



LAWS OF KENYA



CANNING CROPS ACT

CHAPTER 328

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CHAPTER 328

CANNING CROPS ACT

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CHAPTER 328

CANNING CROPS ACT

[Date of assent: 2nd December, 1957.]

[Date of commencement: 9th April, 1958.]

An Act of Parliament relating to the advancement and control of the canning industry concerned in the canning of certain crops, and to provide for matters incidental thereto or connected therewith

[Act No. 27 of 1957, Act No. 45 of 1963, L.N. 2/1964, L.N. 236/1964, L.N. 256/1965, L.N. 95/1968, Act No. 17 of 2006.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Canning Crops Act.

2. Interpretation

In this Act, except where the context otherwise requires—

“**Board**” means the Canning Crops Board established by section 4;

“**can**” means pack in an airtight container by any means involving the application of heat, whether before, during or after the placing of the contents in the container;

“**canning factory**” means any structure or building used wholly or in part for the canning of any scheduled crop for the purpose of sale;

“**canning factories licence**” *deleted by Act No. 17 of 2006, s. 26;*

“**Director of Agriculture**” includes any person appointed by him to represent him for the purposes of this Act;

“**growers licence**” *deleted by Act No. 17 of 2006, s. 26;*

“**licensed scheduled crop**” *deleted by Act No. 17 of 2006, s. 26;*

“**scheduled crop**” means any fruit or vegetable for the time being specified in the Second Schedule to this Act, and the juice thereof or jam made, or oil extracted, therefrom;

“**scheduled crops canning industry**” means the industry connected with the canning, for the purpose of sale, of any scheduled crop.

[Act No. 17 of 2006, s. 26.]

3. Scheduled crops

(1) On the recommendation of the Board, the Minister, in consultation with the Minister for the time being responsible for Commerce and Industry, may, from time to time by order published in the *Gazette*, amend the Second Schedule to this Act by adding thereto or deleting therefrom any fruit or vegetable.

(2) Every order made under this section shall have force of law upon publication thereof, but shall be laid before the National Assembly on the first day

of the session thereof next after the making of such order, and the Assembly may before the conclusion of such session resolve that such order shall cease to have effect, whereupon such order shall be deemed to have been revoked.

(3) For the purposes of subsection (2) of this section, “**session**” has the meaning for the time being assigned to it by the Standing Orders of the National Assembly.

[L.N. 236/1964, Sch.]

PART II – THE CANNING CROPS BOARD AND CONSULTATIVE COMMITTEES

4. Establishment and constitution of the Board

(1) There is hereby established a Board to be known as the Canning Crops Board.

(2) The constitution of the Board and the regulations and conduct of affairs and business of the Board shall be as provided for in the First Schedule.

5. Incorporation and common seal of the Board

The Board shall be a body corporate having perpetual succession and a common seal, and may in its corporate name sue and be sued and may, for and in connexion with the purposes of this Act, purchase, hold, manage and dispose of land and other property, and enter into such contracts as it may consider to be necessary or expedient.

6. Appointment and functions of consultative committees

(1) The Minister shall, after consultations with the Board, by notice in the *Gazette*, appoint, for each scheduled crop, a consultative committee consisting of such one or more persons who grow that scheduled crop and such one or more persons who can that scheduled crop, as he thinks fit.

(2) The functions of the consultative committee shall be to advise the Board on all matters concerning the scheduled crop for which such committee is appointed.

(3) The Board may from time to time make standing orders providing for the regulation and conduct of affairs and business of any consultative committee.

7. Functions and powers of the Board

(1) It shall be the duty of the Board in the exercise of its powers and in the performance of its functions to act in such manner as appears to it best calculated to promote the scheduled crops canning industry.

(1A) In the exercise of its powers and in the performance of its functions under this Act, the Board shall act in accordance with any general or special directions that may be given to it by the Minister.

(2) Subject to the provisions of this Act, the functions and powers of the Board shall include the carrying out of all activities and the doing of all such things as are necessary, advantageous, proper or for the benefit of growers of scheduled crops for sale for canning purposes and for the benefit of the scheduled crops canning industry and, in particular, shall include—

- (a) *deleted by Act No. 17 of 2006, s. 27;*

- (b) the inspection of canning factories;
- (c) the promotion and undertaking of technical and scientific research or investigation into all matters relating to any scheduled crop or the scheduled crops canning industry; and
- (d) subject to the provisions of subsection (3), the fixing, from time to time, of the price to be paid for any scheduled crop or variety thereof or any grade of any scheduled crop or variety thereof sold for canning purposes.

(3) No price shall be fixed by the Board under paragraph (d) of subsection (2) of this section for any scheduled crop or variety thereof or any grade of any scheduled crop or variety thereof except—

- (a) after consultation with the consultative committee appointed for that crop; and
- (b) with the approval of the Minister, which approval shall be notified in the *Gazette*,

and every price fixed as aforesaid shall take effect as from such date as may be specified in the notice.

(4) In the exercise of its powers and in the performance of its functions the Board may refer any matter concerning any scheduled crop to the consultative committee appointed for such crop, for the consideration and recommendation of such committee thereon; and the Board shall receive and consider any recommendation advanced by any consultative committee appointed under this Act, but shall not be bound by such recommendation.

[Act No. 45 of 1963, s. 2, Act No. 17 of 2006, s. 27.]

PART III – CONTROL OF SCHEDULED CROPS

8. Deleted by Act No. 17 of 2006, s. 28.

9. Deleted by Act No. 17 of 2006, s. 29.

10. Deleted by Act No. 17 of 2006, s. 30.

11. Deleted by Act No. 17 of 2006, s. 31.

12. Deleted by Act No. 17 of 2006, s. 32.

13. Deleted by Act No. 17 of 2006, s. 33.

14. Deleted by Act No. 17 of 2006, s. 34.

15. Inspection of land and buildings

(1) It shall be lawful for any officer of the Department of Agriculture, or, where no such officer is available for the purpose, any person authorized in writing by the Board so to do on production of such written authority, to enter and inspect at all reasonable times any land where a scheduled crop has been, is or is about to be grown, or on which he has reason to believe any scheduled crop has been, or is, about to be, grown or cultivated for sale for canning purposes, or any building in which he has reason to believe any scheduled crop has been, or is, stored prior to being sold for canning purposes.

(2) The proprietor, lessee or occupier of such land or building shall give all reasonable facilities and information to such officer or authorized person.

(3) Any person who obstructs or hinders any person in the exercise of his powers under this section shall be guilty of an offence against this Act.

[Act No. 17 of 2006, s. 35.]

16. *Deleted by Act No. 17 of 2006, s. 36.*

17. Control of purchasing of scheduled crops

It shall be an offence against this Act for the operator of any canning factory, without the prior consent in writing of the Board—

- (a) to purchase for canning or can any unlicensed scheduled crop for the purpose of sale;
- (b) *Deleted by Act No. 17 of 2006, s. 37.*
- (c) *Deleted by Act No. 17 of 2006, s. 37.*
- (d) *Deleted by Act No. 17 of 2006, s. 37.*

18. Price of scheduled crops or grades

(1) Where the Board has, in accordance with the provisions of section 7, fixed a price to be paid for any scheduled crop or variety thereof or grade of any scheduled crop or variety thereof, no person shall sell to the operator of any canning factory for canning purposes, and the operator of a canning factory shall not purchase for canning, any such crop or variety thereof or any such grade of crop or variety thereof except at such price.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

PART IV – CONTROL OF CANNING FACTORIES

19. *Deleted by No. 17 of 2006, s. 38.*

20. *Deleted by No. 17 of 2006, s. 39.*

21. *Deleted by No. 17 of 2006, s. 40.*

22. *Deleted by No. 17 of 2006, s. 41.*

23. *Deleted by No. 17 of 2006, s. 42.*

24. Inspection of canning factories

(1) It shall be lawful for any person authorized in writing by the Board so to do either generally or in any specific case, on production of such written authority, to enter and inspect at all reasonable times any canning factory or any structure or building in respect of which such person has reason to believe that any scheduled crop has or is being canned thereat for the purpose of sale; and such person may take such samples of raw or canned produce as he deems necessary, and may seize and detain any plant, machinery or implement which there are reasonable grounds to suppose has been or is being used for the purpose of canning any scheduled crop in contravention of any of the provisions of this Act or any rules made thereunder.

(2) The operator of such canning factory shall give all reasonable facilities and information to such authorized person.

(3) Any person who obstructs or hinders any person in the exercise of his powers under this section shall be guilty of an offence.

[Act No. 17 of 2006, s. 43.]

PART V – FINANCES

25. Imposition of cess on scheduled crops sold for canning

(1) The Board may from time to time, with the approval of the Minister, by notice in the *Gazette*, impose a cess on any scheduled crop sold for the purposes of canning.

(2) Any cess imposed under this section shall be payable to the Board or its agents in that behalf by the person who sells the scheduled crop to the operator of the canning factory at which it is or will be canned, and shall be paid in such manner and within such time as the Board may direct, and may be recovered by the Board as a civil debt recoverable summarily.

26. Imposition of cess on canned scheduled crops

(1) The Board may from time to time, with the approval of the Minister, by notice in the *Gazette*, impose a cess on any scheduled crop canned for the purpose of sale.

(2) Any cess imposed under this section shall be payable to the Board by the person who operates the canning factory at which the scheduled crop was canned and shall be paid on or before such date or dates in each year as may be specified in the notice imposing the cess, and shall be a civil debt recoverable summarily.

27. The Scheduled Crops Fund

(1) The Board shall establish a fund, to be known as the Scheduled Crops Fund, into which it shall pay—

- (a) Deleted by Act No. 17 of 2006, s. 44;
- (b) such sums as the Board may from time to time receive by way of cess imposed under sections 25 and 26 of this Act; and
- (c) such other sums as the Board may from time to time receive under the provisions of this Act.

(2) The Board may open a banking account or banking accounts with any bank approved by the Minister.

[Act No. 17 of 2006, s. 44.]

28. Use of Fund

All moneys comprised in the Scheduled Crops Fund may, in the discretion of the Board, be utilized for or in connexion with the exercise of its powers and the performance and discharge of its functions and duties under this Act and, in particular—

- (a) to subsidize the growers and persons operating canning factories if in the opinion of the Board circumstances require such subsidy;

- (b) for the payment of such remuneration and travelling and other expenses to members, officers, agents and employees of the Board as are lawfully payable under this Act;
- (c) for the payment of travelling and other expenses of public officers incurred in the carrying out of any extraordinary duties at the express request of the Board;
- (d) for the payment of the expenses of and incidental to the audit of the Board's accounts.

[Act No. 17 of 2006, s. 45.]

29. Power to borrow money

The Board, with the approval of the Minister, may from time to time borrow, whether by way of overdraft from a bank or otherwise, such sums of money for or in connexion with the exercise of its functions, powers and duties under this Act and for the purposes of this Act as may be necessary.

30. Power to invest

The Board may from time to time invest sums standing to the credit of the Board and which are not immediately required for any of the purposes of this Act in securities or any form of property in which trustees are authorized by law to invest or in such other securities as may be approved by the Treasury, and may from time to time sell or vary all or any of such securities or property.

31. Books of accounts

The Board shall cause to be kept proper books of account and other books in relation thereto and to all its undertakings, funds, activities and property, and shall prepare such other accounts as the Minister may require and, in addition, yearly balance sheets made up to the end of its financial year, showing in detail the assets and liabilities of the Board.

32. Audit of accounts

(1) The Minister shall appoint one or more persons, being qualified accountants (herein referred to as "the auditors"), who shall annually examine, audit and report upon the accounts of the Board.

(2) The Board shall produce and lay before the auditors all books and accounts of the Board, with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the auditors shall be entitled to require from, all members, officers, agents and employees of the Board such information and explanation as may be necessary for the performance of their duties as auditors.

(3) The expenses of and incidental to the audit shall be paid by the Board.

(4) The Board shall, within a period of seven months after the end of its financial year or within such longer period as the Minister may approve, submit to the Minister a report of its operations during such year, and the auditor's report, together with the yearly balance sheets and such other statements of account as the Minister shall require; and the Board shall, if the Minister so requires, publish them in such manner as the Minister may specify.

PART VI – GENERAL

33. Returns

(1) The Board may, by notice in writing, require the holder or a grower of a scheduled crop or any person who operates a factory to render, within a time specified in such notice, to the Board, a return in the prescribed form giving such details as may be prescribed.

(2) Any person who, having been required pursuant to subsection (1) of this section to render a return to the Board, fails so to do within the time specified in the notice requiring such return or who knowingly gives false information on any such return shall be guilty of an offence against this Act.

[Act No. 17 of 2006, s. 46.]

34. Rules

The Board may, with the approval of the Minister, make rules generally for the better carrying out of the purposes and provisions of this Act and, in particular, may make rules for any of the following purposes—

- (a) prescribing the standard grades for, and the method of and procedure for the grading of, and the conditions to be fulfilled in respect of the grading of, any licensed scheduled crop intended to be canned for the purpose of sale or any canned scheduled crop intended for sale;
- (b) providing for the inspection, weighing and measuring of any licensed scheduled crop;
- (c) prescribing the services which the Board may render to growers or canners of licensed scheduled crops and the charges to be made therefor;
- (d) regulating the manner of delivery of any scheduled crop or variety of any scheduled crop to the canning factory;
- (e) regulating and controlling the processing and canning, for sale, of any scheduled crop or variety of any scheduled crop;
- (f) *deleted by Act No. 17 of 2006, s. 47;*
- (g) prescribing the procedure for appeals made to the Minister under this Act or any rules made thereunder;
- (h) prescribing anything which may be prescribed under this Act;
- (i) prescribing penalties which may be imposed by the Court for contravention of any rule made under this section, but no such penalties shall exceed the penalties provided by section 35 of this Act.

[L.N. 236/1964, Sch., Act No. 17 of 2006, s. 47.]

35. Penalties

Any person who is guilty of an offence under this Act shall be liable to a fine not exceeding one thousand shillings or, in default of payment thereof, to imprisonment for a term not exceeding one month, and the Court which convicts any such person may, in addition, order that any plant, machinery or implement, seized and detained under section 24 of this Act, shall be forfeited.

FIRST SCHEDULE

[Section 4, L.N. 236/1964, Sch., L.N. 95/1968, s. 2.]

PART I – CONSTITUTION AND MEMBERSHIP OF THE BOARD

1. Membership of the Board

The Board shall consist of the following members:

- (a) the Director of Agriculture or his representative;
- (b) ten members, appointed by the Minister, of whom—
 - (i) one shall have been nominated by the Minister for the time being responsible for Commerce and Industry to represent his Ministry;
 - (ii) two shall have been nominated by the Minister, of whom one shall be the representative of the manufacturers of cans;
 - (iii) four shall be appointed to represent the interests of growers of scheduled crops after consultation with such persons as appear to the Minister to represent the aforesaid interests; and
 - (iv) three, to represent the interests of the canning industry, shall be appointed after consultation with such persons as appear to the Minister to represent the aforesaid interests.

2. Members' remuneration and expenses

The Board may pay to its members other than *ex officio* members such remuneration for their services as may from time to time be authorized by the Minister, and may, in its discretion, pay such travelling and other expenses as may have reasonably been incurred by a member by reason of his office.

PART II – MEETINGS AND PROCEEDINGS OF THE BOARD

3. Chairman and vice-chairman

(1) The Minister shall, from amongst the members of the Board appointed under subparagraph (b) of paragraph 1, appoint a Chairman and Vice-Chairman.

(2) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Board, and where the Vice-Chairman presides he shall with respect to that meeting and any business transacted thereat have all the powers of, and be deemed to be, the Chairman of the Board under this Act.

4. Meetings of the Board

(1) The Board shall hold ordinary meetings as and when necessary, but so that not less than four ordinary meetings are held in every year.

(2) Ordinary meetings of the Board shall be convened by the chairman.

(3) The chairman shall at any time be bound to convene a special meeting of the Board upon receipt of a requisition signed by at least two members calling upon him so to do, and such special meeting shall be held not later than one month after receipt of such requisition.

(4) At any meeting of the Board the chairman shall have a casting as well as a deliberative vote; subject thereto, the decision of the majority of the members present and voting at any meeting of the Board shall be deemed to be the decision of the Board.

(5) At any meeting of the Board the chairman or vice-chairman and four other members of the Board shall form a quorum.

(6) The Board may from time to time make standing orders providing for the regulation of—

- (a) the meetings of the Board;
- (b) the conduct of its business and other operations in carrying out its functions;
- (c) the duties of its officers.

5. Authentication of common seal

The common seal of the Board shall be authenticated by the signature of the chairman of the Board or of some other member authorized by the Board to act in that behalf, and shall not be placed on any document without the consent of the Board.

6. Authentication of documents

All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman or such other person as the Board may authorize in that behalf.

PART III – OFFICERS OF THE BOARD

7. Staff

The Board may—

- (a) appoint at such remuneration as it may think fit a secretary and a treasurer of the Board, who shall perform such duties as the Board may determine;
- (b) subject to the approval of the Minister, from time to time appoint at such remuneration and upon such terms and conditions as it may think fit such other officers, agents and employees as it may deem necessary for the proper and efficient conduct of the business and operations of the Board, and may from time to time terminate any such appointment.

SECOND SCHEDULE

[Section 2 and 3, L.N. 256/1965, s. 2.]

- 1. Pineapple.
 - 2. Passion fruit.
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CHAPTER 328

CANNING CROPS ACT

SUBSIDIARY LEGISLATION

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CANNING CROPS (PINEAPPLES) RULES

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PART II – GRADING OF RAW PINEAPPLES

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3. Pineapples to be delivered graded.
4. No pineapples to be canned unless consignment graded.
5. Grades of pineapples.
6. Requirements as to quality under section 17 of the Act.
7. Operator of canning factory not to purchase or can undergrade pineapples.
8. Inspector may open pineapples.
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PART III – CANNED PINEAPPLE PRODUCTS

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SCHEDULE – APPLICATION FOR PINEAPPLE GROWER'S LICENCE

CANNING CROPS (PINEAPPLES) RULES, 1958

[L.N. 362/1958, L.N. 260/1964.]

RULES UNDER SECTION 34

PART I – PRELIMINARY

1. Citation

These Rules may be cited as the Canning Crops (Pineapples) Rules, 1958.

PART II – GRADING OF RAW PINEAPPLES

2. Interpretation

In this Part, except where the context otherwise requires—

“**clean**” means free from pest or insect infestation, excessive dirt, spray residue or other foreign matter;

“**inspector**” means a person appointed by the Board to be an inspector for the purposes of these Rules;

“**mature**”, in relation to a pineapple, means that such pineapple possesses an appreciable degree of yellow coloration in its flesh;

“**over-mature**”, in relation to a pineapple, means a pineapple in which fermentation has commenced or in which the tissues thereof have lost resistance to commercial handling;

“**well-formed**”, in relation to a pineapple, means a pineapple of normal shape which does not taper markedly towards the crown thereof and the core of which does not anywhere measure more than 1¼ inches in diameter.

3. Pineapples to be delivered graded

All pineapples intended for canning shall be delivered to the canning factory at which it is intended to can them, graded in accordance with this Part by the grower, or by the trader or society which sells the pineapples to the canning factory.

4. No pineapples to be canned unless consignment graded

(1) No pineapple shall be canned unless its consignment has been graded in accordance with this Part.

(2) The operator of any canning factory at which any pineapple is canned in contravention of this Rule shall be guilty of an offence.

5. Grades of pineapples

(1) There shall be four grades of pineapples, known respectively as Grade I, Grade II, Grade III and Undergrade.

(2) A consignment of pineapples shall be graded as Grade I if—

- (a) each pineapple is not less than 5 inches in diameter; and
- (b) each pineapple is not less than 6 inches in length; and
- (c) at least 95 per cent by count of the pineapples in the consignment are well-formed, clean, freshly harvested, mature (but not over-mature) and free from harmful bruising.

[Subsidiary]

(3) A consignment of pineapples which does not satisfy the requirements of paragraph (2) shall be graded as Grade II if—

- (a) each pineapple is not less than 4¼ inches in diameter; and
- (b) each pineapple is not less than 5¼ inches in length; and
- (c) at least 90 percent by count of the pineapples in the consignment are well-formed, clean, freshly harvested, mature (but not over-mature) and free from harmful bruising.

(4) A consignment of pineapples which does not satisfy the requirements of paragraph (2) or (3) shall be graded as Grade III if—

- (a) each pineapple is not less than 3½ inches in diameter; and
- (b) each pineapple is not less than 4½ inches in length; and
- (c) at least 90 percent by count of the pineapples in the consignment are well-formed, clean, freshly harvested and mature (but not over-mature) and free from harmful bruising.

(5) A consignment of pineapples which does not satisfy the requirements of paragraph (2), (3) or (4) shall be graded as undergrade.

(6) For the purposes of paragraphs (2), (3) and (4), a pineapple shall be deemed to be not less than 5 inches, 4½ inches or 3½ inches in diameter if it is incapable of passing without bruising through a metal ring the internal diameter of which is 5 inches, 4¼ inches or 3½ inches, as the case may be.

6. Requirements as to quality under section 17 of the Act

The requirements as to quality referred to in paragraph (d) of section 17 of the Act are, in the case of pineapples, that they shall to be either Grade I or Grade II.

7. Operator of canning factory not to purchase or can undergrade pineapples

(1) The operator of any canning factory shall not purchase for canning or can any undergrade pineapples.

(2) The operator of any canning factory who purchases for canning or cans any undergrade pineapples shall be guilty of an offence.

8. Inspector may open pineapples

For the purpose of grading an inspector shall have power to open such number of pineapples in a consignment as may be necessary to form an opinion of the internal quality of the pineapples in the consignment.

9. Inspector may direct removal of undergrade or Grade III pineapples

(1) The inspector grading any pineapples may direct the grower to remove from the place of inspection any undergrade pineapples or Grade III pineapples which the operator of the canning factory specified in the pineapple grower's licence under which the pineapples were grown has declined to purchase, and in default of such removal the inspector may himself, at the cost of the grower, remove such pineapples or cause such pineapples to be removed.

(2) The cost of such removal shall be a civil debt recoverable summarily.

PART III – CANNED PINEAPPLE PRODUCTS**10. Application of this Part**

This Part shall apply only to—

- (1) canned pineapple rings or slices;

- (2) canned pineapples tidbits or pieces;
- (3) canned pineapple crush; and
- (4) canned pineapple juice,

packed in cans of suitable size for retail sale, as opposed to such products packed in cans of a suitable size for sale for the commercial preparation of food and other industrial purposes.

11. Interpretation

In this Part,

“**drained weight**” means the weight of the residual contents of a can ascertained after draining for two minutes in an eighth-inch mesh sieve.

12. Requirements in canning of pineapples rings and slices

(1) In all canning of pineapple rings and slices the following requirements shall be satisfied—

- (a) only pineapples of similar varietal characteristics shall be canned in the same can;
- (b) a vacuum of not less than five inches of mercury, calculated at 75° F. and thirty inches of barometric pressure, shall be maintained in the can for thirty days after the date of manufacturing;
- (c) the pineapples shall be of good pineapple flavour and shall be untainted;
- (d) each container shall be filled to the extent of not less than 90 per cent of its capacity;
- (e) each ring or slice shall be cleanly cut at approximately right angles to the vertical axis of the pineapple;
- (f) the rings or slices shall be uniform diameter and thickness;;
- (g) the drained weight of the rings or slices in any can shall not be less than 55 per cent of the net weight of the contents of the can as declared on the label.

(2) Canned pineapple rings or slices shall not be classified or described as “Standard Grade” unless each can has a sugar-syrup content which cuts out at not less than 17° brix:

Provided that any can may have a lower sugar-syrup brix if such lower brix is declared on the label of the can.

(3) Canned pineapple rings or slices shall not be classified or described as “Choice Grade” unless the following further requirements are satisfied—

- (a) each can shall have a sugar-syrup content which cuts out at not less than 20° brix;
- (b) no can containing nine or fewer units shall include more than one unit, and no can containing ten or more units shall include more than 10 per cent by count of the units, which—
 - (i) are broken; or
 - (ii) contain an eye of hard tissue of more than $\frac{1}{32}$ inches in diameter; or
 - (iii) contain an eye of core flesh extending more than $\frac{1}{16}$ inches into the ring or slice at any point; or
 - (iv) are white in colour or blemished in any respect.

(4) Canned pineapple rings or slices shall not be classified or described as “Fancy Grade” unless the following further requirements are satisfied—

- (a) each can shall have a sugar-syrup content which cuts out at not less than 24° brix;

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- (b) no can containing nine or fewer units shall include more than one unit, and no can containing ten or more units shall include more than 10 per cent by count of units, which—
- (i) are broken; or
 - (ii) contain an eye of hard tissue of more than 1/32 inches in diameter; or
 - (iii) contain an eye of core flesh extending more than 1/16 inches into the ring or slice at any point; or
 - (iv) are white in colour or blemished in any respect.

(5) Where pineapple rings or slices are canned in contravention of any of the requirements of this Rule, the operator of the canning factory at which such pineapple rings or slices were canned shall be guilty of an offence.

(6) Where pineapple rings or slices are classified or described in contravention of the requirement of this Rule the person so classifying or describing them shall be guilty of an offence.

13. Requirements in canning of pineapple titbits and pieces

(1) In all canning of pineapple titbits and pieces the following requirements shall be satisfied—

- (a) only pineapples of similar varietal characteristics shall be canned in the same can;
- (b) a vacuum of not less than five inches of mercury, calculated at 75° F. and thirty inches of barometric pressure, shall be maintained in the can for thirty days after the date of manufacturing;
- (c) the pineapples shall be of good pineapple flavour and shall be untainted;
- (d) each container shall be filled to the extent of not less than 90 per cent of its capacity;
- (e) the drained weight shall be not less than 55 per cent of the net weight of the contents of the can as described on the label.

(2) Canned pineapple titbits or pieces shall not be classified or described as “Standard Grade” unless each can contains a sugar-syrup content which cuts out at not less than 17° brix:

Provided that any can may have a lower sugar-syrup brix if such lower brix is declared on the label of the can.

(3) Canned pineapple titbits or pieces shall not be classified or described as “Choice Grade” unless the following further requirements are satisfied—

- (a) each can shall have a sugar-syrup of less than 20° brix;
- (b) no can shall contain more than 10 per cent by weight of the drained weight of the pineapple which is—
 - (i) white in colour; or
 - (ii) blemished in any other respect.

(4) Where pineapple titbits or pieces are canned in contravention of this Rule, the operator of the canning factory at which such pineapple titbits or pieces were canned shall be guilty of an offence.

(5) Where pineapple titbits or pieces are classified or described in contravention of any of the requirements of this Rule, the person so classifying or describing them shall be guilty of an offence.

14. Requirements for pineapples crush

(1) Pineapple crush shall consist of finely cut or disintegrated pineapple flesh, which, when canned—

- (a) does not contain blemished pineapple flesh in excess of ¼ per cent by weight of the drained weight of the pineapple crush; and
- (b) contains a drained weight of not less than 65 per cent of the net weight of the contents of the can as declared on the label.

(2) Where pineapple crush which does not satisfy the requirements of this Rule is canned, the operator of the canning factory at which it is canned shall be guilty of an offence.

15. Requirements for canned pineapple juice

(1) Canned pineapple juice shall—

- (a) be of good colour;
- (b) be of a pure pineapple juice content which cuts out at not less than 12° brix; and
- (c) contain not more than 15 per cent by volume of suspended solids as determined by centrifuging for three minutes at 3,000 revolutions per minute.

(2) Where pineapple juice which does not satisfy the requirements of this Rule is canned, the operator of the canning factory at which it is canned shall be guilty of an offence.

16. Requirements for sugar

(1) Where sugar is used in the processing or preparation of pineapple or pineapple product for canning, it shall—

- (a) be clean and of good quality;
- (b) possess a sucrose content of at least 99.5 per cent;
- (c) be free from trace metallic contamination or other contamination; and
- (d) not possess a sulphur dioxide content of more than five parts per million.

(2) Where sugar which does not satisfy the requirements of this Rule is used in the processing or preparation of pineapple or pineapple product for canning, the operator of the canning factory at which such processing or preparation is carried out shall be guilty of an offence.

PART IV – LICENCES AND FEES**17. Pineapple grower's licence**

(1) Every application for a pineapple grower's licence under section 9 (now deleted) of the Act shall be in Form 1 in the Schedule to these Rules.

(2) Every pineapple grower's licence issued under sections 10 (now deleted) and 11 (now deleted) of the Act shall be in Form 2 in the Schedule to these Rules.

(3) Every such licence shall expire on the 31st December next after the date of its issue.

(4) In respect of each new area for which a licence to plant is granted, the grower shall be entitled as of right to licences for two further years.

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(5) Thereafter the grower may at the Board's discretion be granted three further successive annual licences.

(6) Thereafter, that is to say at the end of the sixth year, no further licences shall be granted in respect of the same planting.

18. Pineapples canning factories licences

(1) Every application for a pineapple canning factory licence made under section 20 of the Act shall be in Form 3 in the Schedule to these Rules.

(2) Every pineapple canning factory licence issued under sections 20 and 21 of the Act shall be in Form 4 in the Schedule to these Rules; and shall, unless sooner cancelled, expire on the 31st December next after the date of its issue.

(3) A person who is granted a pineapple canning factory licence for the first time shall be entitled as of right to licences for two further years.

18A. (1) Every pineapple delivery permit issued under section 16 of the Act shall be in Form No. 5 in the Schedule to these Rules.

(2) Every such permit shall expire on the 31st December next after the date of its issue.

[L.N. 260/1964, s. 2.]

19. Fees for pineapple grower's licences

(1) The annual fee payable for the issue of a pineapple grower's licence shall be ten shillings.

(2) The fee payable for the transfer of a pineapple grower's licence shall be ten shillings.

[L.N. 260/1964, s. 3.]

20. Fees for pineapple canning factories licences

The annual fee payable for the issue of a pineapple canning factory licence shall be five hundred shillings.

PART V – PENALTIES

21. Penalties

Any person who commits an offence under these Rules shall be liable to a fine not exceeding one thousand shillings or, in default of payment thereof, to imprisonment for a term not exceeding one month.

SCHEDULE

Form 1

[Rule 17, L.N. 260/1964, s. 4.]

APPLICATION FOR PINEAPPLE GROWER'S LICENCE

- 1. Name
- 2. State whether individual, association, co-operative society company or partnership
- 3. Number of members
- 4. Location (or district and L.R. No.)

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SCHEDULE, Form 1—continued

- 5. Altitude
- 6. Total acreage under pineapple

RECORD OF PLANTINGS

(To be completed only by estates or farmers with more than five acres under pineapple who are licensed individually)

Year	20	20	20	20	20	20	20	20
No. of plants								

Date

Signature of manager or group leader

REVERSE SIDE OF FORM 1

DETAILS OF MEMBERSHIP

(To be filled in by representatives of co-operative societies or associations)

Name of Member	Acreage Planted								Total
	20	20	20	20	20	20	20	20	

Date

Signature and status of representative

Form 2

[Rule 17, L.N. 260/1964, s. 4.]

PINEAPPLE GROWER'S LICENCE

- 1. Name
- 2. State whether individual, association, co-operative society, company, or partnership
- 3. Number of members

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SCHEDULE, Form 2—continued

- 4. Location (or district and L.R. No.)
 - 5. Sub-location
- Quota of pineapple (by weight) which may be dispatched to any processing plant during the years—

	<i>Total Quota 1st half of year</i>	<i>Total Quota 2nd half of year</i>
20 (from date of issue)		
20 (whole year)		
20 (whole year)		
20 (whole year)		
20 (whole year)		

Deliveries during each week will be in accordance with daily allocation given by the Canning Crops Board through its officers, but will not exceed 10 per cent of the current half-year quota.

Date
Signature of licensing officer

Date
Signature of Director of Agriculture

Form 3

(Rule 18)

Serial No.

APPLICATION FOR CANNING FACTORIES LICENCE

Full name of applicant

Postal address

Location of premises

When was the canning factory established?

Names, qualifications and experience of technical staff—

.....

Capacity of existing plant and machinery per 8-hour day:
 tons of raw pineapple.

Quantity for which application is made
 tons of raw fruit to be canned in the year 20

SCHEDULE, Form 3—continued

Actual production in each of the past three years—

20 tons of raw fruit.
20 tons of raw fruit.
20 tons of raw fruit.

Has a licence for the premises been issued under the Public Health (Manufacture, Preparation, Packing and Re-packing of Food) Rules (Cap. 242, Subsidiary Legislation)?

Date

Signature of Applicant

Note.—Consideration of this application will be conditional on inspection of the premises by authorized officers, who must satisfy the Board that the applicant is capable of complying with the standards of canned fruit quality as laid down in Part III of the Canning Crops (Pineapples) Rules, and of operating such methods of quality control within the canning factory as the Board may from time to time prescribe. The Board may require the personal attendance of the applicant for interview before granting a licence.

Form 4

(Rule 18(2))

Serial No.

CANNING FACTORIES LICENCE

..... [Name]

of [Postal address]

is hereby licensed to can pineapples in a canning factory situated at

..... [Location] subject to the conditions on the reverse of this licence.

Table with 4 columns: Licence No., Name of holder, Maximum tonnage of Grades I and/or II raw fruit which the licensed canner can be required to purchase, Maximum tonnage of Grade III fruit which the licensed canner may purchase in addition to Grades I and II.

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SCHEDULE—continued

This licence expires on the 31st December, 20

Date, 20

FEE: KSh.

.....
Authorized Officer,
Canning Crops Board.

.....
Director of Agriculture.

If necessary, entries may be continued on additional sheets attached to this application.

(Reverse)

CONDITIONS—

.....
Authorized Officer,
Canning Crops Board

.....
Director of Agriculture

Form 5

[Rule 18A, L.N. 260/1964, s. 4.]

PINEAPPLE DELIVERY PERMIT

- 1. Name of consignor
2. Address
3. Number of vehicles owned
4. Area of operation
5. Association or farmers represented by trader

Table with 4 columns: Name, Licence No., Name, Licence No. and 4 empty rows.

Total tonnage of associations or farmers represented

Date

Signature of licensing officer

PRICES FIXED UNDER SECTION 7

[L.N. 514/1962, L.N. 203/1966.]

The following prices to be paid for pineapples sold for canning purposes have been fixed under section 7(2), after consultation with Pineapple Consultative Committee and with the approval of the Minister under section 7(3)—

- (1) a basic price in the field—
 - (a) for Grade I, of 7½ cents per lb.;
 - (b) for Grade II, of 5 cents per lb.; and
 - (c) for Grade III, of 1 cents per lb.; and
- (2) where the seller delivers the pineapple, by road to the cannery, an increase on the basic price aforesaid as follows—
 - (a) where the pineapples are delivered from a place 12 miles or less from Thika township—
 - (i) to the Thika factory, an increase of ½ cent per lb.;
 - (ii) to the Machakos factory, an increase of 2½ cents per lb.;
 - (b) where the pineapples are delivered from a place more than 12 miles from Thika township—
 - (i) to the Thika factory, an increase of 1 cent per lb.;
 - (ii) to the Machakos factory, an increase of 3 cents per lb.

The following price to be paid for passion fruit sold for canning purposes has been fixed under section 7(2), after consultation with the Passion Fruit Consultative Committee and with the approval of the Minister—

Per lb. of fresh fruit 10¹/₃ cents.

CESS IMPOSED UNDER SECTION 25

[L.N. 527/1960, L.N. 9/1966, L.N. 168/1966, L.N. 271/1967.]

A cess of two shillings and seventy-five cents on each ton of pineapple delivered to any of the following licensed operators of canning factories—

- Kenya Cannery Ltd., Thika;
- Kenya Orchards Ltd., Machakos;
- Trufoods Ltd., Nairobi.

The said licensed operators of canning factories are appointed the agents of the Board for the collection of the cess, and shall deduct the amount of the cess from the price paid by them. The cess collected, by the said agents shall be payable to the Board not later than the 10th day of each month.

A cess of one-third of a cent per pound weight of raw passion fruit delivered to any of the following licensed operators of canning factories—

- Kenya Fruit Processing Company Limited, Sotik;
- Trufoods Limited, Nairobi.

The said licensed operators of canning factories are hereby appointed the agents for the Board for the collection of the cess and shall deduct the amount of the cess from the price paid by them to the producer. The cess collected by the said agents shall be payable to the Board not later than the tenth day of each month.

CESS IMPOSED UNDER SECTION 26

[L.N. 10/1966, L.N. 167/1966, L.N. 272/1967.]

A cess of six shillings per fifty gallons of passion fruit juice canned by licensed operators of canning factories, which cess shall be payable monthly not later than the tenth day of each month.

A cess of two-thirds of a cent per pound weight of fruit canned by licensed operators of canning factories, which cess shall be payable monthly not later than tenth day of each month.

A cess of two shillings and seventy-five cents on each ton of pineapple canned by any of the following licensed operators of canning factories, which cess shall be payable not later than the tenth day of each month—

- Kenya Cannery Limited, Thika;
 - Kenya Orchards Limited, Machakos;
 - Trufoods Limited, Nairobi.
-

