

THE SUGAR ACT

(No. 10 of 2001)

IN EXERCISE of the powers conferred by section 33 of the Sugar Act, 2001, the Minister for Agriculture and Livestock Development, in consultation with the Board, makes the following Regulations:-

THE SUGAR (IMPORTS, EXPORTS AND BY-PRODUCTS)
REGULATIONS, 2003

1. These Regulations may be cited as the Sugar (Imports, Exports and By-Products) Regulations, 2003. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“certificate of registration” means a certificate issued by the Board in accordance with regulation 4;

“registered exporter” means a person who holds a certificate of registration issued by the Board to take or cause to be taken out of Kenya sugar and its by-products;

“registered importer” means a person who holds a certificate of registration issued by the Board to bring or cause to be brought into Kenya sugar and its by-products.

3. (1) Every person who imports or exports sugar or its by-products shall apply for a certificate of registration from the Board. Application for registration.

(2) An application for a certificate of registration for imports shall be in Form A as set out in the Schedule.

(3) An application for a certificate of registration for exports shall be in Form C as set out in the Schedule.

4. (1) Where the Board approves an application for registration under these Regulations, it shall on payment of a registration fee of ten thousand shillings register the applicant by entering the name and such other particulars as it may determine in the register maintained under regulation 5. Certificate of registration.

(2) The Board shall, upon registering an applicant under paragraph (1) issue to the applicant a certificate of registration in Form B or D as the case requires, in the Schedule to these Regulations.

(3) A certificate issued under these Regulations shall be subject to such conditions as the Board may, with the written approval of the Minister, impose.

(4) The certificate of registration shall last for one year and shall be renewable on payment of the fee prescribed in paragraph (1).

Register.

5. The Board shall maintain a register of all importers and exporters registered in accordance with these Regulations.

Estimates and allocations.

6. (1) The Board shall determine annually the amount of refined sugar required by manufacturers and other sugar intended for local consumption taking into account the shortfall in the domestic production.

(2) Pursuant to paragraph (1), the Board shall allocate quantities or invite tenders or offer for auction such quantities to be imported by registered importers.

(3) Every tender or auction under paragraph (2) shall be published in the Gazette and at least in two daily newspapers of national circulation and in any other manner as the Board may determine.

(4) Notwithstanding the provisions of paragraph (2), the Board may demand the quantities intended for tenders or auction be specified for the entire or part of the year in relation to Kenya's need.

Returns.

7. Every registered importer or exporter shall make returns to the Board in the manner prescribed in Forms E and F as the case may require, in the Schedule.

Offences.

8. (1) Any person who –

(a) imports or exports sugar or its by-products without a certificate of registration; or

(b) fails to make returns to the Board as required by these Regulations,

commits an offence and shall be liable on conviction to a fine not exceeding six thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

(2) The Board may cancel the certificate of registration of a person convicted of an offence under this regulation.

(3) A person whose certificate of registration has been cancelled may appeal against the decision to the Minister.

SCHEDULE

FORM A

(r.3 (2))

THE SUGAR ACT

(No. 10 of 2001)

APPLICATION FOR CERTIFICATE OF REGISTRATION

1. Name of applicant:
2. Address:
3. Telephone Number:
4. Physical Location:
5. Division:
6. District/Province:
7. L.R. No./Nos:
8. Names of Directors and addresses
Name/Address: Signature:
Name/Address: Signature:
Name/Address: Signature:
9. Warehouse Capacity: Metric Tonnes
Physical Address:
L.R. No.:
10. Previous Experience:
Quantity of sugar imported in the last 12 months.....(tonnes)
Type of sugar (specify)
Country of origin
CIF Value:
Dates of importation
Last registration number by the Board or its predecessor
11. Source of Sugar/Country of origin in respect of this application
.....

12. Intended use of sugar/by-products:
Human Consumption Industrial Manufacturing
..... Further processing Transit
13. Application is made for permission to import sugar in accordance with the particulars given above, which are hereby certified to be correct. The memorandum and articles of association and a copy of the most recent audited accounts of our company are attached.
14. I certify that the information given in this application is true and correct to the best of my belief.

Name of signatory:

Signature: Date:
(Applicant)

Decision of the Kenya Sugar Board: Approved/Not
Approved/Deferred at a meeting of the Board held on
..... (date)

Name:

Signature: Date:
Chief Executive
Kenya Sugar Board

FORM B

(r.4 (2))

THE SUGAR ACT

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CERTIFICATE OF REGISTRATION OF IMPORTERS

THIS IS TO CERTIFY THAT:

Name:

Address:

Physical Location:

Division:

District/ Province:

L.R. No./ Nos: Name of Building:

.....is/are
hereby registered as an importer of sugar and by-products.

Registration Certificate No.

Date:.....

*Chief Executive
Kenya Sugar Board*

Signature/Seal Stamp.

THE SUGAR ACT

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APPLICATION FOR REGISTRATION AS AN EXPORTER

1. Name of Applicant:
2. Postal Address:
3. Address of premises at which exports are to be carried out:.....
4. I/We hereby apply for registration as a sugar exporter in accordance with the terms of the regulations made under the Sugar Act, 2001.

Date:.....Signed:
(Applicant or his duly authorized Agent)

FORM D

(r.4(2))

THE SUGAR ACT
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CERTIFICATE OF REGISTRATION OF EXPORTERS

THIS IS TO CERTIFY THAT:

Name:

Address:

Physical Location:

Division:

District/ Province:

L.R. No./ Nos: Name of Building:

.....is/are
hereby registered as an exporter of sugar and by-products.

Registration Certificate No.

Date:.....

*Chief Executive
Kenya Sugar Board.*

Signature/Seal Stamp.

THE SUGAR ACT

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SUGAR IMPORTS RETURNS (CONFIDENTIAL)

1. Name of importer:
2. Address:
3. Details of sugar / by-products imports
 - (a) Port and Country of origin
 - (b) Manifest Numbers at Gazetted entry points
 - (c) Category of import Quantity
 - (d) C.I.F. value
4. Utilization of imports. Please give detailed breakdown of utilization under following categories: (If space is inadequate provide attachment)
 - (a) Direct human consumption (give a full list of purchasers, addresses, physical location and quantities purchased)
.....
.....
 - (b) Industrial manufacturing (specify type of products in which sugar was used and production returns for the period)
.....
 - (c) Raw sugar for processing (specify quality of raw sugar processed into mill white, refined sugar, brown sugar or other by-products. Also give a full list, addresses and physical locations of all the end users of the processed goods.).....
.....
 - (d) Transit sugar (provide full details of the quantities imported and exported including the dates of actual export at entry and exit points. Also attach copies of re-export certificates duly signed).....
.....
5. Full name and address of buyer and consignee.....
6. Name and address of warehouse where sugar can be inspected
.....
.....

7. Sugar short shipment if (any):

<i>Manifest Numbers</i>	<i>Invoice No.</i>	<i>Type</i>	<i>No. of Bags</i>	<i>Net Weight (kilograms)</i>
(a)
(b)
(c)
(d)
(e)

(If space provided is not adequate provide an attachment)

NB: Applicant to attach certificate copies of the following documents for verification:

- (a) Sale contract
- (b) Letter of credit / Telegraphic Transfer Documents
- (c) Commercial invoice
- (d) Brokers invoice; and
- (e) Sheet (where applicable)
- (f) Sugar Development Levy payment slip.

Full Names: Signature:

Date:

For official use:

**AUTHENTICATION BY
THE KENYA SUGAR BOARD**

..... Date:
SIGNATURE AND STAMP

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SUGAR EXPORTS RETURNS (CONFIDENTIAL)

1. Name of exporter
 2. Address:
 3. Physical Location:
 4. Business License of the Company:
 5. Certificate of registration by the Board:
 6. Category of sugar / by-product:
 7. Origin of sugar / by-product:
 8. Quantity of sugar intended for export:
 9. Ex-factory price:
 10. Mode of transport:
 11. FOB value of exports:
 12. Dates and quantities actually exported: Destination:.....
 13. Port of export / exit:
 14. Attach copies of certified export documents at exit points.
 15. I certify that the information provided is true and correct to my belief.
 16. (a) Sale contract number:
(b) Sale contract date:
(a) Unit price US\$/Stg. Pound.....
(b) Terms of payment
(c) Port and country of destination
 - (If space provided is not adequate provide an attachment)
 17. Full name and address of buyer
- NB: Applicant to attach certificate copies of the following documents for verification:

- (a) Sale contract
- (b) Letter of credit / Telegraphic Transfer Documents
- (c) Commercial invoice

Full Names: Signature

Date:

For official use:

AUTHENTICATION BY
THE KENYA SUGAR BOARD

..... Date:

SIGNATURE AND STAMP

Made on 9th April, 2003.

KIPRUTO ARAP KIRWA,
Minister for Agriculture and Livestock Development.