

**LEGAL NOTICE NO.....**

**THE DAIRY INDUSTRY ACT**  
*(Cap. 336)*

**THE DAIRY INDUSTRY (IMPORTS AND EXPORTS) REGULATIONS, 2020**

**ARRANGEMENT OF REGULATIONS**

*Regulation*

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*Schedule*

**LEGAL NOTICE NO.....**  
**THE DAIRY INDUSTRY ACT**  
*(Cap. 336)*

**IN EXERCISE** of the powers conferred by Section 19 of the Dairy Industry Act, the Cabinet Secretary for Agriculture, Livestock, Fisheries and Cooperatives, on the advice of the Kenya Dairy Board makes the following Regulations —

**DAIRY INDUSTRY (IMPORTS AND EXPORTS) REGULATIONS, 2020**

- |                            |   |
|----------------------------|---|
| Citation                   | 1. These Regulations may be cited as the Dairy Industry (Imports and Exports) Regulations, 2020.  |
| Interpretation             | 2. In these Regulations, unless the context otherwise requires —  |
| Cap 336                    | “Act” means the Dairy Industry Act;<br>“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to dairy industry;<br>“dairy regulatory permit” means a permit issued by the Board under the Dairy Industry (Registration, Licensing, Cess and Levy) Regulations 2020;<br>“designated port” means the port by which the importer or exporter has indicated as the port of entry for import or export of dairy produce;<br>“export permit” means a permit issued under regulation 6;<br>“import permit” means a permit issued under regulation 6;<br>“relevant standards” mean the standards for the quality of the dairy produce, product or equipment used in the dairy industry, determined by the Kenya Bureau of Standards or a regional or international convention or protocol.<br>“sanitary standards” means relevant standards and practices that established to protect food meant for human consumption from contamination |
| Application                | 3. These Regulations shall apply in respect to imports and exports of dairy produce   |
| Objects of the Regulations | 4. The objects of these Regulation are to —<br>(a) provide the procedure for importing or exporting dairy produce;<br>(b) ensure that dairy produce imports and exports meet the relevant standards;  |

- (c) to protect the Kenyan dairy industry against unfair trade practices or competition and dumping;
- (d) support government effort to guarantee food security and self-sufficiency.

Requirements for import and export

5. A person who wishes to import or export dairy produce shall—
- (a) ensure that the import or export meets the requirements of the relevant Standard;
  - (b) ensure that the dairy produce is imported or exported through a designated port;
  - (c) be a registered dairy business operator; and
  - (d) have a valid dairy regulatory permit.

Import and export permit

6. (1) A person shall not import or export dairy produce without a valid permit issued by the Board.
- (2) An application for an import permit for dairy produce shall be made to the Board by filling in and submitting Form A in the Schedule, and the applicant shall pay the fee set out in Form C of the Schedule.
- (3) An application for an export permit for dairy produce shall be by filling in and submitting Form B in the Schedule, and the applicant shall pay the fee set out in Form C of the Schedule.
- (4) The Board shall, upon receipt of an application consider it and communicate written decision to the applicant within 30 days, either granting the permit or declining to grant the permit.
- (5) The import permit and export permit shall be in Form D and Form E respectively, in the Schedule.

Conditions for grant of permit

7. (1) The Board shall, before issuing an import or export permit under regulation 6, consider the following factors:
- (a) The need to prevent dumping of dairy produce or product into the country;
  - (b) Whether there is deficit or surplus of the dairy produce in the Kenyan market;
  - (c) risk analysis;
  - (d) any other relevant factor that the Board may think necessary to consider.
- (2) The Board may not issue an import permit unless the applicant obtains a certificate from the Directorate for the time being in charge of Veterinary Services that there is no objection to the proposed import.



(3) The Board may not issue an export permit unless the Directorate for the time being in charge of Veterinary Services certifies that the milk to be exported meets the sanitary standards of the importing country.

(4) Where a person has complied with all the import or export requirements set out under these Regulations, the Board shall issue an import clearance certificate in Form F, or an export clearance certificate in Form G, in the Schedule.

Compliance with relevant standards

8. An importer or exporter of dairy produce, equipment, materials or additives shall, with respect to the dairy produce, equipment, materials or additives, comply with the requirements of the relevant standards.

Import levy & penalty for default

9. (1) A person who imports dairy produce shall, before the release of the import to him or her, pay to the Board an import levy equivalent to ten per cent of the value of the import determined using the cost, insurance and freight basis.

(2) A person who fails to pay import levy under regulation 8 shall, in addition to the levy, be liable to pay a penalty equivalent to 25% of the assessed levy for every month that the default continues.

Disclosure on dairy produce, materials, etc.

10. A compliance officer may at any time require a person in possession of dairy produce, materials, additives or dairy equipment, to provide details of —

(a) the source or destination;

(b) the quantity and value; and

(c) the package, batch numbers and the date of delivery,

and the person so required shall provide the details either orally or in writing as the officer may require.

Seizure and destruction of irregular imports

11. (1) A compliance officer may at any time seize any imported dairy produce, equipment, material or additives, 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) A compliance officer who carries out seizure of imported dairy produce, material, additives or dairy equipment, the compliance officer shall issue seizure notice or receipt in accordance with the Dairy Industry (Compliance Officer) Regulations 2020.

(3) The compliance officer shall, upon seizure or confiscation under this regulation, lodge a complaint on behalf of the Board at the nearest police station for possible criminal prosecution under these Regulations or any other legislation.

(4) The criminal proceedings that may be instituted and the manner of dealing with the seized or confiscated dairy produce, equipment, material or additives, shall be in accordance with the provisions of this regulation or any other relevant legislation.

(5) Despite paragraph (4) any destruction pursuant to this regulation which is likely to endanger the environment or public health shall only be carried out in compliance with any other written laws and shall be carried out at the expense of the owner or where the owner cannot be ascertained, at the expense of the person from whom confiscation is effected.

(7) Where civil proceedings are commenced in respect to the seized or confiscated dairy produce, equipment, material or additives and a court issues restraining or other orders, the seized or confiscated dairy produce, equipment, material or additives shall be dealt with in accordance with the orders or directions of the court.

Transit  
Permit

12. (1) No person may convey by way of transit through Kenya any dairy produce unless the person has a valid transit permit issued by the Board.
- (2) An application for a transit permit referred to in sub-regulation 1 shall be made in Form H of the Schedule.
- (3) Any dairy produce in respect of which a transit permit referred to in paragraph (1) has been issued may only—
- (a) be introduced into the country through the port of entry specified in the permit;
  - (b) transit the country within a period specified in such permit;
  - (c) exit the country through the specified port of exit.
- (4) A transit permit shall be in Form I set out in the Schedule.

Offences  
and  
penalties

13. Any person who —
- (a) imports, exports or attempts to import or export any dairy produce without a valid permit issued by the Board;



- (b) fails to comply with a notice issued under regulation 11;
- (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;
- (d) imports dairy produce, dairy equipment, materials or additives that do not meet the relevant standard,

commits an offence and is liable upon conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

Forfeiture and  
destruction

14. Despite the provisions of regulation 13, the court may order forfeiture to the Board or the destruction of the illegally imported dairy produce material, equipment, additives or equipment

Revocation of  
Legal Notice  
number 103 of  
2004 Sub Leg

15. The Dairy Industry (Imports and Exports) Regulations are hereby revoked.





# SCHEDULE

**FORM A (reg. 6(2))**

## THE DAIRY INDUSTRY (IMPORT/EXPORTS) REGULATIONS, 2020

### APPLICATION TO 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).

Part 1: To be completed by applicant				
Application No.:			Date:	
Name of the Importer			PIN. No.:	
Address:			VAT NO.:	
Tel. No.:			Business Location:	
E-mail		Street/Road	Town:	
Commodity: (valid for one consignment only)		Value (C.I.F.) Kshs. (in figures)	Value: (in words)	
		Quantity – Kg. (in figures)	Quantity – Kg.( In words)	
Country of Origin*:	Destination:	Date of Manufacture:	Use by Date:	Route of Import:
Point of Entry:	Landing Date:	Storage Premises:	Town:	Street/road: Warehouse No.
Date of last Import:	Quantity-Kg.		Value Kshs. (C.I.F.):	
Purpose of importation: commercial/donation/domestic/other(specify) (tick where appropriate)				
Declaration:  I/We.....the undersigned of .....(company name) being the agent/principal of.....(importer) do hereby declare that the information and particulars declared herein are true and complete and I/we accept to comply fully with the conditions and requirements provided under the Dairy Industry Act, the Regulations or any other law relating to imports of dairy produce.				

Date.....Signature of  
Applicant.....Designation.....

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.....  
.....

3.....  
.....

Name  
.....

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

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.

**THE KENYA DAIRY BOARD**

**APPLICATION 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).

Part 1: To be completed by the applicant				
Application No.:			Date:	
Name of the exporter:			PIN. No.:	
Address:			VAT NO.:	
Tel. No.:			Business Location:	
E-mail		Street/Road	Town:	
Commodity: (valid for one consignment only)		Value (C.I.F.) Kshs. (in figures)	Value: (in words)	
		Quantity – Kg. (in figures)	Quantity – Kg.( In words)	
Country of Origin*:	Destination:	Date of Manufacture:	Use by Date:	Route of export:
Point of Exit:	Shipment Date:	Storage Premises: L.R./Plot No.:	Town:	Street/Road: Warehouse No.:
Date of last Export:	Quantity-Kg.		Value Kshs. (C.I.F.):	
Purpose of Exportation: Commercial/Donation/Domestic/Other(Specify) (Tick where appropriate)				
<p>Declaration:</p> <p>I/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 I/we accept to comply fully with the conditions and requirements provided by the Dairy Industry act or any other law relating to imports of dairy produce.</p> <p>Date.....Signature of Applicant.....Designation.....</p>				



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.....

3.....

Name .....

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

The form is valid for three months only, for only one consignment from the date of approval.  
(Relevant Acts: Chapters 364,496,336,254 and 242 of the Laws of Kenya)

**THE DAIRY INDUSTRY (IMPORT AND EXPORTS) REGULATIONS, 2020**

**FEES PAYABLE ON IMPORT/EXPORTS**

<b>Category of Fees</b>	<b>Amount(Ksh.)</b>
1. Application fee	1,000
2. Export permit fee	1,000
3. Import permit fee	5,000
4. Import permit levy per consignment	10% of CIF value
5. Regulatory permit (importers) fee	100,000
6. Regulatory permit (exporters) fee	1,000

**FORM D (reg. 6(5))**

**The Dairy Industry (Import/Exports) Regulations, 2020**

**IMPORT PERMIT FOR DAIRY PRODUCE**

Import Permit No.....

Attached Certificate of no. objection No.....

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

Regulations to:

Name.....

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

E-mail.....

To import the products listed below

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

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

Conditions:

.....

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

Fee paid Kshs.....

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

.....

*For Kenya Dairy Board*

*Note-*This import permit is subject to the Dairy Industry (Imports and Exports) Regulations, 2020.





**The Dairy Industry (Imports and Exports) Regulations, 2020**

**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

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

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

Conditions:

.....

This permit shall expire on

.....20.....

Fee paid Ksh.....

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

*For Kenya Dairy Board*

*Note-*This Export Permit is subject to the regulations prescribed under the Dairy Industry (Imports/Exports) Regulations, 2020



**KENYA DAIRY BOARD**

**The Dairy Industry (Imports and Exports) Regulations, 2020**

**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, 2020, is hereby cleared to release the dairy produce listed below:

Name.....

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

E-Mail.....

To import the products listed below

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

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

Signature.....

*Clearing Officer*

Name.....

Designation.....

Official stamp.....

**KENYA DAIRY BOARD**

**The Dairy Industry (Imports and Exports) Regulations, 2020**

**CLEARANCE CERTIFICATE FOR EXPORTED DAIRY PRODUCE**

This is to certify that the below named importer, having satisfied the conditions provided under the Dairy Industry (Import and Export) Regulations, 2020, is hereby cleared to release the dairy produce listed below:

Name.....

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

E-Mail.....

To export the products listed below

No.	Product	Quantity (Kg./litres)

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

Signature.....

Clearing Officer

Name.....Designation.....Official stamp.....

Dated the .....2020

**FORM H (reg. 14(2))**

**THE DAIRY INDUSTRY (IMPORT/EXPORTS) REGULATIONS, 2020 APPLICATION**  
**FOR TRANSIT PERMIT KENYA DAIRY BOARD**

**(The Transit 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).**

Part 1: To be completed by applicant				
Application No. :			Date:	
Name of the exporter:			PIN. No.:	
Address:			VAT NO.:	
Tel. No.:			Business Location:	
E-mail		Street/Road	Town:	
Commodity: (valid for one consignment only)		Value (C.I.F.) Kshs. (in figures)	Value: (in words)	
		Quantity – Kg. (in figures)	Quantity – Kg.( In words)	
Country of Origin*:	Destination:	Date of Manufacture:	Use by Date:	Route of export:
Point of Exit:	Shipment Date:	Storage Premises: L.R./Plot No.:	Town:	Street/Road: Warehouse No.:
Date of last Export:	Quantity-Kg.		Value Kshs. (C.I.F.):	
Purpose of Exportation: Commercial/Donation/Domestic/Other (Specify) (Tick where appropriate)				
Declaration:  I/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 I/we accept to comply fully with the conditions and requirements provided by the Dairy Industry act or any other law relating to imports of dairy produce.				

Date.....	Signature	of
Applicant.....		
Designation.....		
<p>Note. – Part 1 to be completed by the applicant. Misleading information in part 1 may lead to invalidation of the application and/or prosecution.</p>		

Part II: Evaluation – For Official Use Only

For KENYA DAIRY BOARD

I have examined the application I recommend/do not recommend

1.....

.....

2.....

.....

3.....

.....

Name

.....

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

.....

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

**THE DAIRY INDUSTRY (IMPORTS/EXPORTS) REGULATIONS, 2020 TRANSIT**

**PERMIT FOR DAIRY PRODUCE**

Export permit No.....

This permit is granted under the provisions of the Dairy Industry (Imports and Exports)

Regulations to:

Name.....

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

E-Mail.....

To export the products listed below

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

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

Conditions:

.....

This Permit shall expire on

.....20.....

Fee paid

Kshs.....

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

*For Kenya Dairy Board*

*Note-*This Transit Permit is subject to the regulations prescribed under the Dairy Industry (Imports and Exports) Regulations, 2020

Dated the .....2020

**Peter Munya**  
*Cabinet Secretary for Agriculture, Livestock, Fisheries and Cooperatives*