

PLANT PROTECTION (DECONTAMINATION OF USED VEHICLES, MACHINERY AND EQUIPMENT) RULES, 2021

Legal Notice No.....

PLANT PROTECTION (DECONTAMINATION OF USED VEHICLES, MACHINERY AND EQUIPMENT) RULES, 2021

IN EXERCISE of the powers conferred by section 3(a) of the Plant Protection Act, CAP 324, the Cabinet Secretary for Agriculture Livestock, Fisheries and Cooperatives makes the following Rules.

PART I - PRELIMINARY	
1. These Rules may be cited as the Plant Protection (Decontamination of Used Vehicles, Machinery and Equipment) Rules, 2021	Citation
2. In these rules unless the context otherwise requires— “Authorized person” means any individual or entity approved by The Service to carry out phytosanitary decontamination of Used Vehicles, Machinery and Equipment. “Equipment” means any used machinery, parts and or spare parts as further defined in the First Schedule. “Pest” means any species strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products; “Phytosanitary decontamination” means an official procedure for the killing, inactivation or removal of pests either by cleaning, chemical treatment or temperature treatment. “Phytosanitary decontamination facility” means any place, amenity or equipment capable of carrying out phytosanitary decontamination of Used Vehicles, Machinery and Equipment.	Interpretation

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	<p>“Phytosanitary measures” means any legislation, regulation or official procedure having the purpose to prevent the introduction and or spread of any plant pest, or to limit the economic impact of any pests.</p> <p>“The Service” means Kenya Plant Health Inspectorate Service (KEPHIS).</p>	
	<p>3. These Rules shall apply to the decontamination of Used Vehicles, Machinery and Equipment as outlined in the First Schedule and facilitation of trans-boundary movement and trade of pest free Used Vehicles, Machinery and Equipment into, transiting and out of Kenya except those outlined in the Fourth Schedule.</p>	<p>Scope of application</p>
	<p>4. The purpose of these Rules is to prescribe phytosanitary measures to be undertaken to reduce and mitigate the risk of the entry, introduction, and establishment and or spread of plant pests, diseases, weeds and any other organism injurious to plant health through cross border movement of Used Vehicles, Machinery and Equipment.</p>	<p>Purpose of the rules</p>
	<p>PART II - PHYTOSANITARY DECONTAMINATION OF USED VEHICLES, MACHINERY AND EQUIPMENT</p>	
	<p>5. (1) All Used Vehicles, Machinery and Equipment, imported into or imported and transiting through Kenya whether whole, disassembled or parts shall be required to undergo phytosanitary decontamination by an authorized person prior to shipment to Kenya at the importers cost.</p> <p>(2) Where Used Vehicles, Machinery and Equipment are imported from countries where no persons have been authorized to perform phytosanitary decontamination, they shall be required to be decontaminated upon arrival and inspection carried out at the importers cost.</p> <p>(3) Where Used Vehicles, Machinery and Equipment destined for export from Kenya are required by the importing country to undergo phytosanitary decontamination, they shall be decontaminated by an</p>	<p>Requirement for decontamination of Used Vehicles, Machinery and Equipment</p>

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	<p>authorized person according to the importing country requirements at the exporters cost.</p> <p>(4) Without prejudice to the provisions of (1), where an importer fails to decontaminate the imported Used Vehicles, Machinery and Equipment sourced from countries where persons have been authorized to perform phytosanitary decontamination, the phytosanitary decontamination shall be carried out upon arrival and a penalty of two thousand shillings levied in addition to inspection fee set out in the Second Schedule.</p> <p>(5) Without prejudice to (1), (2) and (3), the cost of decontamination shall be inclusive of the respective amount set out in the Second Schedule and shall be payable to The Service by the authorized persons.</p>	
6.	<p>(1) The Service may authorize qualified persons to perform phytosanitary decontamination on Used Vehicles, Machinery and Equipment at the point of origin prior to their importation into Kenya or in a transshipment port.</p> <p>(2) Without prejudice to (1) above, The Service may authorize qualified local persons to perform phytosanitary decontamination of Used Vehicles, Machinery and Equipment at the port of entry.</p> <p>(3) The Service may in collaboration with relevant authorities set up decontamination facilities for decontamination of Used Vehicles, Machinery and Equipment.</p> <p>(4) The Service shall develop procedures to guide authorization of persons to perform phytosanitary decontamination.</p>	<p>Authorization of persons to perform phytosanitary decontamination of Used Vehicles, Machinery and Equipment</p>
7.	<p>(1) Any person who wishes to be authorized to undertake phytosanitary decontamination of Used Vehicles, Machinery and Equipment shall apply to The Service for authorization in Form PPD 1 set out in the Third Schedule accompanied by the prescribed fee set out in the Second Schedule.</p> <p>(2) Upon receipt of the application, The Service shall assess the applicant's facility to ascertain its suitability for authorization.</p> <p>(3) Where the applicant meets the requirements, The Service shall issue a</p>	<p>Application for Authorization of persons to carry out decontamination of Used Vehicles, Machinery and Equipment</p>

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	<p>Certificate of Authorization to the applicant as set out in Form PPD 2 in the Third Schedule.</p> <p>(4) Where an applicant intends to operate more than one phytosanitary decontamination facility of the same nature, each facility shall be assessed independently, and a Certificate of Authorization shall be issued in respect of each facility.</p> <p>(5) Where The Service refuses to grant a Certificate of Authorization, it shall inform the applicant of such refusal in writing and give reasons for the refusal.</p> <p>(6) A certificate of authorization shall be valid for thirty-six months from the date of issuance and shall not be transferrable.</p> <p>(7) The Service shall keep a register of authorized persons.</p> <p>(8) A person who contravenes any of the provisions of these Rules commits an offence.</p>	
	<p>8. (1) All persons intending to import Used Vehicles, Machinery and Equipment shall have them decontaminated at the country of origin by a person authorized by The Service or upon arrival where no persons are authorized in the country of origin and details of the decontamination provided in the decontamination certificate at the importers cost.</p> <p>(2) The authorized persons shall upon decontamination issue: -</p> <ul style="list-style-type: none"> a) a phytosanitary decontamination certificate to the importer as provided for in PPD 3 set out in the Third Schedule; and b) attach a phytosanitary decontamination label to the Used Vehicles, Machinery and Equipment, as provided for in PPD 4 set out in the Third Schedule. 	<p>Decontamination and Decontamination certificate and sticker</p>
	<p>PART III - INSPECTION AND MONITORING OF USED VEHICLES, MACHINERY AND EQUIPMENT</p>	
	<p>9. (1) The importers of Used Vehicles, Machinery and Equipment shall notify The Service on the arrival of Used Vehicles, Machinery and Equipment and present the decontamination certificate to The Service.</p>	<p>Notification of arrival of Used Vehicles, Machinery and</p>

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<p>(2) Without prejudice to (1) above where a decontamination certificate is not available the importer shall provide the following information to The Service :-</p> <ul style="list-style-type: none"> a) Consignor and Consignee name and contact details; b) Country and port of origin; c) Shipment details; d) The number and type of each vehicle or item of machinery or equipment (including spare parts); e) Nature of use of the vehicles, machinery and equipment; f) Unique identity information of the Used Vehicles, Machinery and Equipment <p>(3) The Service may request any other information that is useful for better implementation of this rules.</p>	<p>Equipment</p>
<p>10. (1) The Service shall inspect imported Used Vehicles, Machinery and Equipment at the point of entry to evaluate the compliance to phytosanitary certification requirements.</p> <p>(2) Where the Used Vehicles, Machinery and Equipment are found to be compliant to requirements set out in these rules and no pests are found there in, the Used Vehicles, Machinery and Equipment shall be cleared by The Service.</p> <p>(3) Used Vehicles, Machinery and Equipment which is the subject of these rules which arrive at the point of entry without a decontamination certificate from an exporting country where The service has not authorized persons to perform decontamination shall be subjected to destination decontamination by authorized persons at the importers' cost.</p> <p>(4) Used Vehicles, Machinery and Equipment decontaminated in (3) above shall be inspected by The Service after decontamination.</p> <p>(5) Where upon inspection, Used Vehicles, Machinery and Equipment are found not to have undergone phytosanitary decontaminated and are</p>	<p>Inspection for phytosanitary compliance of Used Vehicles, Machinery and Equipment</p>

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	<p>originating from a country where persons have been authorized to perform phytosanitary decontamination, The Service shall: -</p> <p>a) Intercept the Used Vehicles, Machinery and Equipment;</p> <p>b) Issue the importer with an interception notification set out in Form PPD 5 of the Third Schedule with instructions for decontamination of the intercepted Used Vehicles, Machinery and Equipment;</p> <p>(6) The importer within 48 hours of notification of interception or unloading from the craft or vessel at the place of first arrival in Kenya shall have the Used Vehicles, Machinery and Equipment intercepted in (5) decontaminated by an authorized person and obtain a treatment certificate which shall be presented to The Service.</p> <p>(7) The Service shall ascertain that the decontamination has been carried out through inspection for compliance and shall if done release the Used Vehicles, Machinery and Equipment.</p>	
	<p>11.(1) Where The Service shall, upon inspection, finds that the Used Vehicles, Machinery and Equipment that were decontaminated at the point of origin do not meet the phytosanitary certification requirements or harbour pests or contain other regulated articles,</p> <p>a) Intercept the Used Vehicles, Machinery and Equipment;</p> <p>b) Issue the importer with an interception notification set out in Form PPD 5 of the Third Schedule with instructions for decontamination of the intercepted Used Vehicles, Machinery and Equipment;</p> <p>c) Notify the authorized person of the non-compliance and require corrective action and may revoke the authorization.</p> <p>(2) Non-compliance shall be addressed as provided in Rule 10 (6) and (7).</p>	<p>Non-compliance</p>
PART IV – MISCELLANEOUS		
	<p>12. The Service shall periodically audit the authorized persons to ascertain that phytosanitary certification requirements are maintained.</p>	<p>Audit of off shore authorized persons</p>
	<p>13. A person in charge of a point of entry shall assist the inspector in the</p>	<p>Authorities to assist</p>

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	performance of their function and exercise of their powers under these Rules by providing such facilities and assistance as The Service may require to implement these Rules.	and co-operate in minimizing threats from risks
	14.The Service shall give reasons for any of its decisions to any person affected.	Fair administrative action
	15.A person who contravenes any of the provisions of these Rules whose penalty has not been prescribed commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to a term not exceeding six months, or both.	Offences and penalties

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FIRST SCHEDULE

	Category of Used Vehicles, Machinery and Equipment	Examples of Used Vehicles Machinery and Equipment
1.	Agricultural, forestry and horticultural	<ul style="list-style-type: none"> • Harvesters • Sawmill Machinery • Logging Trucks • Animal Transport Vehicles • Compost and Manure Trailers • Tractors • Tools. <p>Reconditioned or field-tested Used Vehicles, Machinery and Equipment are included.</p>
2.	Earth moving	<ul style="list-style-type: none"> • Bulldozers • Graders • Surface mining equipment. <p>Reconditioned or field-tested Used Vehicles, Machinery and Equipment are included.</p>
3.	Waste management	<ul style="list-style-type: none"> • Rubbish/garbage/waste trucks • Waste sorting equipment. <p>Reconditioned Used Vehicles, Machinery and Equipment are included</p>
4.	Deep mining	
5.	Industrial Vehicles, Machinery and Equipment used outdoors	<ul style="list-style-type: none"> • Cranes • Forklifts • Equipment used in civil works
6.	Used vehicles	<ul style="list-style-type: none"> • Cars • Vans • Trucks • buses • motorbikes • quad bikes • four-wheel drives • locomotives and engines • used parts • trailers

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SECOND SCHEDULE

FEES AND CHARGES

	Service	Fee in USD
	Authorization	
1	a) Authorization application fee	200
	b) Authorization Annual Renewal fee	100
	Inspection	
2	a) Saloon cars	20 per unit
	b) Mini buses and vans	30 per unit
	c) Buses, Lorries and trucks	50 per unit
	d) Heavy commercial machinery	100 per unit
	e) Disassembled equipment	30 per container

THIRD SCHEDULE

Form PPD 1

(R. 7(1))

Republic of Kenya

The Kenya Plant Health Inspectorate Service

Application for Registration/ or Renewal of a Phytosanitary Decontamination Facility

1.Name/Address of the Applicant/operator Telephone & E-mail:	2. Application Date:
3. Phytosanitary measure:	<input type="checkbox"/> Fumigation <input type="checkbox"/> Vacuum; <input type="checkbox"/> Hot Steam treatment <input type="checkbox"/> Controlled atmosphere <input type="checkbox"/> others : _____(specify)
4. Type of application	<input type="checkbox"/> New <input type="checkbox"/> Renewal
5. Location and physical address of Facility (County/Town/Ward/Road)	
6. Type of Used Vehicles, Machinery, Equipment and Accessories for decontamination	
7. Current certificate number (incase of renewal) and date on which the Facility was approved (for renewal)	
8. Relevant authority approval	
16. Any additional information	
Declaration I hereby declare that the information given above is complete and correct to the best of my knowledge and belief. Name: _____ Official stamp Signature: _____ Date: _____	

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For Official Use		
Check list	Status	
Application Complete	Yes	No
Application details appropriate	Yes	No
Final Action Taken: <input type="checkbox"/> recommended for assessment <input type="checkbox"/> not recommended for assessment	Scrutinized by: (Signature/Name/Designation) Date: _____	

- a) a certified copy of the certificate of incorporation or business registration certificate;
- b) details of the location of the phytosanitary treatment facility;
- c) a premises license from Pest Control Products Board where pesticides are used during treatment and

Form PPD 2

(R. 7(3))



REPUBLIC OF KENYA



**KENYA PLANT HEALTH INSPECTORATE SERVICE
(KEPHIS)**

CERTIFICATE OF AUTHORIZATION OF PHYTOSANITARY DECONTAMINATION FACILITY

This is to certify that.....

Located at

Whose facility has been assessed and found to comply with requirements for Phytosanitary Decontamination facility.

Is hereby approved for a period of one year

Commencing on

Certificate No. KEPHIS/.....

Date of Issue.....

MANAGING DIRECTOR

** Renewal is subject to assessment by KEPHIS and Conformity to the physical and operational requirements. Non-conformity will lead to suspension or cancellation of the certificate.*

Form PPD 3

(R. 8(2)(a))

Republic of Kenya
The Kenya Plant Health Inspectorate Service
Phytosanitary Decontamination Certificate

Authorized company Letter Head

CERTIFICATE OF DECONTAMINATION OF USED VEHICLES MACHINERY AND EQUIPMENT

This is to certify that this used motor vehicle/machinery/equipment

Identification (chassis no/batch no/or any other unique Identification).....

Imported byof P.O BOX

Physical address.....

has been decontaminated in line with the requirements for imported used vehicles machinery and equipment and conforms to Kenya's requirements.

Certificate No.

Date of Issue.....Stamp.....

.....
DIRECTOR

Form PPD 4

(R. 8(2)(b))

Republic of Kenya

The Kenya Plant Health Inspectorate Service

Phytosanitary Decontamination Label



Serial No

Phytosanitary Decontamination Label

Phytosanitary Decontamination Certificate Number

Notice to all officials of customs, official entry points and plant protection authorities.

This is to certify that this used equipment, machinery, motor vehicle or regulated article has been decontaminated in compliance with all the provisions of the Plant Protection Act CAP 324 of the Republic of Kenya

PPD 5

(R. 10 (5)(b))

Republic of Kenya

The Kenya Plant Health Inspectorate Service

NOTIFICATION OF INTERCEPTION OF A CONSIGNMENT

1. CONSIGNOR a) Name: a) Address: b) Country:	
2. CONSIGNEE a) Name: b) Address: c) Country:	
3. Country of export:	Country of origin:
4. Port of entry:	
5. Mode of transport:	Vessel No.:
6. IDENTIFICATION OF CONSIGNMENT: a) Type of document: b) Document No. c) Date of issue:	
7. DESCRIPTION OF CONSIGNMENT: a) Type of Used Vehicle, Equipment, Machinery or Accessory: b) Class of commodity: c) Net mass/volume/no of units:	
8. REASON (S) FOR INTERCEPTION: a) Reason: b) Scientific name of harmful organism: c) Extent of contamination:	
9. STATUTORY MEASURES TAKEN: a) Measures: b) Extent of measures:	
10. Place of inspection:	
11. Intercepted by (Name of Inspector):	
12. Official Stamp: (Signed) For Managing director	

FOURTH SCHEDULE

Exemptions

1. New vehicles.
2. Passenger, commercial Vehicles moving under their own motive power.
3. Passenger and commercial transport vehicles operating within the EAC member states
4. Vehicles for Military
5. Vehicles imported for UN missions