

(Legislative Supplement No. 16)

LEGAL NOTICE NO. 41

THE CROPS ACT, 2013

(No. 16 of 2013)

THE CROPS (MIRAA) REGULATIONS, 2023

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

- 1— Citation.
- 2— Interpretation.
- 3— Objects of the Regulations.

PART II— PART II—REGISTRATION AND LICENSING OF
MIRAA GROWERS AND DEALERS

- 4— Licensing of commercial miraa nursery operators.
- 5— Registration of growers associations.
- 6— Registration of miraa aggregators.
- 7— Licensing of miraa aggregators.
- 8— Registration of commercial miraa transporters.
- 9— Licensing of commercial miraa transporters.
- 10— Registration of Miraa Vendors
- 11— Licensing of miraa vendors
- 12— Registration of miraa exporters and importers.
- 13— Licensing of miraa exporters.
- 14— Licensing of miraa importers.
- 15— Issuance of miraa export permits.
- 16— Issuance of miraa import permits.
- 17— Revocation or suspension of licences.
- 18— Revocation of certificates of registration.
- 19— Transferability of registration certificate or licence.
- 20— Renewal of licences.
- 21— Applications may be made electronically.

**PART III – PRODUCTION AND QUALITY ASSESSMENT OF
MIRAA**

- 22– Quality of planting materials.
- 23– Irrigation and Potable water for production.
- 24– Quality assurance for harvesting and postharvest handling of miraa.
- 25– Traceability.
- 26– Appointment of inspectors.
- 27– Functions of an inspector.
- 28– Compliance to standards.

PART IV – GENERAL PROVISIONS

- 29– The Miraa Pricing Formula Committee.
- 30– Units of measurement.
- 31– Imposition of miraa levy.
- 32– Fees.
- 33– General penalty.
- 34– Revocation.

FIRST SCHEDULE – FORMS

SECOND SCHEDULE – FEES

THE CROPS ACT, 2013

(No. 16 of 2013)

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

THE CROPS (MIRAA) REGULATIONS, 2023

PART I – PRELIMINARY

1. These Regulations may be cited as the Crops (Miraa) Regulations, 2023. Citation.
2. In these Regulations unless the context otherwise requires— Interpretation.
 - “Act” means the Crops Act, 2013; No. 16 of 2013
 - “aggregator” means a person who buys, collects and bulks miraa and miraa products for purposes of collective marketing; No. 13 of 2013.
 - “Authority” means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act; No. 13 of 2013.
 - “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to agriculture;
 - “Code of practice” means the Miraa (khat) Industry- Code of Practice - KNWA 2940: 2021 as provided in the Standards Act; Cap. 496
 - “commercial nursery operator” means a person who propagates miraa planting material for sale;
 - “commercial transporter” means a person who transports miraa at a fee;
 - “Committee” means the Miraa Pricing Formula Committee established under regulation 29;
 - “county government” has the meaning assigned to it under Article 176 of the Constitution;
 - “crop inspector” means an inspector appointed under section 27 of the Act;
 - “dealer” includes an aggregator, commercial transporter, vendor, holding facility owner, exporter or importer of miraa;
 - “designated point” means an area set aside for the sale of miraa by the respective county government;
 - “Directorate” means the directorate of the Authority established under section 11 of the Agriculture and Food Authority Act to deal with matters relating to miraa;
 - “exporter” means a person licensed by the Authority to export miraa or miraa products;

“export consignment” means the quantity of miraa that an exporter intends to export as declared by the applicant of an export permit;

“field holding facility” means an area designated for the bulking, handling, storage, stock control and packaging of miraa;

“financial year” means the period from the first July in any year to the thirtieth June in the immediately succeeding year, both days inclusive;

“grower” means a person who cultivates miraa and includes a person who enters into an agreement with the owner of the farm to harvest miraa at a consideration;

“grower association” means a group of miraa growers who come together for purposes of marketing their produce under a common quality management system and are registered by the Authority;

“importer” means a person licensed by the Authority to import miraa or miraa products;

“import consignment” means the quantity of miraa that an importer seeks to import as declared by the applicant of an import permit;

“miraa” means the plant or part of the plant of *Cathus* genus known botanically as *Catha edulis* specified in the first schedule to the Act or of any inter-specific hybrid involving this species or of any progeny of such hybrid and includes the variety locally referred to as muguka;

“miraa product” means any part of the miraa plant, whether whole or broken, including its leaf, bud or twig that has been dried;

“potable water” means water which meets the quality standards of drinking water as specified in Kenya standards;

“traceability” means the ability to trace a miraa from any given point in the value chain back through all stages to its origin; and

“vendor” means a person who sells miraa at a designated point for consumption.

3. The objects of these Regulations are to—

- (a) facilitate the growth and development of the miraa industry;
- (b) enhance productivity and income of miraa farmers and other value chain actors;
- (c) organize and coordinate partners and stakeholders in the miraa industry;
- (d) attract investment opportunities and improve the efficiency of agribusiness services in the miraa industry;
- (e) facilitate the export of miraa and miraa products to augment foreign exchange earnings of the country;

Objects of the Regulations.

- (f) safeguard food safety and quality standards of miraa;
- (g) promote best practices in the production, processing, marketing, grading, storage, collection, transportation and warehousing of miraa;
- (h) collect and collate data, maintain a database on miraa and miraa growers, dealers, associations and transporters; and
- (i) facilitate research in miraa.

PART II—REGISTRATION AND LICENSING OF MIRAA GROWERS AND DEALERS

4. (1) A person shall not establish or operate a commercial miraa nursery unless the person has a valid licence issued by the respective county government.

Licensing of
commercial miraa
nursery operators.

(2) A person who seeks to establish or operate a commercial miraa nursery shall apply to the respective county government for a licence in Form Mr1 set out in the First Schedule.

(3) The county government shall not issue a licence unless an inspector has visited and inspected the site and has confirmed that the applicant complies with the following requirements—

- (a) the land is suitable for propagating miraa seedlings;
- (b) the site is well served with a reliable irrigation quality water source;
- (c) the site is accessible for inspection and collection of planting material;
- (d) the applicant has clearance from an accredited source of mother plants;
- (e) the land is gently sloping and the soil type is of good drainage and does not allow water logging; and
- (f) the applicant has adequate relevant knowledge in nursery management.

(4) The county government shall, if satisfied that the applicant meets the requirements in paragraph (3), issue to the applicant a licence in Form Mr2 set out in the First Schedule in respect of the inspected site.

(5) Where the applicant does not meet the requirements in paragraph (3), the county government shall reject the application and notify the applicant of the reasons for the rejection.

(6) Where the requirements in paragraph (3) have been met, the applicant whose application is rejected under paragraph (5) may resubmit the application for consideration.

(7) A licence for a commercial miraa nursery operator shall not be transferrable and shall remain in force until the thirtieth of June next following the date of issue, unless earlier cancelled.

(8) A commercial nursery operator shall submit annual returns to the county government in Form Mr3 set out in the First Schedule not later than the tenth day of the first month after the end of the financial year.

(9) Every county government shall, annually, share with the Authority a list of all licensed commercial miraa nursery operators.

(10) A person who contravenes paragraph (1) or (9) commits an offence.

5. (1) Smallholder miraa growers may, for purposes of accessing economies of scale, form a growers' association and apply to the Authority for registration of the association.

Registration of growers' associations.

(2) An application for registration under paragraph (1) shall be made to the Authority in Form Mr4 as set out the First Schedule.

(3) The Authority shall, at no fee, issue a certificate of registration to a growers' association in Form Mr5 set out in the First Schedule.

(4) Every growers' association shall submit updated particulars of its members to the Authority annually before the thirty first day of the first month of the financial year.

6. (1) A person shall not carry on business as a miraa aggregator unless the person is registered as such by the Authority and has been issued with a registration certificate by the Authority.

Registration of miraa aggregators.

(2) A person who intends to carry on business as a miraa aggregator shall apply to the Authority for registration in Form Mr6 set out in the First Schedule.

(3) The Authority shall, within seven days of the application and at no fee, issue a certificate of registration to a successful applicant in Form Mr7 set out in the First Schedule.

(4) A person who contravenes paragraph (1) commits an offence and shall, on conviction, be liable to the penalty specified in section 16(4) of the Act.

7. (1) A person shall not carry on business as a miraa aggregator without a licence issued by the respective county government.

Licensing of miraa aggregators.

(2) A miraa aggregator who is registered under regulation 6 shall apply for a licence to the respective county government in Form Mr8 set out in the First Schedule.

(3) The county government shall not issue a licence unless the applicant complies with the following requirements—

- (a) the applicant has a field holding facility at his disposal;
- (b) the field holding facility is serviced with a reliable source of potable water for use;
- (c) the area has a well demarcated waste disposal area; and

(d) all staff have appropriate personal protective equipment.

(4) The county government shall, if satisfied that the applicant meets the requirements in paragraph (3), issue, within ten days of receiving the application, a licence to a successful applicant in Form Mr9 set out in the First Schedule.

(5) Where the applicant does not meet the requirements in paragraph (3), the county government shall, within ten days from the receipt of the application, reject the application and notify the applicant of the reasons for the rejection.

(6) Where the requirements set out in paragraph (3) have been met, the applicant whose application is rejected under paragraph (5) may resubmit the application for consideration.

(7) A miraa aggregator shall submit annual returns to the respective county government in Form Mr10 set out in the First Schedule not later than the tenth day of the first month after the end of the financial year.

(8) The county government shall, annually, share with the Authority a list of all licensed miraa aggregators.

(9) A person who contravenes paragraph (1) or (7) commits an offence.

8. (1) A person shall not carry on business as a miraa commercial transporter unless the person is registered as such by the Authority and has been issued with a registration certificate by the Authority.

Registration of
commercial miraa
transporters.

(2) An application for registration under paragraph (1) shall be made to the Authority in in Form Mr11 set out in the First Schedule.

(3) The Authority shall, within five days of receipt of the application and at no fee, issue a certificate of registration to a successful applicant in Form Mr12 set out in the First Schedule.

(4) The Authority shall, within five days from the receipt of the application, notify an unsuccessful applicant indicating the reasons for the rejection.

(5) Where the reasons for rejection have been addressed, the applicant whose application is rejected under paragraph (4) may resubmit the application for consideration.

(6) A person who contravenes paragraph (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding five million shillings or both.

9. (1) A person shall not carry on business as a commercial miraa transporter without a licence issued by the Authority.

Licensing of
commercial miraa
transporters.

(2) A commercial miraa transporter who is registered under regulation 8 shall apply to the Authority for a licence in Form Mr13 set out in the First Schedule.

(3) The Authority shall not issue a licence to an applicant unless the applicant demonstrates that—

- (a) the vessel used for transportation of miraa is well aerated to prevent chilling or scorching effect on the produce;
- (b) the vessel used for transportation is exclusively for miraa at any given time;
- (c) the packaging material used during transportation is made of food grade quality; and
- (d) the applicant has paid the fee set out in the Second Schedule.

(4) The Authority shall, if satisfied that the applicant meets the requirements in paragraph (3), issue, within thirty days of receiving the application, a licence to a successful applicant in Form Mr14 set out in the First Schedule.

(5) Where the applicant does not meet the requirements in paragraph (3), the Authority shall, within thirty days from the receipt of the application, reject the application and notify the applicant of the reasons for the rejection.

(6) Where the requirements in paragraph (3) have been met, the applicant whose application is rejected under paragraph (5) may resubmit the application for consideration.

(7) A licensed commercial miraa transporter shall display the licence on the front windscreen of the vehicle while transporting miraa.

(8) A commercial miraa transporter shall submit semi-annual returns to the Authority in Form Mr15 set out in the First Schedule not later than the fifth day of January and the fifth day of July.

(9) A person who contravenes paragraph (1) or (7) commits an offence.

10. (1) A person shall not carry on business as a miraa vendor unless the person is registered by the Authority.

Registration of
Miraa Vendors

(2) An applicant for registration shall apply to the Authority in Form Mr16 set out in the First Schedule and shall provide the following information—

- (a) a copy of National identity card or Certificate of incorporation;
- (b) KRA PIN;
- (c) physical address; and
- (d) telephone number.

(3) The Authority shall, if satisfied that the applicant has provided the information required in paragraph (2) issue a registration certificate in Form Mr17 set out in the First Schedule

(4) A person who contravenes paragraph (1) commits an offence.

11. (1) A person shall not carry out business as a miraa vendor without a licence issued by the respective county government.

Licensing of
miraa vendors.

(2) An applicant for a miraa vending licence shall apply to the respective county government in Form Mr18 set out in the First Schedule.

(3) The county government shall, before issuing the licence in Form Mr19 set out in the First Schedule satisfy itself that the applicant has been registered by the Authority.

(4) Where the applicant does not meet the requirement in paragraph (3) or does not provide the information required in the application form, the county government shall, within seven days from the receipt of the application, reject the application and notify the applicant in writing of the reasons for the rejection.

(5) Where the reasons for the rejection of the application have been addressed, the applicant may resubmit the application for consideration.

(6) Each county government shall, annually, share with the Authority a list of all licensed miraa vendors.

(7) Every miraa vendor shall sell miraa or miraa products at a designated point.

(8) The county government shall designate areas for the sale of miraa which shall be —

- (a) well marked;
- (b) kept free of and from waste material; and
- (c) used exclusively for the sale of miraa.

(9) Miraa shall not be sold to a person below the age of eighteen years.

(10) A person who contravenes paragraph (1), (7) or (9) commits an offence.

12. (1) A person shall not carry on business as a miraa exporter or importer unless the person is registered by the Authority.

Registration of
miraa exporters
and importers.

(2) A person who intends to carry on business as a miraa exporter or importer shall apply to the Authority for registration in Form Mr20 set out in the First Schedule.

(3) The Authority shall, within seven days from the receipt of the application and at no fee, issue a certificate of registration to a successful applicant in Form Mr21 set out in the First Schedule.

(4) The Authority shall, within seven days from the receipt of the application, notify an unsuccessful applicant indicating the reasons for the rejection.

(5) Where the reasons for rejection have been addressed, the applicant whose application is rejected under paragraph (4) may resubmit the application for consideration.

(6) A person who contravenes paragraph (1) commits an offence and shall be upon conviction be liable to the penalty prescribed under section 16(4) of the Act.

13. (1) A person shall not carry on business as a miraa exporter unless he has been issued with an export licence by the Authority.

Licensing of
miraa exporters.

(2) A miraa exporter who has been registered under regulation 12 shall apply to the Authority for a licence in Form Mr22 set out in the First Schedule.

(3) The Authority shall, within thirty days from the receipt of the application and upon payment of the fee set out in the Second Schedule, issue a licence to a successful applicant in Form Mr23 set out in the First Schedule.

(4) The Authority shall, within thirty days from the receipt of the application, notify an unsuccessful applicant indicating the reasons for the rejection.

(5) Where the reasons for rejection have been addressed, the applicant whose application is rejected under paragraph (4) may resubmit the application for consideration.

(6) Every miraa exporter shall submit quarterly returns to the Authority in Form Mr24 as set out in the First Schedule.

(7) A person who contravenes paragraph (1) or (6) commits an offence.

14. (1) A person shall not carry out business as a miraa importer unless he has been issued with an import licence by the Authority.

Licensing of
miraa importers.

(2) A miraa importer who has been registered under regulation 12 shall apply to the Authority for a licence in Form Mr25 set out in the First Schedule.

(3) The Authority shall, within thirty days from the receipt of the application and upon payment of the fee set out in the Second Schedule, issue a licence to a successful applicant in Form Mr26 set out in the First Schedule.

(4) The Authority shall, within thirty days from the receipt of the application, notify an unsuccessful applicant indicating the reasons for the rejection.

(5) Where the reasons for rejection have been addressed, the applicant whose application is rejected under paragraph (4) may resubmit the application for consideration.

(6) Every miraa importer shall submit quarterly returns to the Authority in Form Mr27 as set out in the First Schedule.

(7) A person who contravenes paragraph (1) commits an offence.

15. (1) A miraa exporter shall not export miraa or miraa products unless he has a valid export permit issued by the Authority for each export consignment.

Issuance of miraa export permits.

(2) An exporter of miraa or miraa products shall apply to the Authority for an export permit for each export consignment in Form Mr28 set out in the First Schedule.

(3) The Authority shall within two days after receiving an application for an export permit, consider the application and upon satisfying itself the requirements in the application form have been met and the fee set out in the Second Schedule has been paid, issue an export permit in Form Mr29 set out in the First Schedule.

(4) The Authority shall not issue a permit if an exporter is in contravention of the provisions of the Act or these Regulations.

(5) The exportation of miraa or miraa products shall be through designated port of exit by a licensed importer.

(6) An export consignment shall not exceed one thousand kilogrammes.

(7) An exporter who contravenes paragraph (1) or (5) commits an offence.

16. (1) A miraa importer shall not import miraa or miraa products unless the importer has a valid import permit issued by the Authority for each import consignment.

Issuance of miraa import permits.

(2) An importer of miraa or miraa products shall apply to the Authority for an import permit for each consignment in Form Mr30 as set out in the First Schedule.

(3) The Authority shall, within two days after receipt of an application under paragraph (2), consider the application and upon satisfying itself that the requirements in the application form have been met and the fee set out in the Second Schedule has been paid, issue an import permit in Form Mr31 as set out in the First Schedule.

(4) The importation of miraa or miraa products shall be through designated port of entry by a licensed importer.

(5) The Authority shall not issue a permit if an importer is in contravention of the provisions of the Act or these Regulations.

(6) An import consignment shall not exceed one thousand kilogrammes.

(7) An importer who contravenes paragraph (1) or (4) commits an offence.

17. (1) A licensing authority may revoke or suspend a licence issued under these Regulations if—

Revocation or suspension of licences.

(a) the conditions of issuance of the licence are contravened; or

(b) the holder of the licence or an employee of the holder commits an offence under the Act or these Regulations.

(2) The licensing authority shall, before revoking or suspending a licence give the holder of the licence an opportunity to be heard and to make representations in that regard.

(3) Upon revocation under paragraph (1) the holder of a licence shall immediately surrender the licence to the licensing authority and the licence shall immediately cease to have effect.

18. A certificate of registration under these Regulations shall be issued once but maybe revoked if the holder of the certificate does not apply for or renew his licence for three consecutive years.

Revocation of certificates of registration.

19. (1) A licence or certificate of registration issued under these Regulations shall not be transferable to another person.

Transferability of registration certificate or licence.

(2) A person who contravenes paragraph (1) commits an offence.

20. (1) Any licence issued under these Regulations shall remain in force until the thirtieth of June next following the date of issue unless earlier cancelled.

Renewal of licences.

(2) An application for renewal of a licence under these Regulations shall be made to the licensing authority not later than the first day of the month of June in which the current licence is due to expire.

(3) An application for a licence under these Regulations shall be accompanied by the appropriate fee set out in the Second Schedule.

21. An application for registration or a licence and the submission of returns under this part may be made in electronic format.

Applications may be made electronically.

PART III – PRODUCTION AND QUALITY ASSESSMENT OF MIRAA

22. (1) A commercial nursery operator shall—

Quality of planting materials.

- (a) supply quality planting material in accordance with the Code of Practice; and
- (b) keep accurate records of distributed planting material and shall produce such records on demand for purposes of inspection.

(2) A person who contravenes paragraph (1) commits an offence.

23. Any person who deals in or in any way handles miraa shall —

Irrigation and potable water for production.

- (a) in the case of irrigation production, use water free of contaminants as specified in the Code of Practice; and
- (b) in case of postharvest handling at designated areas and consumer markets, use potable water.

24. (1) Water used for postharvest handling of miraa shall be potable water.

(2) Any produce handling facility such as a pack house, store, collection centre, working area or designated point shall be kept free of waste material.

(3) The packaging for miraa shall be designed to suit the transport handling system and shall—

- (a) provide aeration to the produce so as to maintain optimum temperatures and humidity;
- (b) maintain produce integrity by protecting them from physical damage;
- (c) protect the produce against contamination.

(4) Miraa shall not be stored or transported together with other produce which may contaminate it or otherwise adversely affect its quality.

(5) A vessel used for transportation of miraa shall be built and equipped to ensure maintenance of optimal temperatures and hygiene to prevent damage, contamination and spoilage of produce.

(6) Quality assurance for the handling, packaging, transportation harvesting and postharvest handling produce under this section shall be in accordance with the Code of Practice.

(7) A person who contravenes any provision of this regulation commits an offence.

25. (1) The Authority shall, in consultation with stakeholders, develop and build capacity for implementation of a traceability system for both export and locally consumed miraa produce.

(2) A miraa dealer shall—

- (a) be responsible for the safety of the miraa produce;
- (b) ensure that miraa is labelled at source;
- (c) ensure that miraa produce is labelled with a code indicating the country code, county code, farm name and location of the farm;
- (d) dispose of any miraa that is considered unsafe for human health;
- (e) withdraw unsafe miraa from sale or the distribution chain;
- (f) keep records of the source miraa and to whom it is sold for a period not less than three months and in consideration of its shelf life; and
- (g) be responsible for withdrawing or recalling miraa from the market.

(3) A person who contravenes paragraph (2) commits an offence.

Quality assurance
for harvesting and
postharvest
handling of miraa.

Traceability.

26. (1) The Authority shall, by notice in the Gazette, appoint inspectors to carry out inspection of miraa and miraa products.

Appointment of inspectors.

(2) A county government may nominate county inspectors for appointment by the Authority.

(3) A person qualifies to be appointed as an inspector under these Regulations if he possesses the following minimum qualifications—

- (a) holds a bachelor's degree in food science and technology, agriculture or a related field from a university or institution recognised in Kenya; or
- (b) holds a diploma in food science and technology, agriculture or a related field from an institution recognised in Kenya and two years' experience in agriculture extension service work; and
- (c) complies with the provisions of the Public Officer's Ethics Act and Chapter 6 and Article 232 of the Constitution of Kenya.

(4) The Authority shall train prospective inspectors before appointing them under paragraph (1).

(5) The Authority shall develop a training curriculum and offer regular trainings to the inspectors.

(6) A person who purports to carry out the functions of an inspector without having been duly appointed in accordance with these Regulations commits an offence.

27. An inspector shall —

Functions of an inspector.

- (a) monitor activities associated with miraa production, dealing, handling and processing;
- (b) regularly undertake surveillance and inspection to verify that growers and dealers of miraa and miraa products adhere to the Act and these Regulations; and
- (c) carry out periodic auditing of adherence to food safety requirements.

28. (1) Miraa and Miraa products may be randomly sampled, tested and analysed by the Authority from time to time to verify conformity to the Code of Practice.

Compliance to standards.

(2) The Authority may, from time to time, inspect the field holding facilities, commercial transporters' vessels, pack houses and designated points to verify conformity to food safety and quality standards as prescribed in the Code of Practice.

(3) Any miraa or miraa product that does not conform to the code of practice shall be dealt with as follows—

- (a) non-compliant produce due to food safety reasons shall be seized, detained and destroyed at the cost of the offender;

- (b) miraa or miraa product presented using a forged certificate of registration, licence or permit shall be destroyed upon interception and the dealer suspended from operating for one year.

PART IV—GENERAL PROVISIONS

29. (1) There shall be a Miraa Pricing Formula Committee to determine the formula of miraa and miraa products comprising of the following members appointed by the Cabinet Secretary—

The Miraa Pricing
Formula
Committee.

- (a) one representative from the ministry responsible for matters relating to agriculture;
- (b) one representative from the ministry responsible for matters relating to trade;
- (c) one representative from the Authority;
- (d) one County Executive Committee Member for agriculture nominated by the Council of Governors;
- (e) one representative of miraa growers nominated by the apex body of growers' associations;
- (f) one representative of muguka growers nominated by the apex body of growers' associations; and
- (g) three representatives of dealers nominated by the apex body of dealers' associations.

(2) The members of the Committee shall, at its first meeting, elect the chairperson from the members appointed under paragraph (e), (f) or (g) of paragraph (1) and set the procedures for conducting meetings of the Committee.

(3) The Committee shall consider the following parameters in formulating the miraa pricing formula —

- (a) the supply and demand forces;
- (b) the cost of production;
- (c) prevailing weather conditions; and
- (d) any other prevailing factors.

(4) The Authority shall provide secretariat services to the Committee.

(5) The Committee may whenever necessary co-opt experts to provide technical advice.

30. (1) The unit of measurement for miraa or miraa products offered for sale shall be the kilogramme.

Units of
measurement.

(2) A single package of miraa or miraa products shall not exceed fifty kilogrammes.

(3) A dealer shall ensure that any weighing machine used by the dealer is well maintained and is in a serviceable condition at all times.

(4) A person who contravenes paragraph (2) or (3) commits an offence.

31. (1) There shall be imposed a miraa levy on exported and imported miraa and miraa products.

Imposition of miraa levy.

(2) The levy imposed under paragraph (1) shall be charged at the rate of—

- (a) three shillings per kilogramme of miraa or miraa products for export; and
- (b) six shillings per kilogramme of imported miraa or miraa products.

(3) Any levy imposed under this regulation shall be paid to the Authority and any levy which remains unpaid shall be recovered by the Authority as a civil debt due to it from the person by whom it is payable.

(4) A person who fails to pay or remit on time any levy imposed under this regulation when directed by the Authority in writing shall, in addition to paying the levy, have a sum equal to five per cent of the amount added to the amount due for each month or part thereof during which the amount due remains unpaid.

32. (1) The fees payable for licenses and permits issued under these Regulations shall be as set out in the Second Schedule.

Fees.

(2) Any charges on miraa produce on transit shall be charged once at the point of exit in the county of origin.

33. A person who commits an offence under these Regulations for which no penalty is prescribed shall, upon conviction, be liable to the penalty as prescribed under section 37 of the Act.

General penalty

34. The Crops (Miraa) Regulations, 2022 are revoked.

Revocation of L.N. No. 101 of 2022.

FIRST SCHEDULE—FORMS

FORM Mr1

(r. 5(2))

County Government of.....

Serial No. County code/Miraa/

Application for a Miraa Commercial Nursery Operator Licence

new []/renewal[]

Name of Applicant :

Address:

Postal

Email.....

Telephone:

Attach;

(a) A copy of certificate of incorporation or Copies of IDs/Passports

(b) KRA pin certificate

(c) Copy of title deed / lease hold/ contract

1. Nursery Location

i) Sub-County.....Ward.....

L.R No or Plot No

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature:Date:

FORM Mr2	(r. 5(4))
Miraa Commercial Nursery Operator's Licence	
County Government of.....	
Serial No. county code/Miraa/.....	
This is to certify that.....of postal address.....from Sub-county,ward, LR No. has been duly licensed to operate a commercial nursery.	
This licence is valid from.....to.....	
Terms and Conditions:	
A Commercial Nursery Operator shall --	
a) Propagate planting material from accredited source	
b) Demonstrate the source of planting material	
c) Comply with the code of practice	
d) Maintain an up to date record of all sales.	
e) File annual returns to the County Government	
ISSUED on this Day of20.....	
Name	Signed:
County Executive Committee Member (CECM)	
Official Stamp.....	

FORM Mr3		(r. 5(9))
Commercial Nursery Annual Returns		
Commercial Nursery Operator:		
Postal Address.....		
County.....	Sub-County.....	Ward.....
Telephone:		
E-mail:		
Crop Year:	Period:	
Variety/Clone.....	Balance brought forward.....	
Quantity of planting material Available (No):		
Quantity sold during the period (No).....		
Prepared by:	Signature:	
Designation:	Date:	
Official Stamp		

FORM Mr4

(r. 6(2))



AGRICULTURE AND FOOD AUTHORITY

MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Application for Registration of Miraa Growers' Association

A – Particulars of Applicant

1. Name of applicant
2. Registration No.....
3. Address.....
4. Telephone No.....
5. CountySub-County Ward

B. Particulars of Members in the Association (attach list)

This shall include;

Name	ID	Tel. No.	Age	Sex	LR. No	Ownership	Geolocation(XY)	Farmed area(Ha)	Farming system (Rainfed/Irrigated)	Crop	Variety	Certification

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

Applicant or it's duly authorized agent

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature: Date:

FORM Mr5

(r. 6(3))



AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Growers' Association Registration Certificate

Certificate No: County code/.....

Grower Association Registration No

This Certificate of registration is granted to of
P.O. Box in building/street
..... Ward Sub-County County in
the Republic of Kenya.

ISSUED this Day of 20.....

Signed.....
Director General
Agriculture and Food Authority

FORM Mr6

(r. 7(2))



**AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Application for Registration of Miraa Aggregator

Serial No: MPICD/MIRAA/.....

.....hereby applies for registration.

Ward.....Sub-County County.....

Physical location of the business premise..... Postal Address.....

Telephone E-mail.....

Attach:-

- (a) A copy of certificate of incorporation or copies of IDs/Passports
- (b) KRA pin certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature: Date:

FORM Mr7

(r. 7(3))



**AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Certificate of Registration of Miraa Aggregator

Certificate No

This Certificate of registration is granted to of
P.O. Boxinbuilding/street
..... WardSub-CountyCounty in
the Republic of Kenya.

ISSUED this Day of20.....

Signed.....

*Director General
Agriculture and Food Authority*

FORM Mr8 (r.8(2)) Application for Miraa Aggregator's Licence new []/renewal[]
County Government of..... Name of Applicant: hereby applies for aggregator's licence. Address: Postal Email..... Telephone:
3. Physical location of the business premise: - <input type="checkbox"/> Sub-County <input type="checkbox"/> Ward
Attach; i. A copy of registration certificate from the Authority ii. A copy of certificate of incorporation or copies of IDs/Passports iii. KRA pin certificate
I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief. Signature: Date:

FORM Mr9	(r. 8(4))
County Government of.....	
Miraa Aggregator's Licence	
Certificate No	
This is to certify that.....of postal address..... has been duly licensed as a Miraa Aggregator.	
This licence is valid from.....to.....	
Conditions:	
An aggregator shall –	
(a) File annual returns to the respective County Government.	
(b) Comply with the Miraa (Khat) code of practice	
ISSUED this Day of20.....	
Name	Signed:
County Executive Committee Member (CECM)	
Official Stamp.....	

FORM Mr10

(r. 8(7))

County Government of.....

Licence Number.....

Miraa Aggregator's Annual Returns

Name.....

Postal Address.....

Physical Location.....

Telephone.....

E-mail.....

Financial Year

Source				Destination	
Location (Sub-county)	Agent/Farmers	Quantity(kg)	Estimated Value	Agent (exporter, vendor)	Location

Prepared by:Signature:Date:

Official Stamp:

FORM Mr11

(r. 9(2))



AGRICULTURE AND FOOD AUTHORITY

MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Application for Registration of a Miraa Commercial Transporter

Name: hereby applies for registration as a miraa commercial transporter.

Address:

PostalEmail.....

Telephone:

County..... Sub-CountyWard

TownBuilding/Street.....

Attach: -

- i. A copy of certificate of incorporation or copies of IDs/Passports
- ii. KRA pin certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature:Date:

FORM Mr12

(r. 9(3))



AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE
Certificate of Registration for a Commercial Transporter

Certificate No

This Certificate of registration is granted toof
 P.O. Box inTown..... building/street
 WardSub-CountyCounty in
 the Republic of Kenya.

ISSUED this..... Day of20.....

Signed.....
Director General
Agriculture and Food Authority

Official Stamp

FORM Mr13

(r. 10(2))



AGRICULTURE AND FOOD AUTHORITY

MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Serial No. AFA/Miraa/...

Application for a Miraa Commercial Transporter's Licence

Name hereby applies for a licence as a miraa commercial transporter.

Postal address..... Email.....

Telephone..... Registration Certificate Number

1. Vehicle(s) registration number

2. Vehicle(s) Model/Type

Attach:-

- i. A copy of registration certificate from the Authority
- ii. A copy of logbook
- iii. Evidence for meeting requirements to transport miraa (Inspection report)

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature: Date:

FORM Mr14

(r. 10(4))



AGRICULTURE AND FOOD AUTHORITY

MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Miraa Commercial Transporters Licence

Licence No:

This Licence is granted to and authorizes
vehicle(s) reg. no.to transport miraa in the Republic of Kenya.

This Licence is valid from.....to.....

ISSUED this Day of20.....

Conditions:

A commercial transporter shall —

- a) Comply with the code of practice;
- b) Obtain and keep a receipt showing the source of produce, quantity and destination;
- c) Submit annual returns.

Signed.....

*Director General
Agriculture and Food Authority*

Official stamp

FORM Mr15

(r.10(8))

Licence Number.....

Miraa Commercial Transporter Quarterly Returns

Name.....

Postal Address.....

Physical Location.....

Telephone.....

E-mail.....

Financial Year Q1..... Q2..... Q3..... Q4.....

Source				Destination	
Location (Sub-county)	Agent/Farmers	Quantity(kg)	Estimated Value	Agent (exporter, vendor)	Location

Prepared by:Signature:Date:

Official Stamp:

FORM Mr16

(r.11(3))



AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE
Application for Registration of Miraa Vendor

Serial No: MPICD/MIRAA/.....

.....hereby applies for registration.

Ward.....Sub-County County.....

Physical location of the business premise.....Postal
 Address..... Telephone E-
 mail.....

Attach:-

- (a) A copy of certificate of incorporation or copies of IDs/Passports
- (b) KRA pin certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature:Date:

FORM Mr17

(r. 11(4))



AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE
Certificate of Registration of Miraa Vendor

Certificate No

This Certificate of registration is granted to of
 P.O. Box in building/street
 Ward Sub-County County in
 the Republic of Kenya.

ISSUED this Day of 20.....

Signed.....
Director General
Agriculture and Food Authority

FORM Mr18

(r. 12(2))

The County Government of.....

Application for a Miraa Vendor's Licence

Applicant

Postal address..... Email.....

Telephone:.....SubCounty.....Ward.....
 town.....Street/building

I hereby certify that the premise is within a designated point and that the above information is true and accurate to the best of my knowledge and belief.

Signature:Date:

FORM Mr19		(r. 12(3))
The County Government of.....		
Vendor's Licence		
Licence No.....		
This is certify that..... of postal		
address.....	Telephone:.....	Sub-county.....
Ward.....	town.....	Street/building
has been duly licensed to be a miraa vendor.		
This Licence is valid from.....to.....		
Conditions:		
A vendor shall -		
a) Sell at a designated point.		
b) Comply with the code of practice		
ISSUED thisDay of 20.....		
Name	Signed:	
County Executive Committee Member (CECM)		
Official Stamp		

FORM Mr20

(r. 13(2))



**AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Application for Registration of Miraa Exporter/ Importer

.....hereby applies for registration as a miraa Exporter []/Importer [] (Tick as appropriately).

County.....Sub-County.....Ward.....Town.....

Street/building.....Postal AddressTelephone.....

E-mail.....

Attach;

- i. A copy of certificate of incorporation or copies of IDs/Passports
- ii. a copy of CR12
- iii. KRA Pin Certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature: Date:

FORM Mr21

(r. 13(3))



AGRICULTURE AND FOOD AUTHORITY

MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Certificate of Registration for Miraa Exporter/ Importer

Certificate No

This Certificate of registration is granted to of P.O. Box
inbuilding/street
 WardSub-CountyCounty in
 the Republic of Kenya as miraa importer/exporter(delete as appropriate)

ISSUED this Day of20.....

Signed.....

*Director General
 Agriculture and Food Authority*

FORM Mr22

(r. 14(2))



**AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Application for Miraa Export Licence

.....hereby applies for Miraa Export Licence
 County.....Sub-County.....Ward..... Town.....
 Street/building.....Postal Address.....Telephone.....
 E-mail.....Pack House Location.....

Attach:-

- i. A copy of certificate of incorporation or copy of IDs/Passport
- ii. Copy of CR12
- iii. A copy of registration certificate from the Authority
- iv. A copy of single business permit from the County Government
- v. A copy of tax compliance certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature:Date:

FORM Mr23

(r. 14(3))



**AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Miraa Export Licence

License No.

This Licence is granted to of P.O. Box
 inCounty
 Sub-County.....WardTown.....Street/Building.....

This licence is valid from.....to.....

Conditions:

An exporter shall —

- a) Maintain a record of all exports i.e. volumes, destination.
- b) Submit quarterly returns to the Authority.

ISSUED this Day of20.....

Signed.....

Director General
Agriculture and Food Authority

FORM Mr24

r.14(6)



AGRICULTURE AND FOOD AUTHORITY

MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Licence Number.....

Exporter Quarterly Returns

Name of exporter/importer:

Postal Address.....

Physical Location

Telephone..... E-mail.....

Year Quarter Reporting Date

Export returns

Quarter	Quantity (kg)	Value (KSh)	Destination
1			
2			
3			
4			
Total			

Name:

Signature:..... Date:

Official Stamp:

FORM Mr25

(r.15(2))



**AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE**

Application for Miraa Import Licence

Personal Information

.....hereby applies for Miraa Import Licence.

County.....Sub-CountyWard.....Town.....

Street/building.....Postal Address.....

Telephone..... E-mail.....

Attach:-

- i. A copy of certificate of incorporation or copy of IDs/Passport
- ii. A copy of CR12
- iii. A copy of registration certificate from the Authority
- iv. A copy of single business permit from the County Government
- v. A copy of tax compliance certificate

I/We hereby certify that the above information is true and accurate to the best of my or our knowledge and belief.

Signature:**Date:**

FORM Mr26

(r. 15(3))



AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE
Miraa Import Licence

License No.

This Licence is granted to of P.O. Box.....
 inCounty Sub-County..... Ward
Town.....Street/Building.....

This licence is valid from.....to.....

Conditions:

An importer shall —

- a) Maintain a record of all imports i.e. volumes, source.
- b) Submit quarterly returns to the Authority.

ISSUED this Day of20.....

Signed.....

Director General
Agriculture and Food Authority

FORM Mr27

r.15(6)



AGRICULTURE AND FOOD AUTHORITY

MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE

Licence Number.....

Importer Quarterly Returns

Name of exporter/importer:

Postal Address.....

Physical Location.

Telephone.....E-mail.....

Year Quarter Reporting Date

Import Returns

Quarter	Quantity (kg)	Value (KSh)	Origin
1			
2			
3			
4			
Total			

Name:

Signature:.....Date:

Official Stamp:

FORM Mr28

r.16(2)



AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE
Application for Miraa Export Permit

License No.:

Applicants Details

Name of exporter

Address.....Telephone No

Email Address

Destination

Country of Origin.....

Country of Destination Shipment Date

Vessel

Consignor.....

Consignee

Notify address.....

Consignment Details

Product	Quantity (Kg)	FOB Value (USD)	Total Value (USD)

Attach:

- i. Commercial invoice
- ii. Import permit

I/ We hereby certify that the information which I/we have given above is true and accurate to the best of my/our/our knowledge and belief.

Date.....

Authorized signature Stamp of Exporter

-

FOR OFFICIAL USE

Authentication by
Agriculture and Food Authority

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

FORM Mr29

(r.16(3))



**AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE
Miraa Export Permit**

License No

This Permit is granted toof
P.O. Boxand authorizes the company on this day of
..... To export;

Consignment Details

Product	Quantity (Kg)	FOB Value (USD)	Total Value (USD)

Country of Destination

Country of Origin

Date of Shipment Vessel

Consignee.....

Consigner.....

Notify Address.....

This Permit is valid for two days from the date of issuance.

Signed.....

Director General – Agriculture and Food Authority

FORM Mr30

r.17(2)



AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE
Application for Miraa Import Permit

License No.:

Applicants Details

Name of importer

Address.....Telephone No

Email Address

Destination

Country of Origin.....Shipment Date

Vessel

Consignor.....

Consignee

Product	Quantity (Kg)

Attach;

- a) Phytosanitary certificate from the country of origin
- b) Certificate of origin;
- c) Commercial invoice
- d) Import licence

I/ We hereby certify that the information which I/we have given above is true and accurate to the best of my/our/our knowledge and belief.

Date.....

Authorized signature Stamp of Importer

<p>—</p> <p>FOR OFFICIAL USE</p> <p>Authentication by Agriculture and Food Authority</p> <p>Date.....</p> <p>Signature and Stamp</p>

FORM Mr31

(r.17(3))



AGRICULTURE AND FOOD AUTHORITY
MIRAA, PYRETHRUM AND OTHER INDUSTRIAL CROPS DIRECTORATE
Miraa Import Permit

License No

This Permit is granted toof
 P.O. Boxand authorizes the company on this day of
 to import;

Consignment Details

Product	Quantity (Kg)	FOB Value (USD)	Total Value (USD)

Country of Origin

Date of ShipmentVessel

Consignee.....

Consigner.....

This Permit is valid for two days from the date of issuance.

Signed.....

Director General
Agriculture and Food Authority

SECOND SCHEDULE--FEES

NO.	CATEGORY	NEW APPLICATIONS (Kshs).		RENEWAL FEES (Kshs).	
		Weight category (kilograms)	Amount (Kshs.)	Weight category (kilograms)	Amount (Kshs.)
1.	Commercial Transporter	1kg - 1,500kg	ksh. 5,000	1kg - 1,500kg	ksh. 5,000
		1,501kg - 2500kg	ksh. 7,500	1,501kg - 2500kg	ksh. 7,500
		Above- 2501kg	ksh. 10,000	Above 2501kg	ksh. 10,000
2.	Exporter licence	Kshs. 20,000		Kshs. 10,000	
3.	Importers licence	Kshs. 50,000		Kshs. 30,000	
4.	Export permit	Kshs. 4,000			
5.	Import permit	Kshs. 6,000			
6.	Export Levy	Ksh. 3 per Kilogramme			
7.	Import Levy	Ksh. 6 per Kilogramme			

Made on the 29th March, 2023.

MITHIKA LINTURI,
*Cabinet Secretary for Agriculture and
Livestock Development.*

