Where the Act confers the power on the Central Bank to impose a penalty on an institution, its officers or employees, the amount of the penalty or any part of the penalty which remains unpaid shall constitute a debt due from the institution to the Central Bank, and the Central Bank may, where such penalty is not paid in the manner or time prescribed—

(a) sue the institution for the recovery of the penalty; or

(b) revoke the licence of the institution.

7. (1) Where an application for the renewal of a licence is lodged after three months of its expiry, the Central Bank may, on application, renew the licence on payment of an additional fifty per centum of the licence fee.

(2) If by 1st April of that calendar year, an institution has not applied for the renewal of its licence, the Central Bank shall impose appropriate administrative sanctions.

Dated the 9th December, 2008.

JOHN MICHIKI,
Acting Minister for Finance.

LEGAL NOTICE NO. 7

THE TEA ACT
(Cap. 343)

IN EXERCISE of the powers conferred by section 25 of the Tea Act, the Minister for Agriculture, in consultation with the Board, makes the following Regulations:—

THE TEA (LICENSING, REGISTRATION AND TRADE) (AMENDMENT) REGULATIONS, 2008

1. These Regulations may be cited as the Tea (Licensing, Registration and Trade) (Amendment) Regulations, 2008.

2. The Tea (Licensing, Registration and Trading) Regulations, 2008, in these Regulations referred to as the principal Regulations, are amended in regulation 2—

(a) by inserting the following new definition in proper alphabetical sequence—

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

(b) by deleting the definitions of “blending”, “broker”, “buyer”, “management agent” and “manufacturing licence”.

3. The principal Regulations are amended in regulation 41 by inserting the following new paragraph immediately after paragraph (2);

(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.

4. The principal Regulations are amended in regulation 44 by deleting the expression “31st December, 2008” and substituting therefore the expression “31st March, 2009”.

5. The principal Regulations are amended in Form S appearing in the First Schedule—

(a) by deleting paragraph 9 and substituting therefor the following new paragraph—

9. Professional services to be performed or offered by a management agent shall be in the following functions—

(a) production;
(b) procession;
(c) marketing of tea.

(b) in the Terms and Conditions—

(i) by deleting paragraph 1 (b);
(ii) in paragraph 1 (c), by deleting the words “educational, professional qualifications and” appearing after the word “necessary”;
(iii) by renumbering subparagraphs (c) and (d) as subparagraphs (b) and (c) respectively;
(iv) by deleting paragraph 2 and substituting therefore the following new paragraph—

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

(v) by deleting paragraph 3;
(iv) by renumbering paragraphs 4, 5, and 6 as paragraphs 3, 4, and 5 respectively.

Dated the 30th December, 2008.

WILLIAM ARAP RUTO,
Minister for Agriculture.