

**FERTILIZERS AND ANIMAL FOODSTUFFS  
(DECLARATION AND WARRANTY) RULES, 1972**

[L.N. 216/1972.]

1. These Rules may be cited as the Fertilizers and Animal Foodstuffs (Declaration and Warranty) Rules, 1972.

2. Every vendor of any approved fertilizers shall provide a purchaser with a written declaration and warranty in respect of any sale involving 500 kg or more of any one kind of an approved fertilizer, or in respect of any sale of an approved fertilizer for resale purposes.

3. (1) Every declaration and warranty required to be given by a vendor to a purchaser under rule 2 of these Rules shall be in the following form—

"I (i) ..... of .....  
hereby declare and give warranty as follows in respect of the following approved fertilizer/s which I have sold to (ii) ..... of ....."

(2) In addition to the declaration and warranty required to be given by vendor under rule 2 of these Rules, the vendor shall in respect of each kind of approved fertilizer involved in the transaction make a separate declaration in writing as follows—

"That the packages or containers marked (iii) ..... contain (iv) .....  
tonnes ..... and ..... kilogrammes of (v) .....  
and that I guarantee that this fertilizer is not adulterated."

(3) Where the vendor is selling an approved fertilizer partly or wholly by virtue of the contents of its constituents in respect of which he is required to make a declaration and warranty under rule 5 of these Rules, he shall in addition give to the purchaser the following guarantee—

"Furthermore I guarantee that this fertilizer contains (vi) ..... of (vii) .....  
per cent of (viii) ....."

4. (1) Every vendor shall complete the declaration and warranty by appending his signature at the end thereof.

(2) In the declaration and warranty, the vendor shall insert in the spaces kept blank for the purpose of the following particulars—

- (a) at (i) his own name and full postal address;
- (b) at (ii) the name and full postal address of the purchaser;
- (c) at (iii) sufficient detail of the marks on the containers or packages in which the approved fertilizer is packed or particulars shown on the labels attached thereto;
- (d) at (iv) the weight of the approved fertilizer contained in the containers or packages in tonnes and kilogrammes as the case may be;
- (e) at (v) the name under which the fertilizer is prescribed to be an approved fertilizer under the Fertilizers and Animal Foodstuffs (Approved Fertilizers) Rules, 1972 (L.N. 209/1972);
- (f) at (vi) the words "minimum" or "maximum" as the case may be of the percentage of the constituents which he is required to guarantee under rule 5 of these Rules;

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- (g) at (vii) the minimum or the maximum percentage as the case may be of the aforesaid constituent which he is required to guarantee under rule 5 of these Rules;
- (h) at (viii) the name of the aforesaid constituent and if the constituent is nitrogen in a compound fertilizer he shall add the words "and that the nitrogen is present in the form of", and he shall then add the words "ammonium nitrogen", "nitrate nitrogen", "organic nitrogen", or such combination of these words as is appropriate to describe the form in which the nitrogen is present in the said compound fertilizer.

**5. In making this declaration and warranty—**

- (a) if the approved fertilizer is Superphosphate or supers the vendor shall declare the minimum percentage of water soluble phosphorus pentoxide which he guarantees the fertilizer to contain;
- (b) if the approved fertilizer is Soda phosphate, the vendor shall declare the minimum percentage of phosphorus pentoxide which is soluble in 2 per cent citric acid which he guarantees the fertilizer to contain;
- (c) if the approved fertilizer is Basic Slag, the vendor shall declare the minimum percentage of phosphorus pentoxide which is soluble in 2 per cent citric acid which he guarantees the fertilizer to contain and the minimum percentage of fertilizer which he guarantees will pass through a Standard Test Sieve (minimum specification B.S. 410), having apertures not greater than 0.152 mm sq.;
- (d) if the approved fertilizer is Rock Phosphate, Guano or Bonemeal, the vendor shall declare the minimum percentage of phosphorus pentoxide which is soluble in mineral acid which he guarantees the fertilizer to contain;
- (e) if the approved fertilizer is or containing compound fertilizer the vendor shall declare the minimum percentage of nitrogen and the maximum percentage of biuret which he guarantees the fertilizer to contain;
- (f) if the approved fertilizer is Sulphate of Ammonia, the vendor shall guarantee that the fertilizer contains at least 20 per cent nitrogen and, if the free acid content is in excess of 0.03 per cent, he shall declare the maximum amount of free acid which he guarantees the fertilizer to contain;
- (g) if the approved fertilizer is Calcium Ammonium Nitrate, the vendor shall guarantee that the fertilizer contains at least 20 per cent nitrogen;
- (h) if the approved fertilizer is Ammonium Sulphate Nitrate, the vendor shall guarantee that the fertilizer contains at least 25 per cent nitrogen;
- (i) if the approved fertilizer is Nitrate of soda, the vendor shall guarantee that the fertilizer contains at least 15 per cent nitrogen;
- (j) if the approved fertilizer is Diammonium Phosphate, the vendor shall declare the minimum percentage of nitrogen and the minimum percentage of water soluble phosphorus pentoxide which he guarantees the fertilizer to contain;
- (k) if the approved fertilizer is a compound fertilizer the vendor shall declare the minimum percentage of nitrogen and or water soluble phosphorus pentoxide or a phosphorus pentoxide which is soluble in 2 per cent citric acid or mineral acid which he guarantees the fertilizer to contain and shall state in the manner prescribed under paragraph (h) of rule 4 of these Rules the form or forms in which the nitrogen it contains is present.

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6. The minimum or maximum percentage, as the case may be of the constituents which the vendor is required to guarantee under rule 5 of these Rules shall be as determined in the manner prescribed under the Fertilizers and Animal Foodstuffs (Analysis) Rules, 1972 (L.N. 215/1972), on samples taken in the manner prescribed under the Fertilizers and Animal Foodstuffs (Sampling) Rules, 1972 (L.N. 214/1972).

7. The completion of any transaction involving the sale of any quantity of any approved fertilizer shall imply that the vendor has made a declaration and warranty to the purchaser in terms laid down by these Rules.

8. Any person who sells any approved animal foodstuffs shall clearly, conspicuously and indelibly mark on or affix to the container in which the animal foodstuff is sold, the particulars required in paragraphs (a), (b), (c) and (d) of this rule or shall, provide the purchaser with a written declaration at the time of sale or within a reasonable time after the animal foodstuff is delivered containing the following particulars—

- (a) the seller's name and full postal and business addresses;
- (b) the name of the animal foodstuff sold;
- (c) the guaranteed analysis expressed to the first decimal place of the animal foodstuff in respect of the constituents for which guarantees are required under the Fertilizers and Animal Foodstuffs (Approved Animal Foodstuffs) Rules, 1972 (L.N. 211/1972);
- (d) the means for identifying the animal foodstuff covered by the declaration:

Provided that for the sale of quantities of 25 kg or less of an approved animal foodstuff, it shall be sufficient if the approved animal foodstuff sold is taken out in the presence of and with the knowledge of the purchaser from a parcel bearing a label on which are marked the particulars required under this rule.

9. Any person who sells approved fertilizers without complying with the requirements of rules 2, 3 and 4 of these Rules, and any person who sells approved fertilizers partly or wholly by virtue of the contents of its constituents without complying with the requirements of rule 5 of these Rules and any person who sells approved animal foodstuffs without complying with the requirements of rule 8 of these Rules, shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

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