

LEGAL NOTICE No.....

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, 2011

1. These Regulations may be cited as the Tea (Licensing, Registration and Trade) (Amendment) Regulations, 2011.
2. The Tea (Licensing, Registration and Trade) Regulations, 2008, in these Regulations referred to as the principal Regulations, are amended in Regulation 12-
 - (a) by deleting the words “cess and” immediately after the word “monthly” in paragraph (1);
 - (b) by deleting paragraph (2);
 - (c) by deleting paragraph (3).
3. The principal Regulations are amended in Regulation 3(1), 3(2), 5,7,13, 15, 24, 38-
 - (a) By deleting paragraphs 3(1) and 3 (2) and substituting therefore with the following-

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

3(2)Every plantation tea grower shall be registered in accordance with section 8 of the Act and apply to the tea factory to which he delivers green leaf in Form A1 set out in the First Schedule.
 - (b) By deleting the words “wishes” in paragraphs 5 and 7and substituting therefore with the word “intends”.
 - (c) By deleting paragraphs 13, and substituting therefore with the following-

13 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 as set out in the First Schedule.

(d) By deleting paragraphs 15, and substituting therefore with the following-

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

(e) By deleting paragraphs 24, and substituting therefore with the following-

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

(f) By deleting paragraphs 38, and substituting therefore with the following-

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

4. The principal Regulations are amended in Regulation 44 by inserting the following new paragraph-

(1) 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 in accordance with these Regulations;

(2) By renumbering Regulation 44 as Regulation 44 (2).

5. The principal Regulations are amended in Form D appearing in the First Schedule by deleting Form D and replacing it with a new Form D;

6. The principal Regulations are amended in Form F appearing in the First Schedule by deleting Form F and replacing it with a new Form F;

7. The principal Regulations are amended in Form S appearing in the First Schedule-

(a) In the Terms and Conditions-

(i)By deleting paragraph1(c) and substituting therefore the following new paragraph-

1. (c) That an applicant intending to offer agency services including marketing and payment to growers, has provided indemnity of 0.5% of principals' annual business turnover from a reputable institution.

(ii)By deleting the word "Manufacturing" in paragraph 6 and replacing it with the word "Management".

8. The principal Regulations are amended in Form V appearing in the First Schedule by deleting Form V and replacing it with a new Form V;
9. The principal Regulations are amended in Form W appearing in the First Schedule by deleting Form W and replacing it with a new Form W;

FIRST SCHEDULE

FORM D

TEA MANUFACTURING LICENSE (r.6)

THIS LICENCE is issued to of P. O. Box and authorizes the said person to conduct the business or carry on the business of tea manufacture in the Republic of Kenya at L.R. No(s) for a period of one (1) year beginning on the day of and ending on day of (both days inclusive).

THIS LICENCE is issued for;

A. Type of tea manufacture:

(a) C.T.C. (cut, tear, curl)	Orthodox	Instant	Others (specify)

B. Manufacturing capacity:

Green tea leaf Kilograms per year.

THIS LICENCE is issued subject to compliance with the provisions of the Tea Act, Cap 343 of the Laws of Kenya and the Tea (Licensing, Registration and Trade) Regulations and to such terms and conditions as specified hereunder.

Date

Managing Director

The Tea Board of Kenya

Signature/Seal 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 register.
3. Notwithstanding paragraph 2 in the case of a Tea factory where there is a processing capacity shortfall but a surplus green leaf, the Board shall intervene to decide the arrangements to divert the surplus green leaf to the nearest factory with extra processing capacity.
4. This Licence is issued on condition that the Board's approval shall be required to expand processing capacity in any given year.

FORM F:

(r. 12)

MONTHLY PRODUCTION RETURN

(CONFIDENTIAL)

Month.....20.....

1. Name of Manufacturing Licence Holder
2. Licence Number
3. Address.....

GRADE ANALYSIS OF PRODUCTION AND STOCK RELEASES (KGS)

Types of Tea Manufacture	CTC Grades									TOTAL (kg)
	Orthodox Grades									
	OTHERS Grades (Green Tea, Oolong, Tea Extracts, White Tea and Soluble)									
Production Analysis	Stock brought forward									
	Manufactured this month									
	Total									
Stock Releases	Auction sales									
	Direct sales Export									
	Direct sales Local									
	Total Issues									

Stock Balance Carried Forward									
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I..... do hereby declare that the above particulars are true.

Date....., 20.....

Signature.....

Licence holder or his duly Authorised Agent

NB –Each licence holder must complete a separate Form for each type of tea manufactured

FOR OFFICIAL USE ONLY

Received.....

Date.....

.....Managing
Director

The Tea Board of Kenya

FORM V
TEA EXPORT REGISTRATION
(CONFIDENTIAL)

(r.32)

1. Name of exporter.....
2. Address.....
3. Telephone No.....
4. Email Address.....
5. Registration certificate number.....
6. Details of consignment (bulk teas)

<i>Factory Marks</i>	<i>Invoice No.</i>	<i>Grade</i>	<i>No. of Packages</i>	<i>Net Weight (Kg)</i>	<i>Customs Value of Consignment (USD)</i>	<i>Ad Valorem Levy Applicable (USD)</i>

(If spaces not adequate provide attachment and if tea is blended please attach blending sheet)

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

<i>Brand Name</i>	<i>Form of packaging</i>	<i>Invoice No</i>	<i>No of Packages</i>	<i>Net Weight (Kg)</i>	<i>Unit Price</i>	<i>Customs Value of Consignment (USD)</i>	<i>Ad Valorem Levy Applicable (USD)</i>

Full name and address of buyer/consignee.....

.....
Name and address of Warehouse where tea can be inspected.....
.....

Tea Short Shipment (if any):

<i>Factory Marks.</i>	<i>Invoice No.</i>	<i>Grade</i>	<i>No of Packages</i>	<i>Net Weight (Kg)</i>

If space provided is not adequate provide an attachment

Note: - Every exporter shall attach certified copies of the following documents for verification.

- (a) Sale contract showing (contract number, contract date) ;
- (b) Commercial invoice showing (unit price USD, terms of payment, port and country of destination);
- (c) Brokers invoice and;
- (d) Blending sheet (where applicable);
- (e) Custom entry form
- (f) Bank Pay in slip/advice for *Ad Valorem* levy.

..... Date.....

Authorized signature
Stamp of Exporter

FOR OFFICIAL USE

Authentication by

The Tea Board of Kenya

..... Date.....

Signature and Stamp

Terms and Conditions

1. For the purpose of duty/V.A.T/ *Ad Valorem* Levy exemptions on imported inputs, all exporters shall account for all tea bought by them for export using Form W in the Schedule. For tea sold through the Mombasa Auction, the Board shall submit a certified summary in respect of each manufacturer to the Kenya Revenue Authority for the purpose of accounting for the tea.
2. Any *Ad Valorem* Levy which remains unpaid for thirty days or more shall be recovered by the Board as a civil debt due to it from the person by whom it is payable.
3. The Tea export registration 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 Kenya Revenue Authority together with relevant Export Entry form.

TEA IMPORT REGISTRATION
(CONFIDENTIAL)

1. Name of importer
2. Registration certificate number
3. Address.....
4. Telephone number
5. Email address.....
6. Details of consignment (bulk teas)

<i>Country of Origin</i>	<i>Invoice No.</i>	<i>Grade</i>	<i>Net weight (Kg)</i>	<i>Unit Price (USD)</i>	<i>Customs Value of Consignment (USD)</i>	<i>Ad Valorem Levy Applicable (USD)</i>
TOTAL						

(If space is not adequate provide additional attachment)

7. If imported tea packets or value added form,

Details of shipment

<i>Country of Origin</i>	<i>Invoice No.</i>	<i>Type</i>	<i>Net weight (Kg)</i>	<i>Unit price (USD)</i>	<i>Customs value of consignment (USD)</i>	<i>Ad Valorem Levy Applicable (USD)</i>
TOTAL						

(If space is not adequate provide additional attachment)

8. Full name and address of Seller/Consigner :.....
.....
9. Name and physical address of Warehouse where tea will be stored.....

.....

10. Indicate Tea short shipment (if any):

<i>Country of Origin</i>	<i>Invoice No.</i>	<i>Grade</i>	<i>Net weight (Kg)</i>	<i>Unit price (USD)</i>	<i>Customs Value of consignment (USD)</i>	<i>Ad Valorem Levy Applicable (USD)</i>
TOTAL						

(If space provided is not adequate provide an attachment)

Note: Every Importer shall attach certified copies of the following documents for verification.

- (a) Sale contract;
- (b) Phytosanitary Certificate;
- (c) Certificate of Origin;
- (d) Certificate of analysis for pesticide residues;
- (e) Customs entry form.
- (f) Bank Pay in slip/advice for Ad Valorem Levy

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Date.....

Authorized signature
Stamp of Importer

FOR OFFICIAL USE ONLY

*Authentication by
The Tea Board of Kenya*

..... Date.....
Signature and Stamp

Terms and conditions

1. Every importer of tea must comply with Kenya Revenue Authority rules and regulations on bonded and transit goods.
2. Any tea importer who diverts tea into the local market must produce evidence of duty/VAT/Ad Valorem payment to the Kenya Revenue Authority - Customs Services Department, where due.
3. Any Ad Valorem levy which remains unpaid for thirty days or more shall be recovered by the Board as a civil debt due to it from the person by whom it is payable.
4. The Tea import registration form is issued in triplicate for distribution as follows-
 - (a) One copy to be retained by the Tea Board of Kenya.
 - (b) Two copies to the importer or agent one of which must be presented to the Kenya Revenue Authority together with relevant Import Entry form.

Dated theDay of 2011

SALLY KOSGEI
Minister for Agriculture