



LEGAL NOTICE NO.....

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

IN EXERCISE of the powers conferred by section 40 (1) of the Crops Act, 2013, the Cabinet Secretary for Agriculture, Livestock and Fisheries, in consultation with the Agriculture and Food Authority and county Governments, makes the following Regulations—

THE SUGAR (IMPORTS, EXPORTS AND BY- PRODUCTS) REGULATIONS, 2018

Citation. **1.** These Regulations may be cited as the Sugar (Imports, Exports and By-products) Regulations, 2018.

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

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

“authorized officer” means a person whose duty is to enforce these regulations and who has been designated as such by the Authority;

“export licence” means a licence issued by the Authority in accordance with regulation 4;

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

“licensed exporter” means a person who holds an export licence; and

“licensed importer” means a person who holds an import licence.

Registration for the import or export of sugar or sugar by-products. **3.** (1) A person who intends to import or export sugar or sugar by-products shall apply to the Authority for registration in each year.

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

(3) An application shall be accompanied by the payment of a registration fee of one hundred thousand shillings where the applicant wants to export or import mill white sugar or industrial sugar.

Annual register.

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

(2) The Authority shall maintain an up-to-date register of all licenses issued to registered importers and exporters of sugar and sugar by-products.

Import license and pre-import authority.

5. (1) A person who intends to import sugar or sugar by-products shall apply for an import licence as per the requirements in schedule I.

(2) The Authority may issue to a person who intends to import sugar or sugar by-products with a pre-import approval before issuing the import licence for the importation of a specific consignment.

(3) The Authority shall issue an import licence to a registered importer where the importer is in compliance with the requirements set out in subsection 1 above.

Export license.

6. (1) A person who intends to export sugar or sugar by-products shall apply for an export licence as per the requirements in Schedule I.

(2) The Authority shall issue an export licence to a registered exporter where the exporter complies with the requirements set out in the Schedule I.

License shall be subject to conditions.

7. (1) A licence issued under these Regulations shall be subject to such conditions set out in the Schedule I.

(2) A licence shall be issued to an importer or exporter for a specific consignment of sugar or sugar by-products being imported or exported.

(3) A licence issued to a person to import white refined sugar shall not be transferable.

Authority to determine quantity of refined sugar required.

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

(2) A registered importer shall apply to the Authority for authorization from the Authority to import a consignment of refined sugar.

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

Physical verification of consignments.

9. After the successful processing of customs documentation, a consignment of sugar for import or export shall be physically verified

jointly by the Kenya Revenue Authority and an authorised officer.

Release order after verification. **10.** After a consignment of sugar for import or export has been verified under regulation 9, the Authority may issue a release order authorising the consignment to be released to the consignee.

Monthly returns. **11.** (1) A registered importer shall submit monthly returns of his or her sugar and sugar by-products imports to the Authority.

(2) A registered exporter shall submit monthly returns of his or her sugar and sugar by-products exports to the Authority.

Importer to provide documents. **12.** A registered importer selling or offering for sale imported sugar for sale shall, as may be required by the Authority, provide original copies of importation documentation and evidence of payment of duties and levies.

Dealer to provide documents. **13.** A person dealing in sugar shall provide, as may be required by the Authority—

(a) a copy of the customs entry documents;

(b) proof of payment of taxes that are duly certified by the registered importer from whom the sugar was procured;

(c) proof of payment for the sugar from the registered importer;

(d) identification and contact details of the importer from whom dealer procured the sugar; and

(e) copies of the invoices and payment receipts relating to the sugar.

Repackaging of sugar. **14.** (1) A person shall not pack sugar into a different quantity, material or brand from the original packaging, whether it is imported or locally manufactured, without the authorisation of the Authority.

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

Rebranding of sugar. **15.** (1) A registered importer of sugar who wishes to rebrand a consignment of imported sugar shall apply for authority from the Authority before rebranding the sugar.

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

Smuggling. **16.** Sugar that is smuggled or otherwise imported without the authority of the Authority shall be deemed prohibited under section 18 (2) of the

No. 1 of 2005.

East African Community Customs Management Act, 2004.

Cancellation of license. **17.** (1) The Authority may cancel the import or export licence issued to a person who contravenes these Regulations and may refuse to issue such an importer or exporter with another license.

(2) A person whose licence has been cancelled may appeal against the decision to the Cabinet Secretary.

Revocation of L.N. 114/2008. **18.** The Sugar (Imports, Exports and By-products) Regulations, 2008 are revoked.

Made on.....2018.

WILLY BETT,
Cabinet Secretary for Agriculture, Livestock & Fisheries.

SCHEDULE I

LIST OF REQUIREMENTS

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