

THE WAREHOUSE RECEIPT SYSTEM REGULATIONS, 2020

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THE WAREHOUSE RECEIPT SYSTEM ACT, 2020

IN EXERCISE of the powers conferred by Section 49 of the Warehouse Receipt System Act, 2019, the Cabinet Secretary for Agriculture, Livestock, Fisheries and Cooperatives makes the following Regulations -

THE WAREHOUSE RECEIPT SYSTEM REGULATIONS, 2020

PART 1: PRELIMINARY

- Citation
1. These Regulations may be cited as the Warehouse Receipt System Regulations, 2020
- Interpretation
2. In these Regulations, unless the context otherwise requires—

“Act” means the Warehouse Receipt System Act, 2019;

“Council” has the meaning assigned to it under the Act;

“County executive committee member” means the county executive committee member responsible for matters relating to agriculture in the respective county”

“delivery” means the release by a warehouse operator of the actual possession of warehoused commodity to the owner on demand and upon production of the warehouse receipt

“inspector” means a person appointed as an inspector under the Act; and

“licensed warehouse” means warehouse licensed in accordance with the Crops Act and its regulations.
- Application
3. These regulations shall apply to
 - (a) all activities relating to the issuance, negotiation and transfer of warehouse receipts for agricultural commodities stored in licensed warehouses; and,
 - (b) all persons involved in the activities under the warehouse receipt system provided in the Act and these Regulations

PART II – LICENSING OF WAREHOUSE OPERATORS

- Licensing of warehouse operators
4. (1) A person intending to operate the business of warehouse storage of agricultural commodities and

issuance of warehouse receipts shall apply for a warehouse operator's license.

(2) An application for a warehouse operator's license shall be made to the County Executive Committee Member of a county government in Form 1A under the First Schedule and the Applicant shall fulfill the following requirements –

(a) be a limited liability company or such other legal entity registered in Kenya;

(b) submit a viable plan for intended warehouse business;

(c) have or demonstrate ability to raise adequate capital to finance initial investment in infrastructure and three years operational expenses;

(d) demonstrate ability to provide performance bond;

(e) be in possession of a licensed warehouse storage facility;

(f) have qualified personnel or engage services of qualified personnel in collateral management, grading, quality analysis, weighing or any other task required by the county executive committee member or the Council.

(3) Upon receipt of an application, the County Executive Committee Member shall provide feedback to the applicant within 7 days.

(4) The applicant shall pay a non-refundable application fee to the County Executive Committee Member, as set out in Form 3A of Third Schedule of these Regulations.

Issuance of a license

5. (1) The County Executive Committee Member shall, upon being satisfied that the applicant meets the requirements for the issuance of a license, require the applicant to provide a performance bond equivalent to ten per-cent of the value of the commodity that the applicant predominantly stores or intends to store in the warehouse.

(2) The County Executive Committee Member shall issue a license as set out in Form 2A of the Second Schedule to the applicant who has provided the performance

bond and satisfied the requirements of Act and these Regulations.

(3) Upon receipt of the license, the warehouse operator shall, within 14 days, provide the performance bond specified in Regulation 4 (2) (d) to the County Executive Committee Member.

(4) Where the warehouse operator fails to provide performance bond in accordance with sub-regulation (2), the warehouse operator's license shall be cancelled by the County Executive Committee Member

(5) Where the application does not meet the requirements, the County Executive Committee Member shall within 7 days inform the applicant in writing stating the reasons.

(6) Upon addressing the issues raised as grounds for rejection of an application the applicant may resubmit the application for reconsideration

Publication of names of licensed warehouse operators

6. In addition to the requirement under Section 17(7) of the Act, the Council shall continually update and publish on its website the names of warehouse operators-

- a) licensed to operate under the warehouse receipt system;
- b) whose licenses have been suspended or revoked.

Renewal of a license

7. (1) A warehouse operator shall, at least one month before the expiry of a license, apply to the county executive committee member for renewal of a license.

(2) The requirements and timelines for processing and issuing of a license shall apply to renewal of a license.

Revocation and suspension of a license

8. (1) In addition to the conditions set out in Section 21(1) of the Act, the County Executive Committee Member may revoke or suspend a license where the warehouse operator –

- (a) fails to preserve the quality of the commodity;
- (b) fails to account for the commodity under their custody for which a warehouse receipt has been issued;
- (c) falsifies records in the warehouse; or
- (d) fails to maintain the stipulated standards relating

to infrastructure of a warehouse.

(2) Where a license has been suspended, the County Executive Committee Member shall notify the warehouse operator in writing, indicating the period and reasons for suspension and the remedial measures required for lifting of the suspension.

(3) Where the license has been revoked or suspended the provisions of Section 21(6) of the Act shall apply.

Suspension of operations

9. (1) For the purpose of section 21(5) of the Act, the Council may suspend operations of a warehouse operator, inspector, grader and a weigher on grounds of –
- (a) repeated failure to remit returns on operation;
 - (b) professional misconduct or inadequacy;
 - (c) falsification of documents; or
 - (d) improper use of the license
- (2) In addition to the grounds specified under sub-regulation (1), the licence of a warehouse operator may be suspended on grounds of –
- (a) failing to retain required competencies; or
 - (b) Institution of insolvency proceedings.
- (3) Where operations have been suspended, the Council shall notify the warehouse operator in writing, indicating the period and reasons for suspension and the remedial measures required for lifting of the suspension

Certification of collateral managers

10. (1) A person intending to operate as a collateral manager shall apply to the Council for certification as prescribed in Form 1B of the First Schedule.
- (2) The Council shall certify the applicant if the applicant-
- (a) is a company or such other legal entity registered in Kenya;
 - (b) has qualified personnel or engage the services of qualified personnel in warehousing operations and collateral management
 - (c) has a minimum of three years' relevant experience in commodity handling and warehouse operations.
- (3) Upon receipt of an application, the Council shall provide feedback to the applicant within 7 days.
- (4) Where the applicant meets the requirements for certification, Council shall, within 14 days, issue a

compliance certificate for a collateral manager to the applicant as set out in Form 2B of the Second Schedule upon payment of the fees set out in the Form 3A of the Third Schedule to these Regulations.

- (5) A certified collateral manager shall apply and be granted a certificate of compliance annually upon payment of a renewal fee set out in Form 3A of the Third Schedule as long as he continues to satisfy the initial conditions of grant of the certificate
- (6) The Council shall publish on the Kenya Gazette or the Council's website a list of all collateral managers certified by the Council on a quarterly basis.
- (7) Any person who operates as a collateral manager without certification by the Council commits an offence

Collateral
management

- 11. (1) The County Executive Committee Member, in consultation with the Council, shall appoint a certified collateral manager or warehouse manager to take over and manage the operations of the warehouse where the warehouse operator's license has been suspended or revoked.
- (2) The collateral manager or warehouse manager appointed under sub-regulation (1) will, in addition to meeting the requirements specified under regulation 9 (1), satisfy the requirements for insurance equivalent to the current market value of the commodity in the warehouse or warehouses he is appointed to manage.
- (3) The County Executive Committee Member shall bring to the attention of all depositors, holders and interested party of the decision to appoint a collateral manager.
- (4) Where the license is suspended or revoked the depositor, holder or any interested party may transfer their commodities to such warehouse operator who is duly licensed.
- (5) Where the license is suspended revoked and upon

appeal the decision to revoke is upheld, the County Executive Committee Member may in, consultations with the Council-

- (a) appoint an independent warehouse manager or collateral manager to bring the warehouse operations to normalcy within six months and a further six months to wind up the operations if the warehouse does not resume normalcy; or
 - (b) make arrangements to transfer the warehouse operations to a licensed operator; or
 - (c) transfer the commodities to licensed warehouse operator as the case may be at no additional cost to the depositor or holder.
- (6) The receipt which the previous warehouse operator issued shall remain valid until a new operator makes arrangement to issue replacement receipt at no additional costs to the depositor or holder.
- (7) The new warehouse operator shall not receive any additional commodities into the warehouse

PART II – THE CENTRAL REGISTRY

Features of the central registry

- 12.** (1) The Council shall establish a Central Registry system for administering the warehouse receipts system.
- (2) The Central Registry shall have the following features –
- (a) capability to handle the electronic and hard copy warehouse receipts;
 - (b) integrate with a clearing and settlement system;
 - (c) connected or capable of being connected to any registered commodities exchange and certified Warehouses;
 - (d) contain adequate infrastructure to ensure timely update of warehouse receipt system operations;
 - (e) adequate risk management mechanism including pre-checks performed by the system before

transfer of title;

- (f) capability of providing real time risk management and surveillance tools for monitoring of warehouse receipt system of activities of all certified warehouses;
- (g) able to provide warehouse operators and holders of receipt with access to warehouse receipts transactions;
- (h) able to provide interested parties access to confirm the validity of a warehouse receipt through search from the Central Registry
- (i) have adequate systems capacity supported by a business continuity plan including a disaster recovery system;
- (j) established and maintained in a manner to ensure that it is secure and maintains the confidentiality of data; and
- (k) contain any other feature and functionality as the Council may specify.

Duties of the Central Registry

13. The Central Registry shall –

- (a) maintain a register of all warehouse receipts transactions;
- (b) generate reports on all transactions of warehouse receipts for use by actors;
- (c) provide a link for the warehouse receipts system to the commodity exchanges and other relevant platforms;
- (d) maintain the integrity of the receipts and associated transactions; and
- (e) notify the public of any warehouse receipt that is lost, cancelled or withdrawn.

County Registries

14. Every County Executive Committee Member shall ensure that the County Registry established under section 5(a) of the Act-

- (a) conforms to all the requirements specified in Regulation 10; and
- (b) links with the Central Registry

Submission of copies of Warehouse Receipts

15. (1) A Warehouse Operator shall within 14 days of issuing a warehouse receipt, submit either hard or electronic copy of the receipt to the registrar of the Central Registry in format set out in Form 1C of the First Schedule.

(2) The registrar shall register and generate a certificate of registration for a warehouse receipt submitted.

(3) A certificate of registration generated shall be conclusive evidence of the issue or negotiation of a warehouse receipt.

(4) The registrar shall facilitate access to the registration certificates and registered warehouse receipts through the Central Registry.

Fees and charges

16. (1) The Council shall publish prescribed fees and charges payable to the Council in the Kenya Gazette and the official website.

(2) The Council may review the fees and charges from time to time

PART IV - WAREHOUSE RECEIPTS

Form of warehouse receipts

17. Every warehouse receipt shall be a negotiable receipt.

Minimum lots for issuance of warehouse receipt

18. The Council shall specify and periodically review the minimum lots required for various agricultural commodities acceptable for issuance of warehouse receipts under these Regulations.

Warehouse receipts template

19. (1) The Council shall generate a standard warehouse receipt template in a manner set out in Form 2C of the First Schedule to be applied by warehouse operators.

(2) A warehouse operator shall only use the standard warehouse receipt template approved by the Council to issue warehouse receipts.

(3) For the purpose of issuing electronic warehouse receipts, the Council shall, in consultations with stakeholders, designate an electronic system for generating, sending, receiving and storing electronic warehouse receipts

(4) Where the warehouse operator has its own electronic system, such system shall only be approved if capable of interface with the Central Registry.

Guidelines for determining normal shrinkage of commodities

20. The Council shall set guidelines to be used by warehouse operators in determining the usual and normal shrinkage in weight commodities during storage due to natural processes.

Replacement of a warehouse receipt

- 21. (1) A depositor has an obligation to immediately report a lost, stolen or destroyed warehouse receipt to the warehouse operator who issued it and to any other person who has pecuniary interest in goods for which the receipt was issued.
- (2) The warehouse operator shall, before issuing a replacement receipt, require the depositor to avail details outlined in Form 2D of the Second Schedule.
- (3) The depositor shall make a commitment to bear the liability that the warehouse operator may suffer emanating from such loss, theft or destruction of the warehouse receipt.
- (4) Upon fulfilment of the requirements of this section, the warehouse operator shall issue a new receipt marked "Replacement Receipt" with reference number of the lost receipt as set out in Form 2C of the Second Schedule.
- (5) The Warehouse operator shall notify the Central Registry of the replacement warehouse receipt in Form 1C of the Second Schedule.

Surrender of receipts in splits of lots

- 22. (1) Where a depositor wishes to split a lot for which a receipt has been issued, the depositor shall surrender the warehouse receipt to the warehouse operator.
- (2) Upon surrender of the receipt, the warehouse operator shall cancel the receipt and issue new warehouse receipts reflecting the new lots subject to the minimum lot size required for the commodity.

Disclosure of charges

- 23. (1) All charges levied by the warehouse operator shall be disclosed to the depositor prior to depositing of the commodity into the warehouse.
- (2) Every warehouse operator shall provide the Council with their charges on quarterly basis
- (3) The Council shall publish on a quarterly basis on their official website all the warehouse fees charged by the operators

PART V – NEGOTIATION AND TRANSFER OF WAREHOUSE RECEIPTS

Negotiation and transfer

- 24. (1) A warehouse receipt shall be negotiable upon its

registration by the Central Registry.

(2) A person who intends to transfer a warehouse receipt shall initiate the transfer using a standard contract template to be issued by the Council.

(3) A prospective transferee shall verify the ownership, quality and or any encumbrances of the warehouse receipt under negotiation by making such confirmations from the warehouse operator who issued the receipt.

(4) The warehouse operator, where required, shall disclose any material information and any encumbrances relating the warehouse receipt to the prospective transferee.

(5) The transferor has the obligation to settle any encumbrances before the transfer including any payments to any creditor with a lien over the warehouse receipt and all related charges

(6) Upon settlement of encumbrances, fees and related charges the transferor shall endorse the warehouse receipt in favour of the transferee and the transferor and transferee shall execute the transfer in such form as the Council may prescribe and submit it to the warehouse operator.

(7) Upon receipt and verification of the endorsed warehouse receipt and duly completed transfer form, the warehouse operator shall issue a new warehouse receipt to the transferee and submit either hard or electronic copy of the receipt to the registrar of the Central Registry within 14 days.

(8) The Registrar shall update the records to reflect change of title or ownership and generate a certificate of registration of the warehouse receipt.

Delivery of commodities

25. (1) The warehouse operator shall deliver commodities to the owner upon presentation of a warehouse receipt.

(2) A warehouse operator may fail or refuse to deliver commodities to the holder of a warehouse receipt where the warehouse operator has a lawful reason for refusing to deliver including-

- (a) warehouse operator's lien has not been fully satisfied; or
- (b) court order prohibiting the warehouse operator

- from delivering the commodities; or
(c) failure by the owner to produce warehouse receipt

(3) Where the warehouse operator fails or refuses to deliver commodities to the holder of a warehouse receipt on demand, a warehouse operator may thereafter upon agreement with the depositor deliver commodities of similar grade and quality or its equivalent within seven days.

(4) A warehouse operator who fails to comply with regulations 22(1) and (3) commits an offence

Uncollected
commodities in a
warehouse

26. (1) Where a depositor has not collected or issued further instructions to the warehouse operator at the end of the agreed contractual storage period, the goods in the warehouse shall be deemed to be uncollected for the purpose of Disposal of Uncollected Goods Act, Cap 38.

(2) The warehouse operator shall notify the depositor or holder to take delivery of the commodities within 14 days.

(3) Before initiating the procedure provided for under Cap 38, the warehouse operator shall notify the Council.

Sale of commodities
under lien

27. (1) Where the holder of a lien is satisfied that the owner of the warehouse receipt is unable to meet their obligations under the lien, the holder of lien may initiate the sale of the commodity under lien.

(2) The sale shall not take place unless the holder of the lien has given at least twenty-one days' notice to the owner of the warehouse receipt.

(3) The notice in sub-regulation (2) shall have a statement that unless the claim is paid within the time specified, the commodities shall be advertised for sale and shall be sold by auction at a specified time and place.

(4) The sale by auction shall include a condition as to the reserve price that takes into account the prevailing market conditions.

(5) The proceeds of the sale shall be used to settle any outstanding liabilities entered in the warehouse receipt in accordance with priority and order of claims, and the balance of the proceeds, if any, paid to the holder of the warehouse receipt.

Claims included in
the warehouse
operator's lien

28. A warehouse operator's lien on commodities deposited, or on the proceeds thereof, shall include the following

(a) all lawful charges for storage and preservation of the commodities;

- (b) all lawful claims for money advanced, interest, insurance, transportation, labour, weighing and other charges and expenses in relation to the commodities;
- (c) all reasonable charges and expenses for notice and advertisement of sale and for sale of the commodities where default has been made in satisfying the warehouse operator's lien

PART VI – DUTIES AND OBLIGATIONS OF A WAREHOUSE OPERATOR, DEPOSITOR AND PLEDGEEES

Duties of a warehouse operator

- 29. (1)** A licensed warehouse operator shall –
- (a) ensure maintenance of warehouses and warehousing infrastructure as per the set standards
 - (b) ensure quality and check quantity of the stock of agricultural commodity in the warehouse;
 - (c) issue a negotiable warehouse receipt only in respect of such commodities that have been specified by the Council from time to time;
 - (d) verify the authenticity, any liabilities or encumbrances of warehouse receipts during negotiation and transfer;
 - (e) deliver the commodities to owner of a negotiable warehouse receipt on demand;
 - (f) keep and update records of all warehouse operations and avail for the same inspection
 - (g) prepare and submit quarterly reports on the warehouse operations to the Council and the County Executive Committee Member;

Duties and obligations of the depositor or warehouse receipt owner

- 30.** A depositor of a commodity or warehouse receipt owner shall –
- (a) deliver commodities that meet the set commodity standards
 - (b) ensure the receipt issued for the deposited commodity reflects the accurate information including quality and quantity of the commodity
 - (c) ensure that upon negotiation of a receipt relating to a commodity in the warehouse, the depositor or owner endorses the receipt and executes the transfer form.

Duties of a pledgee

- 31.** Where an owner of a warehouse receipt pledges the receipt in favour of a pledgee, the pledgee shall;
- (a) ensure the receipt issued for the deposited commodity reflects the accurate information including quality and quantity of the commodity;
 - (b) register their interest in the receipt with the

warehouse operator.

PART VII – INSPECTIONS

Appointment of inspectors

- 32.** (1) The Chief Executive Officer of the Council may, by notice in the Gazette, appoint qualified persons by name or office to carry out the inspection of the warehouse operator's premises and business for the purposes of the Act and these regulations.
- (2) The inspectors appointed under sub-regulation (1) may include inspectors appointed under the Crops Act.
- (3) The Council may appoint external inspectors for independent inspections or audits.
- (4) An inspector appointed under this regulation shall have jurisdiction in such area as specified in the instrument of appointment.

Powers of inspectors

- 33.** (1) An inspector may, in the performance of their duties under the Act and these regulations, at all reasonable times and without a warrant -
- (a) enter any premises, facility, vessel or property which the inspector has reason to believe it is necessary for him to enter in order to ascertain whether the requirements of the Act or these regulations are being complied with and may take with him any person duly authorized by the Council;
- (b) take with him any equipment or material required for any purpose for which the power of entry is being exercised;
- (c) carry out such tests and examinations, and make such recordings as may be necessary in the circumstances;
- (d) direct that any part of premises which he has power to enter, or anything in such premises, shall be left undisturbed for as long as is reasonably necessary for the purpose of any test or examination;
- (e) take appropriate samples of any commodities, articles or substances found in any premises which he has power to enter, for analysis or any other relevant purpose under the Act or these regulations;
- (f) require the production of any records which may be required to be kept under the Act or these

Regulations

(2) When exercising their powers under these regulations the inspector shall suitably identify himself and prominently display an official badge from the appointing authority.

Obstruction
of inspectors

34. (1) The warehouse operator or their agent shall give the inspector unlimited access to warehouse premises and any records.

(2) Any person who-

(a) willfully refuses entry to an inspector acting under this section;

(b) knowingly obstructs an inspector in making an entry or making an inspection;

(c) without reasonable excuse, fails to produce any document the production of which is required of under this section

commits an offence.

PART VIII – MISCELLANEOUS PROVISIONS

Commingling
Commodities

of **35.** (1) Any commingling of agricultural commodities shall be done with regard to –

(a) the crop harvest season and year, where applicable,

(b) commodity type, grade or quality.

(2) The warehouse operator shall ensure that all the records of commingled agricultural commodities are kept distinct.

(3) The Council may issue guidelines on the range of commodities in the same warehouse.

Insurance cover

36. (1) For the purpose of Section 19 of the Act, a warehouse operator shall insure the warehouse and commodities against all common perils such as loss by fraud, theft, fire, employee infidelity, disasters such as drought, flooding, sabotage, internal explosion, wind storm and any other disaster, perils and such other related peril.

(2) A warehouse operator may take professional indemnity cover for the personnel engaging in the warehouse business.

(3) A warehouse operator shall display in a conspicuous place in the warehouse a certificate of insurance and a notice in bold letters stating briefly the conditions under which

commodities are insured.

- (4) A warehouse operator shall take prompt steps as may be necessary and proper to collect any money which becomes due under a contract or insurance entered into by him or her for the purposes of this Act and shall, as soon as the money is collected, promptly pay any person entitled to receive the money.
- (5) A warehouse operator shall, in accordance with the terms of his or her contract with insurance companies for the purpose of fulfilling the insurance requirements under this Act, pay such premiums, permit such reasonable inspections and make such reasonable reports as may be provided for in those contracts.

Submission of reports
by the Council

37. (1) The Council shall prepare and submit quarterly and annual reports to the Cabinet Secretary on the operations of the Council.

(2) The reports shall include the following information –

- (a) details of commodities in regard to type, variety, quantity and grade;
- (b) number of warehouse receipt issued;
- (c) number of participants including depositors, financiers and warehouse operators and buyers;
- (d) details on any defaults by depositors;
- (e) disputes filed and resolved by the Council; and
- (f) any other detail as the Cabinet Secretary may require.

Offences and Penalties

38. Any person who commits an offence under these regulations shall be liable to a penalty prescribed in Part VII of the Act.

Dispute resolution

39. (1) All disputes arising from implementation of this regulation shall be referred to the council
(2) A person aggrieved by the decision of the Council may appeal to the Warehouse Receipt System dispute resolution committee established under section 23 of the Act

Use of forms

40. Forms prescribed for use in these regulations may be in physical or electronic form and may be used with slight modifications to enable their effective use

SCHEDULES

FIRST SCHEDULE

**FORM 1A: APPLICATION/RENEWAL FOR WAREHOUSE OPERATOR'S LICENSE
(r,4(2))**

Warehouse Receipt System Act

Serial No.....

Warehouse receipt System Council Logo	County Government of Logo
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**FORM A: APPLICATION/RENEWAL FOR WAREHOUSE OPERATOR'S LICENSE
(r,4(2))**

A - Particulars of Applicant (New/Renewal - delete as appropriate):

Period for which the License application is made Month ofYear.....

1. Full name of applicant.....
2. Postal address..... Postal code.....Town.....
3. Telephone No..... Mobile phone.....E-mail.....Website.....
4. Type of Entity (Company/Cooperative/Partnership/Society/Trust/Sole)(*Select as appropriate*)
5. Certificate of Company Incorporation No/Registration No.....
6. KRA PIN
7. List Names and Identity card Nos. for Directors (Attach list)
8. Provide Passport Nos. and Work Permits for Directors for Foreign based Companies
(Attach list)

B - Physical Locations/Principal office

1. L.R. No. or No's.....
2. County..... Sub County..... Ward..... Street.....
3. Building.....

C - Commodities to be Warehoused

1. Type of commodities to be warehoused.....
2. Storage capacity of the warehouse (in metric tons/cubic meters).....

Declaration

I hereby declare that the particulars which we have given are true and accurate to the best of our knowledge and information.

Name of authorized signatory.....

Title of authorized signatory.....

Signature..... Date

Company Seal.....

FOR OFFICIAL USE ONLY

County Executive Committee (CEC) Member for Agriculture.

Name:.....Signature.....Date.....

Comments (Approved/Not Approved)

Official stamp

Requirements

- a) Duly filled application form;
- b) Copy of the business plan for intended warehouse(s)
- c) Copy of current Tax compliance Certificate;
- d) Copy of Certificate of good conduct;
- e) Personal details - Copies of ID, PIN No.,
- f) Copy of Insurance policy;
- g) Copy of Valid license for the warehouse;
- h) In the case of a company, Copy of certificate of incorporation/Registration and the latest CR12;
- i) Copy of Certificate of good conduct;
- j) Copy of previous years license in case of renewals
- k) Copy of latest Warehouse inspection report (should be at least the within the last two years).
- l) Payment of requisite application fee

**FORM 1B: APPLICATION/RENEWAL FOR CERTIFICATION OF A COLLATERAL
MANAGER (r9(1))**

Warehouse Receipt System Act

Serial No.....

**FORM A: APPLICATION/RENEWAL FOR CERTIFICATION OF A COLLATERAL
MANAGER**

Period for which the certification is made: Month ofYear.....

A - Particulars of Applicant (New/Renewal - *delete as appropriate*):

1. Full name of applicant.....
2. Postal address..... Postal code.....Town.....
3. Telephone No..... Mobile phone.....E-mail.....Website.....
4. Type of Entity (Company/Cooperative/Partnership/Society/Trust/Sole)(*Select as appropriate*)
5. Certificate of Company Incorporation No/Registration No.....
6. KRA PIN
7. Names and Identity card Nos. for Directors (Attach list)
8. Passport Nos. and Work Permits for Directors for Foreign based Companies
(Attach list)

B - Physical Locations/Principal office

1. Physical Address.....
2. County..... Sub County..... Town..... Street.....

Declaration

I/We hereby declare that the particulars which I/we have given are true and accurate to the best of my/our knowledge and information.

Name of authorized signatory.....

Title of authorized signatory.....

Signature..... Date

Company Seal.....

FOR OFFICIAL USE ONLY

Chief Executive Officer of the Warehouse Receipt System Council

Name:.....Signature.....Date.....

Comments (Approved/Not Approved)

Official stamp

Requirements

- a) Duly filled application form;
- b) Copy of current Tax compliance Certificate;
- c) Personal details of directors/management - Copies of ID, PIN No.,
- d) In the case of a company, Copy of certificate of incorporation/Registration and the latest CR12;
- e) Proof of warehouse operations;
- f) Payment of requisite application fee

Warehouse Receipt System Act

Warehouse receipt System Council Logo	County Government of Logo
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1. Warehouse Operator Details:

Name... ..
 Postal Address: Postal Code
 Email..... Tel number.....
 Physical address Sub-County

S. No.	Name of Deposit/owner	Receipt No.	Next of kin	Date of issue	Commodity type	Quantity	Grade	Remarks

Prepared by: Name Signature.....

Approved by: Name Signature.....Date

Stamp.....

SECOND SCHEDULE

FORM 2A

(r. 5(2))

Warehouse Receipt System Act

Serial
No.....

Warehouse receipt System Council Logo	County Government of Logo
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WAREHOUSE OPERATORS LICENSE

M/s.....of Post office Box
.....has been granted a Warehouse Operators License No.
.....

This license is Valid from..... to
.....20.....

Fee paid: Kshs.....

.....
CECM (Agriculture)
Date of issue.....
Official stamp.

This license is issued subject to compliance with the provisions of the Warehouse Receipt System Act, 2019 and the Warehouse Receipt System Regulations, 2020 and such terms and conditions as specified hereunder.

Terms and conditions

1. This license is not transferable
2. An application for renewal of this license shall be made to the CEC (Agriculture) not later one month before the license is due to expire.
3. Any changes in the particulars for purposes of the license shall be notified to the CEC Agriculture in writing
4. This license may be suspended or cancelled where a licensee contravenes the provisions of the Act.

Warehouse Receipt System Act

Serial
No.....

COLLATERAL MANAGER CERTIFICATE

M/s.....of Post office Box
.....has been certified as a Collateral Manager vide certificate No.
.....

This Certificate is Valid from..... to
.....20.....

Chief Executive Officer
Warehouse Receipt System Council
Date of issue.....
Official stamp.

Warehouse Receipt System Act

Serial No.....

Warehouse receipt System Council Logo	Warehouse Operator Logo
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WAREHOUSE RECEIPT

WAREHOUSE RECEIPT No:.....

Part A: Depositors/Owners Information

- 1. Name of Person or Group who have deposited Commodity
- 2. ID/Passport No.
- 3. Central Registry Identifier (Where Applicable)
- 4. Postal Address
- 5. Telephone No
- 6. E-mail address.....
- 7. Ward.....
- 8. Sub-County.....
- 9. County

Part B: Description of the Commodity

Type

Quantity (Kg)

Crop Year/Season

Grade

Lot No. (Where Commodities are not commingled)

Part B: Particulars of Warehouse where Commodity is stored

Name of warehouse..... License No. of the Warehouse Operator

Name and location of Building

Street.....

Ward.....

Sub-County.....

County

Operator's Insurance underwriter..... Policy No.

Name of the Warehouse operator

Date

Signature of Warehouse Operator

Applicable Conditions

1. The good received shall be delivered to the holder or to his order
2. The warehouse operator holds the lien on the commodities deposited for storage and handling charges
3. The warehouse operator undertakes to exercise reasonable care and due diligence during storage of commodities
4. The owner undertakes to immediately report the loss of this receipt to the warehouse operator

FORM 2D: NOTIFICATION TO THE WAREHOUSE OPERATOR OF A LOST/DESTROYED/STOLEN WAREHOUSE RECEIPT (r.20(2))

Warehouse Receipt System Act

Serial No.....

Warehouse receipt System Council Logo	County Government of Logo
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NOTIFICATION TO THE WAREHOUSE OPERATOR OF A LOST/DESTROYED/STOLEN WAREHOUSE RECEIPT

1. Depositor Details:

Name..... ID/Passport.....
 Postal Address: Postal Code
 Email..... Tel number.....
 Physical address County.....
 Sub-County

2. Warehouse Receipt particulars:

Receipt No.
 Commodity type.....
 Grade
 Quantity
 Date deposited

3. Nature of loss: (specify)

Stolen [] Lost [] Destroyed []
 Other (Specify).....

4. Application is made for a lost/stolen/destroyed Warehouse Receipt in accordance with the particulars given above, which are hereby certified to be correct by the applicant(s): -

Name.....Signed.....Date.....
 Name.....Signed.....Date.....
 Name.....Signed.....Date.....

Stamp.....

Attach the following;

- (a) Police report of the loss;
- (b) Copy of the lost/destroyed/stolen warehouse receipt (if available)

Warehouse Receipt System Act

Serial No.....

Warehouse receipt System Council Logo	County Government of Logo
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REPLACEMENT WAREHOUSE RECEIPT

WAREHOUSE RECEIPT No:.....

Part A: Depositors/Owners Information

1. Name of Person or Group who have deposited Commodity
2. ID/Passport No.
3. Central Registry Identifier (Where Applicable)
4. Postal Address
5. Telephone No
6. E-mail address.....
8. Ward.....
9. Sub-County.....
10. County

Part B: Description of the Commodity

- Type
- Quantity (Kg)
- Crop Year/Season
- Grade
- Lot No. (Where Commodities are not commingled)

Part B: Particulars of Warehouse where Commodity is stored

- Name of warehouse..... License No. of the Warehouse Operator
- Name and location of Building
- Street.....
- Ward.....

Sub-County.....

County

Operator's Insurance underwriter..... Policy No.

Name of the Warehouse operator

Date

Signature of Warehouse Operator

Applicable Conditions

1. The good received shall be delivered to the holder or to his order
2. The warehouse operator holds the lien on the commodities deposited for his storage and handling charges
3. The warehouse operator undertakes to exercise reasonable care and due diligence during storage of commodities
4. The owner undertakes to immediately report the loss of this receipt to the warehouse operator

FORM 2F: NOTIFICATION TO THE CENTRAL REGISTRY OF A LOST/DESTROYED/STOLEN AND REPLACED WAREHOUSE RECEIPT (r. 2-(5))

Warehouse Receipt System Act

Warehouse receipt System Council Logo	County Government of Logo
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(c)

NOTIFICATION TO THE CENTRAL REGISTRY OF A LOST/DESTROYED/STOLEN AND REPLACED WAREHOUSE RECEIPT

1. Warehouse Operator Details:

Name... ..
 Postal Address: Postal Code
 Email..... Tel number.....
 Physical address Sub-County

2. Receipt particulars:

Receipt No.
 Serial No.....
 Depositor Details: Name..... ID/Passport No.....
 Commodity type.....
 Grade/Quality
 Quantity
 Date deposited Date Replacement

3. Nature of loss: (specify)

Stolen [] Misplaced [] Destroyed []

4. Application is made for a lost Warehouse Receipt in accordance with the particulars given above, which are hereby certified to be correct by the applicant(s): -

Name.....Signed.....Date.....
 Name.....Signed.....Date.....
 Name.....Signed.....Date.....

Applicant Signature.....
 Date

Stamp.....

THIRD SCHEDULE

FORM 3A: Fees and Charges

(r. 4(4))

Type of fee/charge	Paid to	Amount (Kshs)
1. Application fee for warehouse operator's license	County Government	500
2. Licensing/renewal of license fee for warehouse operators	County Government	2,000
3. Certification/renewal fee for collateral managers	Warehouse Receipt System Council	10,000
4. Fee for registration of warehouse receipt and generation of a registration certificate by the Council	Warehouse Receipt System Council	100

Signed Date

Hon. Peter G. Munya MGH
Cabinet Secretary
Ministry of Agriculture, Livestock, Fisheries and Cooperatives