



Quick Guide

The Crops (Irish Potato)
Regulations, 2019

Enhancing the development, regulation, production and
trade in Irish Potatoes

SNV

Voice for Change Partnership

In collaboration with:



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I R I S H P O T A T O E S

Regulations Booklet

Introduction

To enhance the development and regulation of production and trade in Irish potatoes

The Crops Act 2014 Irish Potato Regulations 2019 were developed to functionalize/operationalize a mother Act of Parliament. In this case, the Crops (Irish Potato) regulations, 2019 were developed by Agriculture and Food Authority to operationalize the Crops Act, 2013. The regulations became effective in April, 2019 after being ascended to by the National Assembly Committee on Delegated Legislation.



Purpose of Regulations

The Crops (Irish Potato) Regulations, 2019 apply with respect to Irish potatoes produced and marketed in Kenya and imported or exported into and out of Kenya. The purpose of the Regulations is to guide the promotion, development and regulation of production and trade in Irish potatoes. The purpose of the Regulations is to provide for:

- Registration of growers, grower associations, dealers and Irish potato collection centres;
- Registration of processors, warehouses, importers and exporters of Irish potatoes;
- Quality assurance and marketing of Irish potatoes;
- Establishment and enforcement of standards in grading, sampling and inspection, tests and analysis, specifications, units of measurement, code of practice and packaging, preservation, conservation and transportation of crops to ensure health and proper trading;
- Packaging and sale of Irish potatoes; and
- Promotion of best practices in the Irish potato sub-sector.

About the Booklet

This booklet is compiled jointly by the Netherlands Development Organization (SNV) in collaboration with the Agricultural Council of Kenya (AGCK) in collaboration with Sustainable Agricultural Community Development Program (SACDEP), Agriculture and Food Authority (AFA) and County Governments are working to address policy framework and enforcement associated with food safety and loss at county and National government under the Voice for change partnership.

The simplified booklet outlines some of the key requirements stipulated in the regulations on registration of stakeholders, quality assurance, packaging, and marketing, requirements for transportation, crop inspectors and their mandate as well as penalties incurred as a result of non-compliance to the law. This booklet is not a replacement of the Crops Act Irish Potato regulations but a general information tool to understand the act as published. Users are encouraged to obtain a copy of the regulations for more information.



Acknowledgment

SNV and its program partners gratefully acknowledge the financial support of the Netherlands Government under DGIS strategic framework. SACDEP under the Voice for Change Partnership in collaboration with Agricultural Council of Kenya (AGCK) and National Potato Council of Kenya (NPCK) is working towards addressing issues of policy framework and enforcement associated with Post-Harvest Loss management at County and National level. We recognize the roles and responsibilities of the government ministries namely Ministry of Agriculture, Ministry of Health, Trade and respective County Governments various regulatory institutions — HCD (AFA) for working towards streamlining the Potato Value chain to ensure increased production, promotion of better markets and promotion of the Irish Potato.



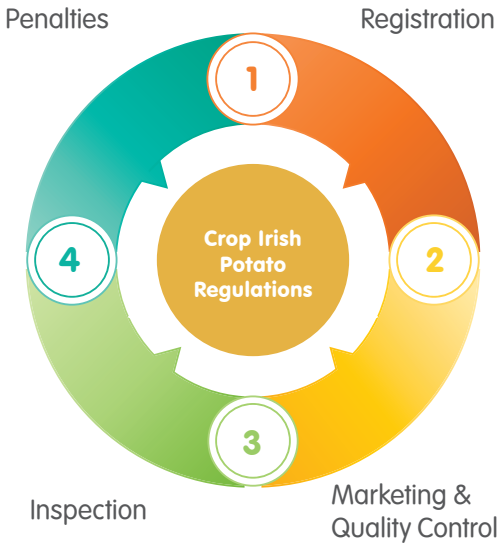
Table of Contents

	Page
1. Introduction	1
2. Purpose of Regulations	2
3. About the Booklet	3
4. Acknowledgment	4
5. Components of the regulations What are the regulations? Purpose of the regulations? When were they released? Who do they apply to?	7
6. Part I: Registration Who should register? Where to register? Registration Fees Issuance of Certificates	8
7. Part II: Quality Assurance, Packaging and Marketing Grading, Sorting Packaging of Irish Potatoes <ul style="list-style-type: none">• Weight	14

Table of Contents

	Page
<ul style="list-style-type: none">• Material Type• Labeling<ul style="list-style-type: none">TransportSale and Purchase of Irish Potatoes	
8. Part III: Crop Inspectors/Enforcement <ul style="list-style-type: none">Appointment of Inspectors	21
<ul style="list-style-type: none">• County• National-AFA<ul style="list-style-type: none">Mandate of Crop Inspectors	
9. Part IV: Penalties <ul style="list-style-type: none">Penalties for Non registrationPenalties for Non conformity to Packaging RequirementsPenalties for Non-compliance to Inspection	23
10. FAQs	25

Components of the Regulations



1

Registration



Registration

1.1 Who Registered?

Registration is required with the county government for the following:

- Growers
- Grower Associations:
- Processors;
- Marketing agents;
- Dealers;
- Collection centres: premises are registered and designated as a collection centre by the respective county government,
- Warehouses or stores.
- Small scale growers can also register with a grower's association or a collection centre but can only register with one grower association per parcel of land.

Points to Note:

- All the above register with either the county government
- Importers and Exporters must register and obtain a license from Agriculture and Food Authority (AFA).
- Every grower must register with county but may register with a growers association

Registration

1.2 Registration Fees

The registration fee are as follows:

Type of Registration	Annual Fee	Payable to
Registration of growers	500	County Government
Registration of Grower Associations, Collection Centres, Warehouses or Stores, marketing agents, dealers and processors	1,000	County Government
Importer License	50,000	AFA
Importer Permit	3% of total value of potatoes imported	AFA
Exporter License	20,000	AFA
Exporter Permit	0.5% of total value of potatoes exported	AFA

Registration

1.3 Issuance of Certificates/License

- County government shall issue the applicant (except individual growers) with a Certificate of Registration
- A growers' association shall issue a certificate of registration to its members.
- AFA shall issue a license to the registered importers and exporters
- Certificate of registration issued under these Regulations shall not be transferable



Registration

1.4 Penalties for Non Registration

Offence		Penalty
Failure by Growers Associations to registers with the county government	a.	A fine not exceeding 500,000 (Five hundred thousand) Kenya Shillings
	b.	A jail term not exceeding 1 year
	c.	Both A and B
Failure by Collection Centres, Warehouses or Stores, marketing agents, dealers and processors to registers with the county government	a.	A fine not exceeding 5,000,000 (five million) Kenya Shillings
	b.	A jail term not exceeding 3 years
	c.	Both A and B
Failure by importer and exporter to register with AFA	a.	A fine not exceeding 5,000,000 (five million) Kenya Shillings
	b.	A jail term not exceeding 3 years
	c.	Both A and B
Failure by importer and exporter to get an import/export permit from AFA	a.	A fine not exceeding 500,000 (Five hundred thousand) Kenya Shillings
	b.	A jail term not exceeding 1 year
	c.	Both A and B

2

Quality Assurance, Packaging & Marketing



Quality Assurance, Packaging & Marketing

2.1 Grading and Sorting:

- The management committee of the collection centres and dealers must ensure that the Potatoes will be graded based on shape and size ,variety, quality of produce for example maturity, free of physical damage or injury, discoloration, among other features.

2.2 Packaging

- The maximum weight for each single unit of package shall be 50Kgs determined by an approved weighing scale not by bag size or labeling
- Growers and dealers must ensure that the weight is determined using weighing scales approved by the County department responsible for Trade.



Quality Assurance, Packaging & Marketing

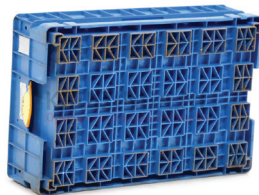
2.3 Packaging Material

- The management committee of the collection centres and dealers must ensure that Irish potatoes are packaged in clean material that allows for flow of air.
- Potatoes for commercial purposes will only be packaged in the following materials:
 - o Natural fibre sacks, Synthetic fibre sacks, Moulded plastic boxes, sawn wooden boxes, Paper or Plastic film sacks

Natural Fibre Sack



Moulded plastic box



Quality Assurance, Packaging & Marketing

2.3 Packaging Material

- o Natural fibre sacks ,Synthetic fibre sacks, Moulded plastic boxes, sawn wooden boxes, Paper or Plastic film sacks

sawn Wooden Box






Paper Sack



Quality Assurance, Packaging & Marketing

2.4 Labeling

- The potato collection centre committees and dealers must ensure that packaged Irish potato produce are labeled with the following details:
 - Variety, Date of harvest ,Name of Collection Centre, County of origin

PRODUCT OF COUNTRY	<input type="text"/>	SUPPLIER ID#	<input type="text"/>
PRODUCT OF COUNTRY	<input type="text"/>	CITY/STATE	<input type="text"/>
PACK/WEIGHT. GRADE	<input type="text"/>	OTHER REQUIRED INFO	<input type="text"/>
			PACK DATE JUN 25
COMMODITY/VARIETY			<input type="text"/>
 <small>01 7 1234 0373482 34 7821437 89 92 82143</small>			
 			
<div>43 61</div>			

Quality Assurance, Packaging & Marketing

2.5 Transport

- Irish potatoes for commercial purposes must be transported in natural and synthetic fibre sacks, moulded plastic boxes, sawn wooden boxes and paper or plastic film sacks
- A person transporting Irish potatoes shall ensure that the vessel used for transportation does not lead to damage or affect the quality of the potatoes



Quality Assurance, Packaging & Marketing

2.6 Sale and Purchase

- The unit of measurement for buying and selling of potatoes shall be in unit Kilogram (Kg)
- The selling and buying of Irish potatoes for commercial purposes must be done in collection centers and markets designated by the County Government.



3

Crop Inspectors



Crop Inspectors

There shall be Crop Inspectors appointed by Agriculture and Food Authority (AFA) and County Governments.

3.1 Roles of crop inspectors

- The Crop inspectors will monitor activities associated with Irish potato production, dealing, handling and processing to ensure compliance with the Regulations.
- Crop inspectors will in the course of their duties enter upon any land, premises, stop and enter into any vehicle, vessel used for storage or transportation of Irish potatoes for purposes of ascertaining that the weight and packaging conforms to the requirements of the Regulations.
- Crop Inspector will seize and detain Irish potatoes packaged or transported in a manner that is contrary to the regulations at the cost of the offender.

Monitor
Activities

Enter
Premises

Seize &
Detain

4

Penalties



Penalties

Offence	Penalty
Failure to use safe storage and disposal method and/or; Failure to use registered pest control product	Fine Not exceeding Ksh. 500,000 or Jail term not exceeding 1 year or Both
Exceeding the set weight limit (50kg) and/or; Using unapproved Weighing scale	Fine Not exceeding Ksh. 500,000 or Jail term not exceeding 1 year or Both
Failure to package Irish potatoes in approved packaging materials and/or; Failure to transport Irish potatoes in the prescribed manner	Fine Not exceeding Ksh. 500,000 or Jail term not exceeding 1 year or Both
Obstructing a Crop inspector from performing his duty	Fine Not exceeding Ksh. 2,000,000 or Jail term not exceeding 3 years or Both

Points to note

- Fine not exceeding 500,000 means that the fine is between Ksh.1 and Ksh. 500,000. The fine cannot be more than Ksh.500,000
- Jail term not exceeding 1 year means that the jail term would be between 1 day and 1 year. Jail term can be no more than 1 year
- A penalty that cites both would mean that an offender receives both jail term and a fine within the limits set per offence.



Frequently Asked Questions



Frequently Asked Questions

1. What is a growers association?

Any association or cooperative society, cooperative body, union or federation of potato growers or any other legal entity comprised of potato growers

2. Why do I as a farmer need to join a growers association?

Joining a cooperative will provide the farmer with an avenue to sell produce through collection centres and for purposes of data collection by the Government

3. What is a collection centre?

This is an area that will allow for buying, storage, packaging and pick up points for potato produce

4. Can a growers association manage a collection centre?

Yes, farmer cooperatives registered by the County Government can obtain a license to manage a collection centre with a management committee in place to manage the centre

Frequently Asked Questions

5. Who to contact for inquiries

Contact regional AFA offices or respective County Office in the department of Agriculture

6. Where do I register as a farmer?

Every farmer must register with the respective County office after which they may now register with a growers association or a collection centre,

7. What does a 50kg bag look like?

To determine the weight you must use an approved weighing scale to determine 50kg weight

8. Where do I buy or sell my produce from?

A collection centre is the designated area for the sale and purchase of potato produce

9. Can I pack below 50kgs?

Yes you can pack a unit of potato in less than 50kg provided the weight per unit package is not above 50kgs





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