilled -

a) The filling of condensed and dry milk product containers shall be done by mechanical equipment. The term "mechanical equipment" shall not be interpreted to exclude manually operated equipment.

b) Filling devices are constructed so as to prevent any contamination from reaching the product. Covers of filling devices, if used, shall be in place during operation.

c) Packaged dry dairy produce shall be stored and arranged so as to be easily accessible for inspection and to permit cleaning of the storage room.

d) All condensed and dry milk product containers shall be filled in a sanitary manner by methods which-

i. protect the product from airborne contamination;

ii. prevent manual contact with condensed and dry milk product-contact surfaces; and

iii. minimize manual contact with the product.

e) All final containers for dry milk products shall be new and of the single-service type and sufficiently substantial to protect the contents from impairment of quality with respect to sanitation, contamination and moisture, under customary conditions of handling, transportation, and storage.
(f) If portable storage bins are used, they comply with the applicable regulations.

(g) Containers are closed immediately after being filled.

(3) For milk plants that dry milk products, these dry milk products shall be packaged in new containers which protect the contents from contamination and after packaging, shall be stored in a sanitary manner.

(4) For milk plants that condense and or dry milk or milk products, these condensed and dry milk products may be transported in sealed containers in a sanitary manner from one milk plant to another for further processing and or packaging.

(5) Condensed and dry milk product packaging containers shall be stored in a sanitary manner.

Capping, container closure and sealing of milk and milk product storage

66. The capping, closing or sealing of milk and milk product containers in dairy plants shall be in accordance with the following requirements:

a) The capping, closing or sealing of milk and milk product containers shall be done in a sanitary manner by use of an approved mechanical capping, closing and or sealing equipment. The term "approved mechanical capping, closing and or sealing equipment" shall not exclude manually operated machinery. Hand capping shall be done under hygienic conditions approved by the Board. In the event that suitable mechanical equipment for the capping or closing of containers is not available, other methods which eliminate all possibility of contamination, may be used but subject to the approval of the Board.

b) All mechanical capping, closing or sealing mechanisms shall be designed to minimize the need for adjustment during operation.

c) Bottles and packages that have been imperfectly capped or closed shall be emptied immediately into approved sanitary containers. Such milk or milk products shall be protected from contamination, maintained at 7° C or less, except dry milk products, and subsequently re-pasteurized or discarded.

d) All caps and closures shall be designed and applied in such a manner that the pouring lip is protected to at least its largest diameter and, with respect to fluid milk and milk product containers, removal cannot be made without detection. Single-service containers shall be so constructed that the product and the pouring and opening areas are protected from contamination during handling, storage and when the containers are initially opened.

e) All caps and closures shall be handled in a sanitary manner. The first cap from each tube, the first lap from each roll of cap or cover stock and the first sheet of parchment or cover paper shall be discarded. The subsequent use of loose caps that are left in the cappers at the end of an operating period, after removal from the cap tubes, shall be a violation of this requirements except that loose plastic caps and closures supplied by the manufacturer in plastic bags may be returned to storage in a protective wrap if removed from a hopper/descrambler immediately after a production run. Plastic caps and closures remaining in the chute between the hopper and the capping device shall be discarded.
The Dairy Industry Regulations, 2018

All dairy produce shall be stored in accordance with the relevant Kenya standards

**Vehicles**

67. Vehicles in the dairy plants used for the transportation of pasteurized dairy produce shall meet the following requirements-
   a. All vehicles shall be kept clean so as to avoid any possible contamination of the contents thereof.
   b. Materials that are capable of contaminating milk or milk products shall not be transported with milk or milk products.
   c. Dairy produce, except dry and long life milk products, shall be maintained at 7°C or less.
   d. The operation of milk tank cars and shipping bins shall comply with the following provisions-
      i. Dairy produce shall be conducted to and from tank cars or shipping bins only through sanitary conveying equipment. Such equipment shall be capped or otherwise protected when not in use;
      ii. Inlets and outlets of shipping bins shall be provided with tight-fitting dust caps or covers;
      iii. Facilities shall be provided for the adequate washing and sanitizing of shipping bins, piping, and accessories at all milk plants receiving or shipping milk or milk products in shipping bins;
      iv. Shipping bins shall be cleaned at the receiving milk plant immediately after being emptied. The clean shipping bins shall be sanitized at the shipping milk plant before loading.
      v. Piping connections and pumps used with shipping bins shall be cleaned and sanitized after each use;
      vi. The doors of tank cars and covers of shipping bins shall be sealed with suitable tamperproof seal immediately after loading. The seal shall remain unbroken until the contents are delivered to the consignee. Contents of the tank car or shipping bin shall be labeled in accordance with the provisions of this Regulations.
      vii. Notwithstanding the provisions of (vi) above, the Dairy inspector shall have the authority to break a seal for purposes of regulatory sampling and reseal with the Boards seal in presence of the consignor or an agent of the consignor and issue a certificate.
   e. Vehicles shall have fully enclosed bodies with well-fitted solid doors.

**Offence under the regulations**

68. Any person who violates any of the provisions of this regulations shall be guilty of an offence and is liable to a fine not exceeding one million shillings or to an imprisonment of three years or both

**PART IX: REGULATION OF DAIRY FARMS**

69. Dairy farms shall offer only good quality and safe milk for sale by ensuring that-
   (a) Feeds for dairy animals meet the requirements of the relevant Kenyan standards
   (b) Lactating animals which show evidence of the secretion of milk with abnormalities in one or more quarters, such as bloody, stringy, off-coloured milk, or milk that is abnormal to sight or odour, shall be so handled and disposed of as to preclude the infection of other lactating
<table>
<thead>
<tr>
<th>Milking last lactating animals with abnormalities</th>
<th>Animals and the contamination of milk utensils. Such incidence shall be immediately reported to the nearest veterinary officer.</th>
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<td>Observation of withdrawal period Prevention of cross infection</td>
<td>(c) Lactating animals secreting milk with abnormalities shall be milked last or in separate equipment, which effectively prevents the contamination of the wholesome supply.</td>
</tr>
<tr>
<td>Milking shade construction and cleanliness</td>
<td>(d) Lactating animals producing contaminated milk or which may have been exposed to or treated with veterinary medicinal products, or chemical substances or are exposed to radioactive agents, which are capable of being secreted in the milk and which, in the judgment of the veterinary officer or veterinary paraprofessional, may be harmful to human health, shall be milked last or with separate equipment and the milk disposed of as the veterinary officer may direct based on the withdrawal period.</td>
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<td></td>
<td>(e) Milking equipment used on animals with abnormalities in their milk shall be maintained clean to reduce the possibility of re-infecting or cross infection of the dairy animals.</td>
</tr>
<tr>
<td></td>
<td>(f) Equipment, utensils and containers used for the handling of milk with abnormalities shall not be used for the handling of milk to be offered for sale, unless they are first cleaned and effectively sanitized.</td>
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</table>

70. A milking shade shall be sited and constructed in such a way as to minimize the risk of environmental contamination and shall be kept clean by ensuring that:

(a) Floors are easily cleaned, graded to drain, maintained in good repair.
(b) Gravity flow manure channels, if used, shall be constructed to ensure effective drainage.
(c) Be provided with natural and artificial light, well distributed, for day and or night milking.
(d) There is sufficient air space and air circulation to prevent condensation and excessive odours.
(e) Manure, fodder residues, effluent and any other wastes shall be disposed of in such a manner as to prevent breeding of pests and bacterial contamination off-flavours and abnormal odours in milk.
(f) Feed shall be stored in a manner that will not promote mould growth or increase the dust content of the air or interfere with the cleaning of the floor.
(g) Auxiliary equipment associated with milking shall be kept clean and stored above the floor.
(h) The bedding material, if used, does not contain more manure than has accumulated since the previous milking.
(i) There is control of insect vectors and rodents.
(j) Have separate and adequate pens for calves.
(k) Other domestic and non-milking animals are kept out of the milking area.
(l) Toilets or pit latrines with doors shall be provided away from the milking areas and they shall not communicate directly into the milking or milk storage areas.
(m) Wastewater or other effluents shall be disposed of in a drain or in such a manner as to avoid its accumulation in the milking area and the stable.
Cow yard 71. Dairy farms that have cow-yards shall keep them clean by ensuring that:

a) the yards are graded and drained and have no standing pools of water or accumulations of organic wastes.
b) Lactating animal-housing areas, lactating animal droppings and soiled bedding are removed, or clean bedding added, at sufficiently frequent intervals to prevent the soiling of the lactating animal's udder and flanks.
c) Waste feed shall not be allowed to accumulate.
d) Manure packs shall be properly drained and shall provide a reasonably firm footing.
e) Other animal species are kept out of the cow-yards.

For the purposes of this regulation “cow yard” means a structure, premises or facility in which a dairy cow is housed, whether it is lactating or not

Milk storage areas 72. Where applicable, dairy farms with milk storage rooms shall be so sited and constructed as to avoid risk of contamination of the milk or equipment and shall have-

(a) Impervious easily cleanable floors.
(b) Adequate separation between milking areas and any premises where animals are housed.
(c) Suitable milk cooling rooms or refrigeration facilities when appropriate.
(d) A sufficient supply of potable water for use in milking and in cleaning of equipment and instruments.
(e) Be well ventilated. Where possible, windows should be placed to provide cross ventilation.
(f) Have adequate natural and or artificial light and be well ventilated.
(g) Be used for no other purpose than milk storage operations.
(h) No direct opening into milking shed or into a room used for domestic purposes. Provided that a direct opening between the milk storage room and milking shade is permitted when a tight-fitting, self-closing solid door hinged to be single or double acting is provided.
(i) Be equipped with adequate facilities for cleaning and sanitizing milking equipment

Water supply 73. Dairy farms shall have adequate and clean potable water to facilitate hygienic practices in production and handling of milk on the farm. Potable water shall be achieved by-

(a) Using treated water which is appropriate for drinking by animals, cleaning and sanitation of equipment and utensils, and for all relevant processes on the farm.
(b) Where potable water is unavailable, treatment of water shall be considered essential and treatment may include chlorination, sedimentation, filtration, or boiling.
(c) Carefully locating and constructing the wells or boreholes to prevent the draining of surface water into the supply.
(d) Taking precautions to ensure that dairy animals do not consume or have access to contaminated water likely to cause disease or contaminate milk.
Toilet and waste disposal facilities

74. Dairy farms shall be provided with one or more toilets which shall be conveniently located; properly constructed, operated, and maintained in a sanitary manner. The waste shall not pollute the soil surface or contaminate any water supply by ensuring that-

(a) Manure and other organic wastes are removed from the milking shade and milk storage rooms and disposed of in a sanitary manner on land or by properly controlled composting and storage.
(b) Wastewater or other effluents shall be disposed of in a drain or in such a manner as to avoid its accumulation in the milking area.
(c) Human waste shall not be deposited within the milking areas or grazing grounds.
(d) Toilets or pit latrines with doors shall be provided away from the milking areas and they shall not communicate directly into the milking or milk storage areas. They shall comply with the relevant regulatory requirements.
(e) Dust in the immediate surroundings of milk production shall be controlled not to contaminate the milk.

Milking equipment

75. Dairy farms with milking equipment shall ensure that they operate efficiently and are maintained in a sanitary condition by observing the following sanitary practices-

(a) New milking equipment shall be installed and tested in accordance with appropriate technical standards.
(b) Machine milking installations, when used, shall undergo periodic inspections to verify that they are in good working condition to provide appropriate service. Repairs and adjustments ordered during the inspection shall be implemented. The machines shall be maintained on a regular basis and between inspections.
(c) Equipment and instruments or their surfaces which are intended to come into contact with milk (utensils, containers, tanks and any other equipment or container intended for milking) shall be easy to clean and disinfect, corrosion resistant and not capable of transferring substances to the milk in such quantities as to present a health risk to humans.

Milk storage equipment

76. (1) Milk handling and storage equipment shall be approved by the Board for milk storage use, including tanks and cans which shall be so designed and constructed to avoid any contamination of the milk by ensuring that-

(a) There is complete drainage when being emptied;
(b) Surfaces of milk storage tanks, cans and associated equipment intended to come in contact with milk shall be easy to clean and disinfect, corrosion resistant and not capable of transferring substances to the milk in such quantities as to present a health risk to humans; and
(c) Milk storage tanks and cans are used to store milk only.

(2) Immediately after milking, the milk shall be stored in a clean place, which is equipped to avoid adverse effects on the milk. If the milk is not collected within two hours of milking, it shall be cooled to a maximum of 4 °C and must transported to the processing plant within twenty four hours.
Cleaning and sanitization of milking and milk storage equipment

77. Milking equipment shall be cleaned and disinfected using appropriate cleaning agents after each milking. Storage tanks and cans should be cleaned and sanitized / disinfected after each emptying, and remain fully drained between uses. The equipment shall be rinsed with potable water and drained before use, unless it is shown that the disinfectants, when used in accordance with manufacturers’ instructions, will not present a health risk to the consumer.

Hygienic milking practice

78. Milking methods must be geared to permit the efficient withdrawal of milk without contaminating milk or causing injury to the udder. Milking shall be carried out under hygienic conditions, which shall include -

(a) Prior to milking, checking the milk from each teat for visible defects to ensure that the milk is free from infectious diseases and if the milk is abnormal, the milk is not used for human consumption.
(b) Observing strict personal hygiene practices by cleaning udders and teats of the animal.
(c) Cleaning and disinfecting or sanitized milking equipment.
(d) Avoidance of any damage to the tissue of the udder.
(e) Segregating animals showing clinical symptoms of diseases transferable to humans through the milk and milking it last, or milking using separate milking equipment or by hand and compel them to report to the nearest veterinary officer.
(f) caution shall be exercised if milking and animal feeding are concurrent. In that event feeding troughs shall be constructed in a manner that avoids milk contamination and or the feed shall be sprinkled with water to avoid milk contamination
(g) the initial milk drawn from each teat discarded

Machine milking

79. When using milking machine, proper milking procedure shall be followed as required by the technical requirements which procedure shall include-

(a) Before the milking unit is applied to the udder, the operator takes thirty seconds to prepare the lactating animal in the recommended manner to obtain milk letdown, and the milking machine should be applied immediately thereafter.
(b) Attaching the teat cups in a manner that limits the volume of air drawn into the system.
(c) Positioning the teat cups as low on the teats as practicable.
(d) The operator staying near the machine and, at the end point of milk removal, the claw is briefly pulled down to open the teat cavity and remove the stripping. Stripping by machine should not extend over a period of more than fifteen to twenty seconds to avoid prolonging stripping which can be injurious to the udder.
(e) Before removing the machine, the vacuum to the teat cups is broken and the cups removed in a gentle manner; and
(f) Avoid over-milking by the operator limiting the number of machines in use. Two bucket-type units, two movable pipeline units or three fixed units, in a walk-through barn, usually represent maximum workloads with conventional milking systems.

Veterinary Medicine and chemical control

80. Use of veterinary medicine and chemicals on the farm shall be under strict control in compliance with veterinary prescription by taking the following measures-
(a) Cleaners and sanitizers shall be stored in properly identified, dedicated end-use containers.

(b) Veterinary medicine and equipment shall be stored away from milking facilities and equipment so as not to cause contamination.

(c) Veterinary medicines not approved by the competent Board and not prescribed by a registered veterinary officer shall not be administered to animals.

(d) Veterinary medicines and pesticide drug residues in milk shall not exceed levels that would present a threat to human health or general risk to consumers as provided in the relevant legislations.

(e) Lactating animals which have been treated with veterinary medicines shall be identified and observe the appropriate withdrawal periods. Refer to the VSSP Act

(f) Milk from treated animals shall be segregated and not offered for sale.

(g) Records shall be kept showing the following information-

(h) Identity of every animal identified pursuant to paragraph (f) of this regulation;

(i) Date or dates of treatment;

(j) Drug or drugs or other chemicals administered;

(k) Dosage administered;

(l) Milk discard time; and

(m) Withdrawal time prior to milking

Insect and rodent control

81. The milk producer shall control insect and rodents by ensuring that-

(a) he/she employs only those insecticides and rodenticides that are recommended by the Board or a body responsible for regulating pest control they seek to overcome and shall follow implicitly the manufacturer's label directions for their use.

(b) Effective measures are taken to prevent the contamination of milk, containers, utensils and equipment by insects and rodents and by chemicals used to control such vermin.

(c) Milk storage rooms are free of insects and rodents.

(d) Surroundings are kept neat, clean and free of conditions, which might harbour or be conducive to the breeding of insects and rodents.

(e) Feed is stored in such a manner that it will not attract rodents or insects.

Offence under regulation

82. Any person who violates any of the provisions of this regulation shall be guilty of an offence and is liable to a fine not exceeding one hundred thousands shillings or to an imprisonment of three months or both

General Requirements

PART X: REGULATION OF MILK COLLECTION CENTERS

83. Milk collection centers shall be located in areas that do not pose any threat to milk safety and shall be protected from environmental pollution.

84. The premises for milk collection centers shall satisfy the following requirements:

i. The premises of the collection centers shall be of sufficient area to carry out work under sanitary/hygienic conditions.

ii. Structure and design shall be able to allow for layout of equipment in such a way that does not impede milk and personnel flow.

iii. Material used in construction shall be non-toxic to human life.

iv. The walls inside shall be smooth and cleanable.
The Dairy Industry Regulations, 2018

v. The design of floor shall be in such a way that it allows for liquid flow towards the waste drainage.

vi. The floor shall be made of water proof material that’s resistant to chemical actions.

vii. Drainage shall be adequate and sufficient to drain away waste water/liquids.

viii. There shall be adequate bright light either of natural or artificial source.

ix. There shall be adequate ventilation to provide sufficient air circulation.

Collection centers to provide sanitary practices

85. Milk collection centers with collection points shall ensure that the following sanitary practices are observed-

i. a collection point shall have some shade to protect the milk cans from direct sunlight.

ii. The shade shall be constructed with materials that do not contaminate milk.

iii. the shade shall have raised platforms for holding milk cans to avoid contamination from dust, soil or mud.

iv. Shall carry out basic quality tests such as organoleptic to isolate obvious poor quality milk

v. at the collection point, milk received shall be accurately weighed and recorded before bulking, where applicable.

Construction of containers and equipments

86. The construction and repair of containers and equipment for milk collection centers shall meet the following requirements

i. Equipment and containers coming in contact with milk shall be designed and constructed to ensure that they can be adequately cleaned, sanitized and maintained to avoid contamination.

ii. All equipment surfaces that come into contact with milk shall be of food grade (non-toxic, inert to milk, non-absorbent and not affected by cleaning chemicals), preferably stainless steel or, aluminum.

iii. Equipment shall be kept in appropriate state of repair and condition to facilitate cleaning and sanitation so as to prevent possible contamination of milk.

Sanitization of milk equipment

87. The cleaning and sanitizing of equipment at milk collection centers shall meet the following requirements

i. Milk storage tanks shall be so designed and constructed as to avoid any contamination of the milk and to ensure complete drainage. Surfaces of milk storage tanks and associated equipment intended to come in contact with milk shall be easy to clean and disinfect, corrosion resistant and not capable of transferring substances to the milk in such quantities as to present a health risk to humans.

ii. Milk Storage tanks shall be cleaned and sanitized using approved cleaning agents after each emptying and remain fully drained between uses.

iii. Milk storage tanks shall be used to store milk only.

Requirement for potable water

88. The milk collection centers shall maintain sanitary requirements by ensuring that they have-

i. Adequate and potable water to facilitate cleaning and sanitation of equipment and utensils.

ii. Where potable water is unavailable, treatment of water shall conform to Kenya’s standards for drinking water.

Requirement for sanitary waste management

89. The milk collection centers shall have adequate toilet and waste management facilities that meet the following requirements-
The Dairy Industry Regulations, 2018

Prevent milk contamination

90. The milk collection center operators shall ensure that:
   i. Have adequate and appropriate means of managing waste that do not pose a risk of contamination of the milk.
   ii. Have an adequate drainage system to drain off effluent
   iii. Toilets or pit latrines have self-closing doors away from the milking collection areas and do not communicate directly into the milking collection or milk storage areas.

Offence under regulation

91. Any person who violates any of the provisions of this regulations shall be guilty of an offence and is liable to a fine not exceeding one hundred thousand shillings or to an imprisonment of three months or both

PART XI: REGULATION OF MILK TRANSPORTATION

Application General Requirements

92. The regulations under this part shall apply to transportation of dairy produce intended for human consumption from all farms, collection and bulking centers, processing plants, storage premises or any facility for bulking, processing, storage, sale, import and export of dairy produce.

Requirement for permit

93. (1) No person shall transport milk or milk products for sale to consumers unless the person possesses a valid milk carriage permit issued by the Board.

   (2) Application for a permit under these regulations shall, be in accordance with and subject to the provisions of the Dairy Industry (Milk Carriage) regulations.

   (3) A permit issued under this Part shall remain valid for 12 months or such other length of time as the Board may decide and shall be renewed if the holder intends to continue in the milk transportation business.

   (4) Any holder of a permit, his assignee or agent who uses a milk tanker, can, container or any other carrier which does not comply with the standard specifications made under the regulations of this Part, commits an offence under these regulations.

   (5) Any carrier or container may be inspected by a dairy inspector at any time whenever the inspector deems it necessary to do so to assessing compliance with the requirements of part (x) of these regulations.

Protection of milk during transportation

94. (1) No person shall permit the removal, transport or delivery of milk from any registered farms, collection and bulking centers, processing plants, storage premises or any facility for transportation purposes unless the milk is—

   i. adequately protected against dust, dirt, flies, rodents, pests and adverse weather elements;
The Dairy Industry Regulations, 2018

ii. handled in such manner as to prevent contamination as is provided under this Part;

iii. transported by a person holding a milk carriage permit issued under section (1) of this regulation, which permit must be produced on demand to a dairy inspector, operator or person accepting delivery of dairy produce or his agent;

iv. transported or delivered in a vehicle or vessel that is clean, sanitary and constructed and equipped for the proper care of milk as specified under this Part.

Prohibit transportation

(2) Where a dairy Inspector finds that a milk carrier has not complied to the provisions of sub regulation (1) and any other regulation the inspector may prohibit the transportation and may issue such directions as he considers necessary or advisable to secure compliance with the provisions of sub regulation (1) and any other relevant regulation in the Act.

Offence to transport milk not complying to regulations

(3) Any person who uses a carrier or causes a carrier or container to be used which does not conform in all respects to the hygiene standards prescribed in this Part and or Regulations, commits an offence under the Act.

Requirement for milk transporting cans

95. Cans used for transporting milk shall be -

a) Made of food grade materials including aluminum or stainless steel and any other approved material and meets the Kenyan standards.

b) Designed such that they can be effectively cleaned and sanitized.

c) Designed and constructed to ensure complete drainage.

d) Properly covered during transportation.

e) Exclusively used to transport milk.

f) Kept clean and in a manner to prevent any contamination.

Requirements for vehicles transporting milk

96. Lorries, trucks or other vehicles which carry the milk tank or cans shall be-

a) constructed and operated to protect their contents from sun and contamination.

b) Fitted bodies with ventilation and a roof cover.

c) Kept clean both inside and outside.

d) Capable of maintaining the appropriate milk temperature throughout the entire transportation period.

Requirements for tankers

97. (1) Tankers used to transport milk shall satisfy the following requirements-

a) Surfaces intended to come into contact with milk, shall be easy to clean and disinfect, corrosion resistant and not capable of transferring substances to the milk not at all or in such quantities as to present a health risk to the consumers.

b) Designed such that they can effectively be cleaned and disinfected.

c) Designed and constructed to ensure complete drainage.

d) Be used exclusively for milk.

e) Be capable of maintaining the appropriate milk temperature throughout the entire transportation period.

f) Shall be washed and sanitized at the designated milk plant, receiving station, or transfer station receiving the milk, or at a designated milk tanker cleaning facility.

g) Shall be parked on a self-draining concrete or impervious surface during filling and storage.

h) Sanitized product-contact surfaces including tanker openings and outlets shall be protected against contact with unsanitized utensils.
and equipment, hands, clothing, splash, condensation and other sources of contamination.

i) sanitized product-contact surface, which has been otherwise exposed to contamination, shall be cleaned and sanitized again before being used.

j) shall be clearly and visibly written on the milk tankers being used to transport milk or milk products the word “MILK ONLY.” which shall be painted in bold blue or black paint and shall be displayed on all sides for not less than 20 cm high

k) Other legends in the form of advertising, name of proprietor or other labels may be displayed on the tankers so long as they are placed at a space not less than 60 centimeters away from the word “MILK ONLY”.

**Requirement for loaders**

(2) Where loaders are to be involved in loading or offloading milk or milk products onto or from a milk lorry, truck or such carrier or vessel, the following requirements shall be met in respect thereof-

i. every loader shall, before loading or unloading milk or milk product, wash his hands and other exposed parts of his body in clean disinfectants and shall, during loading and unloading, wear clean protective clothing which covers the parts of his body (with the exception of his hands) which may come into contact with the milk;

ii. any loader or transporter of milk or milk product shall undergo routine medical examination or at such intervals of time as the Board may require and any loader found medically unfit during such examination shall not be allowed to handle milk during transportation or at all until certified otherwise by a qualified medical examiner;

iii. no loader shall be allowed to chew, smoke or eat any substance, food, or take any intoxicating drink or substance (except plain water) while performing his duties under this Part.

iv. In the case of milk carriers, no person shall be allowed to stay or travel in the compartment in which milk or milk product is kept or to put his personal belongings or any other things in the said compartment during milk transportation.

**Requirement for documentation**

3) Milk consignment intended for transportation shall be accompanied by documentation issued and signed by the operator of the farm, plant, facility or place showing-

i. the Registration Number of the farm(s), plant(s), facility(ies) or place from where the milk or milk product being transported was sourced;

ii. the quantity (in kilograms) of the milk or milk product being transported indicating weight breakdown in case of several deliveries or receipts along the way during transportation;

iii. the destination and consignee of the milk or milk product;

iv. particulars of the carrier being used and the name of the person responsible for the management and control of the carrier during transportation;

v. the estimated time or distance the transportation is to cover; and any other particulars that may be required and published by the Board in the gazette to be shown in the documentation.

4) The documentation required under sub regulation (3) shall be issued in triplicate. One copy thereof shall be retained by the operator, the second by the person in charge of the carrier and the third shall be given to the consignee upon delivery of the milk or milk product.

**Prevention of contamination from engines**

(5) The engine of a carrier shall not be allowed to run whilst loading or unloading is in progress and all doors and lids of the part containing milk or
engine and fuel emissions milk product shall be securely closed before the engine is started; or if the engine is allowed to run for unavoidable reasons, care shall be taken to control engine emissions so as to avoid milk contamination.

(6) Fueling of carriers shall not take place whilst the doors or the lids of the vessel containing the milk are open.

Offence under regulation 98. Any person who violates any of the provisions of this regulations shall be guilty of an offence and is liable to a fine not exceeding five hundred thousands shillings or to an imprisonment of twelve months or both

PART XII: REGULATION OF MILK BARS

Milk bars receive only pasteurized milk 99. (a) Milk bars shall receive and sell pasteurized dairy produce only and

i. Shall keep records of processed milk suppliers at all times including quality certificates.

ii. Milk shall be dispensed hygienically in a labelled ,food grade and easy to clean receptacles

Equipment and containers in milk bar 100. (a) All equipment and utensils used in handling and storage of dairy produce in milk bars shall be made of food grade material including stainless steel or aluminum and easy to clean and disinfect, corrosion resistant and not capable of transferring harmful substances to the dairy produce; and

(b) Milk storage tanks and cans used in a milk bar shall be so designed and constructed as to avoid any contamination of the milk and to ensure complete drainage. It is required that milk storage tanks and cans be used to store dairy produce only.

Location of milk bar 101. Milk bars shall be located in areas that do not pose any threat to milk safety and shall be protected from environmental pollution.

Requirement of buildings 102. The buildings for milk bars shall meet the following requirements-

(a) The floors of all rooms in which milk or milk products are handled, converted, packaged, or stored, or in which milk containers, utensils, and or equipment are washed, shall be constructed of good quality concrete or equally impervious tile or brick laid closely with impervious joint material, or metal surfacing with impervious joints, or other material which is the equivalent of good quality concrete. The floors of storage rooms for dry ingredients and or packaging material may be constructed of tightly joined wood.

(b) The floor surface shall be smooth and sloped, so that there are no pools of standing water after flushing, and the joints between the floor and the walls are impervious.

Walls and ceilings 103. The walls and ceiling of the milk bar buildings shall meet the following requirements-

(a) Walls shall be tiled to a height of not less than one and half meters and ceilings shall have smooth, washable, light-colored impervious materials.

(b) Walls, partitions and ceilings shall be kept in good repair.

Doors and windows 104. The doors and windows of the milk bars shall have all outer openings that are flies and rodent-proofed to the extent necessary to prevent the entry of flies and rodents.

Lighting and ventilation 105. The lighting and ventilation of the milk bars shall satisfy all the following requirements-
(a) Adequate light sources shall be provided (natural, artificial or a combination of both)
(b) adequate ventilation and aeration in all rooms shall be sufficient to keep them reasonably free of odours.

Separate rooms

106. The milk bars shall have separate rooms for:
    a) the handling of dairy produce.
    b) cleaning and sanitizing of dairy produce equipment.
    c) receiving, handling and storage of returned dairy produce.

Sanitary facilities

107. The milk bars shall have adequate sanitary conveniences and waste management facilities that meet the following requirements-
    i. Shall be clean at all times.
    ii. Sanitary conveniences shall not open directly into any room in which milk and or milk products are handled, converted and stored.
    iii. Sanitary conveniences and fixtures shall be kept in a clean condition, in good repair and shall be well ventilated and well lit.
    iv. Toilet tissue and easily cleanable covered waste receptacles shall be provided in toilet rooms.
    v. Sewage and other liquid wastes shall be disposed of in a sanitary manner.
    vi. There shall be adequate and suitable bins in which to collect solid wastes.
    vii. The bins shall be located in areas that do not pose a risk of contamination of the dairy produce.
    viii. There shall be adequate and sufficient drainage to drain off wastewater and liquids.

Requirements for water

108. A milk bar shall have a water supply system that meets the following requirements-
    i. of adequate supply, properly located, protected and operated. It shall be easily accessible and of a safe, sanitary quality.
    ii. Is approved and complies with Kenya standards for drinking water.
    iii. Where potable water is unavailable, treatment of water shall be done by way of but not limited to chlorination, sedimentation, filtration or boiling.

Hand washing facilities

109. The milk bars shall have convenient hand-washing facilities including hot and cold and or warm free running water, soap and hygienic hand drying and sanitizers. They shall be kept in clean conditions and in good repair.
### Cleanliness

110. The cleanliness in milk bars rooms shall meet the following prescribed requirements:

   i. Only equipment directly related to dairy produce handling, shall be kept in milk product storage rooms.
   
   ii. Floors, walls, ceilings, shelves, tables and the non-product-contact surfaces of other facilities and equipment shall be kept clean.
   
   iii. No trash, solid waste or waste dry product shall be stored within the dairy produce handling rooms.
   
   iv. All rooms in which dairy produce are handled, converted or stored; or in which containers, utensils, and or equipment are washed or stored, shall be kept clean, neat and free of evidence of insects and rodents.

### Cleaning and storage of utensils

111. The cleaning and sanitizing of all multi-use containers and utensils shall be done thoroughly after each use preferably using hot water and approved detergents.

### Storage of packaging material

112. After cleaning and sanitizing, all the containers and equipment shall be stored on racks made of impervious food grade materials, or in clean shelves elevated above the floor. Containers shall be stored inverted, on racks or in cases constructed of relatively non-absorbent, impervious, food-grade, corrosion-resistant, non-toxic materials, or otherwise protected from contamination.

### Prevention from chemical contamination

113. To achieve the desired sanitary requirements, the storage of single-service bottle caps, packaging paper, containers, bags and other single-service articles for use in contact with dairy produce shall be-

   i. stored in sanitary wrappings or cartons.
   
   ii. kept in a clean dry place until used, and shall be handled in a sanitary manner.

114. Dairy produce in milk bars shall be protected from chemical contamination by observing the following requirements-

   i. The storage, handling and use of poisonous or toxic materials shall be performed to preclude the contamination of dairy produce, or ingredients of such dairy produce, or the product-contact surfaces of all containers, utensils and equipment.
   
   ii. Only insecticides and rodenticides approved by the competent authority shall be used for insect and rodent control. Such insecticides and rodenticides shall be used only in accordance with the manufacturer's label directions and shall be prevented from contaminating dairy produce, containers, utensils and equipment.
   
   iii. All insecticides and rodenticides shall be stored in a lockable poisons cabinet.

### Capacity to assess milk quality and keeping of records

115. The milk bars shall have:

   i. personnel capable of conducting the basic quality assessments milk e.g. organoleptic, alcohol, phosphatase, density and other relevant tests as they use or receive produce from suppliers.
   
   ii. milk received under hygienic conditions to avoid contamination and
   
   iii. records of the quality tests results for the milk they receive and use.

### Handling and storage of dairy produce

116. Milk bars shall handle and store dairy produce in the following ways-
i. All processed dairy produce, except those to be cultured, shall be cooled immediately prior to packaging, in approved equipment, to a temperature between 4°C and 7°C within one hour;

ii. Cooling facilities shall be maintained in good repair;

iii. Each storage tank shall be equipped with an indicating thermometer.

117. Storage tanks and cans shall be cleaned and sanitized using approved cleaning and sanitizing agents after each emptying and shall remain fully drained between uses. The equipment shall be rinsed with potable water and drained before use, unless it is shown that the disinfectants, when used in accordance with manufacturers’ instructions, will not present a health risk to the consumer.

118. (a) All Milk bars shall generally convert dairy produce in accordance with the respective Kenya Standards and shall ensure that dairy produce are processed under sanitary conditions specified under this Regulations.

(b) In particular Milk bars with batch pasteurization systems shall comply with the following requirements-

i. All indicating and recording thermometers used in connection with the batch pasteurization of milk or milk products shall comply with the applicable specifications. The pasteurizer shall be so designed that the simultaneous temperature difference between the milk or milk product, at the center of the coldest milk or milk product in the vat, will not exceed 0.5°C at any time during the holding period;

ii. The vat shall be provided with adequate agitation, operating throughout the holding period and no batch of milk or milk product shall be pasteurized unless it covers a sufficient area of the agitator to ensure adequate agitation;

iii. Each batch pasteurizer shall be equipped with an indicating and a recording thermometer or manual recording by the operator;

iv. The thermometers shall not read less than the required pasteurization temperature throughout the required holding period;

v. The recording thermometer if present shall not read higher than the indicating thermometer;

vi. No batch of milk or milk product shall be pasteurized unless it is sufficient to cover the bulbs of both the indicating and the recording thermometer;

vii. Batch pasteurizers shall be so operated that every particle of milk or milk product will be held at not less than the minimum pasteurization temperature continuously for at least thirty (30) minutes;

viii. No milk or milk product shall be added to the batch pasteurizer after the start of the holding period.

119. Any person who violates any of the provisions of this regulations shall be guilty of an offence and is liable to a fine not exceeding one hundred thousand shillings or to an imprisonment of three months or both.
PART XII: MILK DISPENSER REGULATION

Short Title and Citation

120. These Regulations may be cited as the Dairy Industry (Milk Dispenser) Regulations 2017

Definitions

121. “Milk Dispenser”- is a vending machine that dispenses dairy produce.

General Milk Dispensing Requirements

122. (a) No person shall operate a milk dispenser without a valid licence issued by the Board.

(b) Milk-dispensing devices type and make shall be approved for use by the Board and shall be used for dispensing dairy produce, subject to the following regulations:

i. The milk dispenser should be positioned far from any potential contaminants

ii. The milk-dispensing measuring device/s shall comply with the relevant state laws and regulations, applicable thereto.

iii. The milk-dispensing device shall be installed and located in a place and manner as approved by the Board.

iv. Milk-dispensing equipment shall be operated only by persons regularly employed by the establishment in which the dispensing device is located and possess the required minimum competencies as prescribed in the code of hygienic practice on hygienic handling of dairy produce.

v. The dispensed product shall be appropriately packaged and legibly and indelibly labelled on the container into which the milk is dispensed and shall conform to the labelling requirement as prescribed by the relevant Kenyan food labelling standards.

vi. The dispensed product shall be clearly labelled with the following details: products supplier, product type, batch code and expiry date.

vii. No milk shall be dispensed from such device more than 24 hour from the date of delivery of such milk to the establishment.

viii. The milk dispensed from such dispensing device shall, at the time of dispensing to the final consumer, meet the specific product category specifications in the relevant Kenya standard.

ix. All parts of the dispensing device with which milk or milk products come into contact, including any measuring device, shall be made of food grade material

x. The product-contact surfaces of the dispenser shall be clean and free from external contamination and foreign matter.

xi. The delivery orifice must always be clean and protected from insects, dust, and any form of external contamination

xii. All parts of the dispensing device with which milk or milk products come into contact, including any measuring device, shall be thoroughly cleaned and sanitized.

xiii. The dispensing container shall be filled and sealed hygienically so that it is impossible to introduce or withdraw any part of its contents for each batch dispensed.

xiv. Every dispensing unit shall be fitted with an appropriate agitation mechanism for ensuring product homogeneity during dispensing.

xv. Dairy produce shall be kept at/or below 7°C at all times and records of this maintained.
xvi. The milk or milk product shall not be dispensed into sachets or polythene bags. The vendor shall always provide clean and new single use plastic bottles. Glass bottles may be re-used but subject to approved sanitation procedures.

xvii. Should the vendor allow use of containers from the consumers, such containers must be of an approved type and he/she must have an appropriate cleaning and sanitization system in place for cleaning the container before filling the produce.

123. (a) All equipment and utensils used in handling and storage of dairy produce for milk dispensing equipment shall be of food grade material, easy to clean and disinfect, corrosion resistant and not capable of transferring harmful substances to the dairy produce, and

i. Milk storage tanks and cans shall be so designed and constructed as to avoid any contamination of the milk and to ensure complete drainage. Milk storage tanks and cans shall be used to store dairy produce only.

Location and surrounding area cleanliness

124. (a) Milk dispensers shall be located in areas that do not pose any threat to milk safety and shall be protected from environmental pollution.

Requirement for premise

125. The premises for housing milk dispensing equipment shall meet the following requirements-

i. The floors shall be constructed of good quality concrete or equally impervious tile or brick laid closely with impervious joint material, or metal surfacing with impervious joints, or other material which is the equivalent of good quality concrete. However, other than the above the floors of storage rooms for dry ingredients and or packaging material may be constructed of tiles or concrete.

ii. The floor surface shall be smooth and sloped easily cleanable and drainable, so that there are no pools of standing water, and the joints between the floor and the walls are impervious.

Walls and ceilings: Construction

126. The walls and ceiling of the milk dispenser premise shall meet the following requirements-

i. Walls shall be tiled to a height of not less than one and half (1 1/2) meters and ceilings shall have smooth, washable, light-colored impervious materials.

ii. Walls, partitions and ceilings shall be kept in good repair.

Doors and windows

127. (a) The doors and windows of the premises shall have all outer openings that are rodent-proofed to prevent the entry of rodents.

b) Air curtains may be installed to prevent entry of insects.

Lighting and ventilation

128. The lighting and ventilation of the milk premises shall satisfy all the following requirements-

i. Adequate light sources shall be provided (natural, artificial or a combination of both)

ii. Ventilation in the premise shall be sufficient to keep it reasonably free of odors and excessive condensation on equipment, walls and ceilings.
Separate rooms 129. The milk premise shall have separate rooms for:

i. The handling and processing of dairy produce.
ii. Cleaning and sanitizing of dairy produce equipment.
iii. Receiving, handling and storage of dry material for packaging dairy produce.

Toilet and waste management facilities 130. The premises shall have access to toilet, sewage and waste management facilities that meet the following requirements-

i. Shall be clean and sanitary.
ii. Toilet rooms shall not open directly into any room in which milk and or milk products are handled, processed or stored.
iii. Toilet rooms and fixtures shall be kept in a clean condition, in good repair and shall be well ventilated and well lit.
iv. Toilet sanitary materials and easily cleanable covered waste receptacles shall be provided in toilet rooms.
v. Sewage and other liquid wastes shall be disposed of in a sanitary manner.
vi. There shall be adequate and suitable bins in which to collect solid wastes.
vii. The bins shall be located in areas that do not pose a risk of contamination of the dairy produce.
viii. There shall be adequate and sufficient drainage to drain off waste water and liquids.

Water supply 131. Premises holding milk dispensing equipment/s shall have access to potable water supply that meets the following requirements-

i. The water shall be of adequate supply, properly located, protected and operated. It shall be easily accessible and of a safe, sanitary quality.
ii. The water supply shall be portable and complying with Kenya-Specification for drinking water.
iii. Where potable water is unavailable, treatment of water shall be done by way of but not limited to chlorination, sedimentation, and filtration or boiling.
iv. Effluent discharge shall be handled as stipulated in the relevant laws.

Hand washing facilities 132. The premises housing the dispenser shall have convenient hand-washing facilities including hot and cold and or warm water, soap and hygienic hand drying and sanitizing facilities. They shall be kept in clean conditions and in good repair.

Premise and personal hygiene cleanliness 133. The cleanliness and hygiene in milk dispensing premises shall meet the following requirements:

i. Only equipment directly related to dairy produce handling, shall be kept in milk product storage rooms.
ii. Floors, walls, ceilings, shelves, tables and the non-product-contact surfaces of other facilities and equipment shall be kept clean at all times.
iii. No trash, solid waste or waste dry product shall be stored within the dairy produce handling rooms.
iv. All rooms in which dairy produce are handled, processed or stored; or in which containers, utensils, and or equipment are washed or stored, shall be kept clean, neat and free of infestation of insects and rodents.
All personnel handling milk into and from the milk dispensing unit shall meet the necessary personnel hygiene requirements and shall continuously meet the statutory Public Health Requirements.

134. The cleaning and sanitizing of all multi-use containers and accessories shall be done thoroughly before dispensing preferably using hot water/steam or any other approved sanitizing methods.

135. After cleaning and sanitizing, all the containers and equipment shall be stored on racks made of impervious food grade materials, or in clean shelves elevated above the floor. Containers shall be stored inverted, on racks or in cases constructed of relatively non-absorbent, impervious, food-grade, corrosion-resistant, non-toxic materials, or otherwise protected from contamination.

136. To achieve the desired sanitary requirements, the storage of single-service bottle caps, packaging paper, containers, bags and other single-service articles for use in contact with dairy produce shall be-
   i. stored in sanitary wrappings or cartons.
   ii. kept in a clean dry place until used, and shall be handled in a sanitary manner.

137. Dairy produce in dispensing premises shall be protected from chemical contamination by observing the following requirements-
   i. The storage, handling and use of poisonous or toxic materials shall be performed to preclude the contamination of dairy produce, or ingredients of such dairy produce, or the product-contact surfaces of all containers, utensils and equipment.
   ii. Only insecticides and rodenticides approved by the competent Board shall be used for insect and rodent control. Such insecticides and rodenticides shall be used only in accordance with the manufacturer’s label directions and shall be prevented from contaminating dairy produce, containers, utensils and equipment.
   iii. All insecticides and rodenticides shall be stored in a lockable poisons cabinet.

138. The vendor shall have:
   i. the capacity to assess the quality of milk they use or receive from suppliers.
   ii. milk transferred and handled under hygienic conditions to avoid post-pasteurization contamination of milk, and
   iii. Records of the quality tests results for the milk they receive and kept.

139. Dispensing units shall handle and store dairy produce in the following ways-
   i. The vendor should receive the pasteurized dairy produce at a maximum temperature of 7°C degrees
   ii. All processed dairy produce shall be cooled immediately prior to dispensing, in approved equipment, to a temperature below 7°C
   iii. Milk dispensing facilities shall be maintained in good repair so as to maintain the milk temperatures at the optimal level.
   iv. Each milk storage vessel shall be equipped with an indicating thermometer.
   v. The vendor must maintain regular temperature monitoring records throughout the dispensing process.
Cleaning and sanitizing of milk dispensing equipment

Regulations of calibration of equipment and apparatus

140. The dispensing unit shall be cleaned in accordance with manufacturers’ instructions, so as not to present a health risk to the consumer and cleaning records must be maintained.

141. All measuring devises and apparatus shall be calibrated and records kept in accordance to the statutory requirements.

Offence under regulations

142. A person who contravenes any provisions of these regulations shall be guilty of an offence and is liable to a fine of one hundred thousand shillings or an imprisonment of three months or to both.

PART XIV: REGULATION FOR CALIBRATION OF EQUIPMENT AND APPARATUS

Requirement for calibration

143. The following Dairy equipment shall be tested for operational functionality and or calibrated according to the relevant legislations-

a) Thermometers (including Indicating and Recording)
b) Volume determination equipment
c) Pressure Gauges
d) pH meters
e) Electrical Conductivity measuring devices
f) Time/ Frequency equipment
g) Flow Diversion Device assembly and function
h) Pressure switches
i) Differential pressure controller
j) Milk or milk product flow controls and temperature cut – in cut – out
k) Continuous flow holding tube – Time
l) Continuous flow Holding tube and alarm
m) Weighing machines and equipment
n) Milk testing laboratory equipment

And any other equipment or apparatus the calibration of which may be required by the Board or any other competent authority from time to time.

Requirement for routine calibration and records

144. The operator shall ensure routine calibration is effected as required by the manufacturer or as by the relevant legislation and keep records appropriately.

Offence under regulation

145. A person who contravenes any provisions of these regulations shall be guilty of an offence and is liable to a fine of one hundred thousand shillings or an imprisonment of three months or to both.

PART XV: RECORDS

Requirement for maintenance of records

146. (1) All operations and activities along the milk value chain including milking, milk collection, transportation, processing and distribution on which evidence of quality assurance is required to be observed under this Regulations, shall have all such evidence recorded and the records thereof processed and maintained in accordance with this Part.

i. No milk dealer shall trade in dairy produce without sufficient proof of maintenance of proper records.

ii. Records shall be kept at all levels in the dairy value chain and shall be submitted as determined by the Board.

iii. The records and data contained therein shall be retained for such period of time as provided in the relevant regulations.
Offence under regulation 147. A person who contravenes any provisions of these regulations shall be guilty of an offence and is liable to a fine of one hundred thousand shillings or an imprisonment of three months or to both