CHAPTER 343

TEA ACT

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CHAPTER 343

TEA ACT

[Date of assent: 31st December, 1960.]

[Date of commencement: 9th May, 1961.]

An Act of Parliament to make provision for regulating and controlling the production, manufacture and trade in tea, and for connected purposes


PART I – PRELIMINARY

1. Short title

This Act may be cited as the Tea Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“Agriculture Secretary” means the Agriculture Secretary in the Ministry for the time being responsible for agriculture and includes any person authorized to carry out the duties of the Agriculture Secretary under this Act;

“auction organizer” means a person, a company or a firm established for the purposes of organizing tea auctions in Kenya;

“blending” means the process of mixing teas of different grades to affect the flavour and characteristics of the tea for the purposes of packing and for sale;

“Board” means the Tea Board of Kenya established by section 3;

“buyer” means a person, a company or a firm engaged in acquiring manufactured tea for re-sale in the local or export market, including the export of imported tea;

“broker” means a person, company or firm established for the purpose of negotiating the purchase or sale of tea between producers and buyers;

“certificate of origin” means a document issued in a customs territory by a competent authority confirming the origin of a tea product;

“co-operative society” means a co-operative society registered under the Co-operative Societies Act (Cap. 490);

“customs territory” means the geographical area of the Republic of Kenya or of any other country in relation to which the expression is used;

“established agency” means Kenya Tea Packers Limited or such other body as the Minister may, by notice in the Gazette, appoint;

“export” means to take tea out of Kenya to any place outside Kenya;

“exporter” means a person, a firm, or a corporate body engaged in the business of exporting tea;

“green tea leaf” means leaf detached from tea plants but not dried or processed in any way;
“grower” means any person who is cultivating tea in any area or who intends to plant and cultivate tea in any area;

“import” means to bring tea into Kenya from any place outside Kenya;

“importer” means a person, a firm, or a corporate body engaged in the business of importing tea;

“licensee” means a person who holds a manufacturing licence under section 13;

“made tea” means the derivative from green tea leaf through a manufacturing process;

“management agent” means any person, co-operative society, marketing board or company established under any written law, that is appointed through a specific management contract or agreement by another person or company to perform or offer professional services in specific functions of production, processing or marketing of tea but does not include a buyer, broker or packer of tea;

“manufacturing licence” means a manufacturing licence issued under section 13;

“packer” means any person who packs tea into packets or containers holding not more than ten kilogrammes of tea intended for sale;

“person dealing in tea” includes a management agent, a broker, a buyer, an exporter, a packer, a blender, a warehouseman, an auction organizer or an importer;

“planting licence” means a planting licence issued under section 8;

“producer” means a processor of tea and includes a smallholder or a plantation tea producer or their representatives;

“registration” means registration of any person dealing in tea under this Act;

“smallholder” means a grower cultivating tea in a small piece or pieces of land who does not possess his own tea processing factory;

“sun-drying” means the manufacture of green leaf into made tea by using direct heat of the sun;

“tea” means the plant known botanically as *Camellia Sinensis* and includes its seed, tea plants and the leaf, whether on the plant or detached therefrom, and, in the latter case, whether green tea or manufactured tea;

“tea factory” means a factory to process green tea leaf into made tea;

“tea manufacture” means the mechanical or chemical processing and conversion of green tea leaf into made tea or other tea products;
“tea plantation” means a large area of land on which tea is cultivated;
“transit tea” means a consignment of tea transiting through Kenya’s customs territory, which is destined for another customs territory;
“warehouseman” means a company registered in Kenya which is in the business of storing tea intended for sale from a producer, a buyer, or a packer;

[Act No. 9 of 1967, Sch., Act No. 13 of 1978, Sch., Act No. 6 of 1999, s. 2, Act No. 4 of 2011, s. 3.] PART II – THE TEA BOARD OF KENYA

3. Establishment of Board

(1) There is established a Board, to be known as the Tea Board of Kenya, which shall consist of—

(a) a chairman, who shall be elected by the members of the Board from amongst the members referred to in paragraph (e)(i), (ii), (iii) or (iv);
(b) the Permanent Secretary in the Ministry responsible for agriculture or a representative nominated by the Permanent Secretary in writing;
(c) the Permanent Secretary to the Treasury or a representative nominated by the Permanent Secretary in writing;
(d) the Permanent Secretary in the Ministry responsible for trade or a representative nominated by the Permanent Secretary in writing;
(e) nine members appointed by the Minister as follows—
   (i) two persons nominated by factory organizations to represent smallholder tea producers;
   (ii) one person nominated by plantation tea producer organizations to represent plantation tea producers;
   (iii) one person nominated by registered auction organizers to represent the interest of tea traders;
   (iv) one person nominated by registered tea packers organizations to represent the interest of tea packers;
   (v) two persons, one a man and a woman, appointed by the Minister from amongst producers and trade unionists and who possess such knowledge and experience as the Minister considers beneficial to the Board;
   (vi) two persons nominated by the Minister who possess such knowledge and experience as the Minister considers beneficial to the Board;
(f) the Managing Director who shall be an ex officio member of the Board.
(g) the Managing Director appointed under section 4A who shall be an ex officio member of the Board;
(h) not more than two other members, nominated by the Board from amongst persons who, in this opinion, possess knowledge and experience likely to be beneficial to the Board.
(2) Repealed by Act No. 6 of 1999, s. 3(b).

(3) The Board may co-opt to serve on it for such length of time as it thinks fit any person or persons whose assistance or advice it may require, but a person so co-opted shall not be entitled to vote at any meeting of the Board or be counted as a member for the purpose of forming a quorum.

(4) The Board shall elect a vice-chairperson from amongst its members.

(5) Repealed by Act No. 6 of 1999, s. 3(c).

3A. Tenure of office

(1) This section shall apply to the chairman and members of the Board other than the members appointed under section 3(1)(b) and (c).

(2) The appointment of the chairman and every member of the Board to whom the section applies, shall be by name and by notice in the Gazette.

(3) The chairman and the members of the Board to whom this section applies shall hold office for a period of three years but shall be eligible for re-appointment.

(4) The chairman and any other member to whom this section applies may at any time, by a notice in writing under his hand addressed to the Minister, resign his office as such.

(5) If the Minister is satisfied that the chairman or any other member to whom this section applies—
   (a) has been absent from three consecutive meetings of the Board without the permission of the Board; or
   (b) has become bankrupt or made an arrangement with his creditors; or
   (c) is incapacitated by physical or mental illness;
   (d) has ceased to represent the interests in respect of which he is appointed;
   (e) is otherwise unable or unfit to discharge the functions of his office,
   the Minister may declare his office as chairman or a member of the Board, as the case may be, to be vacant, and shall notify the fact in such manner as the Minister thinks fit; and thereupon the office shall become vacant.

(6) Where a vacancy occurs in the office of a member appointed under section 3(1)(e), the Minister shall appoint another person nominated in accordance with that section to fill the vacancy.

4. Powers and functions of the Board

(1) It shall be the duty of the Board in exercise of its powers and in the performance of its functions to act in such manner as appears to it best calculated to promote the tea industry in Kenya.

(1A) In the exercise of its powers and in the performance of its functions under this Act, the Board shall act in accordance with any general or special directions that may be given to it by the Minister.

[Act No. 9 of 1967, Sch., Act No. 6 of 1999, s. 4, Act No. 4 of 2011, s. 5.]
(2) The functions of the Board shall include the carrying on of such activities and the doing of such things as are necessary, advantageous, proper or for the benefit of tea growers and the tea industry, and, in particular, but without prejudice to the generality of the foregoing, shall include—
   (a) Repealed by Act No. 6 of 1999, s. 5(a)(i);
   (b) the licensing of tea factories;
   (c) the regulation, control and improvement of the cultivation and processing of tea;
   (d) the taking of measures for the control of pests and diseases;
   (e) the regulation of all aspects of tea trade;
   (f) investigation of, research into, and co-ordination of training in all matters relating to the tea industry;
   (g) the registration of persons dealing in tea;
   (h) the promotion and monitoring of tea trade in Kenya;
   (i) variation, with or without conditions, of any licences and registration certificates under this Act; and
   (j) the taking of measures to ensure compliance with this Act.

(3) The Board may authorize the Managing Director or any of its members, or any officer employed by it, to exercise on its behalf, at any time when it is not meeting, such of its powers as it may from time to time resolve.

(4) The exercise of powers under subsection (3) shall, unless and so far as the Board may otherwise require, be reported without unreasonable delay to a meeting of the Board.

5. Incorporation of Board

(1) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—
   (a) suing and being sued;
   (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
   (c) borrowing or lending money; or
   (d) doing or performing all other things or acts for the furtherance of the provisions of this Act which may lawfully be performed by a body corporate.

(2) The seal of the Board shall be authenticated by the signature of the chairman, or one member of the Board authorized by the Board to act in that behalf, and of the secretary of the Board.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman, or of any member of the Board authorized in that behalf, or of the secretary of the Board.

6. Procedure and meetings of the Board
(1) The Board shall meet at such times and places as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Board may decide.

(2) The chairman may at any time call a special meeting of the Board, and shall call a special meeting within seven days after a requisition therefor addressed to him by any two members of the Board.

(3) The chairman, or in his absence the deputy chairman, or in the absence of both a member elected by the Board, shall preside at all meetings of the Board, and the deputy chairman or person presiding at any meeting shall with respect to such meeting or any business transacted thereat have all the powers of the chairman under this Act.

(4) The quorum for the conduct of the business of the Board shall be seven members including the chairman or person presiding.

(5) The chairman, deputy chairman or other person presiding at any meeting shall have a casting vote as well as a deliberative vote, and subject thereto the decision of the majority of the members present and voting at any meeting of the Board shall be deemed to be the decision of the Board.

(6) Minutes in proper form of each meeting shall be kept by the secretary and shall be confirmed by the chairman, deputy chairman or other person presiding at the next succeeding meeting.

(7) Deleted by Act No. 9 of 1967, Sch.
Subject to this section, the Board shall have power to regulate its own proceedings, and may delegate to any member, committee of members or officer employed by the Board the power and authority to carry out on behalf of the Board such duties as it may determine.

[Act No. 9 of 1967, Sch., Act No. 7 of 1975, Sch., Act No. 13 of 1978, Sch., Act No. 6 of 1999, s. 8, Act No. 4 of 2011, s. 8.]

7. Deleted by Act No. 9 of 1967, Sch.

PART III – GROWING OF TEA

8. Registration of tea growers

(1) Every tea grower shall, upon the commencement of this section, register with the tea factory to which he delivers green leaf, by supplying such particulars as the Board may, in regulations, prescribe.

(2) Upon the commencement of this section, every tea grower licensed by the Board or its agent shall be deemed to be a registered tea grower:

Provided that where the particulars supplied to the Board by such grower for purposes of licensing do not meet the requirements of any regulations prescribed under subsection (1), the grower shall comply with such requirements.

(3) Where a person starts growing tea at any time after the commencement of this section, such person shall, within six months register with a tea factory in accordance with subsection (1).

(4) Any change in the particulars supplied by a grower for purposes of registration in accordance with subsection (1) shall be notified to the Board or the tea factory in writing, without undue delay.

(5) The tea factory shall maintain a register for the purposes of this Part and shall record therein the particulars supplied in accordance with this section.

(6) Where the tea factory has reasonable cause to believe that a person whose particulars are so recorded has ceased to be grower, it may, after giving that person written notification by registered post of its intention to do so, remove the name of such person from the register.

(7) The register referred to in subsection (5) shall be prima facie proof of the fact that a person is a registered tea grower and the factory shall furnish the Board with particulars of all registered tea growers in such manner as the Board may prescribe.

(8) After the commencement of this section, any grower who carried on business as such without being registered in accordance with this section or knowingly or recklessly supplies false particulars, shall be guilty of an offence.

[Act No. 9 of 1967, Act No. 14 of 1971, Act No. 6 of 1999, s. 9.]

9. Repealed by Act No. 6 of 1999, s. 10.

10. Repealed by Act No. 6 of 1999, s. 11.


12A. Repealed by Act No. 4 of 2011, s. 9.
12B. Register of growers

Subject to this Act, the Board shall maintain a register, in such form as it may determine, of all tea factories registering growers under this Part and shall enter therein, in respect of each tea factory—

(a) the full names of the tea factory;
(b) the date of issue of the licence;
(c) the date of submission of annual returns of registered growers by the tea factory;
(d) the particulars of numbers of registered growers, area planted with tea or variations of these particulars;
(e) any other particulars the Board may deem necessary.

[Act No. 6 of 1999, s. 14.]

PART IV – MANUFACTURE OF TEA

13. No manufacture of tea without licence

(1) No person shall manufacture tea for sale, whether by sun drying or otherwise, except under and in accordance with a licence issued by the Board.

(2) The Board may, after consultation with the Minister, issue a manufacturing licence, in accordance with rules made under this Act.

(3) The Board may, after consultation with the Minister, cancel, vary or suspend any licence issued under this section, or suspend any such licence in respect of a specified factory only if in the findings of the Board, the licensee is found to have contravened the rules made under this Act for the operation of tea factories.

(4) Every application for a licence under this section shall be made in writing in the prescribed form.

(5) A manufacturing licence issued under this section shall in addition to authorizing the holder to carry on the business set out in subsection (1), also authorize the holder to carry out the business of packing and blending tea.

[Act No. 9 of 1967, Sch., Act No. 13 of 1978, Sch., Act No. 6 of 1999, s. 15, Act No. 5 of 2007, s. 16.]

13A. Illegal manufacture, possession, etc.

(1) Any person who—

(a) manufactures tea for sale in contravention of section 13;
(b) buys, sells, exposes for sale, transports or has in his possession any tea which to his knowledge or belief—

(i) has been grown, manufactured or dried otherwise than in accordance with this Act;
(ii) is from a tea grower not registered with the factory or contracted to supply green leaf to it;

shall be guilty of an offence and liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or to both.
(2) Where a person has in his possession or under his control any tea for which he is unable to account to the satisfaction of a person authorized under section 14 or 14A, such tea shall be deemed to have been grown, manufactured or dried otherwise than in accordance with this Act until the contrary is proved.

(3) Where a person is convicted of an offence under this section the court shall order that any tea and any vehicle, vessel or other conveyance in relation to which an offence has been committed shall be forfeited to the Government unless, in the case of a vehicle, vessel or other conveyance, the court sees good reason, to be recorded by it in writing, not to do so.

13B. Register of tea manufacturers

The Board shall maintain a register, in such form as it may determine, of all manufacturers licensed under section 13 and shall enter therein, in respect of each manufacturer—

(a) the full names of the manufacturer;
(b) the date of issue of the licence;
(c) particulars of any cancellation, suspension or variation of the licence;
(d) any other particulars the Board may deem necessary.

14. Entry and inspection

(1) Any person duly authorized in writing in that behalf by the Board may, at all reasonable times and upon production of such authority to any person so requesting, enter any land or buildings occupied by the holder of a manufacturing licence issued under section 13 or a person registered under this Act and make such inspection and enquiries as he may think fit for ascertaining whether the provisions of this Act, or any regulations made thereunder or the terms and conditions of the respective registration or licence are being complied with and may require any person found thereon to give such information as he may require.

(2) Any person who hinders or obstructs any person duly exercising or attempting to exercise any of the powers conferred by subsection (1) or who fails to give to the best of his ability any information reasonably required of him under that subsection shall be guilty of an offence.

14A. Powers of search and seizure

(1) An officer of the Ministry of Agriculture or of the Board, authorized in writing by or on behalf of the Agriculture Secretary or the Board, as the case may be, upon production of his authority on demand, and any police officer or administration police officer may—

(a) enter and search any premises upon which he has reason to believe there is tea in respect of which an offence under section 13A is
Provided that, before removing any tea under this paragraph, the person removing it shall furnish the person in whose custody or possession the tea is at the time of removal with a written receipt therefor;

(b) stop, search and detain any vehicle, vessel or other conveyance which he has reason to believe is being or has been used for conveyance of tea in respect of which an offence under section 13A is being or has been committed.

(2) Every seizure under subsection (1)(a) shall be reported without unnecessary delay to a subordinate court, and where any vehicle, vessel or other conveyance has been stopped and detained under subsection (1)(b) the person so stopping and detaining shall forthwith take it or cause it to be taken together with its contents, or report the fact of its detention, to the nearest police station and the officer in charge of the police station may thereupon order that the vehicle, vessel or other conveyance, together with any tea found therein, be seized.

(3) Any person who hinders or obstructs a person acting in the exercise of his powers under this section shall be guilty of an offence.

[Act No. 13 of 1978, Sch., Act No. 4 of 2011, s. 11.]

PART VI – EXPORT OF TEA

15. Repealed by Act No. 6 of 1999, s. 20.


17. No export of tea seed or plants without permission

Any person who, except with the permission in writing of the Board, exports any tea seed, or any living tea plants, or any living parts of tea plants which are capable of use for the propagation of tea, shall be guilty of an offence.

17A. Registration of dealers

(1) A person shall not deal in tea unless such person is registered by the Board.

(2) A person who deals in tea in contravention of subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding one million shillings, or imprisonment for a term not exceeding two years, or to both.

[Act No. 4 of 2011, s. 12.]

PART VII – FINANCIAL PROVISIONS

18. Cess

(1) The Minister may, from time to time, on the recommendation of the Board, by notice in the Gazette, impose an ad valorem levy on all made tea at the point of import or export.
(2) An *ad valorem* levy imposed through a notice under subsection (1) shall be collected by the Board at a rate not exceeding two percent of the gross sales and at such times (being not earlier than one month after the date of publication of the notice) and in such manner, as are specified in the notice, and shall be recoverable by the Board as a civil debt due to it from the person by whom it is payable.

(3) The *ad valorem* levy collected under subsection (2) shall be apportioned as follows—

(a) fifty percent shall be applied by the Board in the manner provided in section 19;

(b) forty percent shall be remitted directly to the Tea Research Foundation of Kenya; and

(c) ten percent shall be used for the development of infrastructure for the Tea Industry.

[Act No. 14 of 1971, Sch., Act No. 6 of 1999, s. 22, Act No. 4 of 2011, s. 13.]

19. **Application of moneys of Board**

The proceeds of the *ad valorem* levy under section 18(3)(a), and any other moneys accruing to the Board, may be used for all or any of the following purposes—

(a) the remuneration of members of the staff and technical advisers of the Board;

(b) the provision of offices, and of houses for members of the staff of the Board, and of furniture and equipment therefore, as the Board may deem necessary;

(c) the payment of such remuneration, fees, travelling and other expenses and subsistence allowances to members of the Board on such scale and subject to such conditions as may be approved by the Board;

(d) experiments, investigation and research in connection with the tea industry;

(e) the collection and dissemination of statistics and other information relating to tea and its production, distribution and consumption;

(f) the promotion of exhibitions for the display of tea and the processes for manufacture thereof, and matters incidental thereto;

(g) the establishment of libraries, laboratories, experimental stations, workshops and factories, and the provisions of facilities ancillary thereto;

(h) advertising the merits of Kenya tea and increasing its sale by efforts to extend existing markets and exploiting new markets, and matters incidental thereto;

(i) the payment of expenses and other charges incurred by the Board or for which the Board may become liable in the course of its operations;
(j) Deleted by Act No. 4 of 2011, s. 14(b);

(k) assisting the tea industry of Kenya in such manner as the Board may think fit.

[Act No. 6 of 1999, s. 23, Act No. 4 of 2011, s. 14.]

20. Investment of funds and borrowing powers

(1) The Board may, with the approval of the Minister, invest any funds which may from time to time be standing to its credit, and which are not immediately required for any of the purposes specified in section 19, in such investments as the Minister may approve.

(2) The Board may, with the approval of the Minister, raise or borrow sums of money for the purposes of discharging its functions under this Act, and may, for that purpose, mortgage or charge the whole or any part of its property.

21. Audit of accounts

(1) The Board shall cause to be kept such books of account and other books in relation thereto and to all its undertakings, funds, activities and property as the Minister may from time to time require; and shall, within a period of four months after the end of its financial year or within such longer period as the Minister may approve, cause to be prepared, signed and transmitted to the auditor—

(a) a balance sheet showing in detail the assets and liabilities of the Board; and

(b) such other statements of account as the Minister may require.

(2) The accounts of the Board shall be audited and reported upon by the Controller and Auditor-General in accordance with the provisions of the Public Audit Act, 2003 (No. 12 of 2003).

(3) The Board shall produce and lay before the auditor all books and accounts of the Board, with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the auditor shall be entitled to require from all members, officers, employees and agents of the Board such information and explanation as he may consider to be necessary for the performance of his duties as auditor; and the expenses of and incidental to the audit shall be paid by the Board.

[Act No. 12 of 1985, Sch., Act No. 4 of 2011, s. 15.]

22. Report and accounts to be submitted to Minister

(1) The Board shall, within a period of seven months after the end of its financial year or within such longer period as the Minister may approve, submit to the Minister a report of its operations during such year, and the yearly balance sheet and such other statements of account as the Minister may require together with the auditor’s report thereon; and the Board shall, if the Minister so requires, publish them in such manner as the Minister may specify.

(2) The Minister shall lay the Board’s report and the auditor’s report, together with the balance sheet and such other statements of account as he may have required, before the National Assembly within thirty days after receipt of the reports and statements by him, or, if the National Assembly is not then sitting, within fourteen days after the commencement of the next sitting.

[L.N. 365/1964, Act No. 9 of 1967, Sch.]
PART VIII – GENERAL PROVISIONS

23. Penalties

Every person who is guilty of an offence under this Act in respect of which no penalty is specially provided shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

[Act No. 4 of 2011, s. 16.]

24. Offences by corporations, societies, etc.

Where any offence under this Act or under any regulations made thereunder is committed by any company or other body corporate, or by any society, association or body of persons, every person charged with, or concerned or acting in, the control or management of the affairs or activities of such company, body corporate, society, association or body of persons shall be guilty of that offence and liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

25. Regulations

(1) The Minister may, after consultation with the Board, make regulations for the protection and promotion of the tea industry of Kenya, and generally for the better carrying out of the provisions of this Act.

(2) Regulations made under this section may, without prejudice to the generality of the power conferred by subsection (1), provide for—

(a) prescribing the areas outside which tea may not be planted, and regulating and controlling the variety, the cultural conditions, the method of production and manufacture of tea and the grading of manufactured tea, and providing for the control of pests and diseases (including requiring the treatment or destruction of diseased or infested tea and empowering the Board in default of such treatment or destruction to effect such treatment or destruction and to recover from the person in default the cost of so doing);

(b) regulating and controlling the method of blending and packing manufactured tea for sale;

(c) empowering the Board or the Agriculture Secretary to give directions to any planter as to the method of sowing, planting and cultivation of tea and the harvesting, collection, movement, processing and storage of tea leaf, and to delegate the like powers to any servant of the Board or public officer;

(d) requiring the submission of returns, reports and estimates by the holders of licences and permits under this Act and others;

(e) prescribing the periods for which licences and registration certificates shall be issued;
(f) prescribing the fees to be paid for anything to be done under this Act;
(g) prescribing the forms which may be used under this Act;
(h) prescribing anything which under this Act may be prescribed;
(i) requiring the registration or deregistration of buyers, brokers, packers, management agents and any other persons dealing in tea;
(j) requiring that the rules and regulations of any organization dealing or involved in tea trade do in conformity with the provisions of this Act;
(k) regulating all aspects of tea trade.

[Act No. 9 of 1967, Sch., Act No. 13 of 1978, Sch., Act No. 6 of 1999, s. 24, Act No. 4 of 2011, s. 17.]

26. Appeals

Any person grieved by the refusal of the Board, or of any person having authority in that behalf, to issue any licence or registration certificate under this Act, or by the cancellation or suspension of any such licence or registration certificate, or by the terms and conditions subject to which the licence or registration certificate is issued, or by any variation thereof, may, within thirty days after being notified of such refusal, cancellation, suspension, issue or variation, as the case may be, appeal to the Agricultural Appeals Tribunal established by Part XV of the Agriculture Act (Cap. 318), and the provisions of that Part shall, mutatis mutandis, apply in relation to every such appeal.

[Act No. 4 of 2011, s. 18.]

27. Repeal of Ordinance No. 16 of 1950 and revocation of Government Notice No. 258 of 1953; and transitional provisions

(1) The Tea Ordinance, 1950, is hereby repealed.
(2) The Native Lands Tea Rules, 1953, are hereby revoked.
(3) Without prejudice to the generality of the application of section 23(3) of the Interpretation and General Provisions Ordinance, 1956, the transitional provisions set out in the Schedule to this Ordinance shall take effect on the repeal of the said ordinance and the revocation of the said rules.

SCHEDULE

[Section 27(3).]

TRANSITIONAL PROVISIONS

1. In this Schedule “the old Board” means the Tea Board established by section 3 of the Tea Ordinance, 1950.

2. Until such time as the Board holds its first meeting, the old Board shall be deemed to be the Board for the purpose of advising the Minister under section 3(1)(b) or (3) of this Ordinance.
3. Every licence issued under section 7 of the Tea Ordinance, 1950, or under rule 4 of the Native Lands Tea Rules, 1953, and in force immediately before the commencement of this Ordinance shall, notwithstanding the repeal of such Ordinance and the revocation of such rules, continue in full force and effect according to the terms and conditions thereof, as if the same had been issued under this Ordinance.

4. Any money which immediately before the commencement of this Ordinance is due to the old Board by way of cess under the Tea Ordinance, 1950, shall, on the commencement of this Ordinance, become due to the Board.

5. Notwithstanding the repeal of the Tea Ordinance, 1950, the cess payable under section 17(1) of that Ordinance shall, on the commencement of this Ordinance, be payable at the rate at which and in the manner in which the same was payable immediately before such commencement, and shall thereafter continue to be so payable until a cess is imposed by notice under section 18(1)(a) of this Ordinance and the cess becomes payable.

6. All offices and servants of the old Board shall on the commencement of this Ordinance, be deemed to be those of the Board.

7. On the commencement of this Ordinance, all the property, assets, rights, liabilities and obligations, and the benefit and burden of all contracts, of the old Board, shall vest in the Board without further or other assurance.
CHAPTER 343

TEA ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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2. Tea (Movement Control) Regulations, 1977........................................... T2 – 27
3. Tea (Cultivation) Regulations, 1999....................................................... T2 – 29
4. Tea (Sun-Dried Tea) Regulations, 1999.................................................. T2 – 31
5. Tea (Elections) Regulations, 2000......................................................... T2 – 33
6. Tea (Licensing, Registration and Trade) Regulations, 2008............... T2 – 47
8. Tea (Nomination) Regulations, 2012.................................................... T2 – 79

TEA (CULTIVATION) REGULATIONS, 1961

[Revoked by L.N. 42/1999.]

1. short title

These Regulations may be cited as the Tea (Cultivation) Regulations, 1961, and shall apply to all tea-growing areas in the Colony.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“inspector” means any person duly authorized by the Board under section 41 of the Act;

“nursery” means any land on which tea is raised from seed or vegetative propagation;

“occupier” means any person for the time being legitimately holding the cultivation rights on any piece of land;

“plantation” means any land on which tea is growing, whether the land is used solely as a tea plantation or not, and includes a tea nursery;

“planter” means any person who intends to, or has planted tea on any land he occupies or owns.

3. Powers of Director

(a) The Director is hereby empowered to give directions, with the approval of the Board, to any planter as to the type of planting material to be used, the method of sowing, planting and cultivation of tea and the harvesting, collection, movement, processing and storage of tea leaf, by means of local rules, which shall be applicable to such areas or areas as are prescribed therein and which shall be published in such manner as the Director, with the approval of the Board, may determine.

(b) Any person who fails to comply with any direction or the terms of any local rules issued under paragraph (a) of regulation 3 shall be guilty of an offence and shall be liable to the penalties prescribed under 23 of the Act.

4. Power inspector
An inspector may—
(a) after having given reasonable notice to the occupier, remove samples of soil and the whole or any part of tea plants from a plantation or nursery for the purpose of research or investigation;
(b) whenever it appears to him that any tea plant is infected with any pest or disease or that the condition of any tea plant is such as may give rise to any pest or disease, require the occupier to take such action to control, eradicate or prevent the spread of such pest or disease in such manner as the inspector may consider necessary.

5. Service of orders
(a) Where an inspector requires the occupier to take action under the provisions of subparagraph (b) of regulation 4 he shall serve him with an order in form specified in the Schedule hereto.
(b) If the occupier fails to comply with such order he shall be guilty of an offence and shall be liable to the penalties prescribed under section 23 of the Act.
(c) Service of any such order under the provisions of paragraph (a) of regulation 5 shall be effected by sending it by registered post to the occupier's address or by an inspector personally, or in the manner prescribed in the Civil Procedure (Revised) Rules, 1948.

6. Powers of Board where order not complied with
(1) If occupier fails to comply with any order served upon him in accordance with the provisions of regulation 5 hereof, the Board may—
(a) cause any treatment required in terms of such order to be carried out; or
(b) cause the plants referred to in the order to be destroyed.
(2) If the Board shall cause any treatment to be carried out or any plants to be destroyed in accordance with the provisions of paragraph (1) of this regulation, it may recover the cost of such treatment or destruction, as the case may be, from the occupier.

7. The Native Lands Tea Rules, 1953, are hereby revoked

TEA (SUPPLY OF MANUFACTURES TEA) REGULATIONS, 1979
[Revoked by L.N. 267/1992.]

1. short tittle
These Regulations may be cited as the Tea (Supply of Manufactured Tea) Regulations, 1979.

(1) Every holder of manufacturing licence shall supply a quota of each grade of tea manufactured by him to the established agency, as it may from time to time require, for packing and blending for consumption in Kenya
(2) The quota of each grade of tea to be supplied by the holder of a manufacturing licence under paragraph (1) shall be proportionate to his production of the total volume of tea manufactured by all holders of manufacturing licences in Kenya, and shall be allocated by the established agency on the basis of the ration which the licensee’s total production bears to the total volume of manufactured tea required for packing and blending for consumption in Kenya.

3. Every holder of a manufacturing licence shall deliver his quota to the established agency's packing factory in such suitable containers as may be deemed suitable and at such regular intervals as may be required.

4. Any holder of a manufacturing licence who contravenes these Regulations shall be guilty of an offence and liable to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.
TEA (PACKING) REGULATIONS, 1999
[Revoked by L.N. 107/2000.]

1. These Regulations may be cited as the Tea (Packing) Regulations, 1999.

2. In these Regulations unless the context otherwise requires—
   “packing” means the process of packing tea into packets or containers holding not more than ten kilograms of tea intended for sale.;

3. Every tea packer shall apply for registration and shall be required to register with the Board in the prescribed manner set out in Form H.

4. Every packer shall, not later than the fourteenth day of each month, complete and submit to the Board a return in the prescribed manner set out in Form J indicating the tea packed in the previous month and the source of such tea.

5. Any person who packs tea for sale in contravention of regulation 3 hereof shall be guilty of an offence and shall be liable to a fine not exceeding two hundred and fifty thousand shillings or to a term of imprisonment not exceeding five years or to both such fine and imprisonment.

6. Any person who contravenes the provisions of regulation 4 shall be guilty of an offence and shall be liable to a fine not exceeding six thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

TEA (EXPORT) REGULATIONS, 1970

1. These Regulations may be cited as the Tea (Export) Regulations, 1970.

2. Every holder of a manufacturing licence shall be notified of the individual quotas of tea allocated to his factory representing the total of the quotas of tea issued to the holders of planting licences who supply green leaf tea to a factory or group of factories.

   (1) Every holder of a manufacturing licence shall be required to issue export licences to individual buyers of their tea, whether by private sales, direct shipments or through auction sales and which is intended for export, and such licences shall be within the limit of the total quota allocated to such licensee.

   (2) An export licence issued under paragraph (1) shall be in form A in the Schedule.

4. Where tea intended for export is sold in lots and divided between buyers through auction sale, split export licences tallying with the quantities covered by the delivery orders shall be issued to such buyers in Form B in the Schedule.

   (1) Every holder of a manufacturing licence shall sell through auction sales twenty per cent of the total quantity of each grade of tea manufactured by him.

   (2) Any person who contravenes paragraph (1) shall be guilty of an offence and liable to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.
FORM A

TEA BOARD OF KENYA

TEA ACT
[Cap. 343]

TEA (EXPORT) REGULATIONS, 1917

Export Licence

No. ____________________________

Date: __________________________

1. The export of the under mentioned quantities of tea produced by this Factory under the marks quoted is approved. It is agreed that these tea form part of our Export Quota and it is certified that the information given is true and accurate.

Signed __________________________

Manufacturing Licence No.

2. Name of Buyer or Agent __________________________

Address ____________________________
3. Details of Tea by Factory Works

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<th>Works</th>
<th>Net Quantities</th>
<th>Kgs.</th>
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TOTAL

4. Export Licences are issued in quintals for distribution as follows—
One copy is to the Tea Board of Kenya, P.O. Box 22934, Nairobi.
Two copies to the Broker or Agent one of whom must be presented to the Customs and Excise
Department together with the relevant Export Entry Form.
One copy is to be returned.
One copy is retained with the Manufacturing License.

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FORM C

TEA BOARD OF KENYA

TEA ACT

(Tea Act No. 34)

TEA (EXPORT) REGULATIONS

Said Export Licence

No. ____________________________

Date ____________________________

1. The export of the undermentioned quantities of tea representing part of the tea covered by

   Export Licence

   No. ____________________________ dated ____________________________ is approved.

   Delivery Order No. ____________________________ is returned.

   Signed ____________________________

   Broker ____________________________

   Address ____________________________

2. Name of Buyer ____________________________

   Address ____________________________

3. Details of Tea by Factory Works

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<th>Net Quantities</th>
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TOTAL

4. Said Export Licences are issued in quintals for distribution as follows—

   One copy to The Tea Board of Kenya, P.O. Box 22934, Nairobi.
SCHEDULE—continued

Two copies to the Buyer or Agent one of which must be presented to the Customs and Enquiry Department together with the relevant Export Entry Form.

One copy to the Manufacturing Licence.

One copy to remain with the Broker.
TEA (MOVEMENT CONTROL) REGULATIONS, 1977

[L.N. 150/1977, L.N. 93/1979.]

1. These Regulations may be cited as the Tea (Movement Control) Regulations, 1977.

2. In these Regulations, unless the context otherwise requires—
   “tea” means any goods manufactured from “tea”;
   “move”, in relation to tea, means to carry or move tea by head-load, pack animal, vehicle, train or vessel or by any other means whatsoever.

3. No person shall move or cause to be moved any tea, except under the authority of and in accordance with the terms and conditions of a written permit issued by the Board, or by some person authorized in writing by the Board for that purpose (whether such person is named in such authorization, or is specified by reference to his office or to his duties or his functions in any particular case); and such written permit shall specify the precise route along or over which the tea shall be moved.

4. Every person moving or causing tea to be moved, shall carry or cause to be carried with such tea a written permit issued under regulation 3 and shall produce such permit on request from any police officer or from any administrative officer or administration police officer:

   Provided that, where tea is being moved by a train operated by Kenya Railways, the permit issued in respect of such tea shall be handed to the station-master at the station where the tea is loaded onto the train and shall be retained by such station-master.

5. Any person who contravenes these Regulations shall be guilty of an offence under section 13A(1) of the Act and be liable to be punished accordingly.
TEA (CULTIVATION) REGULATIONS, 1999
[L. N. 42/1999.]

1. These Regulations may be cited as the Tea (Cultivation) Regulations, 1999.

2. In these Regulations, unless the context otherwise requires—
   “green tea leaf” means leaf detached from a tea plant but not dried or processed;
   “grower” means any person who is cultivating tea in any area or who intends to plant and cultivate tea in any area;
   “nursery” means any land on which tea is raised from seed or vegetative propagation;
   “an authorized officer” means a person authorized in writing by the Director of Agriculture or by the Tea Board of Kenya or a Tea Factory Company, and any Police Officer, Administrative Police Officer, Chief or Assistant Chief;
   “planting material” includes seeds, roots, stumps, cuttings and any other parts or products of tea plants approved for planting by the Board from which further tea plants may be propagated;
   “seed garden” means any place where tea is being grown for the production of tea seeds;
   “sloping land” means any land with a gradient of over five per cent;
   “tea factory” means a place where green tea leaf is processed into made tea;
   “tea plantation” means any land on which tea is growing, whether the land is used solely as a tea plantation or not.

3. No person shall establish, operate or extend a seed garden or tea nursery in any tea-growing area unless he is registered by the Board or a tea factory.

4. A person establishing, operating or extending a seed garden or tea nursery in any tea-growing area shall comply in all respects with any conditions specified by the Board or a tea factory.

5. No planting material shall be brought into any tea-growing area by any person unless with the approval of the Board or in accordance with an approval issued on behalf of the Board by an authorized officer.

6. The Director of Agriculture may either directly or through the Board give directions in writing, to any of the factories’ officers, and direct any grower to uproot any infested tree, which in his opinion may lead to the spread of a disease, and the grower shall within 72 (seventy-two) hours of receipt of the written direction, or such longer period as may be specified therein uproot the tree and burn it.

7. Except in accordance with a permit issued by the Board, no person shall sell to any person other than the tea factory to which he is a member, green tea leaf grown in any area.

8. Unless a grower holds a permit specified in regulation 7, all green tea leaf shall, when picked, be delivered to such centre or centres established for the reception and purchase of such tea at such times as may be specified by the Board or tea factory.
9. The tea factory may accept or reject any green tea leaf delivered in accordance with regulation 8, and all rejected green tea leaf shall be destroyed forthwith under the supervision of an authorized officer or of an employee or agent of the tea factory duly authorized as such:

Provided that in the absence of any employee or agent of the tea factory, an authorized officer appointed by the tea factory shall exercise the powers conferred by this regulation.

10. When green tea leaf is accepted at any centre, it shall be weighed by an authorized officer or by an employee of or a person appointed by the tea factory in the presence of the person delivering it, and a receipt shall be issued for the net weight in kilogrammes of such tea.

11. Any person who in contravention of these Regulations—
   (a) establishes, operates or extends any seed garden, tea nursery or tea plantation; or
   (b) fails to comply with any of the conditions attached to the licence or permit issued to him under these Regulations; or
   (c) fails to comply with any lawful order, direction or specification issued by the Board or given by an authorized officer; or
   (d) sells, gives away, buys or otherwise acquires, moves or deals with or is in possession of green tea leaf,

   commits an offence and shall be liable to a fine not exceeding one thousand shillings or to a term of imprisonment not exceeding one month or to both such fine and imprisonment.

12. Any green tea leaf in respect of which any person has been convicted of any offence under regulation 11 may be confiscated by the court.

13. Any authorized officer may—
   (a) enter and search any land or premises upon which he has reason to believe that there is green leaf in respect of which an offence is being or has been committed, and may seize and remove, on issuing of a receipt signed by him on behalf of the factory, any green tea leaf found thereon; and
   (b) stop, search and detain any vehicle which he has reason to believe is being or has been used for conveying any green tea leaf in respect of which an offence is being or has been committed.

14. Any vehicle detained under regulation 13(b) shall be taken with its contents to the nearest police station and green tea leaf seized under regulation 13(a) shall be dealt with, without prejudice to the normal discretionary powers of the courts, as follows—
   (a) in the event of a conviction, green tea leaf shall if practicable be taken to the nearest centre and accepted or rejected in accordance with regulation 14, and if accepted shall be bought by the tea factory and the proceeds of sale shall belong to and be retained and applied by the tea factory for its own benefit unless the court otherwise directs; and
   (b) in the event of an acquittal, the court shall order payment of the proceeds thereof to the owner.

15. The Tea (Cultivation) Regulations (L.N. 752/1961) are repealed.
TEA (SUN-DRIED TEA) REGULATIONS, 1999

[Section 25, L.N. 43/1999.]

1. These Regulations may be cited as the Tea (Sun-Dried Tea) Regulations, 1999.

2. In these Regulations, unless the context otherwise requires—
   “green tea leaf” means a leaf detached from a tea plant but not dried or processed;
   “an authorized officer” means a person authorized in writing by the Director or by the Board or a Tea Factory Company, and any Police Officer, Administrative Police Officer, Chief or Assistant Chief;
   “sun-dry” means to prepare made tea by drying green tea leaf by direct or indirect heat of the sun;
   “tea committee member” means a person elected or appointed as a member of a leaf base or tea base committee or zonal tea committee of a given Tea Factory Company;

3. No person shall in any tea-growing area—
   (a) sun-dry or otherwise manufacture or prepare made tea except in accordance with the terms of a manufacturing licence issued under section 13 of the Act; or
   (b) sell, give away or otherwise dispose of any made tea manufactured or prepared in contravention of sub-paragraph (a) or this paragraph; or
   (c) convey, buy or otherwise acquire, or be in possession of, any made tea manufactured in contravention of paragraph (a) of this paragraph.

4. Any person who—
   (a) contravenes regulation 3; or
   (b) obstructs or hinders any person acting in pursuance of these Regulations; or
   (c) wilfully withholds any information, or gives any information knowing or having reason to believe that it is false or misleading, to any person acting in pursuance of these Regulations,
   commits an offence and shall be liable to a fine not exceeding one thousand shillings or to a term of imprisonment not exceeding one month, or to both such fine and imprisonment.

5. Any made tea belonging to or found in the possession of any person convicted of an offence under regulation 4 shall be confiscated and destroyed in such manner as the court may direct:
   Provided that the power of the Court to destroy such tea shall relate only to made tea which is the subject of the charge before the court.

6. Any authorized officer or any tea committee member may—
   (a) enter and search any land or premises upon which he has reason to believe that there is made tea in respect of which an offence is being or has been committed.
   (b) stop, search and detain any vehicle which he has reason to believe is being or has been used to convey any made tea in respect of which an offence is being or has been committed;
(c) on issuing a signed receipt on behalf of the Board, seize or remove any made tea in respect of which he has reason to believe an offence is being or has been committed; and

(d) require the occupant of any such land or premises, or the owner, driver or user of any such vehicle, to render explanation and give information relating to made tea found thereon or therein as he may reasonably requires in the performance of his duties.

7. Any vehicle detained under regulation 6(b) may be taken with the contents thereof to the nearest police station, and any made tea seized under paragraph 6(c) shall be retained by the Board and returned to the owner thereof in the event of no charges being preferred against him or on being acquitted by the court.
TEA (ELECTIONS) REGULATIONS, 2000

ARRANGEMENT OF REGULATIONS

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Regulation
1. Citation.
2. Interpretation.

PART II – ESTABLISHMENT OF THE SMALLHOLDER LEAF COLLECTION CENTRE AREA COMMITTEES AND THEIR ELECTIONS
3. Establishment of Leaf Collection Centre Area Committee.
4. Elections to the Leaf Collection Centre Area Committee.
5. Eligibility for election to Committee.
6. Disqualifications from membership of Leaf Collection Centre Area Committee.

PART III – ESTABLISHMENT OF THE SMALLHOLDER TEA LEAF BASE COMMITTEES AND THEIR ELECTIONS
7. Application of Part.
8. Interpretation of this Part.
9. Establishment of Tea Leaf Base Committee.
10. Elections to the Tea Leaf Base Committee.
11. Eligibility for election to the Leaf Base Committee.
12. Disqualification from membership of Leaf Base Committee.

PART IV – ELECTION TO THE SMALLHOLDER TEA FACTORY COMPANIES
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14. Election of Board of Directors.
15. Committees of the Board.
16. Amendment of memorandum of association and articles of association.
17. Meetings.
18. Eligibility for election to the Board.

PART V – ELECTION TO THE KENYA TEA DEVELOPMENT AGENCY
19. Interpretation of this Part.
20. Election of directors of the Board.
21. Functions of the Board.
22. Committee of the Board of Agency.
23. Amendment to the Memorandum of Association and Articles of Association.
24. Cessation of Directorship.
25. Election of chairman of the Board.
26. Eligibility for election to the Agency.

PART VI – ELECTION TO THE TEA BOARD OF KENYA
27. Interpretation of Part.
28. Eligibility for election to the Board.
Regulation

29. Nominations of representatives to the Board.
31. Tea trade organisation representatives.
32. Rotation of members.
33. Facilitation of sectoral elections.
34. Election of chairman of the Board.
35. Eligibility for election to the Board.

SCHEDULES

FIRST SCHEDULE
- SCHEDULE OF ZONES FOR REPRESENTATION TO THE KENYA TEA DEVELOPMENT AGENCY LTD

SECOND SCHEDULE
- SCHEDULE OF ZONES FOR SMALLHOLDER REPRESENTATION TO THE TEA BOARD OF KENYA

THIRD SCHEDULE
- SCHEDULE OF ELECTORAL DISTRICTS FOR LARGE SCALE REPRESENTATION TO THE TEA BOARD OF KENYA
TEA (ELECTIONS) REGULATIONS, 2000
[Section 3, 4, 25, L.N. 43/2000.]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Tea (Elections) Regulations 2000.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“election” means the process of selecting the candidate to represent registered tea growers or shareholders;

“electoral areas” means areas in which tea is grown and having leaf collection centers, leaf bases, tea factory or factories as may be specified on the ground or in schedules under these Regulations;

“management agent” means any person, co-operative society, marketing board or company, established under any written law that is appointed through a specific management contract or agreement by another person or company to perform or offer professional services in specific functions of production, processing and or marketing of tea but does not include a buyer, broker or packer of tea.

“presiding officer” means a person appointed by the Returning Officer to be in charge of the electoral process in a polling station;

“returning officer” means a person appointed by the Minister to be in charge of the electoral process in a defined electoral area.

PART II – ESTABLISHMENT OF THE SMALLHOLDER LEAF COLLECTION CENTRE AREA COMMITTEES AND THEIR ELECTIONS

3. Establishment of Leaf Collection Centre Area Committee

(1) There shall be established in every tea growing area an approved Leaf Collection Centre Area Committee.

(2) The functions of the Committee shall be to—

(a) foster tea development in its respective area in liaison with tea extension officers;

(b) promote good tea husbandry;

(c) supervise green tea leaf grading, weighting and collection;

(d) receive, distribute and monitor the use of farm inputs; and

(e) do such other things as are beneficial to the tea growers.

4. Elections to the Leaf Collection Centre Area Committee

(1) The Committee shall consist of five persons elected by and from among the tea growers registered by the tea factory company for delivery of green leaf to the centre serving that area.

(2) The members of the Committee shall elect annually one person from among their number to serve as chairman of the Committee.

(3) The members shall elect annually from among their number a Vice-Chairman who shall act in place of the chairman during his absence.
(4) The leaf collection clerk who shall be an employee of the tea factory company shall be *ex officio* member and the secretary to the Committee.

(5) Every person registered as a tea grower may be elected to the Committee at a meeting in accordance with the provisions of these Regulations.

(6) The Committee shall meet at least once quarterly but shall not hold more than twelve meetings in a year.

(7) One person, shall be elected to represent every section of the area served by the centre as may be determined by the tea factory company.

(8) Every candidate for election to the Committee shall be a tea grower registered in the area which he aspires to represent; but no person may be elected to more than one committee.

(9) Each candidate for election shall be proposed and seconded by a registered tea grower entitled to vote at the meeting at which the election is held.

(10) If only one candidate is nominated for election at a meeting, the returning officer or the presiding officer as the case may be shall forthwith declare such candidate to be duly elected.

(11) If more than one candidate is nominated for election, the returning officer or the presiding officer as the case may be shall put to the meeting the question whether the election shall be decided by a show of hands or by ballot, and such question shall be determined by a show of hands by a majority of registered tea growers present and voting.

(12) Where it is determined under subregulation (11) that the elections shall be decided by show of hands, the returning officer or the presiding officer as the case may be shall call out the name of each candidate for election, and the election shall be decided, by a show of hands by a majority of registered tea growers present and voting.

(13) Where it is determined under subregulation (11) that the elections shall be decided by ballot, the returning officer or the presiding officer as the case may be shall cause a plain piece of paper to be delivered to every registered grower present and entitled to vote and the registered tea grower shall record his vote by writing on his paper the name of a candidate who has been proposed and seconded as aforesaid.

(14) No other mark, writing or signature shall be made on the paper, and the registered tea grower shall forthwith fold the paper so as to conceal his vote, and shall deliver it, or cause it to be delivered, to the returning officer or the presiding officer as the case may be in such manner as the returning officer or presiding officer shall direct.

(15) The returning officer or the presiding officer as the case may be shall thereupon announce the number of votes cast for each candidate, and shall declare the candidate for whom the greatest number of votes has been cast to be duly elected.

(16) In the event of an equality of votes between two candidates at the head of a poll, a second vote shall be taken pitting those two candidates and the same procedure shall be observed as if it was a first vote.

(17) Only the registered tea growers in the area in which such meeting is held, and being present in person, shall be entitled to vote upon any matter provided for by these Regulations, and each such registered grower of tea shall have one vote.

(18) The persons elected under these Regulations shall hold office for a maximum term of three years but one third of their number shall retire every year.

(19) The retiring members under subregulation (18) shall be eligible for re-election.
(20) If an elected person is prevented by absence, illness or other sufficient cause from fulfilling the duties of his office he may report to the chairman, in writing, who shall organize an election to have a new person elected within thirty days.

5. **Eligibility for election to Committee**

No person shall be eligible for membership of the Committee if—

(a) he is not a registered tea grower in that area;
(b) he is an employee of the company;
(c) he is an undischarged bankrupt or is of unsound mind;
(d) he has been convicted for mismanagement or corrupt practices;
(e) he has been convicted of any offence involving dishonesty;
(f) he has been convicted of any offence under the Act;
(g) he has any uncleared debt owing to the factory company at the end of the company’s financial year other than in respect of a loan;
(h) he produces less than 2,000 kgs of green tea leaf per annum or such other weights as may be determined from time to time by the Minister;
(i) he is not literate.

6. **Disqualifications from membership of Leaf Collection Centre Area Committee**

No person shall remain a member of the Committee if—

(a) any of the provisions of regulation 5 becomes applicable to him;
(b) he resigns his membership by notice in writing to the chairman,
(c) he is absent from more than three consecutive meetings of the Committee without the permission of the Chairman.

**PART III – ESTABLISHMENT OF THE SMALLHOLDER TEA LEAF BASE COMMITTEES AND THEIR ELECTIONS**

7. **Application of Part**

This Part shall apply to areas where there is a leaf base but there is no adjacent tea factory.

8. **Interpretation of this Part**

In this Part, unless the context otherwise requires—

“company” means the smallholder tea factory company having limited liability (with the registered office in the Republic of Kenya) in which tea growers are registered for delivery of the green tea leaf to the factory;

9. **Establishment of Tea Leaf Base Committee**

(1) There shall be established in each leaf base a Tea Leaf Base Committee.

(2) The functions of the Tea Leaf Base Committee shall be to—

(a) advise and co-ordinate the Leaf Collection Centre Area Committees;
(b) co-ordinate and programme the movement of leaf carriers;
(c) estimate and advise the factory company on the farm inputs, leaf collection, vehicles, bags, spares, weighing scales and personnel matters; and
(d) undertake any other functions as may be referred to the Committee by the factory company board or the Leaf Collection Area Committees.
10. Elections to the Tea Leaf Base Committee

(1) The Committee shall consist of—

(a) six members elected from among the registered tea growers;
(b) the leaf Base Manager and the Tea Extension Manager who shall be *ex officio* members of the Committee.

(2) The Leaf Base Manager shall be the secretary to the Committee and the convenor of meetings of the Committee.

(3) One person, shall be elected to represent a number of the leaf collection centers served by the leaf base.

(4) The Members of the Committee shall elect annually one person from among their number to serve as chairman of the Committee.

(5) The Members shall elect annually from among their number a vice-chairman who shall act in place of the chairman during his absence.

(6) The provisions of regulation 4(5) to (20) in relation to the election of members of the Smallholder Leaf Collection Centre Area Committees shall apply *mutatis mutandis* to the election of members of the Smallholder Leaf Base Committees.

(7) The Committee shall meet at least once quarterly but not exceeding twelve meetings in a year.

11. Eligibility for election to the Leaf Base Committee

No person shall be eligible for membership of a Leaf Base Committee if—

(a) he is ineligible under any of the provisions of regulations 5 and 6 *mutatis mutandis*;
(b) he has not attained the ‘O’ Level certificate of education or has no relevant professional qualification or management experience in a public organization.

12. Disqualification from membership of Leaf Base Committee

No person shall remain a member of the Committee if any of the provisions of regulation 11 becomes applicable to him.

PART IV – ELECTION TO THE SMALLHOLDER TEA FACTORY COMPANIES

13. Interpretation of this Part

In this Part, unless the context otherwise requires—

“Board of Directors” means the directors of a company present at a meeting of directors duly convened and constituted by the company for purposes of transacting any business;

“Company” means the smallholder tea factory company having limited liabilities (with the registered office in the Republic of Kenya) in which tea growers are registered for delivery of the green tea leaf to the factory;

14. Election of Board of Directors

(1) The Board of Directors of a company shall be elected in accordance with the articles of association of the company and all directors shall be registered tea growers in that company.
(2) The number of directors of a company shall not be less than four nor shall they exceed nine as provided for in the articles of association of the company.

(3) The functions of a Board of Directors shall be—
   (a) policy formulation;
   (b) implementation of resolutions of the general meetings;
   (c) appointment of a management agent;
   (d) appointment of factory employees;
   (e) formulation of terms of remuneration and service;
   (f) procurement of stores and supplies;
   (g) appointment of brokers in consultation with the management agent;
   (h) appointment of the auditors;
   (i) any other functions beneficial to the factory company.

(4) In the conduct of the affairs of the company, the Board of Directors shall exercise the prudence and diligence of ordinary men of business and shall be held, jointly and severally liable for any losses sustained through any of their acts which are contrary to the Act, these Regulations and the articles of the company or the directions of any general meeting.

15. Committees of the Board
   (1) The Board of Directors may form committees to address specific aspects of its responsibility, including but not limited to matters relating to—
       (a) marketing;
       (b) finance and planning;
       (c) personnel and welfare;
       (d) factory operations;
       (e) leaf operations;
       (f) tendering.

   (2) The Committees constituted under this Regulation shall act as delegates of the Board of Directors and their decisions shall be subject to the ratification of the Board of Directors.

   (3) The Board of Directors may not delegate any of its powers in policy formulation to either a management agent or to an officer of the Board.

   (4) The chairman and the Board of Directors shall be non-executive.

16. Amendment of memorandum of association and articles of association
   Every company shall amend its memorandum of association and articles of association to—
       (a) cater for the elections of the Leaf Collection Centers Area Committees and Leaf Base Committees;
       (b) be in harmony with the provision of the Act;
       (c) elect directors in accordance with the amended articles of association and shall make provision to ensure that all the registered tea growers vote as shareholders and participate in the election:

Provided that—
       (i) if a person, co-operative societies or bodies’ corporate holding shares, ceases to be a grower of tea or starts delivering all tea to
(ii) every person who is a shareholder and is in the company’s share register on 30th June of each year and who delivers green tea leaf to the company between 1st July to 30th June of that year and who is a bona fide tea grower in the catchment area served by the company shall be entitled to vote at an election.

(c) create electoral areas in every factory catchment to ensure equitable distribution of directorship;

17. Meetings

The Board of Directors shall hold their meetings quarterly but shall not hold more than twelve meetings in a year.

18. Eligibility for election to the Board

No person shall eligible for membership of the Board of Directors if—

(a) he is ineligible under any of the provisions of regulation 11 mutatis mutandis;
(b) he is not a shareholder of the company;
(c) he is an employee of the company.

PART V – ELECTION TO THE KENYA TEA DEVELOPMENT AGENCY LIMITED

6. Interpretation of this Part

In this part, unless the contest otherwise requires—

“Agency” means the Kenya Tea Development Agency Limited;

“Board” means the Board established under the articles of association of the Agency;

“shareholder” means the registered tea factory company;

“zone” means a specified area under tea cultivation or earmarked for the cultivation, with none, one or more tea factories to which registered tea growers deliver their green tea leaf and in which area they are entitled to vote at an election as specified in the First Schedule.

20. Election of directors of the Board

1 (1) All the elected directors of the tea factory companies in every zone specified in the First Schedule shall attend zonal meetings convened by the Minister for purposes of electing one director to represent the shareholders in accordance with that schedule.

(2) For purpose of elections to the Board, the shareholders shall be entitled to participate in the election notwithstanding the fact that the tea factory company has a different management agent.

(3) New tea factory companies shall become shareholders of the Agency upon registration in the register of shareholders.

21. Functions of the Board

1 (1) The functions of the Board shall be—

(a) policy formulation;
(b) appointment of chief executive and heads of departments;
(c) formulation of terms of remuneration and service;
(d) implementation of resolutions of the general meetings;
(e) approval of establishment levels and functional responsibilities;
(f) approval of managerial salary scales and levels;
(g) approval of corporate plans and annual budgets including capital expenditure programmes;
(h) approval of policies in key areas of operational management;
(i) nomination of directors to represent the Agency in various organizations where it has interest;
(j) any other functions beneficial to the Agency.

(2) In the conduct of the affairs of the Agency, the Board shall exercise the prudence and diligence of ordinary men of business and shall be held, jointly and severally liable for any losses sustained through any of their acts which are contrary to the Act, these Regulations and the articles of association of the company or directions of any general meetings.

22. Committee of the Board of Agency

(1) The Board may form Committees to address specific aspects of its responsibility including but not limited to matters relating to—
   (a) marketing;
   (b) finance and planning;
   (c) personnel and welfare;
   (d) factory operations;
   (e) tendering.

(2) The Committees constituted under this Regulation shall act on the delegated responsibility of the Board of Directors and their decisions shall be subject to ratification by the Board of Directors.

23. Amendment to the Memorandum of Association and Articles of Association

(1) The Agency shall amend its memorandum of association and articles of association to—
   (a) cater for the interest of the shareholders;
   (b) be in harmony with the provisions of the Act;
   (c) provide for the election of its directors in accordance with the provisions of the First Schedule.

(2) The Members of the Board shall hold office for a period of three years.

24. Cessation of Directorship

Where a director ceases to be a director of a tea factory company, he shall automatically cease to be a director of the Agency and shall be replaced in elections as prescribed under these Regulations by another director from the same zone as specified in the First Schedule.

25. Election of chairman of the Board

(1) The chairman of the Board shall be elected from among the directors.
(2) The directors shall elect from among their number a vice-chairman, who shall act in place of the chairman during his absence.

(3) In the absence of the chairman and the vice-chairman the members present shall elect a chairman from among their number in accordance with the articles of association, and the person so elected shall act as chairman for that meeting.

26. Eligibility for election to the Agency

No person shall be eligible to be a director of the Board if—

(a) he is not an elected representative of a shareholder;

(b) if the provision of regulation 18 mutatis mutandis apply to him.

PART VI – ELECTION TO THE TEA BOARD OF KENYA

6. Interpretation of Part

In this part, unless the context otherwise requires—

“Board” means the Tea Board of Kenya established under section 3 of the Act;

“tea trade” means the business of dealing in the commodity of made tea which includes buying, selling, packing and broking of tea but does not include production or manufacture of tea;

“zone” means a specified area under tea cultivation or earmarked for the cultivation, with none, one or more tea factories to which registered tea growers deliver their green tea leaf and in which area they are entitled to vote at an election as specified in the Second and Third Schedules.

28. Eligibility for election to the Board

(1) Every director of a tea factory company shall be eligible for election to the Board in accordance with the provisions of these Regulations.

(2) Regulation 4(8) to (20) shall apply mutatis mutandis to elections of producer members of the Board.

29. Nominations of representatives to the Board

The directors elected to the tea factory companies enumerated in the First Schedule shall attend zonal meetings convened by the Minister for purposes of electing six members to represent the smallholder sub-sector to the Board as set out in the Second Schedule.

30. Kenya Tea Growers Association’s representatives

(1) The members of the Kenya Tea Growers Association shall attend a meeting convened by the Minister for purposes of nominating four persons to represent the Association to the Tea Board of Kenya as set out in the Third Schedule.

31. Tea trade organisation representatives

The directors of the tea trade organisations registered under the provisions of any written law shall attend a meeting convened by the Minister to nominate one member to represent the interests of the tea trade in the Board.

32. Rotation of members

Where the member elected to the Board is from a given tea factory, and serves in the Board for the maximum two terms, the next member to be elected shall come from a different tea factory, on rotational basis, within the respective zone.
33. Facilitation of sectoral elections

The Minister in consultation with the Board, shall cause and facilitate the sectoral elections at all levels to be organized, commenced, supervised and executed under a specified programme provided that the registered tea growers and shareholders meet their costs to the electoral meetings while the Board of directors may have their costs met by the respective companies or organisations operating in the electoral area which they intend to represent.

34. Election of chairman of the Board

The election of the chairman and the vice-chairman of the Board shall be conducted in accordance with the provisions of the Act.

6. Eligibility for election to the Board

No person shall be eligible to be a producer member of the Board if the provisions of regulation 18 *mutatis mutandis* apply to him.

FIRST SCHEDULE

SCHEDULE OF ZONES FOR REPRESENTATION TO THE KENYA TEA DEVELOPMENT AGENCY LTD

<table>
<thead>
<tr>
<th>ZONES</th>
<th>DISTRICTS</th>
<th>TEA FACTORIES</th>
<th>DIRECTORS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>KABIRU</td>
<td>KABIRU</td>
<td>ONE (1)</td>
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<td>NYUGA</td>
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<td>2.</td>
<td>THOA</td>
<td>KIREE</td>
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<td>MUGAUSA</td>
<td>NYUGA</td>
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<tr>
<td>3.</td>
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</tr>
<tr>
<td>4.</td>
<td>MUKHA</td>
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<td>GATATU</td>
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SCHEDULE OF ZONES FOR SMALLHOLDER REPRESENTATION TO THE TEA BOARD OF KENYA

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<thead>
<tr>
<th>ZONE</th>
<th>TEA FACTORIES</th>
<th>MEMBERS</th>
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<tbody>
<tr>
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<tr>
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FIRST SCHEDULE—continued

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<tr>
<th>ZONES</th>
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<tr>
<td>7.</td>
<td>NERU CENTRAL</td>
<td>NERU NORTH NERU SOUTH</td>
<td>NKAMO IBEKU GATHO GEKA WAMURU KIBIO</td>
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<tr>
<td>10.</td>
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<td>NYAMIRA</td>
<td>NYAMIRA</td>
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<td>11.</td>
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<table>
<thead>
<tr>
<th>ZONE</th>
<th>TEA FACTORIES</th>
<th>MEMBERS</th>
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<tr>
<td>MURANGA</td>
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<td>KIVUNGU</td>
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<td>Kericho South</td>
<td>KISUBU</td>
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<td>Kisii Central</td>
<td>KISUMU</td>
<td>ONE (1)</td>
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<td>Nandi</td>
<td>KIAMBU</td>
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THIRD SCHEDULE
SCHEDULE OF ELECTORAL DISTRICTS FOR LARGE SCALE REPRESENTATION TO THE TEA BOARD OF KENYA

<table>
<thead>
<tr>
<th>ZONES</th>
<th>MEMBERS</th>
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<tbody>
<tr>
<td>LAKHURU</td>
<td>ONE (1)</td>
</tr>
<tr>
<td>KERONG</td>
<td>ONE (1)</td>
</tr>
<tr>
<td>BOTHA</td>
<td>ONE (1)</td>
</tr>
<tr>
<td>RAND</td>
<td>ONE (1)</td>
</tr>
</tbody>
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TEA (LICENSING, REGISTRATION AND TRADE) REGULATIONS, 2008

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LICENSING REGISTRATION FEES
1. Citation
These Regulations may be cited as the Tea (Licensing, Registration and Trade) Regulations, 2008.

2. Interpretation
In these Regulations, unless the context otherwise requires—

“auction organizer” means a person, company or firm established for the purpose of organizing tea auctions in the Republic of Kenya;

“Board” means the Tea Board of Kenya established under section 3 of the Act;

“certificate of origin” means a document issued in a customs territory by a competent authority confirming the origin of the tea product;

“export” means to take tea out of Kenya to any place outside Kenya;

“exporter” means a person, firm, or corporate body engaged in the business of exporting of tea to any place outside Kenya;

“import” means to bring tea into Kenya from any place outside Kenya;

“importer” means a person, firm, corporate body engaged in business of importing tea into Kenya;

“person dealing with tea” includes a person carrying out the function of an auction organizer and warehouseman;

“transit tea” means any consignment of tea transiting through Kenya custom territory and is destined for another custom territory;

“warehouseman” means a company registered in Kenya and which is in the business of storing tea from producers, buyers, or packers intended for sale.

3. Registration of tea growers
(1) A small holder tea grower registered under section 8 of the Act shall apply to be registered with the tea factory to which he delivers green leaf in Form A set out in the First Schedule.

(2) A plantation tea grower registered under section 8 of the Act shall apply to be registered with the tea factory to which he delivers green leaf in Form A1 set out in the First Schedule.

4. Tea grower certificate
The manager of a tea factory shall issue a certificate of registration to a smallholder tea grower or a plantation tea grower in Form B set out in the First Schedule.

5. Application for a manufacturing licence
A person who intends to manufacture tea shall apply to the Board for a manufacturing licence in Form C set out in the First Schedule.

[L.N. 9/2012, s. 3.]
6. Manufacturing licence

The Board shall issue a manufacturing licence in Form D set out in the First Schedule.

7. Renewal of manufacturing licence

A person who intends to renew a manufacturing licence shall apply to the Board in Form C set out in the First Schedule. [L.N. 9/2012, s. 4.]

8. Consideration of application

The Board shall, before granting or renewing a manufacturing licence, satisfy itself that the applicant has complied with the provisions of the Act and any other relevant written law.

9. Decision of the Board

The Board shall, after considering an application for a manufacturing licence or renewal of a manufacturing licence, make a decision within ninety days after receipt of an application of a manufacturing licence or renewal.

10. Suspension or cancellation of licence

(1) Where a manufacturing licence holder or a holder of a registration certificate fails to comply with the terms and conditions of the manufacturing licence or registration certificate, the Board may, after consultation with the Minister, cancel, suspend or vary the terms and conditions of the manufacturing licence.

(2) Before the Board cancels, suspends or varies a licence, under subregulation (1), the Board shall give the person to be affected by such action an opportunity to be heard.

11. Submission of statistical return

A holder of a manufacturing licence shall, not later than 15th January in every year, complete and submit to the Board a statistical return in Form E set out in the First Schedule.

12. Submission of cess and production return

(1) The holder of a manufacturing licence issued by the Board shall, not later than the fourteenth day of each month, complete and submit to the Board a monthly production return in Form F set out in the First Schedule. [L.N. 9/2012.]

(2) Deleted by L.N. 9/2012, s. 5(a).

(3) Deleted by L.N. 9/2012, s. 5(b).

13. Application for Registration as buyer, exporter, importer, broker and warehouseman

A person who intends to deal in tea as a buyer, exporter, importer, broker or warehouseman shall register or renew the registration with the Board by applying to the Board in Form G, I and K respectively set out in the First Schedule. [L.N. 9/2012, s. 6.]

14. Certificate of registration for buyer, exporter, importer, broker and warehouseman

The Board shall issue a certificate of registration to or renew a certificate of registration of a buyer, exporter, importer, broker or warehouseman in Forms H, J and L respectively, set out in the First Schedule.
15. **Registration of tea packer**

A person who intends to deal in tea as a tea packer shall register or renew his registration with the Board by applying to the Board in Form M set out in the First Schedule.

[L.N. 9/2012, s. 7.]

15A. **Registration of manufacture or person dealing in more than one function**

Any manufacturer or person dealing in tea engaged in more than one function along the value chain shall be required to register with the Board for each function he performs in accordance with these Regulations.

[L.N. 9/2012, s. 8.]

16. **Certificate of Registration for tea packer**

The Board shall issue a certificate of registration or renew a certificate of registration of a tea packer in Form N set out in the First Schedule.

17. **Renewal of registration of buyer/exporter/importer, broker, warehouseman and packer**

Applications for renewal of registration issued under regulation 14 and 16 shall be made annually.

18. **Determination of application**

The Board shall, after considering an application for registration or renewal under these Regulations, make a decision within ninety days after receipt of an application for registration or renewal.

19. **Consideration of application**

The Board shall before registering or renewing a registration under these Regulations, satisfy itself that the applicant has complied with the provisions of the Act and any other relevant written law.

20. **Register**

The Board shall maintain a register of all persons licensed or registered under these Regulations and may publish the register in a manner it considers appropriate.

21. **Monthly return for buyer, exporter, importer and broker**

A buyer, exporter, importer or broker shall not later than the fourteenth day of each month, complete and submit to the Board a return in Form P set out in the First Schedule, indicating the tea bought in the previous month and the source and destination of such tea.

22. **Annual return for warehouseman**

A warehouseman shall make an annual return of the tea handled to the Board in Form Q set out in the First Schedule.

23. **Monthly return for packer**

A packer shall make a monthly return of the tea packed to the Board in Form R set out in the First Schedule.
24. **Management agent registration**

A person who intends to deal in tea as a management agent shall register or renew his registration with the Board by applying to the Board in Form S set out in the First Schedule.

[L.N. 9/2012, s. 9.]

25. **Certificate of registration for management agent**

The Board shall issue a certificate of registration to a management agent in Form T set out in the First Schedule.

26. **Compliance with the rules and regulations**

The Board shall, before registering or renewing a registration under regulation 24, satisfy itself that the applicant has complied with the provisions of the Act and any other relevant written law.

27. **Supply of additional information**

The Board may require an applicant for a manufacturing licence, any registration specified under these Regulations or a renewal to supply any other further information, that it considers necessary to determine the application.

28. **Publication of names and particulars**

The Board shall, in consultation with the Minister, cause the names and particulars of the person—

(a) licensed as tea manufacturing factory or any other person registered under these Regulations; or

(b) whose manufacturing licence or registration have been revoked,

to be published in the *Gazette*.

29. **Transferability of licence or registration**

A licence or registration issued by the Board under these Regulations shall not be transferable to third parties except with the written authority of the Board.

30. **Annual return for management agent**

Every management agent shall make an annual return to the Board in Form U set out in the First Schedule.

31. **Fees**

The fees to be charged for a licence, registration certificate or renewal issued under these Regulations shall be as set out in the Second Schedule.

32. **Tea export registration**

An exporter shall register the exports made and make a return on all transactions to the Board in Form V set out in the First Schedule.

33. **Compliance with relevant laws**

An exporter shall ensure that all tea designated for export shall conform with Kenyan standards on quality, food safety and hygiene, sanitary and phytosanitary (SPS) regulations, and maintain the relevant documents for inspection by the Board.
34. Transit tea

An exporter shall comply with the relevant laws and regulations on transit and transshipment of goods in handling transit teas and maintain the relevant documents for inspection by the Board.

35. Tea import registration

An importer shall register the imports made with the Board and make a return on all transactions to the Board in Form W set out in the First Schedule.

36. Compliance with rules

(1) An importer who imports tea into Kenya for blending shall re-export the tea within a period of six months of the date of import and proof of such re-export shall be maintained for inspection by the Board.

(2) All tea imported into Kenya shall be accompanied by—
   (a) certificate of conformity to Kenya Tea Quality Standards;
   (b) certificate of origin;
   (c) health certificate;
   (d) phytosanitary certificate;
   (e) certificate of analysis on pesticide residues,

issued by a competent authority from the country of origin.

(3) Any imported tea that does not conform to the requirements set out in subregulation (1) and (2) shall be re-exported to the country of origin or be destroyed at the importer’s expense.

37. Conformity to standards

All tea packed for local consumption shall conform to Kenya Tea Quality and Packing Standards.

38. Application of registration of tea auction organizer

A person who intends to deal in tea as an auction organizer shall register or renew his registration with the Board by applying to the Board in Form X set out in the First Schedule.

[L.N. 9/2012, s. 10.]

39. Certificate of registration of tea action organizer

The Board shall issue a certificate of registration to or renew a certificate of registration of a tea auction organizer in Form Y set out in the First Schedule.

40. Approval of trading rules and regulations

(1) The Board shall, before issuing to or renewing a certificate of registration of a tea auction organizer, approve the trading rules and regulations governing the operations annually.

(2) Any changes to the trading rules and regulations made within the course of the year shall be submitted to the Board for approval.

(3) The Board shall, before approving the trading rules and regulations, satisfy itself that they are in compliance with the provisions of the Act and any other relevant written laws.
41. Validity of licences and registration
   (1) All licences and registration certificates issued under these Regulations shall expire on 31st December of each year.
   (2) An application for a renewal of a licence or registration shall be made at least three months prior to the expiry of such licence or registration:
       Provided that where an application for a renewal of a licence or a registration is made, the licence or registration certificate shall be deemed to continue in force until the application for renewal is determined.
   (3) The Board may consider late applications upon an applicant giving reasonable cause for the delay, and upon approval of such application the applicant shall pay a penalty of fifty per cent of the fees payable.

42. Penalties
   A person who is convicted of an offence under these Regulations shall in addition to any other penalty have his licence or registration suspended or cancelled for such a period as the Board may decide.

43. No compensation
   Where a licence or registration is suspended or cancelled under these Regulations, the holder of the registration shall not be entitled to claim from the Board or Government any compensation or any damages occurring for such suspension or cancellation.

44. Transitional provisions
   All licences and registration certificates issued before the commencement of these Regulations shall expire on 31st March, 2009.

45. Revocation of L.N. 107/2000
   The Tea (Forms) Regulations, 2000 (L.N. 107/2000), are revoked.
Tea Act

FIRST SCHEDULE, FORM A—continued

II. particulars of land
1. L.R. No. or No.
2. Location
3. Division
4. District

Date

Signature

Applicant or his duly authorized agent

FOR OFFICIAL USE

Decision of Tea Factory Company

Date

Name of regulatory

Signature

Tea Factory Manager

(name of Tea Factory Company)

APPLICATION FOR REGISTRATION AS A PLANTATION GROWER (FACTORY COMPANY)

To: The Factory Manager

Application is hereby made to grow tea on the land/lands specified in Part B below:

A. particulars of applicant
1. Name of applicant
2. Certificate of Company incorporation No.
3. Unit/units and particulars of Director(s)
4. Address

5. Telephone No.

B. particulars of land/lands
1. L.R. No. or No.
2. Location

[Issue 1] T2 - 55
**Tea Act**

**CAP. 343**

---

**FIRST SCHEDULE, FORM A—I—continued**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Division</td>
<td></td>
</tr>
<tr>
<td>4. District</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td></td>
</tr>
</tbody>
</table>

Signature

[Applicant or his duly authorized agent]

FOR OFFICIAL USE

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Division of Tea Factory Company</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td></td>
</tr>
</tbody>
</table>

Signature

[Name of Registered Tea Factory Manager]

(Name of Tea Factory Company)

CC

Managing Director

The Tea Board of Kenya

---

**FORM B**

**[Rev. 2012]**

**[Issue 1]**

**TEA GROWER REGISTRATION CERTIFICATE**

To: The Factory Manager

1. Name |   |
2. National Identity Card No/Passport No/Certificate of Company Incorporation No |   |
3. Address |   |
4. Location |   |
5. Division |   |
6. District |   |

L.H. No.

[Signatures of tea on land parcel specified herein subject to the terms and conditions specified below]

Date |   |

Managing Director

The Tea Board of Kenya

---

T2 - 56
FIRST SCHEDULE, FORM B—continued

Tenure and Conditions:
1. The holder shall not sell, transfer or in any way part with the right of possession of the factory without the prior written consent of the Commissioner of Excise, so that the factory, including all plant, machinery, furniture, fittings and appurtenances shall be held exclusively by the person to whom the licence is granted.
2. The holder shall keep all equipment and plant in good working order and shall be liable for any damage to or loss of any such equipment and plant.
3. The holder shall make all necessary arrangements for the supply of water, electricity, gas and other utilities to the factory.
4. The holder shall keep the factory in a tidy and clean condition and shall take all necessary precautions to prevent any accident or damage to the equipment or plant.
5. The holder shall comply with all relevant laws, regulations and by-laws relating to the operation and maintenance of the factory.
6. The holder shall keep all records of the factory's operations and shall make them available for inspection by the Commissioner of Excise on request.
7. The holder shall pay all taxes and duties levied on the factory and its operations.
8. The holder shall indemnify the Government of the State of Tamil Nadu against any loss or damage sustained by it as a result of any act or omission on the part of the holder.
9. The holder shall ensure that all workmen employed in the factory are paid their wages on time.
10. The holder shall comply with all relevant labour laws and regulations.

APPLICATION FOR ISSUANCE/RENEWAL OF TEA MANUFACTURING LICENCE

Application is made for permission to operate a factory for the manufacture of tea in accordance with the particulars given below:

1. Name of the applicant:
2. Address of the applicant:
3. Name of the factory:
4. Address of the factory:
5. Nature of the factory:
6. Capacity of the factory:
7.年份 of the factory:
8. Description of the factory:
9. Description of the equipment and machinery:
10. Name of the person responsible for the operation of the factory:
11. Signature of the person responsible for the operation of the factory:

Other conditions under which the registration is done:

The registration certificate is issued subject to the conditions specified in sections 68, 14(1) and (2).
1. When clearing a new manufacturing factory, due consideration shall be taken to ensure that the capacity is not exceeded or is given undue sway or gauge. If the case of a new investor, the Tea Board shall always ensure that the growth and quality of the tea are maintained. The Board may also conduct inspections at any time to ensure compliance with the requirements.

2. A licence for a new factory may only be issued to a person or company who has at least 250 hectares of planted tea. The applicant must submit a detailed plan of the factory, including the layout of the buildings, equipment, and processes. The Board may also require a feasibility study to be conducted.

3. Following paragraph 2 where an applicant seeks to construct or modernize existing tea factories, the Board may grant a licence based on the economic viability, technology, and the range of products.

4. An applicant for the issuance or renewal of a manufacturing licence shall pay the prescribed fees.

5. A tea manufacturing factory shall not buy green leaf from any other person other than the growers appearing in its register.

6. It is necessary that the green leaf received by the factory is in good condition and not damaged.

7. A tea factory shall sign a Green Leaf Supply Agreement with all its registered growers and a copy of the Agreement shall be maintained at the factory for inspection.

8. Where there is inadequate processing capacity and the Board is unable to clear the factory, the Tea Board of India shall, where necessary, provide financial assistance to clear the backlog and ensure that the factory is operated efficiently.

9. An applicant for renewal of a manufacturing licence must comply with good manufacturing practices and maintain standards on quality, hygiene, and safety.

10. When considering an application for a manufacturing licence, the Board shall satisfy itself that the applicant has adequate financial capacity to undertake the project.

11. Upon receiving an application for the issuance or renewal of a manufacturing licence, the Board may require the applicant to demonstrate that the factory is operated efficiently and maintains the prescribed standards.

12. Before granting a licence, the Board shall satisfy itself that the investors of the company are fit for the functions for which they seek a licence.
Tea Act

FIRST SCHEDULE—continued

FORM B

TEA MANUFACTURING LICENCE

This Licence is issued to

and authorises the said person to conduct the business or carry on the business of tea manufacturer in the Republic of Vanuatu for a period of one year beginning on the 

day of 

(day of issue)

This Licence is issued for:

A. Type of tea manufacturer:

<table>
<thead>
<tr>
<th>G.T.C. (net tea yield)</th>
<th>Export</th>
<th>Plant</th>
<th>Others</th>
</tr>
</thead>
</table>

B. Manufacturing capacity:

(clean tea leaf) kilograms per year

This Licence is issued subject to compliance with the provisions of the Tea Act Chap. 343 and the Tea Regulations, 2011 and all terms and conditions as specified herein.

Date

[Stamp]

[Stamp]

[Stamp]

Terms and Conditions:

1. Each tea factory shall sign a Green Leaf Supply Agreement with all their registered growers and a copy of the Agreement shall be maintained at the factory for inspection by the Board.

2. No tea factory shall buy green leaf from any other person other than the growers appearing in its records.

3. The Board may at any time, by order give notice to any tea factory that it is not in compliance with the Act, the Regulations or the conditions of its licence and on such notice the Board, if it considers fit, may revoke the Licence.

4. The Licence may be issued on condition that the Board’s approval shall be required to expand processing capacity in any given year.

FORM C

ANNUAL STATISTICAL RETURN (CONFIDENTIAL)

1. Name of the factory

2. Address

3. Telephone

4. Email address

5. Licence No.

6. Tea blend

7. Total area

(a) Total planted area in the previous year (hectares)

(b) Total tea harvested (kilograms)

(c) Total green leaf used (kilograms)

[Issue 1] T2 - 59
Tea Act

FIRST SCHEDULE: FORM S—continued

(a) Name of Factory
(b) Tea Manufactured during the reporting period

1. CTC (cut, tear, curl)
2. Orthodox
3. Others (please specify)

Total:

(a) Current installed processing capacity
(b) Capacity utilization percentage (%)
(c) Projected processing capacity

Date

Signature

Tea Factory Manager

Make a true return. Any factory found to have submitted returns of the returns required by sections 128 and 130 of the Tea Act.

FORM F

MONTHLY PRODUCTION RETURN (CONFIDENTIAL)

Month

1. Name of Manufacturing License Holder
2. License No.
3. Address

GRADE ANALYSIS OF PRODUCTION AND STOCK RELEASES (A/S)

<table>
<thead>
<tr>
<th>Type of Tea Manufactured</th>
<th>CTC Darjeeling</th>
<th>BOP</th>
<th>FTG</th>
<th>OP</th>
<th>OP D</th>
<th>OP C</th>
<th>OP B</th>
<th>OP A</th>
<th>OP BOP</th>
<th>Total (kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orthodox Darjeeling</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5000</td>
</tr>
</tbody>
</table>

This sheet should be sent to the Tea Board of Kenya, P.O. BOX 3094, KISUMU, on or before the 5th day of the month following the reporting period.

It is an offence for a tea factory to fail to submit statutory returns as required by sections 128 and 130 of the Tea Act.
FIRST SCHEDULE - FORM 1

Tea Act

[Rev. 2012]

CAP. 343

T2 - 62

[Subsidiary]

FORM 1

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION OF TEA BUYERS/EXPORTER/IMPORTER

1. Name of applicant ____________________________

2. Details of National Identity Card No./ Passport No./ Certificate of Incorporation No. (If any)

3. If a Company, list names and particulars of Directors (If any) ____________________________

4. Postal Address ____________________________

5. Location of Business ____________________________
   (a) Town ____________________________
   (b) Street/Route ____________________________
   (c) Name of Building ____________________________
   (d) Telephone No. ____________________________
Tea Act

CAP. 343

FIRST SCHEDULE, FORM G—continued

6. Value of Business

Date: ____________________________

Signature: ______________________

Applicant or his duly authorised agent

(See also notes):

FOR OFFICIAL USE

Received:

Decision of the Tea Board of Kenya:

Date: ____________________________

Managing Director

The Tea Board of Kenya

 Tremendous Confidence

1. A buyer or importer who deals on behalf of the Board shall produce evidence of title and value added tax receipt to the Board of Kenya Authority, where due.

2. Before granting any registration, the Board shall, in respect of an application before it, satisfy itself:

(a) that the applicant is a company incorporated under the Companies Act, with such minimum share capital as the Board may prescribe, and

(b) that the applicant or its representatives is and are a member of a buying/contracting/exporting business and that the persons engaged or to be engaged in the position of Chief Executive, Director or other senior position possess sufficient knowledge, management experience and capacity.

TEA BUYER/EXPORTER AND IMPORTER REGISTRATION CERTIFICATE

This Certificate is issued to ________________________________ (P.O. Box ____________) and authorises the said person to carry on business as a tea buyer/exporter/importer in the Republic of Kenya as L. No(s): ____________________________ for a period of one (1) year beginning on the ____________ day of ____________________________ and ending on the ____________ day of ____________________________ (both dates inclusive) and the applicant is and are to conform to the provisions of the Tea Act (Cap 44) of the Laws of Kenya 2013. The Certificate is subject to the terms and conditions appended herewith.

Date: ____________________________

Managing Director

The Tea Board of Kenya

Signature/Seal Stamp
Tea Act

FIRST SCHEDULE—continued

(p. 13)

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION OF
TEA BROKER

1. Name of applicant
2. Details of Certificate of Incorporation No. (which copy)
3. If company, list names and particulars of Directors (who are brokers)

4. Address
5. Location of business
   (a) Town
   (b) Street
   (c) Name of Ward
6. Name of business

Date

Signature

Applicant or his duly Authorized Agent

FOR OFFICIAL USE

Received
Evasion of the Tea Board of Kenya

Date

Managing Director
The Tea Board of Kenya

Term and Conditions

1. A tea broker shall be required to provide evidence of a performance guarantee of at least Ksh. 10 million in any other sum as may be prescribed by the Board from time to time.
2. Before granting any registration, the Board in respect of an applicant before it shall satisfy itself:
   (a) that the applicant is a company incorporated under the Companies Act, with such minimum share capital as the Board may prescribe, and
   (b) that the applicant has sufficient financial resources to carry on the business for which the registration is required;
3. that the applicant has sufficient knowledge, experience and capacity to conduct tea buying business or that the persons to be engaged in the position of Chief Executive Officer or their senior officials possess sufficient knowledge, experience and capacity;
4. that the applicant has sufficient knowledge, experience and capacity to conduct tea buying business or that the persons to be engaged in the position of Chief Executive Officer or their senior officials possess sufficient knowledge, experience and capacity.
5. When considering an application for renewal of a registration, the Board shall require the applicant to submit the annual audited financial statements for inspection.
FIRST SCHEDULE—continued

FORM J

TEA BROKER REGISTRATION CERTIFICATE

This Certificate is issued to ________________________ (P.O. Box __________) and authorizes:
the said person to carry on business as a tea broker in the Republic of Kenya from __________, for a period of one (1) year beginning on the __________

Day of __________, and ending on __________ (both days inclusive).

This Certificate is issued subject to compliance with the provisions of the Tea Act, Cap. 442 of the Laws of Kenya and the Tea Marketing, Regulation and Trade Regulations and all the terms and conditions as specified herein below.

Date: ____________________________

Managing Director
The Tea Board of Kenya

Terms and Conditions:

When considering an application for renewal of a Registration, the Board shall require the applicant to submit an Annual Certificate and financial statements from a registered Banker/Agency.

FORM K

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION
OF TEA WAREHOUSEMAN

1. Name of applicant
2. Details of Certificate of Incorporation No. (relevant dates)
3. List of names and particulars of Directors (relevant dates)
4. Address
5. Location of business
   Town
   Name of building
6. Nature of Business

Date: ____________________________

Signature
Applicant or his duly Authorized Agent

FOR OFFICIAL USE

Personal
Decision of the Tea Board of Kenya __________

Date: ____________________________

Managing Director
The Tea Board of Kenya

T2 - 64 [Issue 1]
FIRST SCHEDULE, FORM 6—continued

Terms and conditions
1. Only the Companies Act shall apply to be registered with the Board as Tea warehouserman.
2. When completing applications for registration or renewal of registration as a warehouserman, the Board shall ensure that only warehouses under the relevant act and any other written law are registered.
3. The warehouses shall be maintained in accordance with the act and any other written law and standards on warehousing including internal standards on quality, food safety and hygiene.
4. No application for registration or renewal of registration as a warehouserman shall be submitted to the Board a certified copy of the insurance policy covering all risks relating to the tea warehouserman business.

FORM 1

TEA WAREHOUSEMAN REGISTRATION CERTIFICATE

This Certificate is issued to ___________________________ and authorizes the said person to carry on business as a tea warehouserman in the Republic of Kenya at ___________________________ for a period of one (1) year beginning on the day of ___________________________ and ending on ___________________________ day of ___________________________. (Both days inclusive)

This Certificate is issued subject to compliance with the provisions of the Tea Act (Cap. 343) of the Laws of Kenya and the Tea (Licencing, Registration and Trades) Regulations and to the terms and conditions as specified hereinafter.

Date ___________________________

Managing Director

The Tea Board of Kenya

Signature/Deal Stamp

Terms and conditions
A warehouserman shall comply with approved practices and standards on warehousing including national standards on quality, food safety and hygiene.

FORM 2

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION FOR TEA PACKER

1. Name of applicant ___________________________

2. Details of National Identity Card No./Passport No./Certificate of Incorporation No. (Attach copy)

3. If Company, full names and particulars of Directors (Attach details)

4. Registered trade mark(s) (Attach details)

5. Address

6. Location of factory

(a) Floor ___________________________

(b) Street/Road ___________________________

(c) Name of Building ___________________________

(d) Telephone No. ___________________________
Tea Act

FIRST SCHEDULE, FORM M—continued

7. Source of Tea
   (a) Own tea
   (b) Mombasa auction purchases
   (c) Embakasi purchase
   (d) Direct purchase
   (e) By-products
   (f) Packaging on contract

Packing capacity: kg Per Year

Date

Signature

Apothet or his duly Authorized Agent

FOR OFFICIAL USE

Received

Division of the Tea Board of Kenya

Date

Managing Director
Tea Board of Kenya

Terms and Conditions

1. While considering an application for registration or renewal, the Board shall ensure that only tea grown in the country conforms with the Public Health Act and any other written law as applied.

2. A certificate shall comply with national Standards on tea quality, food safety, and hygiene.

FORM N

TEA-PACKER CERTIFICATE

This certificate is issued to ___________________ P.P.O. No. _______ and authorizes him to carry on the business as tea packer in the Republic of Kenya under L.R. 44 (4) ________ for a period of one (1) year beginning on the ______ day of ________ and ending on ______ day of ________ (both dates inclusive).

This certificate is issued subject to compliance with the provisions of the Tea Act, Cap. 341 of the Laws of Kenya and the Tea Licensing, Regulation and Trade, Regulation Act and to the terms and conditions as specified hereinabove.

Date

Managing Director
The Tea Board of Kenya

Signature/Seal Stamp
### FORM F

**[BUYER/PORTER AND BROKER MONTHLY RETURN (CONFIDENTIAL)]**

**First Schedule—continued**

1. Name of Buyer/Porter/Broker:
2. Address:
3. Location of Business:
4. Type of Business:
   - [ ] Green/Red
   - [ ] Black/Orange
   - [ ] White/Blue
   - [ ] Other
   - [ ] Not applicable
5. Name of Green/Red
   - [ ] Not applicable
   - [ ] Other

### Form G

**[WAREHOUSEMAN ANNUAL RETURN (CONFIDENTIAL)]**

<table>
<thead>
<tr>
<th>Month</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Name of Warehouseman:
2. Address:
3. Registration No.
Tea Act

CAP. 343

FIRST SCHEDULE—continued

4. Location of business

(a) Name
(b) Address
(c) Name of Building
(d) Telephone

Summary of Tea Examined:

<table>
<thead>
<tr>
<th>Description</th>
<th>No. of Packages</th>
<th>Kg. of Tea</th>
<th>Total Kg. of Tea</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broiler tea</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exporter tea</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Imported tea</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note:—This return is for warehouses other than Buyer Warehouses who are required to make a return on Form P.

FORM P

PACKER MONTHLY RETURN (CONFIDENTIAL)

1. Month

2. Name of packer

3. Address

4. Tea bought during the month:

(a) Audita purchase

(b) Ex-factory

(c) Local purchase

(d) Stockage

(e) Others

TOTAL

Total packing releases:

(a) Packages (in cl)

(b) Total

TOTAL (cl)

[Rev. 2012] [Subsidiary]
FIRST SCHEDULE, FORM—(continued)

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Export sales</td>
<td></td>
</tr>
<tr>
<td>Packed in gram (em)</td>
<td></td>
</tr>
<tr>
<td>Tax levy</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
<tr>
<td>TOTAL KG.</td>
<td></td>
</tr>
<tr>
<td>Allowances and free issues</td>
<td></td>
</tr>
<tr>
<td>Packed in gram</td>
<td></td>
</tr>
<tr>
<td>Tax levy</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
<tr>
<td>TOTAL RELEASES</td>
<td></td>
</tr>
</tbody>
</table>

Date: __________________________   Signature: __________________________

Purchaser or duly Authorized Agent

Note: The Form shall be forwarded to the Tea Board of Rangoon, P. O. Box 20094, G.T. Rangoon, within fourteen (14) days after the end of each month.

APPLICATION FOR REGISTRATION/RENEWAL OF MANAGEMENT AGENT

1. Name of applicant
2. Certificate of Incorporation No. (please insert)
3. Name and Particulars of Directors (please insert)
4. Address
5. Telephone No.
6. L.R. No./No.
7. Nature of business
8. Factory (include)
9. Following documents to be performed or offered by a management agent shall be in the following format:
   a. production
   b. processor
   c. marketing of tea.

Date: __________________________   Signature of applicant

Terms and conditions

1. Before granting any registration, the Board shall satisfy itself:
   a. that the applicant is not a director of a company having a direct business relationship with the tea factory that he intends to offer management services to;
   b. that the applicant has the necessary management capacity to carry on the business of the management agent and that at least one (1) director and one (1) employee who is the Chief Executive Officer of the applicant company has at least five (5) years of proven experience in similar management work, etc.
FIRST SCHEDULE FORM S—continued

(i) that an applicant intending to offer agency services including marketing and payment to
agents has provided evidence of 2½% of present annual business volume from a
reputable institution.

2. A management agent offering professional services including marketing services shall pay a tax
company within fourteen days of receipt of payment.

3. The Board shall satisfy itself that the management agreement between the Management Agent
and the Factory Company conforms to these Regulations and the Act.

4. A firm applying for registration as a management agent shall attach a letter of support from the
factory company to which the management agreement relate.

5. When considering an application for renewal of registration of a management agent, the Board
shall require the applicant to submit the annual audit certificate for inspection.

FORM T

MANAGEMENT AGENT CERTIFICATE

This Certificate is issued to ________________ of P.O. Box ____________ and authorizes
the said person to carry on business as a tea management agent to manage factory marks ____________

in the Republic of Kenya, for a period of one (1) year beginning on the ____________ day of ____________ and ending on

______________________________ (both days inclusive).

This Certificate is subject to conditions with the provisions of the Tea Act, Cap 343 of the laws of Kenya, and the rules made thereunder. It is made subject to the return of this Certificate to the Executive Director of the Tea Board on or before the expiry of the specified period.

Date

Managing Director

The Tea Board of Kenya

Signature/Stamp

Terms and Conditions:

1. A certificate shall be for specific factory marks.

2. Any subsequent factory marks shall be applied for separately.

3. A factory company wishing to terminate its management agreement shall give at least one
month's notice of its intention to terminate it and the management agent shall not
be awarded a certificate until the intention to terminate has been given.

4. A management agent wishing to terminate its management agreement with a factory company
shall give a notice for such period as specified in the agreement of its intention of termination
and inform the Board immediately stating the reasons thereof.

FORM U

ANNUAL RETURN BY MANAGEMENT AGENT (CONFIDENTIAL)

1. Name of agent ________________________________

2. Address ________________________________
FIRST SCHEDULE, FORM III—continued

3. Registration Number
4. Category of Services of Subsidiary
   (Attach list of clients under each service)
   (i) 
   (ii) 
   (iii) 
   (iv) 
   (v) 
   (vi) 
   (vii) 
   (viii) 
   (ix) 
   (x) 

   (If space is not adequate provide an attachment)
1. ____________________________ do hereby declare that the above particulars are true.

Date ____________________________

Signature ________________________

Management Agent

Note: This Form must be forwarded to the Tea Board of Kenya, P. O. Box 5694, Nairobi, on or before 15th January in every year.

---

FORM V

TEA EXPORT REGISTRATION (CONFIDENTIAL)

1. Name of exporter: ____________________________
2. Address: ____________________________
3. Telephone No.: ____________________________
4. E-mail Address: ____________________________
5. Registration certificate number: ____________________________

<table>
<thead>
<tr>
<th>Factory Marks</th>
<th>Invoice No.</th>
<th>Grade</th>
<th>No. of Packages</th>
<th>Net Weight (kg)</th>
<th>Customs Value of Consignment (USD)</th>
<th>All Inclusive</th>
<th>Leviable (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(If space is not adequate provide attachment and/or if the above table reaches the bottom of the page, attach blocking sheet)

7. Details of consignment (tea packed for retail in form of tea bags, tea packets, instant and ready to drink tea contained)

<table>
<thead>
<tr>
<th>Brand Name</th>
<th>Form of Packaging</th>
<th>Packet No.</th>
<th>No. of Packages</th>
<th>Net Weight (kg)</th>
<th>Unit Price (USD)</th>
<th>Customs Value of Consignment (USD)</th>
<th>All Inclusive</th>
<th>Leviable (USD)</th>
</tr>
</thead>
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[Issue 1] T2 - 71
Tea Act
CAP. 343

FIRST SCHEDULE FORM

Full name and address of exporter/consignee

Name and address of Warehouse where tea can be received

Tax Sheet (Shipment Form)

Factory Name

Shipment No.

Shade

No. of Packages

Net Weight (kg)

If space provided is not adequate provide an attachment:

Add—every consignor shall attach to the said copies of the following documents for verification:

(a) sales contract showing contract number, contract date
(b) commercial invoice showing unit price USD, terms of payment, port and country of shipment
(c) transport document
(d) insurance policy
(e) export entry form and
(f) bank Pay in introduction for ad valorem levy

Date

Affixed signature

Stamp of Exporter

FOR OFFICIAL USE

Authorisation by

The Tea Board of Kenya

Date

Signature and Seal

Terms and Conditions

1. For the purpose of sub-Cap. 7, the Valuation levy shall be assessed on declared value, all exporters shall account for all tea bought by them for export using Form T5 in the Schedule. For tax audit through the Warehouse Auditor, the Bureau shall submit a written summary in respect of each consignment to the Tea Board of Kenya within a period of 30 days from the valuation date.

2. Any Ad Valorem Levy which seems, in the opinion of the Board as a case shall, due to a fault on the part of which it is payable.

3. The Tea export registration form is issued in stages for distribution as follows:

(a) one copy to be retained by the Tea Board of Kenya and

(b) two copies to the exporter or agent one of which must be presented to the Inland Revenue Authority together with relevant Export Entry form.
# Tea Act

### First Schedule—continued

<table>
<thead>
<tr>
<th>Quality of Origin</th>
<th>Invoice No.</th>
<th>Grade</th>
<th>Net Weight (Kg)</th>
<th>Destination Date of Despatch (WD)</th>
<th>Ad valorem Leviable USD</th>
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7. If insured, give policy no. or value added form.

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<thead>
<tr>
<th>Details of shipment</th>
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<th>Quality of Origin</th>
<th>Invoice No.</th>
<th>Type</th>
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<th>Destination Date of Despatch (WD)</th>
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<tr>
<td>TOTAL</td>
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</tbody>
</table>

8. Full name and address of seller/consignee...

9. Name and physical address of warehouse where tea will be stored...

10. Includes Tea shoot (per ha)...

<table>
<thead>
<tr>
<th>Quality of Origin</th>
<th>Invoice No.</th>
<th>Grade</th>
<th>Net Weight (Kg)</th>
<th>Destination Date of Despatch (WD)</th>
<th>Ad valorem Leviable USD</th>
</tr>
</thead>
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<tr>
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</tbody>
</table>

[Issue 1] T2 - 73
FIRST SCHEDULE, FORM III—continued

Notes—Every importer shall submit in triplicate copies of the following documents for verification—
(a) sale contract;
(b) shipping order;
(c) certificate of origin;
(d) certificate of analysis for pesticide residues;
(e) customs entry form; and
(f) bank pay in rig or utilise for Act IV/Exwem Lary

Date

Authorized signature
Date of Register

FOR OFFICIAL USE
Administration of
The Tea Board of Kenya

Signature and Stamps

Terms and Conditions:
1. Every tea importer must comply with the Kenya Revenue Authority rules and regulations on bonded estates.
2. A tea importer who directly exports the tea to the local market must provide evidence of duty, value added tax (VAT), and excise duty paid to the Kenya Revenue Authority—Customs Service Department, where due.
3. An Act IV/Exwem Lary which remains unpaid for thirty days or more shall be recovered by the Board as due and due as from the person by whom it is payable.
4. The Tea import registration form is issued in multiples for distribution as follows:
   (a) one copy is retained by the importer in its files and shall be presented to the Kenya Revenue Authority together with relevant import entry form.

FORM X

APPLICATION FOR REGISTRATION/RENEWAL OF AUCTION ORGANISER

1. Name of applicant
2. Certificate of incorporation No.
3. Place and particulars of domicile (attach details)
4. Address
5. Telephone No.
6. L.I.F. No.
7. Name of Business
8. Specific services to be provided

Date

Authorized Officer or duly authorized Agent
Signature of applicant

T2 - 74

[Issue 1]
SECOND SCHEDULE

[Rule 31.]

LICENSING AND REGISTRATION FEES

<table>
<thead>
<tr>
<th>A. LICENSING FEES</th>
<th>NO.</th>
<th>PERIODS DEALING IN TEA</th>
<th>NEW APPLICANTS</th>
<th>RENEWAL FEES</th>
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<tbody>
<tr>
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<td></td>
<td></td>
<td>(Amount in Kenya Shillings (KSh))</td>
<td>(Amount in Kenya Shillings (KSh))</td>
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<tr>
<td></td>
<td>1</td>
<td>Tea Manufacturing Licence</td>
<td>10,000</td>
<td>7,000</td>
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<table>
<thead>
<tr>
<th>B. REGISTRATION FEES</th>
<th>NO.</th>
<th>PERIODS DEALING IN TEA</th>
<th>NEW REGISTRATION FEES</th>
<th>ANNUAL RENEWAL OF REGISTRATION FEES</th>
<th>AMOUNT IN KENYA SHILLINGS (KSh)</th>
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<td>Management Agent</td>
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<td>Keyers</td>
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<td>18,000</td>
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<td>3</td>
<td>Beaders</td>
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<td>18,000</td>
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<td>Storeruwenen</td>
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<td>18,000</td>
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<td>5</td>
<td>Importers</td>
<td>20,000</td>
<td>18,000</td>
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<td>6</td>
<td>Tea Auction</td>
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<td></td>
<td>7</td>
<td>Packers</td>
<td>8,300</td>
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1. These Regulations may be cited as the Tea (Ad Valorem Levy) Regulations, 2012, and shall commence one month after the date of publication.

2. In these Regulations, unless the context otherwise requires—

   “ad valorem levy” means a per centum of the value of all made tea imposed by the Minister at the point of export or import in accordance with Section 18 of the Act;

   “authorized agent” means a representative appointed by the Board to collect ad valorem levy on its behalf;

   “customs value” means the export or import value of the made tea on which the ad Valorem Levy is assessed;

   “Kenya Standard 1927: 2005 Tea Packets and Containers—Specifications (KS 1927: 2005)” means the Kenya Standard that specifies the requirements and methods of test for tea packets and containers, applicable to tea packaging for retail in the form of tea bags, tea packets, instant tea and ready to drink containers but does not include tea sacks;

   “point of export” means a designated customs border point at which made tea is taken out of Kenya to any place out of Kenya;

   “point of import” means a designated customs border point at which made tea is brought into Kenya from any place out of Kenya.

3. The Minister imposes an ad valorem levy payable at the rate of one per centum of the customs value for made tea exports or imports.

4. The ad valorem levy imposed under regulation 3, shall not apply to made tea imports imported in bulk into Kenya for blending and re-export.


6. A tea exporter or importer shall pay the ad valorem levy to the Board or its authorized agent based on the customs value of each consignment of made tea at the point of export or import.

7. Upon payment of the ad valorem levy, the Board or its authorized agent shall issue the tea exporter or importer with a receipt.

8. Where the levy is paid to an authorized agent under paragraph 6, the authorized agent shall remit the amount to the Board not later than the tenth day of the following month.

9. A tea exporter or importer shall provide information on all export and import consignments to the Board in Form V and W set out in the First Schedule of The Tea (Licensing, Registration and Trade) Regulations, 2008 (L.N. 122/2008).

10. A tea exporter or importer who provides false information required under paragraph 9 commits an offence and shall be liable on conviction to the penalties provided under section 23 of the Act.

11. A tea exporter or importer shall provide receipts to the Board or its authorized agent, as proof of payment of the requisite ad valorem levy.
(1) An ad valorem levy which remains unpaid shall be recovered by the Board as a civil debt due to it from the person by whom it is payable.

(2) An ad valorem levy that remains unpaid for thirty days or more shall attract interest at commercial bank rates, prevailing at the time the levy becomes due, until it is fully paid.

13. The Board or its authorized agent shall, upon successful processing of customs documentation, verify the tea export or import consignment.

14. The Board shall upon verification, issue a release order in Form A set out in the First Schedule.

15. The Board shall not issue a release order to an exporter or importer unless that person has complied with the provisions of the Act.

16. The Board may cancel the export or import release order if an exporter or importer contravenes the provisions of the Act.

17. The Legal Notice No. 331 of 1994 (L.N. 331/1994) is revoked.

FIRST SCHEDULE

FORM A

TEA EXPORT/IMPORT RELEASE ORDER

Name of Exporter/Importer

Postal Address

Contact Person and Designation

Telephone/Mobile No./Fax

E-mail Address

Tax Brand/Import Registration No

Issue Date

Customs Entry No. and Date

Net Weight (Kg) (Read Alec)

Physical Inspection of consignment


Signature of Exporter/Importer or Authorized Agent

Date

FOR OFFICIAL USE ONLY

Release Authority Stemp

Name ____________________________ Signature ____________________________ Date __________

For and on behalf of The Board of Kenya
TEA (NOMINATION) REGULATIONS, 2012

ARRANGEMENT OF REGULATIONS

Regulation
1. Citation.
2. Interpretation.
3. Objects and purpose of these Regulations.
4. Notice by the Minister.
5. Eligibility for appointment of a member to the Board.
6. Registration of nominating organizations.
7. Nomination of a candidate representing a nominating organization.
8. Election process.
TEA (NOMINATION) REGULATIONS, 2012
[L.N. 34/2012.]

1. Citation
These Regulations may be cited as the Tea (Nomination) Regulations, 2012.

2. Interpretation
In these Regulations, unless the context otherwise requires—

"Board" means the Tea Board of Kenya established under section 3 of the Act;
"candidate" means a delegate proposed and seconded pursuant to regulation 7;
"delegate" means a director or proprietor of a nominating organization entitled to vote in an election convened under these regulations;
"nomination" means the process of selecting or identifying individuals to represent specific stakeholder interest in the Board;
"nominating organizations" includes the factory organizations, the plantation tea producer organization, the registered auction organizers and the registered tea packers organizations;
"presiding officer" means a person appointed by the returning officer to preside over the nomination process at a meeting convened by the Minister;
"returning officer" means a person appointed by the Minister to be in charge of the nomination process for purposes of nominating members for appointment to the Board.

3. Objects and purpose of these Regulations
The object and purpose of these regulations is to—

(a) prescribe the procedure for the nominating organizations to elect nominees to be appointed to the Board; and
(b) facilitate the process of electing the nominees.

4. Notice by the Minister
At least two months before the expiry of the term of the Board, the Minister shall cause to be published in the Gazette and in at least two local daily newspapers of wide national circulation a notice to convene a meeting for nominating organizations under section 3(1)(e)(i), (ii), (iii) and (iv) of the Act for purposes of nominating members to be appointed to the Board.

5. Eligibility for appointment of a member to the Board
(1) Subject to subregulation (2), a person shall be qualified for appointment to the Board if that person—

(a) holds at least a post-secondary education or its equivalent certificate in Kenya;
(b) has a professional qualification or management experience relevant to the tea sector; and
(c) meets the requirements of Chapter Six of the Constitution.
(2) A person shall be qualified for appointment to represent a factory organization if that person—

(a) is a serving Director of a licensed Tea Factory Company;
(b) holds at least a post-secondary education or its equivalent certificate in Kenya;
(c) has a professional qualification or management experience relevant to the tea sector; and
(d) meets the requirements of Chapter Six of the Constitution.

(3) A person shall not be qualified for appointment to the Board if the person—

(a) is an undischarged bankrupt;
(b) is of unsound mind;
(c) has been convicted of an offence under the Ethics and Anti-Corruption Commission Act (No. 22 of 2011); or
(d) has been removed from office for contravening the provisions of the Constitution or any other law.

6. Registration of nominating organizations

A nominating organization shall be duly registered or licensed by the Board.

7. Nomination of a candidate representing a nominating organization

(1) Each nominating organization shall be represented by one delegate at the meeting convened by the Minister under paragraph 4.

(2) A candidate for nomination shall be proposed and seconded by a delegate.

(3) Where the number of candidates proposed for nomination under subregulation (2) are—

(a) as specified under the Act, the presiding officer shall declare such candidates to be duly nominated;
(b) more than the number specified under the Act, the presiding officer shall carry out an election in the manner provided under regulation 8.

8. Election process

(1) Each delegate shall have one vote.

(2) The method of election shall be by way of secret ballot.

(3) The presiding officer shall cause a ballot paper to be delivered to every delegate present and the delegate shall write the name of the candidate of their choice from among those nominated under paragraph 7(2).

(4) No other mark, writing or signature shall be made on the ballot paper, and the delegate shall, on writing the name of the candidate, fold the paper so as to conceal their nomination, and shall deliver it, or cause it to be delivered, to the presiding officer in such manner as the presiding officer shall prescribe.

(5) Upon receiving all the ballot papers the presiding officer shall in the presence of the candidates and delegates count the votes cast.

(6) The presiding officer shall, upon counting all the votes cast, announce the number of votes cast for each candidate, and shall declare the candidates for whom the greatest number of votes has been cast to be duly nominated.
(7) In the event of a tie in the number of votes casted, subsequent elections shall be conducted following the procedure set out in these regulations until the candidate who emerges with the most votes is declared duly nominated.

(8) The returning officer shall forward the names of the persons nominated to the Minister.

9. Revocation of L.N. 114 of 2005

The Tea (Election) Regulations, 2005 are revoked.