

(Legislative Supplement No. 34)

LEGAL NOTICE NO. 127

THE STANDARDS ACT

(Cap. 496)

IN EXERCISE of the powers conferred by Section 20 of the Standards Act, the Cabinet Secretary for Industry, Trade and Cooperatives in consultation with the National Standards Council, makes the following Order—

THE STANDARDS (INSPECTION OF IMPORTS) ORDER, 2018

1. This Order may be cited as the Standards (Verification of Conformity to Kenya Standards of Imports Order), 2018.

Citation.

2. (1) This Order shall apply to all goods imported into Kenya.

Application.

(2) Notwithstanding subparagraph (1), the goods specified in the first column of the Schedule shall be exempted from the provisions of this Order subject to the submission of the documents specified in the second column.

(3) The goods specified in the Schedule shall be inspected upon arrival at the Port of Entry.

3. A person who imports goods shall ensure that the goods meet Kenya Standards or Approved Specifications.

Compliance with standards.

4. The Kenya Bureau of Standards shall appoint an inspection body or bodies in the country of origin of goods to undertake verification of conformity to Kenya Standards or Approved Specifications.

Appointment of an inspection body.

5. All goods which are subject to this Order shall be subjected to verification of conformity to Kenya Standards or Approved Specifications in the country of origin by the inspection body or bodies appointed under paragraph 4 and may if the Kenya Bureau of Standards deems it necessary, be re-inspected at the Port of Entry.

Verification of conformity.

6. (1) The Kenya Bureau of Standards shall issue a Certificate of Conformity in respect of goods that conform to the Kenya Standards or Approved Specifications and a non-conformity report in respect of goods which do not.

Certificate of conformity and non-conformity report.

(2) Any goods, which do not conform to the Kenya Standards or Approved Specifications, shall not be permitted into Kenya and shall be rejected and destroyed at the expense of the importer.

7. (1) Any goods which are subject to this Order and which arrive at the Port of Entry without a Certificate of Conformity from countries where appointed inspection body or bodies are not present, shall be

Quality determination

subjected to verification of Conformity to Kenya Standards or Approved Specifications to determine quality at the expense of the importer.

(2) Where goods subjected to quality determination under subparagraph (1) are found not to be in conformity with the Kenya Standards or Approved Specifications, such goods shall be rejected and destroyed at the expense of the importer.

8. (1) The Kenya Bureau of Standards may, with the approval of the Cabinet Secretary, carry out destination inspection on goods arriving without a Certificate of conformity.

Destination and
Inspection

(2) Goods subjected to destination inspection in paragraph 8 (1) above shall be subjected to inspection at the Port of Entry upon payment by the importer of an inspection fee of twenty per centum of the approved customs value.

9. The Cabinet Secretary may, on the advice of Kenya Bureau of Standards, exempt any imports from the provisions of this Order where the Cabinet Secretary is satisfied that it is in the national interest to do so.

Exemption.

10. The Verification of Conformity to Kenya Standards of Imports Order, 2005 is revoked.

Revocation of
L.N. 78/2005

SCHEDULE 1

CRITERIA FOR EXEMPTION OF SPECIFIC IMPORTERS FROM PVOC REQUIREMENTS

SN	CATEGORY	DOCUMENTS REQUIRED
	Products regulated by other government agencies with scopes of regulation that fully cover quality specifications of Kenya standards declared under section 9(1) of The Standards Act (Cap. 496).	Proof of quality certification by the regulator(s), or Import permits Any other relevant documents.
	Raw materials, machinery and spares imported by registered manufacturers for own use	Certificate of registration of the manufacturer by the Kenya Bureau of Standards (KEBS) or any other agency responsible for regulating the manufactured products.
	Goods imported by diplomats and diplomatic missions	Form PRO 1A or 1B issued by the Ministry of Foreign Affairs.
	Courier parcels with a value to be specified by KEBS.	Parcel handler's license issued by the Communications Authority of Kenya
	Printed matter and copyrighted digital materials (e.g. textbooks, periodicals, diaries, labels, recorded digital media, magnetic media etc.)	Evidence that it is printed matter.

SN	CATEGORY	DOCUMENTS REQUIRED
	Goods certified by the Kenya Bureau of Standards (KEBS) under the Diamond Mark Scheme	The Kenya Bureau of Standards (KEBS) Product Certification Permit
	Goods manufactured within the East African Community (EAC)	Certificate of Origin Product Certification Permit or Certificate of Analysis issued by the respective National Standard Body of origin.
	New vehicles	Warranty from the vehicle manufacturers
	Used personal effects, excluding motor vehicles, belonging to returning residents and arriving expatriates.	Approval by the Kenya Revenue Authority (KRA)
	Used vehicles and mobile equipment (including bulldozers, agricultural tractors excavators, graders and other off-road vehicles) from countries where KEBS does not have a motor vehicle inspection arrangement	Proof of origin
	General consumables (stores) imported by International carriers for inflight / ships services	Proof of licensing as international carrier.
	Re- imports	Re-importation certificate issued by the Kenya Revenue Authority (KRA)
	CKDs for motor vehicle and motor cycle assembly	Certificate of registration of the assembler by the Kenya Bureau of Standards (KEBS)

Dated the 7th June, 2018.

ADAN MOHAMED,
Cabinet Secretary for Industry, Trade and Co-operatives.