



**Kenya Bureau of
Standards**

DESTINATION INSPECTION MANUAL- FOR GENERAL GOODS

(IMPLEMENTATION DATE: EFFECTIVE FROM 1ST APRIL 2022)

1. PURPOSE

This Manual outlines destination inspection requirements for goods imported from countries where KEBS has no pre-inspection arrangements.

2. SCOPE

This Manual applies to goods imported from countries where KEBS has no pre-inspection arrangements. The manual shall be applied at all ports of entry manned by KEBS.

3 TERMS AND DEFINITION

- **COC** – Certificate of Conformity
- **CB**- Certification Body
- **COI** – Certificate of Inspection
- **DVS**- Department of Veterinary Services
- **IDF**- Import Declaration Form
- **IEC**-International Electrotechnical Commission
- **IECEE**-IEC system of conformity Assessment Systems for Electrotechnical Equipment and Components
- **KEPHIS**- Kenya Plant Health Inspectorate Service
- **LN**-Legal Notice
- **NCR**- Nonconformity Report
- **PCPB**- Pest Control Products Board
- **PPB**- Pharmacy and Poisons Board
- **PVOC Partners** – KEBS - Appointed Inspection and Certification Companies.
- **QMS**- Quality Management System
- **KEBS Recognized Laboratory**: - is a laboratory with necessary competence to conduct tests specified in approved Standards. For the purpose of this manual, recognized laboratory, include; any laboratory duly accredited to ISO/IEC 17025: 2017, Certification Body Testing Laboratories and Government designated laboratories.

4 INTRODUCTION

Legal Notice No.78 of the Standards Act CAP 496 provides for inspection of imported products either at the country of supply or at the destination. Paragraph 5(1) of Legal Notice 78 (Annex 3) states that an importer of products shall ensure that the imported products meet Kenya Standards, approved specification and other applicable regulations. It is therefore the responsibility of every supplier/ importer to ensure their products meet regulations and quality requirements of Kenya before shipment. To ensure efficiency in Destination inspection as well as ensuring that imported products are compliant with the requirements of the applicable standards, importers are advised to ensure that their suppliers are conversant with import quality requirements specified in relevant Kenya Standards or approved specifications and that

their consignments are accompanied with quality documents from recognized certification bodies, recognized laboratories or from recognized National Standard Bodies (NSB) of the respective exporting countries as proof that the product meets requirements of relevant Kenya Standards or approved specifications (refer to paragraph 5{2} of LN 78.)

5.0 CERTIFICATION OPTIONS UNDER DESTINATION INSPECTION

Appreciating the impracticality of undertaking 100% inspection and testing of all shipments destined for Kenya, KEBS shall undertake destination inspection, leading to issuance of local CoC, on a risk based approach based as outlined below;

5.1 Option 1. (Low-risk consignments)

This option shall be accessible to importers of goods certified under KEBS Diamond Mark of Quality Scheme, products under the KEBS Product Registration scheme including electro technical equipment and components under the IECEE CB certification scheme and those issued with certification permits by other National Standards Bureaux (NSBs). This option shall also be accessible to importers of goods listed under the Schedule of Legal Notice No. 78 (Annex 1).

Goods under this option shall be processed for release based on document verification. Physical inspection and testing may be undertaken based on agreed certification/ registration surveillance plan.

5.2 Option 2. (Medium risk consignments)

This option shall be for products accompanied with valid product registrations (SoRs) and licenses (SoLs) issued by PVoC Partners during the contract cycle ending 31st March 2022, KEBS waiver letters, test reports from KEBS Recognized laboratories and/ or import permit from relevant Partner Government Agency (PGA). This option is also open to products which has previously been inspected and tested by KEBS and found to consistently comply, provided the KEBS test report is not more than six (6) months old.

These consignments shall be subjected to document verification and random physical inspection and/ or surveillance testing prior to issuance of Local CoCs. Where sampling is undertaken, consignments may be released conditionally for safe keeping at the importer's premises pending testing. An importer whose products has been released

conditionally, shall be required to declare, through a sworn affidavit, that the products sampled for testing shall not be disposed- off in any manner until testing is concluded and a final decision communicated to him/ her by KEBS.

5.3 Option 3 (High-risk consignments)

This option shall be for products not accompanied with any quality documents mentioned in clause 5.1 and 5.2 above. These goods shall be subjected to physical inspection and testing (where applicable) before release.

5.4 Option 4 (Consolidated Goods)

This option shall be for products imported by KEBS registered consolidators. These goods shall be subjected to physical inspection and testing (where applicable) before release.

6.0 DESTINATION INSPECTION FEES

The importers shall pay for destination inspection at a rate of 0.6% of the approved customs value subject to a minimum of USD 265 and a maximum of USD 2,700. This shall exclude sampling and testing fees. Where sampling and testing is required, the importer shall pay the approved sampling and testing fees.

Note:

1. The above fees shall NOT be applicable for category of goods listed in Annex 1.
2. Consolidated goods imported by registered consolidators shall pay inspection fees of 0.6% of CIF as per the provision of the Legal Notice 212 (Annex 4).

OTHER APPLICABLE DESTINATION INSPECTION FEE

Serial No.	Description	Amount
1	Inspection fee for Regionally produced goods without regional quality marks	0.6% of CIF, minimum of USD 265, maximum of USD 2700.'
2	Inspection fee for Re-exports from EAC Partner States	0.6% of CIF, minimum of USD 265, maximum of USD 2700.'
3	Inspection fee for direct assessment of values below USD 2000 under Single Customs Territory	Kshs.2000
4.	Any other direct Assessment	0.6% with a minimum of KES 1000
5.	Re-work fee	3% of CIF or KShs.20,000 whichever is higher

6.	Product Registration	KES 7500 per product p.a +VAT	
7.	Courier Goods	SHIPMENT VALUE KSH.	COURIER FEES
		50,000 and below	1000
		50,001 – 100,000	1500
		100,001- 500,000	1800 or 0.6% whichever is higher
		500,001 and above	0.6% of the customs value with minimum of 265 USD and maximum of 2700 USD or KES 3000 for exempted items.

7.0 DESTINATION INSPECTION PROCESS

7.1 Option 1.

7.1.1 The importer shall apply to KEBS by submitting a KEBSCD through single window under Local COC and attaching; importation documents comprising of Customs Entry, Import Declaration Form (IDF), Packing List, BL/ AWB, Invoice and Diamond Mark permit/KEBS Product Registration certificate/IECEE CB certificate/permits by National Standards Bureaux (NSBs)/ KEBS Exemption certificates/ Permit for relevant PGA for products under Annex 2 together with the following product quality information/documentation;

- a) Test reports from accredited laboratory, third party certificates/approvals/Certification marks (*if available*).

7.1.2 KEBS shall undertake document review for adequacy and generate a demand note for the importer to pay for destination inspection. After payment, KEBS shall issue a local COC for Clearance of imported products. Testing and physical inspection for this option shall be based on the destination inspection surveillance plan.

7.2 Option 2

7.2.2 The importer shall apply to KEBS by submitting a KEBSCD through single window under Local COC and attaching; importation documents comprising of Customs Entry, Import Declaration Form (IDF), Packing List, BL/ AWB, Invoice and valid SoR or SoL issued by the PVOC agents under the expiring contract cycle, KEBS waiver letter, Test report from KEBS Recognized laboratory or Previous KEBS test report for a similar products and/ or import permit from relevant PGA.

7.2.2 KEBS shall review the documentation for adequacy and where satisfied, generate a demand note for the importer to pay for destination inspection. After payment, KEBS shall issue a local COC for Clearance of imported products. Testing and physical inspection for this option shall be based on the destination inspection surveillance plan.

7.3 OPTION 3

6.3.1 The importer shall apply to KEBS by submitting a KEBSCD through single window under Local COC and attaching; importation documents comprising of Customs Entry, Import Declaration Form (IDF), Packing List, Invoice and BL/ AWB together with the following product quality information/documentation;

- a) Copy of product technical specification from the manufacturer (if available).
- b) Manual/ operating instructions (where applicable). The manual/instruction shall include English or Swahili translation.
- c) Refurbishment certificate for second-hand products (where applicable).

7.3.2 KEBS shall review the application and generate a demand note for the importer to pay for destination inspection. After payment, KEBS shall undertake destination inspection which shall include physical inspection and/or testing. KEBS shall issue a local COC for the products that complies with the requirements of the standards or any applicable technical regulation for Clearance from the port.

Note:

The following products are only eligible for option 3 under Destination Inspection (i.e. shall be subjected to mandatory physical inspection and /or testing):

- a) Animal and Fishery products (fresh and frozen - not further processed)
- b) Bulk Petroleum products and base oils
- c) Bulk shipments of cereals and pulses such as rice, wheat, Barley, beans, maize etc.
- d) Fertilizer
- e) Fresh dairy products
- f) Fresh horticultural produce
- g) Liquid Petroleum Gas (LPG)
- h) Motorcycle helmets
- i) Steel e.g. flat bars, Angle bars, Channels, Round bars, Deformed bars, RHS and SHS

CRITERIA FOR EXEMPTION OF SPECIFIC IMPORTERS FROM PVOC REQUIREMENTS

No.	Category	Criteria	Remarks
1.	Industrial raw materials excluding materials specified by the National Standards Council, completely knocked down kits for road vehicles, machinery and industrial spares imported by registered manufacturers for own use.	<ul style="list-style-type: none"> ▪ Applicant must demonstrate quality track record for the raw materials and the final products as confirmed by KEBS ▪ Proof of transformation of raw material(s) into a completely different product (finished product) ▪ Proof of certification to a quality management system/ or professional practice. ▪ Manufacturers to provide data on their customers e.g. complaints ▪ Manufacturers to provide certificate of analysis or material safety datasheet for raw materials issued by an approved lab (accredited lab, government lab, ISO certified manufacturer's lab) ▪ Proof that the final products are directly linked to the raw materials being imported. ▪ Proof of registration as an assembler or Manufacturing Under Bond (MUB) or Export Processing Zone ▪ Proof of manufacturing (License or Permit) from other government agencies. 	Concerned importers to fill the form in Microsoft excel format available on KEBS website (www.kebs.org) and submit the filled form in the same format (Microsoft excel format) via email to inspections@kebs.org together with the other required documents (the required documents are listed in the excel form under instructions).
2.	Equipment and original equipment manufacturers (OEM) parts for licensed power generation companies	<ul style="list-style-type: none"> ▪ Evidence of Original Equipment Manufacturer warranty 	Clearance to be based on confirmation of the invoice and warranty from the manufacturer.
3.	Original equipment medical manufacturer's parts for medical equipment	<ul style="list-style-type: none"> ▪ Evidence of Original Equipment Manufacturer for spare parts. ▪ Evidence of Manufacturer's warranty 	Clearance to be based on confirmation of the invoice and warranty from the manufacturer.
4.	Goods imported by diplomats and diplomatic missions except motor vehicles.	PRO 1A or PRO 1B issued by the Ministry of Foreign Affairs	Approved PRO 1A or PRO 1B to be submitted to KEBS for application of a Local COC at the time of clearance.
5.	Courier parcels with a value specified by the Council and direct assessment items approved by the Kenya Revenue Authority	<ul style="list-style-type: none"> ▪ Parcel handler's license issued by the Communications Authority of Kenya ▪ Direct assessment documents approved by Kenya Revenue Authority 	Goods to be subjected to destination inspection. If parcels constitute food stuff, they shall be well labelled specifying ingredients and storage conditions.
6.	Goods certified by Kenya Bureau of Standards (KEBS) under the Diamond Mark Scheme	Valid Diamond Mark permit	Concerned importers to submit the importation documentation to KEBS for processing of Local CoC.
7.	Goods manufactured within the East African Community (EAC)	<ul style="list-style-type: none"> ▪ Country of Origin must be an EAC member state. ▪ Certificate of Origin ▪ Valid Product Certification Permit or Certificate of Analysis (raw materials) or Test Report issued by the respective National Standard Body of the country of origin. 	Import Entries for goods from EAC Partner states to be processed by KRA based on Country of supply.

No.	Category	Criteria	Remarks
8.	Used personal effects belonging to returning residents and arriving expatriates excluding road vehicles.	<ul style="list-style-type: none"> Goods must be pre-owned before shipment. 	Approval by the Kenya Revenue Authority (KRA)
9.	General consumables (stores) imported by international carriers for in-flight or ships services and duty free products	<ul style="list-style-type: none"> Proof of licensing as international carrier Authority by KRA as proof to operate as duty free. 	Concerned importers to submit licenses to KRA for processing of their import entries.
10.	Re- imports	<ul style="list-style-type: none"> Submission of re-importation certificate (KRA) 	Concerned importers to submit re-importation certificates to KRA at the time of importation.
11.	Temporary imports	<ul style="list-style-type: none"> Proof of bond execution with Kenya Revenue Authority. Carnet Certificate (for vehicles) 	Concerned importers to submit an executed bond in favor of KRA at the time of importation.
12.	New road vehicles and new mobile equipment	<ul style="list-style-type: none"> Manufacturer Warranty /type approval 	Clearance to be based on year of manufacture. Refer to Annex 2 for further guidance.
13.	Importers of vehicles from countries where KEBS does not have a motor vehicle inspection arrangement.	Country of exportation must be a country where KEBS does not have a motor vehicle inspection arrangement.	Vehicles not from United Arab Emirates, Japan, United Kingdom, Thailand, and South Africa to be subjected to destination inspection at a fee of 0.6% of the Customs Value or USD 265 whichever is higher.
14.	Printed matter and recorded digital media.	Declaration that the material has not violated any intellectual property rights.	
15.	The following products regulated under specific laws: i. explosives, arms and ammunition ii. plants, seeds and planting materials iii. live animals, carcasses and iv. hatching eggs v. tissues and organs vi. human and veterinary vii. pharmaceutical products viii. pesticides ix. aircraft and aircraft parts x. marinecraft and marinecraft parts xi. radioactive materials and isotopes	Proof of compliance with the relevant Regulations	Refer to Annex 2 for further guidance.
16.	New motor vehicle parts imported from the manufacturer of the vehicle to which the parts are to be fitted or their authorized representative	(a) Evidence that the exporter is the original vehicle manufacturer or evidence of authorization by the vehicle manufacturer in the case of authorized representative. (b) Manufacturer's warranty of the parts. (c) Evidence of registration by KEBS as importers of those parts. (d) Evidence of conformity of the parts with applicable standards.	Concerned importers to fill the form in Microsoft Excel format available on KEBS website (www.kebs.org) and submit the filled form in the same format (Microsoft excel format) via email to inspections@kebs.org together with the other required documents (the required documents are listed in the excel form under instructions).

ANNEX 2
PRODUCTS REGULATED BY OTHER GOVERNMENT AGENCIES THAT ARE EXEMPTED FROM PVOC
PROGRAM

No.	Government Agency	Products Affected and the HS Code/Tariff Chapter
1.	Central Firearms Bureau	<ul style="list-style-type: none"> ▪ 93: Arms and ammunition
2.	Communications Authority of Kenya	<ul style="list-style-type: none"> ▪ 8526: Radar apparatus, radio navigational aid apparatus, Radio remote control apparatus
3.	Directorate of Veterinary Services	<ul style="list-style-type: none"> ▪ 0101–0106: Live animals ▪ 0201–0210: Fresh/chilled carcasses only ▪ 0407 – Hatching eggs ▪ 0506: bones and horn-cores, ▪ 0511: Animal semen ▪ 4101 – 4103: Raw hides and skins
4.	Fisheries Department	<ul style="list-style-type: none"> ▪ 0301 – 0302: Fish Live, fresh, or chilled ▪ 0306: Crustaceans, whether in shell or not, live, fresh, or chilled ▪ 0307: Molluscs, whether in shell or not, live, fresh or chilled ▪ 0308: Other aquatic invertebrates ▪ 0511.91 10: Fish eggs
5.	Kenya Civil Aviation Authority	<ul style="list-style-type: none"> ▪ 8801 - 8805: Aircraft and associated parts ▪ 4011.30.00: Aircraft tyres ▪ 4012.13.00: Retreaded aircraft tyres ▪ 8407.10.00: Aircraft engines ▪ 8409.10.00: Parts for aircraft engines
6.	Kenya Maritime Authority	<ul style="list-style-type: none"> ▪ Chapter 89 ▪ Ships, boats, and floating structures
7.	Kenya Plant Health Inspectorate Services	<ul style="list-style-type: none"> ▪ 0601 - 0604: Live plants and planting materials ▪ 0701 - 0709: Edible vegetables and certain roots and tubers – (Fresh/chilled) ▪ 1211, 1213: Oil seeds and oleaginous fruits; miscellaneous grains, seeds, and fruit; industrial or medicinal plants; straw and fodder ▪ 1401- 1404: Vegetable planting materials; vegetable products not elsewhere specified or included ▪ Seeds for sowing under any chapter.
8.	Mining Geological Department	<ul style="list-style-type: none"> ▪ 3601 – 3604: Explosives and pyrotechnic substances
9.	Pest Control Products Board	<ul style="list-style-type: none"> ▪ 3808: Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products
10.	Pharmacy and Poisons Board	<ul style="list-style-type: none"> ▪ 3001: Organs and glands ▪ 3002: Blood and related products ▪ 3003 - 3004: Medicaments ▪ 3006.60.00: Chemical contraceptive preparations based on hormones.
11.	Radiation Protection Board	<ul style="list-style-type: none"> ▪ 2844 – 2845: Radioactive chemical elements and radioactive isotopes
12.	Veterinary Medicines Directorate	<ul style="list-style-type: none"> ▪ 3002.30.00: Vaccines for veterinary medicine

Annex 3: Legal Notice 78

SPECIAL ISSUE

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(Legislative Supplement No. 43)

LEGAL NOTICE No. 78

THE STANDARDS ACT

(Cap. 496)

IN EXERCISE of the powers conferred by section 20 of the Standards Act, the Cabinet Secretary for Industrialisation, Trade and Enterprise Development, in consultation with the Council, makes the following Order—

THE STANDARDS (VERIFICATION OF CONFORMITY TO STANDARDS AND OTHER APPLICABLE REGULATIONS) ORDER, 2020

PART I—PRELIMINARY

1. This Order may be cited as the Standards (Verification of Conformity to Standards and Other Applicable Regulations) Order, 2020.

Citation.

2. In this Order, unless the context otherwise requires—

Interpretation.

“Bureau” means the Kenya Bureau of Standards established by section 3 of the Act; and

“Council” means the National Standards Council established by section 6 of the Act.

3. This Order shall apply to all products imported into Kenya.

Application.

4. (1) Notwithstanding any other provision of this Order, the products specified in the first column of the Schedule shall be exempted from the provisions of this Order:

Exempted products.

Provided that a person importing any exempted product specified in the Schedule shall provide the documents specified in the second column of the Schedule with respect to the exempted product.

(2) The products specified in the Schedule may be inspected on arrival at a port of entry.

5. (1) An importer of products shall ensure that the imported products meet Kenya standards, approved specifications and other applicable regulations.

Compliance with standards.

(2) An importer of products shall notify the Bureau in the prescribed form before importing any product into Kenya and provide proof that the imported product meets Kenya standards, approved specifications and other applicable regulations.

6. (1) The Bureau may appoint an inspection body in the country of exportation of products, or in a transshipment port, or in a

Appointment of inspection bodies.

port of entry, to undertake verification of conformity to Kenya standards, approved specifications and other applicable regulations.

(2) The Bureau may recognise a national standards body of an exporting country that performs inspection functions as an inspection body for the purposes of pre-shipment verification of conformity.

7. (1) Any product which is the subject of this Order may be subjected to verification of conformity to Kenya standards, approved specifications and other applicable regulations in the exporting country or transshipment port by the inspection body appointed under paragraph 6.

Verification of conformity.

(2) Notwithstanding the provisions of subparagraph (1), the Bureau may reinspect the imported product at a port of entry if, in the Bureau's opinion, it is necessary to do so.

8. (1) The Bureau or an inspection body appointed under paragraph 6 shall issue a certificate of conformity, certificate of inspection or certificate of roadworthiness in respect of a product that conforms to Kenya standards, approved specifications and other applicable regulations.

Certificate of conformity and non-conformity report.

(2) The Bureau or an inspection body appointed under paragraph 6 shall issue a non-conformity report in respect of a product that does not conform to Kenya standards, approved specifications and other applicable regulations.

(3) A product that does not conform to Kenya standards, approved specifications and other applicable regulations shall not be permitted to be imported into Kenya and shall be re-exported to the exporting country or destroyed at the importer's expense.

9. (1) A product which is the subject of this Order which arrives at a port of entry without a certificate of conformity, certificate of inspection or certificate of roadworthiness shall be subjected to destination inspection at a fee equal to five per cent of the approved customs value of the product.

Destination inspection.

(2) The importer of a product which is the subject of this Order which arrives at a port of entry without a certificate of conformity, certificate of inspection or certificate of roadworthiness shall, in addition to the fee specified in subparagraph (1), execute a security bond in favour of the Bureau equal to five per cent of the approved customs value of the product.

(3) A product which is the subject of this Order which arrives at a port of entry without a certificate of conformity, certificate of inspection or certificate of roadworthiness shall be held at the port of entry or kept in an approved warehouse for the purposes of inspection and testing.

(4) A product which is the subject of this Order which arrives at a port of entry without a certificate of conformity, certificate of inspection or certificate of roadworthiness from an exporting country where the Bureau has not appointed an inspection body shall be subjected to destination inspection at the importer's expense at the rate

that would be applicable if inspection had been undertaken in the exporting country by an inspection body appointed by the Bureau.

10. The Cabinet Secretary may, on the advice of the Council, exempt any product from the provisions of this Order if the Cabinet Secretary is satisfied that it is in the national interest to do so. Exemption from Order.

11. The Standards (Verification of Conformity to Kenya Standards and Other Applicable Regulations) Regulations, 2019, are revoked. Revocation of L.N. 183/2019.

SCHEDULE

(para. 4)

CRITERIA FOR EXEMPTION OF SPECIFIC PRODUCTS FROM PRE-SHIPMENT VERIFICATION OF CONFORMITY REQUIREMENTS

No.	CATEGORY	REQUIRED DOCUMENTS
1.	Industrial raw materials excluding materials specified by the Council, completely knocked down kits for road vehicles, machinery and industrial spares imported by registered manufacturers for own use	(a) Certificate of registration of the manufacturer or assembler issued by the Bureau or any other regulatory agency responsible for regulating manufactured products
		(b) Certificate of analysis or material safety datasheet for raw materials
2.	Equipment and original equipment manufacturers (OEM) parts for licensed power generation companies	Evidence of original equipment manufacturer warranty
3.	Original equipment medical manufacturer's parts for medical equipment	(a) Evidence of original equipment manufacturer for spare parts
		(b) Evidence of manufacturer's warranty
4.	Products imported by diplomats and diplomatic missions except motor vehicles	Form PRO 1A or PRO 1B issued by the Ministry of Foreign Affairs
5.	Courier parcels with a value specified by the Council and direct assessment items approved by the Kenya Revenue Authority	(a) Parcel handler's license issued by the Communications Authority of Kenya
		(b) Direct assessment documents approved by the Kenya Revenue Authority
6.	Products certified by the Bureau under the Diamond Mark Scheme	Valid Diamond Mark Permit issued by the Bureau
7.	Products manufactured within the East African Community	(a) Certificate of origin
		(b) Product Certification Permit or Certificate of Analysis (Raw Materials) or Test Report issued by

		the respective National Standards Body of the Country of Origin
8.	Used personal effects belonging to returning residents and arriving expatriates excluding road vehicles	Approval by the Kenya Revenue Authority
9.	General consumables (stores) imported by international carriers for in-flight or ships services and duty-free products	(a) Proof of licensing as an international carrier
		(b) Authority by Kenya Revenue Authority to operate as duty-free
10.	Re-imports	Re-importation certificate issued by the Kenya Revenue Authority
11.	Temporary imports	(a) Proof of bond execution with Kenya Revenue Authority
		(b) Carnet certificate (for road vehicles)
12.	New road vehicles and new mobile equipment	Manufacturer's warranty or type approval
13.	Printed matter and recorded digital media	Declaration that the material has not violated any intellectual property rights
14.	The following products regulated under specific laws: (1) explosives, arms and ammunition (2) plants, seeds and planting materials (3) live animals, carcasses and hatching eggs (4) tissues and organs (5) human and veterinary pharmaceutical products (6) pesticides (7) aircraft and aircraft parts (8) marinecraft and marinecraft parts (9) radioactive materials and isotopes	Proof of compliance with the relevant Regulations

Dated the 14th April, 2020.

BETTY C. MAINA,
Cabinet Secretary for Industrialisation, Trade and Enterprise Development.

Annex 4: Legal Notice 212

SPECIAL ISSUE 2487

Kenya Gazette Supplement No. 233 18th December, 2020

(Legislative Supplement No. 123)

LEGAL NOTICE NO. 212

THE STANDARDS ACT(*Cap. 496*)

IN EXERCISE of the powers conferred by section 20 of the Standards Act, the Cabinet Secretary for Industrialization, Trade and Enterprise Development in consultation with the National Standards Council, makes the following Order —

THE STANDARDS (VERIFICATION OF CONFORMITY TO STANDARDS AND OTHER APPLICABLE REGULATIONS OF IMPORTS) (AMENDMENT) ORDER, 2020

1. This Order may be cited as the Standards (Verification of Conformity to Standards and other Applicable Regulations) (Amendment) Order, 2020.

2. Paragraph 2 of the Standards (Verification of Conformity to Standards and other Applicable Regulations) Order, 2020, hereinafter referred to as the “principal Order”, is amended by inserting the following new definition in its proper alphabetical sequence—

“approved warehouse” means a premise approved by the Bureau for storage of goods other than a designated customs area”.

3. Paragraph 7 of the principal Order is amended by adding the following new sub-paragraph immediately after sub-paragraph (2) —
“(3) For avoidance of doubt, where there is a conflict between the provisions of sub-paragraphs (1) and (2), the provisions of sub-paragraph (2) shall prevail.”

4. Paragraph 9 of the principal Order is amended—

(a) in sub-paragraph (2), by inserting following words immediately after the words "certificate of roadworthiness"—

“and which is kept in an approved warehouse pursuant to subparagraph (3)”;

(b) by adding the following new paragraphs immediately after paragraph (4)—

5. A product imported by a consolidator registered pursuant to section 14C of the Act which is the subject of this Order which arrives at a port of entry without a certificate of conformity or certificate of inspection shall be subjected to destination inspection at a fee equal to zero point six (0.6%) per cent of the approved customs value of the product.

Kenya Subsidiary Legislation, 2020

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6. Notwithstanding the provision of sub paragraph (1), a product registered by KEBS on the basis of a valid certification recognized by KEBS shall be subjected to destination inspection at the importer’s expense at the rate that would be applicable if inspection had been undertaken in the exporting country by an inspection body appointed by the Bureau:

Provided that such registration is obtained before importation.

Dated the 18th December, 2020.

BETTY C. MAINA,

Cabinet Secretary for Industrialisation,

Trade and Enterprise Development.