(Legislative Supplement No. 39)

LEGAL NOTICE No. 107

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 (FORMS) REGULATIONS, 2000

1. These Regulations may be cited as the Tea (Forms) Regulations, 2000.

Citation.

2. Every application to the Board under section 8 of the Act for registration as a small holder tea grower shall be as prescribed in Form A in the Schedule and in the case of a plantation grower, as prescribed in Form A1 in the Schedule.

Registration of tea growers.

3. A certificate of registration of a tea grower shall be as prescribed in Form B in the Schedule.

Tea grower certificate.

4. An application to the Board for a manufacturing licence under section 13 of the Act shall be as prescribed in Form C in the Schedule.

Manufacturing licence application.

5. A manufacturing licence issued by the Board under section 13 of the Act shall be as prescribed in Form D in the Schedule.

Manufacturing licence.

6. Every registered tea factory shall, not later than 15th January in every year, complete and submit to the Board a statistical return as prescribed in Form E in the Schedule.

Statistical returns.

7. Every 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 cess and production return as prescribed in Form F in the Schedule.

Cess and production returns.

8. An application for registration as a tea buyer or broker under section 25 (2) (h) of the Act, shall be as prescribed in Form G in the Schedule and the certificate of registration issued by the Board shall be as prescribed in Form H in the Schedule.

Tea buyer certificate.

Tea packer or blender certificate. 9. An application for registration as a tea packer or blender under section 25 (2) (h) of the Act shall be as prescribed in Form I and the certificate issued by the Board shall be in Form J in the Schedule.

Returns of tea packed. 10. Every tea buyer and broker shall be required to make a monthly return of the tea dealt in to the Board as prescribed in Form K in the Schedule.

Return of tea dealt in. 11. Every tea packer or blender shall be required to make a monthly return of the tea packed to the Board as prescribed in Form L in the Schedule.

Returns of tea

12. Every tea exporter shall register the exports made and make a return on every transaction to the Board as prescribed in Form M in the Schedule.

Registration of management agents.

13. An application to the Board for registration as a management agent under section 25 (1) (1) of the Act shall be as prescribed in Form N and the certificate issued shall be as prescribed in Form P in the Schedule.

Returns by management agents.

14. Every management agent shall be required to make an annual return as prescribed in Form Q in the Schedule.

Board to levy fees.

15. The Board shall levy a fee to be determined from time to time for services rendered under these Regulations.

SCHEDULE

THE TEA ACT (Cap. 342)

THE TEA (FORMS) REGULATIONS, 2000

(regulation 2)

FORM A – APPLICATION FOR REGISTRATION AS A TEA GROWER

Į	Name of applicant	
2.	Address	
	Telephone	
	Location	
5.	Division	
5.	District	
7.	L.R.No. or Nos.	
8.	(a) Application is hereby made to maintain	hectares
	of tea on the above I R No (s) / in the above District	

— · · · · · · · · · · · · · · · · · · ·
(b) Application is hereby made to planthectares of tea on the above L.R. No.(s) / in the above District.
Date Signature
FOR OFFICIAL USE:
Decision of Tea Factory Company
Date Name of signatory
Signature
Tea Factory Manager
For:
(Name of Tea Factory Company)
The information contained in this form should be submitted to the Tea Board of Kenya annually in Form E.
THE TEA ACT (Cap. 342)
THE TEA (FORMS) REGULATIONS, 2000
(regulation 2)
FORM A1 – APPLICATION FOR REGISTRATION AS A TEAGROWER/(FACTORY COMPANY)
 Name of applicant. Address Telephone Location Division District L.R. No. or Nos. (a) Application is hereby made to maintainhectares of tea on the above L.R. No.(s) / in the above District. (b) Application is hereby made to planthectares of tea on the above L.R. No.(s) / in the above District.

Date Sign Applica	aturent or his duly authorized agent.
FOR OFFICIAL	. USE:
Decision of the Tea Board of Kenya	
Date	Managing Director The Tea Board of Kenya
The information contained in this f Tea Board of Kenya annually in Form E.	form should be submitted to the
THE TEΛ Λ (Cap. 342)	
THE TEA (FORMS) REGU	ILATIONS, 2000
	(regulation 3)
FORM B - REGISTRATIO	N CERTIFICATE
Name	hectares of tea on ove District and/or to plant ctares of tea on the said land,
Date For	Managing Director The Tea Board of Kenya

(Delete as appropriate)

Terms and conditions under which an applicant for registration as a planter may be registered are as stated herebelow:

(i) For the continued validity of all registration, the growers shall not sell, transfer or in any way part with the possession

of any tea seedlings, stumps, plants, or any planting material, whether produced by vegetative propagation or otherwise, to any person other than a person who is validly registered to plant by the Board.

- (ii) No grower shall sell green leaf to any person other than to the manufacturing factory specified in the application.
- (iii) Registered growers are required to issue a receipt for all sale of tea planting material and note on the receipt the name of the registered grower, the date, and in the case of sales made to small holders, the registration number of the grower.

Other conditions under which the registration is done:

The registration certificate is issued subject to the conditions specified in sections 14(1) and (2) of the Tea Act and the grower's attention is further drawn to the provisions of section 25 (2) Subsection (a), to (k) of the Act.

THE TEA ACT (Cap. 342)

THE TEA (FORMS) REGULATIONS, 2000

(regulation 4)

FORM C - APPLICATION FOR TEA MANUFACTURING LICENCE

1.	Name of Applicant
2.	Address
3.	Telephone Number
4.	Location
5.	Division
6.	District
7.	L.R.No./Nos.
8.	Type of tea manufacture:-
	(a) C.T.C. (cut, tear, curl);
	(b) Orthodox;
	(c) Instant;
	(d) Others (specify).
9.	Manufacturing capacity:
	(a) Green tea leafKilogrammes per year
	(b) Made teaKilogrammes per year

10. Source of green leaf for processing:

(a) Own (specify registration number(b) Outgrowers					
Application is made for permission to erect/operate a factory for the manufacture of tea in accordance with the particulars given above, which are hereby certified to be correct:					
Date Signatu	re				
	Applicant				
Comments of the Director of Agriculture .					
Date	Director of Agriculture				
Decision of the Tea Board of Kenya					
Date	Managing Director The Tea Board of Kenya				

Subject to Terms and Conditions set overleaf.

Terms and conditions are as stated herebelow:

- (1) When licensing a new manufacturing factory due consideration will be taken to ensure that processing overcapacity is not created in a given local area or zone. In the case of a private investor, the Tea Board shall arbitrate to decide how the farmers are distributed between the existing and the new factory before issuing a licence. A licence for a new factory will only be issued to persons or companies who have at least 250 hectares of mature tea bushes.
- (2) The Board in consultation with the Minister may cancel, vary or suspend any licence issued to a company if any company fails to abide with the terms and conditions of the licence;
- (3) The duration during which the tea manufacturing factories are to submit their returns with the monthly cess shall be not later than 14 days of the beginning of each month and a payment of

interest on outstanding arrears after the 14th day of the following month at bank interest rates will be charged;

(4) A manufacturing licence may be suspended where a manufacturing licensee without any good reason acceptable to the Board continues to default on manufacturing cess payments beyond a period of 21 days of the following month. The Board is at liberty to use its powers under paragraph (2) above or may recover the same amount as a civil debt.

THE TEA ACT (Cap. 342)

THE TEA (FORMS) REGULATIONS, 2000

(regulation 5)

FORM D - TEA MANUFACTURING LICENCE

	190
Licence No	,,
Name	••••
Address	
Location	
Division	
District	
is/are hereby authorized to erect/ope of tea at	•
L.R. No./Nos	
Registration Certificate No. or Nos	
Type of Tea Manufacture:	
(a) C.T.C. (cut, tear, curl);	
(b) Orthodox;	
(c) Instant;	
(d) Other (specify).	
Date	
•	Managing Director
	The Tea Board of Kenya

Signature/Scal Stamp.

Subject to the terms and conditions set out overleaf.

Terms and conditions are stated herebelow:

(1) When licensing a new manufacturing factory due consideration will be taken to ensure that processing over-capacity is not created in a given local area or zone. In the case of a private investor, the Tea Board shall arbitrate to decide how the farmers are distributed between the existing

- and the new factory before issuing a licence. A licence for a new factory will only be issued to persons or companies who have at least 250 hectares of mature tea bushes;
- (2) The Board in consultation with the Minister may cancel, vary or suspend the licence issued to a company if any company fails to abide with the terms and conditions of the licence;
- (3) The duration during which the tea manufacturing factories are to submit their returns with the monthly cess will be not later than 14 days of the beginning of each month and a payment of interest on outstanding arrears after the 14th day of the following month at bank interest rates will be charged;
- (4) A manufacturing licence may be suspended where a manufacturing licensee without any good reason acceptable to the Board continues to default on manufacturing cess payments beyond a period of 21 days of the following month. The Board is at liberty to use its powers under paragraph (2), above or may recover the same amount as a civil debt.
- (5) Attention is drawn to the provisions of sections 13 and 13A of the Tea Act which are as follows:

(a) Any person who-

- (i) manufactures tea for sale in contravention of section 13:
- (ii) buys, sells, exposes for sale or has in his possession any tea which to his knowledge or belief has been grown, manufactured or dried otherwise than in accordance with this Act; shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding ten years with or without corporal punishment.
- (b) 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.
- (c) 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.

THE TEA ACT (*Cap.* 342)

THE TEA (FORMS) REGULATIONS, 2000

(regulation 6)

FORM E—ANNUAL STATISTICAL RETURN (CONFIDENTIAL)

۸d Reز	dressgistration number	
1.	TEA PLANTED AS AT 31st	DECEMBER, 20
		Hectares
	(a) Planted before	19
	(b) Planted during	19
		19
		19
		20
2. 3 4.	Total area under tea as a TEA MADE DURING 20 Total crop	ge (if any
	particulars are true.	
Da	te	Signature
		Tea Factory Manager
		for:
		Tea Factory Company

Note.—This Form must be forwarded to THE TEA BOARD OF KENYA, P.O. BOX 20064, NAIROBI, on or before 15th January in every year.

Failure to submit statistical returns will make the factory liable to a penalty as set out in sections 12B and 23 of the Tea Λ ct.

THE TEA ACT (Cap. 342)

THE TEA (FORMS) REGULATIONS, 2000

(regulation 7)

FORM F —MONTHLY CESS AND PRODUCTION RETURN

(C(ገኮ	JF	m	FΝ	ITI	ΔI	١
\cdot		71 .	w			\sim 1.	- 7

		(CON	LIDEN I	IAL)					
		Month	l	• • • • • • • • • • • • • • • • • • • •	2	0	••••••		
1. Name of Man 2. Address GRADE ANALYS.							• • • • •		
ORTHODOX	FBO	BOP	BOPF	OF	PD	D	BO		
GRADES C.T.C. GRADES	BP1	PF1	PD	BP	F	D1	P2 D	BM F	TOTAL KGS.
Last month stock balance brought forward									
Teas manufactured this month									
TOTAL				ļ					
Mombasa Auctions Private Sales Private Local (Buyer to Buyer)									
LOCAL SALES TO GROWERS	-								
ALLOWANCES AND FREE ISSUES			5						
TOTAL ISSUES						<u> </u>			
STOCK BALANCE CARRIED FORWARD									

4.	Cess payable at the rate of KShs per 100Kgs.* on deliveries from stock during the month for which a remittant KShs is enclosed.		
	I,the above particula	, do hereby declare that	
Dat	te 20	Signature	

Kenya Suosiatur y Exgistimon, 2000
*Parts of 100Kgs, in excess of even multiples of 100Kgs, to be taken as 100Kgs, in calculating cess payable.
FOR OFFICIAL USE
Received
Date
Managing Director The Tea Board of Kenya
Failure to submit the monthly cess and production return wi make the factory liable to a penalty as set out in Sections 13 Λ (i) and (ii) of the Tea Λ ct.
THE TEA ACT (Cap. 342)
THE TEA (FORMS) REGULATIONS, 2000
(regulation S
FORM G - APPLICATION FOR REGISTRATION OF TEA
BUYERS AND BROKERS
1. Name of Buyer/Broker 2. Address 3. Location of Business Town Street/Road Name of Building Telephone Number 4. Nature of Business
Date Signature
(delete as necessary)

FOR OFFICIAL USE

Received Decision of the Tea Board of Kenya				
Date	•••••			
	Managing Director The Tea Board of Kenya			

THE TEA ACT (Cap. 342)

THE TEA (FORMS) REGULATIONS, 2000

(regulation 8)

FORM H – TEA BUYERS AND BROKERS REGISTRATION CERTIFICATE

	Licence No
Name	***************************************
Nature of business	
Location: Town/Street	***************************************
is/are hereby authorized to buy to the terms and conditions of this li	ea/operate as a tea broker(s) subject to cence.
Date	Signature
	Managing Director
	The Tea Board of Kenya

THE TEA ACT (Cap. 342)

THE TEA (FORMS) REGULATIONS, 2000

(regulation 10)

FORM I – APPLICATION FOR TEA PACKING AND BLENDING REGISTRATION

Name of packer	
Registered trade mark	(s) (Provide attachment if necessary)
-	
Telephone number	
Source of Tea-	
Own tea	Yes/No
	ourchasesYes/No
	esYes/No
	Yes/No
	tYes/No
Packing capacity	Kgs. Per Year
Date	Signature
	Packer or his duly Authorized Agent

	FOR OFFICIAL USE
Received	
Date	Managing Director
	hanaging Director he Tea Board of Kenya
	m ren monte of nearth

Terms and conditions:

- 1. For the purpose of registration as a tea packer, "packing" means the process of packing made tea into packets or containers holding not more than ten kilograms of tea intended for sale.
- 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 L indicating the tea packed in the previous month and the source of such tea.
- 3. Any person who packs tea for sale in contravention of regulation of the Tea (Forms) Regulations, 2000 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.
- 4. Any person who contravenes the provisions of regulation 11 of the Tea (Forms) Regulations, 2000 shall be guilty of an offence and shall be fiable 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.

THE TEA ACT (Cap. 342)

THE TEA (FORMS) REGULATIONS, 2000

(regulation 9)

FORM J. - TEA PACKING AND BLENDING CERTIFICATE

	Certificate No		
Name Trade mark (if any) (Provide an attachment Address	if necessary)		
Location: Building/Town/Street			
is/are hereby authorized to blend (and) pac conditions of this licence.			
Date	Signature		

Subject to terms and conditions set out overleaf.

Terms and conditions:

- 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 L indicating the tea packed in the previous month and the source of such tea.
- Any person who packs tea for sale in contravention of regulation 9 hereof 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.
- Any person who contravenes the provisions of regulation 14 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.

THE TEA ACT (Cap. 342)

THE TEA (FORMS) REGULATIONS, 2000

(regulation 10)

FORM K-BUYERS AND BROKERS MONTHLY RETURN

(CONFIDENTIAL)

Mo	onthYear
1.	Name of buyer/broker
2.	Address
3.	Location of business
4.	Town
	Street/Road
	Name of building
	Telephone number
	Nature of business
5.	If buyer, specify source of tea bought during the month:
	Mombasa auctionKgs.
	Private salesKgs.
	Ex-factory purchasesKgs.
6.	Specify factory marks:
	1

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FORM L - MONTHLY PACKING AND BLENDING RETURNS

(CONFIDENTIAL)

Mc	onth	Year
1.	Name of blender/packer	
2.	Address	
3	Tea bought during the month:	
	Auction purchases	Kgs.
	Ex-factory	Kgs.
	Local purchase	
	Private purchase	Kgs.
	Others	Kgs.
	Total	Kgs
4.	Total packing releases:	
	Local sales	Kgs.

(ii) Tea	tets (in grammes)bags	Kgs.
	Total Kgs.	
Export sales		Kgs.
(ii)	Packets (in grammes) Tea bags Others Total Kgs.	. Kgs.
Allowances and fr	ee issues	Kgs.
(i)	Packets (in grammes)	Kgs.
(ii)	Tea bags	Kgs.
(iii)	Others	Kgs.
Total Releases		-
(If space i	s inadequate provide an attachmen	
Date	Signature	zed Agent
Box 20064, NAIF	e forwarded to the Tea Board of K ROBI, duly completed not later that end of each month.	
	THE TEA ACT (Cap. 342)	
THE TEA (F	ORMS) REGULATIONS, 2000	
	(reg	ulation 12)
FORM M – T	EA EXPORT REGISTRATION	
	(CONFIDENTIAL)	
Name of exporter		•••••

1. 2.

3.	Details of net weight	•	nvoice no., grad	e, no. of packages	and
Fac mar	tory ks	Invoice no.	Grade	No. of packages	Net weight (Kilograms)
(a).	•••••		***************************************		•••••
(b)				• • • • • • • • • • • • • • • • • • • •	
				• • • • • • • • • • • • • • • • • • • •	
(d)					
(e).	• • • • • • • • • • • • • • • • • • • •			***********	•••••
(If	space not a		attachment and i h blending sheet)	f tea is blended pleas	se
4.	(i)	Sale contract nu	mber		
	(ii)	Sale contract da	te		•••
	(iii)	Unit price U.S \$	/Stg.£		•••
	(iv)	Terms of payme	nt		•••
	(v)	Port and countr	y of destination .	•••••	
5.	Full nan	ne and address of	buyer and consig	;nee	
6.	Name a	nd address of Wa	rehouse where te	a can be inspected	
7.	Tea shor	rt shipment (if an	y):		
Fac	tory	Invoice		No. of	Net weight
mar	k	No.	Grade	packages	(Kilograms)
(a)		*************			
(c)					

(If space provided is not adequate provide an attachment).

......

Note.—Applicant to attach certified copies of the following documents for verification.

(e).....

(a) Sale contract;
(b) Letter of credit/Telegraphic Transfer Documents;
(c) Commercial invoice;
(d) Brokers invoice; and
(e) Blending sheet (where applicable).
Date
Authorized Signature
Stamp of Exporter
FOR OFFICIAL USE
Authentication by
The Tea Board of Kenya
Data
Date
ықпаше апа эштү

Terms and conditions:

- 1. (i) All tea buyers shall register with the Tea Board of Kenya as prescribed in the Regulations.
 - (ii) Every tea buyer shall make return in Form K in the Schedule of all the tea bought by him every month.
 - (iii) Every exporter of tea (whether manufacturer, buyer, packer or management agent) shall register every export transaction with the Board in Form M in the Schedule.
 - (iv) For the purpose of duty/V.A.T exemptions on imported inputs, all exporters shall account for all teas bought by them for export using Form M in the Schedule. For tea sold through the Mombasa auctions, the Board shall submit a certified summary in respect of each manufacturer to the Customs and Excise Department for the purpose of accounting for the teas.
 - (v) Any buyer who diverts tea bought at the auction to the local market must produce evidence of duty/VAT payment to the Kenya Revenue Authority, where due.
 - (vi) Any person who exports tea in contravention of Regulation1 (iii) shall be guilty of an offence and shall be liable to a fine not exceeding two thousand shillings or to a term of

imprisonment not exceeding three months or to both such fine and imprisonment.

- 2. The Tea export return form is issued in triplicate for distribution as follows:
 - (i) One copy to be retained by the Tea Board of Kenya.
 - (ii) Two copies to the exporter or agent one of which must be presented to the Customs and Excise Department together with relevant Export Entry Form.

THE TEA ACT (Cap. 342)

THE TEA (FORMS) REGULATIONS, 2000

(regulation 14)

FORM N – APPLICATION FOR REGISTRATION OF MANAGEMENT AGENT

1.		e of applicant
2.		ress
3.	Telep	phone number
4.	L.R.	No./Nos
5.	Natu	re of business
б.	Facto	ory Mark (Specify)
7.		ces to be provided shall be in the following areas:
	(a)	Payment to growers extension service
		Leaf collection
	(c)	Processing
	(d)	Marketing
	(e)	Provision of farm inputs
	(f)	Secretarial services
	(g)	Internal audit
	(h)	Indemnity on loan guarantees
	(i)	Payment to growers on green leaf delivered
_	• •	
Da	te	Signature of applicant

Terms and conditions:

- 1. Every application will be for specific factory marks.
- 2. Any subsequent factory marks should be applied for separately.
- 3. Attach a no objection letter from the current management agent which shall not be unreasonably withheld.
- 4. Attach copies of proposed management agreement.
- Proven evidence of management performance and profile of expertise must be shown.
- 6. Letter of support from factories that they seek to manage must be produced.

THE TEA ACT (Cap. 342)

THE TEA (FORMS) REGULATIONS, 2000

(regulation 13)

Cartificata No

FORM P - MANAGEMENT AGENT CERTIFICATE

agent to manage factory
llowing areas: (Delete as

- (a) Payment to growers extension service.
- (b) Leaf collection.
- (c) Processing.
- (d) Marketing.
- (e) Provision of farm inputs.
- (f) Secretarial services
- (g) Internal audit.
- (h) Indemnity on loan guarantees.
- (i) Payment to growers on green leaf delivered.

Date	
	Managing Director
	The Tea Board of Kenyo

The Certificate shall not be transferred without written authority from the Board.

Subject to the terms and conditions set out overleaf.

Terms and conditions:

- 1. Every certificate shall be for specific factory marks.
- 2. Any subsequent factory marks shall be applied for separately.
- 3. A registered management agent shall not unreasonably withhold a no objection letter sought by a prospective management agent.
- 4. A factory company wishing to terminate its management agreement with a current management agent shall give two year's notice of its intention of termination.
- 5. A Factory Company wishing to terminate its management agreement with the current management agent shall give notice to the Board.
- 6. A management agent wishing to terminate its management agreement with a factory company shall give a two year notice of its intention of termination to the factory company.
- 7. A management agent wishing to terminate its management agreement with a factory company shall give notice to the Board.
- 8. All management agreements shall be registered with the Board within thirty days after the commencement of the agreement by the management agent.
- 9. The Board may sanction any amendment of the management agreement recommended by either party in the interest of the tea grower.

THE TEA ACT (Cap. 342)

THE TEA (FORMS) REGULATIONS, 2000

(regulation 14)

FORM Q —ANNUAL RETURN BY MANAGEMENT AGENT (CONFIDENTIAL)

Name of agent	 	
Address	 • • • • • • • • • • • • • •	
Registration number	 	

Number o	f factories.	
(i)		
(ii)		
(iii)		
(iv)		
(v)		
	(If space not adequate provide an attachment).	
I, are true.	do hereby declare that the above particulars	
Date	Signature Management Agent	
	his Form must be forwarded to the Tea Board of Kenya, P.O. Box 20064, Nairobi, on or before 15th January in every year.	
	The Tea (Forms) Regulations, 1979 and the Tea (Packing) as, 1999, are revoked.	L.N. 2/1979. L.N. 41/1999.
13-4	-J.t- 21-1 A 2000	

Dated the 21st August, 2000.

C. M. OBURE, Minister For Agriculture.

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