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THE CROPS ACT, 2013

(No. 16 of 2013)

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

Arrangement of Regulations

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THE CROPS ACT, 2013

(No. 16 of 2013)

IN EXERCISE of the powers conferred by section 40 of the Crops Act, 2013, the Cabinet Secretary for Agriculture, Livestock, Fisheries and Co-operatives in consultation with the Agriculture and Food Authority and the County Governments, makes the following Regulations—

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

PART I—PRELIMINARY

1. These Regulations may be cited as the Crops (Tea Industry) Regulations, 2020. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
- “auction” means a process of buying and selling tea by offering bids and selling it to the highest bidder through a physical or electronic system;
- “auction organizer” means a person, company or firm established for the purpose of organizing tea auctions in Kenya;
- “Authority” means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act, 2013; No. 13 of 2013.
- “broker” means a person or company or firm established for the purpose of negotiating the purchase or sale of tea between producers and buyers;
- “blending” means the process of mixing of teas of different or same grades to affect the flavour and characteristics of the tea for the purposes of packing and sale;
- “buyer” means a person, company or a firm engaged in acquiring made tea for re-sale in the local or export market, including export of imported tea;
- “black CTC tea” means tea derived exclusively, and produced by acceptable processes and includes oxidation (fermentation) and drying, from the leaves, buds and tender stems of varieties of the species *Camellia Sinensis* (Linnaeus), O. Kuntze, known to be suitable for making tea for human consumption as a beverage;
- “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to Agriculture; No. 12 of 1997.
- “Certificate of Origin” means a document issued in a customs territory by a competent authority confirming the origin of tea product;

“co-operative society” means a co-operative society registered under the Co-operative Societies Act;

“commercial tea nursery operator” means a person or firm who propagates not less than five thousand tea seedlings or planting material for sale;

“County Executive Committee Member” means the County Executive Member for the time being responsible for matters relating to agriculture in the respective tea producing county;

“County Government” shall have the meaning assigned to it under Article 176 of the Constitution;

“cottage tea factory” means a tea factory limited company that manufactures high value specialty teas of not less than thirty-eight thousand five hundred kilograms of made tea and not more than four hundred thousand kilograms of made tea per annum;

“cottage tea manufacture” mean the processing of not less than thirty-eight thousand five hundred kilograms of made tea and not more than four hundred thousand kilograms of made tea per annum;

“commercial green leaf transporter” means a person, a firm or a corporate body contracted by a tea factory limited company to provide green leaf transport services from the farm or green leaf collection centre to the tea factory at a fee;

“crops inspector” means a person appointed as an inspector in accordance with section 27 of the Act;

“Directorate” means the Directorate established under the Agriculture and Food Authority Act, 2013 for the time being responsible for matters related to tea;

“electronic trading platform” means an information technology and/or digital or electronic system installed and/or established by an auction organizer for purposes of electronic buying and selling tea at the auction;

“export” means to take tea or cause tea to be taken out of the Kenya customs territory or to an Export Processing Zone;

“exporter” means a person, a firm, or a corporate body engaged in the business of blending, packaging and exporting of tea in bulk or in value added form;

“tea factory limited company” means a person who operates a tea processing or manufacturing factory and sources green leaf from own tea farm(s) and from registered tea growers;

“green leaf” means green leaf detached from tea plants but not dried or processed in any way and includes purple leaf;

“Green Leaf Agreement” means an agreement for supply of green leaf between the tea grower and the tea factory limited company and the obligations thereof;

“import” means to bring tea into or cause to be brought into the Kenya customs territory or to an Export Processing Zone;

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

“Kenya Standard 1927 Tea Packets and Containers” means the Kenya Standard or an equivalent standard, that specifies the requirements 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 or instant tea specifications or their recognized equivalent but does not include tea sacks;

“licensee” means a person who holds a tea manufacturing licence issued under the Act;

“licensing authority” means the Authority or the County Government as the case may be;

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

“manufacture” means the mechanical or chemical processing and conversion of green tea leaf into made tea or other tea products and includes the packaging, labelling, distribution of tea and tea products for sale;

“management agent” means any person that is appointed by a tea factory limited company through a specific management contract or agreement to perform or offer professional services other than company secretary services;

“manufacturing licence” means a licence issued under the Act;

“point of export” means a designated customs border point at which made tea is taken out of the Kenya customs territory or to an Export Processing Zone;

“point of import” means a designated customs border point at which made tea is brought into the Kenya customs territory or to an Export Processing Zone, from any place outside Kenya;

“plantation tea grower” means a person cultivating tea in parcels of land and who has own tea processing facility;

“person” includes a firm, a company, an association, cooperative society or a corporate body;

“producer” means a person who manufactures green leaf from smallholder tea growers or from own tea farms;

“smallholder tea grower” means a grower cultivating tea in a parcel or parcels of land without own individual tea processing facility;

“small holder tea factory limited company” means a tea factory collectively owned through shares by small holder tea growers;

“specialty teas” means high value teas manufactured whole leaf, semi-aerated or non-aerated and includes green, purple, white, oolong and orthodox but does not include black curl tear and cut teas;

“tea” means the plant botanically known 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 that processes and manufactures tea leaf into made tea;

“tea grower” means any person who is cultivating tea in a parcel or parcels of land;

“tea packer” any person who blends, brands and packs tea into packets or containers holding not more than ten kilograms of tea intended for sale locally or for export;

“tea dealer” includes a tea transporter, warehouse operator, buyer, exporter, importer, broker, packer, manufacturer, management agent, marketing agent and auction organizer;

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

“type of tea planted” means green leaf or purple leaf;

“value addition” means improvements on made tea through flavouring, branding and packaging in not more than ten kilograms;

“warehouse” means a premises used for the storage of made tea by a warehouseman; and

“warehouseman” means a company which is in the business of storing tea in Kenya.

3. These Regulations shall apply with respect to tea produced and marketed in Kenya, and imported or exported into and out of Kenya. Application.

4. (1) The purpose of these Regulations is to guide the development, promotion, and regulation of the tea industry for the benefit of the tea growers and other stakeholders in the tea industry.

Object and purpose of these Regulations.

(2) Without prejudice to the generality of sub-regulation (1), the purpose of these Regulations is to provide for—

- (a) procedures and conditions for registration of all players along the value chain;
- (b) procedures, terms and conditions for the issuance of licenses and registration certificates under these Regulations;
- (c) collection and maintenance of data related to tea;
- (d) authentication and verification of tea exports and imports;
- (e) the promotion of value addition and product diversification of Kenya tea products to target diverse tea markets;
- (f) compliance and enforcement of tea standards to ensure quality assurance and safety; and
- (g) regulation of the tea sub sector.

PART II—REGISTRATION AND LICENSING PROVISIONS

5. (1) A person who intends to establish a commercial tea nursery shall apply for registration to the County Government where they intend to establish the tea nursery in Form AFA\CG\A1 as set out in the First Schedule.

Registration of a commercial tea nursery.

(2) The County Government shall issue a registration certificate to a commercial tea nursery in Form AFA\CG\A2 as set out in the First Schedule.

(3) A commercial tea nursery shall submit annual returns to the respective County government with a copy to the Authority in Form AFA\CG\A3 as set out in the First Schedule.

6. (1) A smallholder tea grower may apply for registration to a tea factory limited company where they deliver green leaf as provided in section 14(1)(b) of the Act in Form AFA\CG\B1 set out in the First schedule.

Registration of a tea grower.

(2) A tea factory limited company shall maintain a register of all growers who supply green leaf to it and submit a copy of the register to the respective County Government and to the Authority not later than the fifteenth day of January of every year.

(3) A person shall not sell green leaf unless the person is a tea grower as defined under Regulation 2 of these regulations.

(4) No person shall buy green leaf from a tea grower other than the tea factory limited company where the grower is registered.

(5) A tea grower shall not sell green leaf to any person other than to the tea factory limited company where they are registered.

(6) For avoidance of doubt any tea grower who sells green leaf to any person other than to the tea factory limited company where they are registered commits an offence.

(7) A plantation tea grower may apply for registration to the Authority as provided in section 14(2) of the Act in Form AFA\CG\B3 set out in the First schedule.

(8) The Authority shall issue a certificate of registration to a plantation tea grower registered under sub regulation (5) in Form AFA\CG\B4 as set out in the First Schedule.

(9) A person who contravenes the provisions of sub-regulation (2), (3), (4) (5) and (6) of this regulation commits an offence and shall be liable upon conviction to the penalties prescribed under Section 37 of the Crops Act.

7. (1) A smallholder tea grower shall not register their parcel of land planted with tea to more than one tea factory limited company at a time.

Double registration.

(2) Where subdivision has been carried out but separate titles deeds have not been issued, proof of such subdivision from the registered owner of the land shall be provided to the tea factory limited company.

(3) Notwithstanding sub-regulation (1) above, a tea grower may register a parcel of land planted with more than one type of tea to more than one factory at a time for the purpose of processing of the different teas.

(4) A tea grower wishing to change the factory where they deliver green leaf shall inform their respective factory by giving a minimum of a one months' notice or in accordance with the notification period specified in the Green Leaf Agreement.

(5) Where an objection is made to the notice issued under sub-regulation (4), the matter shall be resolved in the manner set out in the Green Leaf Agreement.

(6) A factory that receives a notice from a tea grower shall within one month of the receipt of the notice release the grower subject to the grower clearing any outstanding dues with the factory.

(7) Any change in the particulars supplied by the grower for purposes of registration in accordance with sub-regulation (1) shall be notified to the factory in writing.

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

(9) The register referred to in regulation 6 (3) shall be prima facie proof of the fact that a person is a registered tea grower with the factory.

(10) A person who contravenes the provisions of this regulation commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand Kenya shillings or to imprisonment for a term not exceeding six months or both.

8. (1) A tea factory limited company shall sign a Green Leaf Agreement with their registered tea growers as provided in Form AFA\TD\C set out in the First Schedule.

Green Leaf Agreement .

(2) The parties to the Green Leaf Agreement under sub-regulation (1) may include such additional terms and conditions as they may deem fit.

9. (1) A person who intends to manufacture tea or renew a tea manufacturing licence, as the case may be, shall apply to the Authority in Form AFA\TD\D1 set out in the First Schedule and pay the fee set out in the Second Schedule.

Tea manufacturing licence.

(2) The Authority shall after consultation with the county executive committee member issue a manufacturing licence to the applicant in Form AFA\TD\D2 set out in First Schedule.

(3) A person who intends to manufacture high value specialty teas or renew their cottage tea manufacturing licence shall apply to the Authority in Form AFA\TD\E1 set out in the First Schedule.

(4) The Authority shall issue a cottage tea manufacturing licence for the manufacture of high value specialty teas subject to the fulfilment by the applicant of the following terms and conditions;

- (a) furnish the Authority with a feasibility study of the proposed cottage tea manufacturing factory;
- (b) furnish the Authority with a certified copy of the growers' register;
- (c) demonstrate adequate financial capacity to construct the cottage tea factory and commence operations.

- (d) Where a cottage tea manufacturing factory intends to use wood as a source of energy, the applicant shall furnish the Authority with a wood fuel sustainability plan equivalent to the ratio of 4:1 tea planted to woodlots planted.
- (5) The Authority shall issue cottage tea manufacturing licence in Form AFA\TD\E2 set out in the First Schedule.
- (6) While issuing a manufacturing licence or cottage tea manufacturing licence to a new applicant, the Authority shall have due regard to the current National Processing Capacity Survey.
- (7) A person shall only be issued with a manufacturing licence or cottage tea manufacturing licence for a new factory if the person has at least two hundred and fifty hectares of planted tea bushes or twenty hectares in the case of cottage manufacture.
- (8) Notwithstanding the provisions of sub-regulation (7) where a group of persons make a joint application, they may be issued with a manufacturing licence if they have at least two hundred and fifty hectares of planted tea bushes or twenty hectares for cottage manufacture and the parcels of land are within a fifty kilometre radius of each other.
- (9) Before the issuance of a manufacturing licence or cottage tea manufacturing licence, the Authority shall satisfy itself that the applicant has complied with the provisions of the Act, these Regulations and any other relevant law.
- (10) The Authority shall, after considering an application for a manufacturing licence or cottage tea manufacturing licence under this regulation, communicate its decision to the applicant within ninety days of the application.
- (11) An applicant for a manufacturing or a cottage tea manufacturing licence who is issued with such licence shall construct and commission the tea factory within three years from the date of issuance of licence.
- (12) A licence issued to a tea manufacturer or cottage tea manufacturer shall lapse if the holder of the licence does not commission the factory within three years from the date of issuance.
- (13) A person shall not commence construction of a tea factory without a valid manufacturing licence from the Authority.
- (14) A holder of a manufacturing licence or cottage tea manufacturing licence shall not vary the type of tea manufacture and granted processing capacity of their licence without prior approval of the Authority.
- (15) The Authority shall seize and remove or order the removal of any manufactured tea or processing capacity where it has reasonable

grounds to believe that the processing capacity has been installed contrary to the conditions of the licence issued under these Regulations.

(16) A holder of a manufacturing licence shall facilitate remittance of contributions to duly registered organizations pursuant to any agreements entered between the tea growers and those organizations.

(17) A holder of a manufacturing licence or cottage tea manufacturing licence shall furnish the authority with a certified copy of their growers register as may be required by the Authority from time to time.

(18) Before the issuance or renewal of a manufacturing licence or cottage tea manufacturing licence for a smallholder tea factory limited company the Authority shall satisfy itself that the applicant has a procurement policy providing for competitive procurement of goods and services including but not limited to management agency services, fertilizer, machinery & equipment, warehousing and transportation of tea.

(19) A tea factory limited shall maintain a register of all its contracted green leaf transporters and the register shall be availed for inspection to the Authority.

(20) All green leaf transporters shall comply with the tea industry code of Practice, the public health act and any other relevant laws.

(21) A person who contravenes the provisions of this regulation commits an offence.

10. (1) The board of directors for smallholder tea factory limited companies shall be elected through a democratic system of one man one vote.

Boards of
Smallholder
Tea Factories

(2) The Board membership for smallholder tea factory limited companies shall be a maximum of three (3) members.

Provided that persons serving as directors of smallholder tea factory limited companies before the commencement of these regulations shall continue to serve for the remainder of their term.

(3) The tenure of the board members for smallholder tea factory limited companies shall be for a maximum of two terms of three years each.

(4) Smallholder tea factories limited companies shall put in place measures to ensure that not more than two thirds of the board members elected are of the same gender.

11. (1) A person shall not manufacture or process tea except in accordance with a licence issued under the Act or these Regulations.

Illegal
manufacture.

(2) A person who manufactures or processes tea for sale without a licence commits an offence.

(3) A person who buys, sells, offers for sale, transports or has possession of green leaf which to the person's knowledge or belief is from a non-registered grower or a person who does not cultivate tea commits an offence.

(4) A person who contravenes the provisions of this regulations and shall be liable on conviction to the penalty prescribed under section 19 of the Crops Act.

12. (1) A holder of a manufacturing licence shall—

(a) not later than the fifteenth day of January of every year, complete and submit to the Authority with a copy to the respective county government, an Annual Statistical Return in Form AFA\TD\F1 set out in the First Schedule;

(b) not later than the fourteenth day of each month, complete and submit to the Authority and a copy to the respective county government a Monthly Production Statistical Returns in Form AFA\TD\F2 set out in the First Schedule.

(2) A person who contravenes the provisions of this regulation commits an offence.

13. (1) A person who intends to carry out the business of tea warehousing shall apply to the Authority for registration of the warehouse premises or renewal of the registration certificate in Form AFA\TD\G1 set out in the First Schedule and pay the fee set out in the Second Schedule.

(2) The Authority shall issue the applicant a registration certificate for the tea warehouse in Form AFA\TD\G2 as set out in the First Schedule.

(3) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalties prescribed under section 16 of the Act.

14. (1) A person who intends to carry out the business of tea packing shall apply to the Authority for registration or renew their certificate in Form AFA\TD\H1 set out in the First Schedule and pay the fee set out in the Second Schedule.

(2) The Authority shall issue a registration certificate to a tea packer in Form AFA\TD\H2 set out in the First Schedule.

(3) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalties prescribed under section 16 of the Act.

Annual and
Monthly
Production
Statistical
Returns.

Registration of
warehouse.

Registration of a
tea packer.

15. (1) Every tea packer shall, not later than the fourteenth day of each month, complete and submit to the Authority with a copy to the respective the county government Monthly Statistical Returns in Form AFA\TD\H3 set out in the First Schedule.

Monthly return
for a Tea Packer.

(2) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to a fine not exceeding twenty thousand shillings or to imprisonment to a period not exceeding six months or to both.

16. (1) A person who intends to carry on the business of tea buying or exporting shall apply to the Authority for registration or renewal of their registration in Form AFA\TD\J1 set out in the First Schedule and pay the fee set out in the Second Schedule.

Registration of a
tea buyer or
exporter.

(2) All tea buyers /exporters shall value add at least forty percent (40%) of their annual Kenya tea exports.

(3) Provided that all persons registered as tea buyers/exporters before the coming into operation of these Regulations shall comply with regulation 16 (2) within 8 years from the date of commencement of these regulations.

(4) Notwithstanding the provisions of sub regulation 16(2) & (3) above, all persons registered as tea buyers/exporters after the coming into effect of these regulations shall value add at least 10% of their annual Kenyan tea exports annually while persons registered as buyers/exporters before the coming into effect of these regulations shall value add at least 5% of their annual Kenyan tea exports annually to gradually comply with the requirements of sub regulation (2) and (3).

(5) All persons registered as tea buyers/exporters shall submit to the authority a return on quarterly basis indicating their level of compliance with provisions of regulation 16(2), (3) and (4).

(6) A person who intends to carry on the business of a tea buying or exporting shall, in addition to availing the particulars required under sub-regulation (1) furnish the Authority with the following—

(a) an elaborate business plan demonstrating the viability of the business venture outlining -

- (i) proposal to undertake value addition;
- (ii) creation of new market linkages;
- (iii) creation of employment opportunities; and
- (iv) technology transfer;

(b) evidence of suitable premises for value addition;

(c) availability of equipment for the tea buyer or exporter to undertake tea value addition;

(7) Where the Authority is satisfied that the application under sub regulation (1) meets the set requirements, the Authority shall issue or renew a registration certificate to a tea buyer or exporter in Form AFA\TDJ2 as set out in the First Schedule.

17 (1) A person who intends to carry on the business of tea brokerage shall apply for registration to the Authority or renew their registration in Form AFA\TDK1 set out in the First Schedule and pay the fee set out in the Second Schedule.

Registration of a Tea Broker.

(2) The Authority shall issue a registration certificate to a tea broker in Form AFA\TDK2 as set out in the First Schedule.

(3) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under Section 37 of the Act

18. (1) The Authority shall, before registering, licensing or renewing a registration or licence under these Regulations, satisfy itself that—

Considerations before registration and licensing and renewal.

- (a) the applicant has complied with the provisions of the Act, these Regulations and any other relevant law; and
- (b) the applicant or the directors of the company are fit and proper for the function for which they seek a licence or registration.

(2) In determining whether a person is fit and proper, regard shall be heard to—

- (a) whether they have taken part in any business practice in the tea value chain that in the opinion of the Authority was fraudulent, prejudicial or otherwise improper; or which otherwise discredited their method of doing business; and
- (b) whether they have been directors of a company or entity whose licence or registration certificate has previously been revoked or suspended by the Authority for any cause.

(3) In determining whether a person or director is fit and proper, the Authority shall have due regard to the provisions of the Fair Administrative action Act, 2015, the Companies Act, 2015 and any other relevant law.

No. 4 of 2015.
No. 17 of 2015.

19. (1) Every tea buyer, exporter, importer and broker shall, not later than the fourteenth day of each month, complete and submit to the Authority a return in Form AFA\TDL set out in the First Schedule.

Monthly return for buyer, exporter, importer, broker and warehouse.

(2) The return submitted under sub-regulation (1) above shall include details of the teas bought in the previous month and the source and destination of such tea.

(3) Every warehouseman shall, not later than the fifteenth day of January of every year, complete and submit to the Authority an Annual Statistical Return in Form AFA\TD\M set out in the First Schedule.

(4) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to a fine not exceeding twenty thousand shillings or to imprisonment to a period not exceeding six months or to both

20. (1) A person who applies to be registered as a tea buyer, exporter, importer, broker, packer or auction organizer shall commence operations within one year from the date of issuance of a registration certificate.

Cancellation of a Licence or Registration.

(2) A registration certificate issued to tea buyer, exporter, importer, broker, packer or auction organizer shall lapse if the holder of the registration certificate does not commence operations within one year from the date of issuance.

(3) The Authority may revoke, alter, suspend or vary a licence or registration certificate if the holder—

- (a) fails to comply with the provisions of the Act and these Regulations;
- (b) breaches or fails to comply with the terms and conditions of the licence;
- (c) fails to comply with a lawful requirement or demand given by the Authority; or
- (d) commits an offence under the Act or in respect of the licensed or registered activity under any other law.

(4) Before the Authority cancels, suspends or varies a licence or registration certificate, it shall give the person to be affected by such action an opportunity to be heard.

(5) A person who is aggrieved by the decision of the Authority in respect of a grant, refusal, renewal or variation of a licence or registration certificate may appeal to the Cabinet Secretary within thirty days from the date on which the applicant received notice of the decision.

21. (1) A person who intends to carry on the business of a Management agent shall apply to the Authority for registration or renewal of their registration in Form AFA\TD\N1 set out in the First Schedule.

Registration of a management agent.

(2) The Authority shall issue a registration certificate to a management agent in Form AFA\TD\N2 as set out in the First Schedule.

(3) Every management agent shall submit annual returns to the Authority and a copy to the respective county government in Form AFA\TD\N3 set out in the First Schedule.

(4) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

22. (1) A person who intends to manufacture or deal in tea may engage the services of a management agent upon such terms and conditions as may be agreed in the management agreement between them.

Management
Agent Agreement.

(2) A management agent shall sign a management agreement or contract with each tea factory limited company that they intend to offer management agent services to.

(3) Provided that a management agent agreement between a smallholder tea factory limited company and the management agent shall be for a period not exceeding five (5) years and the remuneration for services rendered by the management agent shall not exceed one point five percent (1.5%) of the net sales value of the tea sold at the auction per year.

(4) Notwithstanding the provisions of sub-regulation (3) above staff costs for personnel seconded to the smallholder tea factory limited company by the management agent shall be borne by the management agent and not directly by the respective factory.

(5) Company Secretary Service shall be excluded from services to be offered by a management agent to a smallholder tea factory limited company. For avoidance of doubt smallholder tea factory limited companies shall recruit their own in-house Company Secretaries or outsource the service.

(6) A director or affiliate of a management agency service provider shall not serve as a director or have any direct commercial relationship with the tea factory limited company that they offer management agency services.

(7) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

23. (1) A person who intends to carry on the business of a tea auction organizer shall apply for registration to the Authority or renew their registration in Form AFA\TD\P set out in the First Schedule.

Application for
registration as an
auction organizer.

(2) The Authority shall issue a certificate of registration to or renew a certificate of registration of a Tea Auction Organizer in Form AFA\TD\Q set out in the First Schedule.

(3) All registered tea auction organizers shall establish an electronic trading platform for auction of tea.

(4) Notwithstanding the requirement of sub regulation (3) above, any tea auction organizer existing before coming into operation of these regulations shall establish an electronic trading platform for the auction of teas within a period of two (2) months from the date of commencement of these regulations

24. (1) All teas processed and manufactured in Kenya for the export market with the exception of orthodox and purple teas shall, within two (2) months from the commencement date of these regulation, be offered for sale exclusively at the tea auction floor

Auction
Operations

(2) Any tea not sold at the auction shall be re-listed for sale during a subsequent auction

(3) All buyers at the auction shall prior to the auction submit to the Authority a performance bond equivalent to 10% of the estimated value of the tea or teas they intend to buy at the auction in the form of a bank guarantee from a licensed commercial bank within the meaning of the Banking Act in Kenya.

(4) The estimated value of tea or teas referred to in sub-regulation (3) shall be based on a three (3) month weighted average value of tea or teas the buyer has bid and won at the auction over a three-month period preceding the auction.

(5) For avoidance of doubt, a buyer who fails or refuses to pay in full and collect the teas they have bid and won at the auction shall forfeit the 10% performance bond.

(6) The monies accruing from a performance bond under sub-regulation 5 above shall be forfeited to the seller of the teas.

(7) A buyer shall pay in full (100%) the value of the tea bids they have won at the auction before collecting and/or taking custody of the tea or teas

(8) All tea factory limited companies shall register and enlist with the Authority and the auction organizer to participate in the tea auction directly. For avoidance of doubt, management agency service providers or other service providers in the tea value chain shall not register and/or enlist at the auction on behalf of factory limited companies

(9) A registered broker shall offer tea brokerage services to a maximum of fifteen (15) tea factory limited companies at the auction.

(10) Notwithstanding the requirement of sub-regulation (9) above, brokers that are already registered and in operation before the commencement date of these regulations shall continue to offer their services under the existing arrangement until their current annual

registration is due for renewal by the Authority.

(11) Tea brokers, buyers and the auction organizer shall ensure that the proceeds from the sale of tea are remitted to the tea factory limited company accounts within fourteen (14) days from the date of the auction less the agreed commissions for brokers.

(12) Smallholder tea factory limited companies shall within thirty (30) days of receipt of the proceeds of the sale of tea pay tea growers at least 50% of payment due for green leaf delivered every month.

(13) The payment of the balance due to the tea grower shall be made by a smallholder tea factory limited company within the financial or calendar year as shall be agreed with the tea growers.

(14) The Cabinet Secretary may on his motion as provided by Section 40 of the Crops Act issue further guidelines and operation procedures on the organization, rules, regulations, management and governance structures for tea auctions in furtherance of competition, good governance, auction efficiency, transparency and price discovery.

(15) The Cabinet Secretary may take further administrative action or other lawful sanctions against a tea broker, tea factory limited company, buyer/exporter, importer and any other player at the tea auction for any actions that undermine the proper, efficient, competitive and transparent operation of the auction process.

(16) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

25. (1) Auction trading rules and regulations shall be submitted to the Cabinet Secretary for approval before application

Approval of trading rules and regulations.

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

(3) The Cabinet Secretary shall, before approving the trading rules and regulations, satisfy himself that they are in compliance with the provisions of the Crops Acts, 2013, the Competition Act, 2010 and any other relevant written law.

(4) The trading rules and regulations developed by an auction organizer shall provide for—

- (a) the carrying on of the tea auction generally and details of trading clearing and settlement systems proposed to be used by the auction organizer;
- (b) mechanisms put in place to prevent market abuse practices;

-
- (c) reasonable access to all registered members to participate at the auction;
 - (d) mechanisms for effectively investigating breaches of the trading rules, enforcing the trading rules and providing for appeals;
 - (e) reporting procedures to the Authority whenever it rejects any application for membership, where it suspends or expel a member or where it suspends trading;
 - (f) Procedures for expulsion, suspension or disciplinary action against members for conduct inconsistent with just and equitable principle relating to trading in tea or for contravention of the trading rules and regulations.
 - (g) the clear demarcation of roles and responsibilities of the board, chief executive officer and the committees of the board;
 - (h) the appointment of directors and a fair representation of persons in the selection of members of the board and administration of its affairs including professions relevant to the tea industry;
 - (i) the powers of the chief executive officer including in emergency situations;
 - (j) provide for the governance of the conduct of activities of its members, including their responsibility to act with integrity.
 - (k) Mechanisms to ensure that there is no conflict of interest in dealings amongst its members.
 - (l) Mechanisms for engagement and consultations with all its members and other relevant stakeholders.
- (5) An auction organizer shall not admit into their membership persons who are not registered by the Authority.
- (6) The auction organizer shall ensure that members shall only offer for sale at the auction the type of teas for which they are licensed to manufacture.
- (7) An auction organizer shall ensure that only members who have valid licenses and registration certificates from the Authority participate in the auction.
- (8) An auction organizer shall not later than the fourteenth day of each month submit to the Authority a monthly tea auction report of all teas sold through the auction in the previous month in Form AFATDR as set out in the First Schedule.

(9) An auction organizer shall notify the Authority of any intention to suspend trading at the auction at least fourteen days before the intended suspension.

(10) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

26. The Authority or the County Government as the case may be, may require an applicant for a licence or registration certificate specified under these Regulations, to provide any additional information that it considers necessary to determine the application.

Additional information.

27. The Authority shall maintain a register of all persons registered and licensed under these Regulations and may publish the register in such manner as it may determine.

Register and publication of names and particulars.

28. (1) 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.

Fees and charges.

(2) All tea brokers, tea auction organizers and management agents shall notify the Authority of fees and commissions charged for services rendered annually during application of renewal of registration.

(3) The remuneration paid to a tea broker by a tea factory limited company and a tea buyer/exporter for services rendered shall not exceed zero point seven five percent (0.75%) of the gross sales by the broker and shall be apportioned between the tea factory limited company and the buyer/exporter as follows;

- (a) Zero point two percent (0.2%) shall be borne by the tea factory limited company.
- (b) Zero point five five percent (0.55%) shall be borne by the buyer/exporter.

(4) The Authority shall collate the information on fees and commissions charged notified to them under regulation (2) above and share the information with the relevant county governments annually.

29. (1) An exporter shall declare all their tea exports with the Authority before export in Form AFA\TD\S set out in the First Schedule.

Tea export declaration.

(2) An exporter shall ensure that all teas designated for export conform to Kenyan Standards on quality, food safety and hygiene, sanitary and phytosanitary regulations and maintain the relevant documents for inspection by the Authority.

(3) The Authority may inspect any tea destined for exports for purposes of ascertaining whether the provisions of the Act, these Regulations or the terms and conditions of the respective licence or registration are being complied with.

(4) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

30. (1) An exporter or importer shall comply with the relevant customs laws and regulations on transit-shipment of goods in handling transit teas and maintain the relevant documents for inspection by the Authority.

Transit tea.

(2) Any person who exports or imports tea in contravention of these Regulations commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

31. (1) A person who intends to carry on the business of importing tea shall apply to the Authority for registration or renew their registration in Form AFA\TD\ T set out in the First Schedule upon payment of the fee set out in the Second Schedule.

Registration of a tea importer.

(2) The Authority shall issue a registration certificate to a tea importer in Form AFA\TD\U as set out in the First Schedule.

32. (1) A person who intends to import tea into Kenya shall apply for pre-import approval to the Authority in Form AFA\TD\V1 as set out in the First Schedule.

Tea Imports.

(2) An importer who imports tea into Kenya shall prior to importation—

- (a) provide evidence that the teas they intend to import are not available in the local market or at the tea auction;
- (b) provide a sample of the teas to be imported and pre-import verification certificate from the country of origin; and
- (c) obtain pre-import approval from the Authority.

(3) All tea imported into Kenya shall be accompanied by—

- (a) a certificate of origin;
- (b) a sanitary and phytosanitary certificate; and
- (c) a certificate of analysis on pesticide residues issued by a competent authority from the country of origin.

(4) An importer shall not import tea into Kenya without a valid certificate of conformity to Kenya Tea Standards from an accredited institution from the country of origin.

(5) The Authority shall verify pre-import documentation on tea intended for importation and issue a pre-import approval in the manner prescribed in Form AFA\TD\W2 in the First Schedule.

(6) An importer shall upon obtaining pre-import approval declare the imports made with the Authority and make a return on all transactions to the Authority in Form AFA\TD\W as set out in the First Schedule.

(7) The Authority may conduct an analysis of teas intended for importation or imported into the country from time to time to ensure conformity to Kenya tea standards.

(8) Any imported tea that does not conform to the requirements set out in sub-regulations (1), (2) and (3) shall be rejected, seized or destroyed by the Authority or be re-exported to the country of origin at the cost of the importer.

(9) An importer shall not import tea into Kenya except and in accordance with pre-import approval issued by the Authority.

(10) The following tea imports shall be exempt from pre-import approval—

- (a) tea imports for sale through the Mombasa tea auction; and
- (b) transit teas.

(11) An importer who imports tea into Kenya for blending or export 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 Authority.

(12) An importer who imports bulk tea into Kenya for re-export shall value add at least twenty percent of the re-export quantity.

(13) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

33. (1) Every tea exporter or importer shall declare information on all export and import consignments to the Authority in Form AFA/TD/X or AFA/TD/W set out in the First Schedule.

Declaration of export and import consignments.

(2) A tea exporter or importer who provides false information under these Regulations commits an offence and shall be liable upon conviction to the penalty prescribed under Section 37 of the Crops Act.

34. (1) The Authority shall verify customs documentation on exports or imports of any tea consignment and issue an import or export release Order in Form AFA\TD\Y as set out in the First Schedule.

Release order.

(2) The Authority shall not issue a release order if an exporter or importer is in contravention of the provisions of the Act or any Regulations made thereunder.

(3) The Authority may cancel the export or import release or approval order if an exporter or importer contravenes the provisions of the Act or any Regulations made there under.

PART III—QUALITY ASSURANCE

35. (1) The Authority shall appoint crop inspectors to carry out inspection of all tea to check for conformity with these Regulations and other relevant regional and international standards.

Appointment of
Crop Inspectors.

(2) A person shall be qualified to be appointed as an inspector under this regulation where the person—

- (a) is a Kenyan citizen;
- (b) meets the requirements of Article 10 and Chapter 6 of the Constitution; and
- (c) holds—
 - (i) a diploma in agriculture, food science, marketing or related fields with professional training on audits, inspections or related fields from a recognized Institution and a minimum of five years of relevant experience; or
 - (ii) a bachelor's degree holder in agriculture, food science, commerce, economic, marketing or related fields with professional training on audits, inspections or related fields from a recognized institution and a minimum of three years' relevant experience.

(3) In the exercise of the powers of entry and inspection, crop inspectors shall be guided by the provision of sections 28, 29 and 30 of the Act.

36. (1) All persons dealing in tea shall comply with the national, relevant regional and international Standards.

Tea Standards.

(2) All green leaf transporters, tea dealers, manufacturers, or importers shall comply with national tea standards and the Tea Industry Code of Practice KS: 2128.

(3) A tea factory limited company shall construct suitable and clearly designated green leaf collection centres and shall ensure that the centres comply with Tea Industry Code of Practice KS: 2128, the Public Health Act and any other relevant law.

(4) A tea factory limited company shall construct its green leaf collection centre at least 250 metres away from the green tea leaf collection or buying centre of another tea factory.

(5) Every tea factory company limited shall collect green leaf green leaf from its designated green leaf collection centres only.

(6) The relevant County Government shall carry out inspections on tea buying or collection centres to monitor compliance with the set national tea standards, relevant regional and international standards, the Crops Act, these regulations and any other relevant laws.

(7) All harvested leaf shall be collected or spread on clean canvas material, wooden tables or concrete tables at the leaf collection or buying centres to maintain the green tea leaf clean and free from any contamination and allow free air circulation.

(8) Harvested green leaf shall not be poured on bare uncovered ground, grass or open soil.

(9) The Authority shall, before licensing or renewing the license of a commercial green leaf transporter, satisfy themselves that the applicant has complied with the provisions of the Act, the Tea Industry Code of Practice KS:2128, the Traffic Act, the Public Health Act and any other relevant law.

(10) The Authority shall regularly carry out surveillance to ascertain compliance with these tea regulations, the national tea standards, applicable international standards and any other relevant laws.

(11) The Authority may carry out quality analysis on made tea and tea products as it may deem necessary from time to time.

(12) The Authority shall conduct compliance monitoring audits on persons dealing in tea.

(13) A person who contravenes regulation 36 (1), (2), (3), (4), (5), (7) and (8) commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

37. (1) A person shall not import or export 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, without authorization by the Authority.

Prohibition of
Import and export
of tea seed or
plants.

(2) A person who contravenes the provisions of this regulation commits an offence and shall be liable upon conviction to the penalty prescribed under section 37 of the Act.

38. (1) A person who blends any or various grades of tea produced in Kenya with any other tea produced outside Kenya shall declare the percentage of Kenyan tea on the packaging and on the blend sheet.

Declaration of
blended teas.

(2) A person who contravenes this regulation commits an offence and shall be liable upon conviction to the penalties prescribed under section 37 of the Act.

PART IV—GENERAL PROVISIONS

39. A County Government shall not impose any fees on tea contrary to section 17 (3) of the Act.

Imposition of fees by the county governments.

40. A licence or registration certificate issued by the Authority or the County Government under these Regulations shall not be transferable to third parties.

Transferability of licence or registration certificate.

41. (1) All licences and registration certificates issued under these Regulations shall expire on the thirtieth day of June of each year.

Validity of licences and registration certificates and late application.

(2) An application for a renewal of a licence or registration certificate shall be made at least one month prior to the expiry of such licence or registration certificate:

Provided that, where an application for a renewal of a licence or registration is made, the licence or registration shall be deemed to continue in force until the application for renewal is determined.

(3) The Authority may consider late application for renewal upon an applicant giving reasonable cause for the delay and upon approval for such application, the applicant shall pay a late application fee of 50% of the fees payable.

42. The licensing Authority may revoke, suspend or vary a license or certificate of registration issued to growers, dealers or manufactures if the holder—

Revocation of licenses and certificate of registration.

- (a) fails to comply with these regulations or the conditions set out in the certificate of registration; or
- (b) commits an offence under the Act or any other written law in respect of the activity for which they have been registered.

43. Where a licence or registration is revoked, varied or suspended under these Regulations, the holder of the licence or registration certificate shall not be entitled to claim from the Authority or Government for any compensation or any damages occurring as a result of such revocation, variation or suspension.

No compensation for revocation, variation or suspension of licence or registration.

44. (1) An applicant for registration or a license who is aggrieved by the decision of the Authority in respect of the grant, refusal of renewal, variation or revocation or the conditions imposed thereof may appeal to the Cabinet Secretary for review of the decision of the Authority.

Appeal process for denial or refusal of registration or licensing

(2) The appeal shall be in writing and be delivered to the cabinet secretary within 30 days from the date of notification of the decision by the Authority.

(3) The Cabinet Secretary shall consider the appeal and give a written feedback to the affected party within 45 days of receipt.

45. (1) An agreement to refer a dispute between a grower and a tea dealer for arbitration under this regulation may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

Dispute
Resolution
between growers
and other crop
dealers

(2) A dispute arising between a grower and other tea dealers may be notified in writing presented by the aggrieved party or their advocate to an arbitrator and shall have attached thereto copies of the relevant documents relating to the dispute.

(3) The aggrieved parties are free to agree on the procedure to be followed by the arbitrator in the conduct of the proceedings.

(4) Failing an agreement under sub-regulation (3) the arbitrator may conduct the arbitration in the manner they consider appropriate, having regard to the desirability of avoiding unnecessary delay or expense while at the same time affording the parties a fair and reasonable opportunity to present their cases.

46. The licensing authority may make such modifications, alterations or additions on the prescribed forms as may be required from time to time to enable effective use including the use of such forms electronically.

Modification of
the forms.

47. A person who commits an offence under these Regulations, for which no penalty is prescribed shall be liable upon conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding one year or to both in accordance with section 37 of the Act.

General penalty.

48. The Tea (Licensing, Registration and Trade) Regulations, 2008 are revoked.

Revocation of L.
N. No. 122 of
2008.

49. The Tea (Nominations) Regulations 2012 are revoked.

Revocation of L.
N. No. 34 of
2012.

50. All licences and registrations existing before the coming into operation of these Regulations shall remain valid until their expiry, and subsequent licences and registrations shall be issued under these Regulations.

Transitional
Provisions.

FIRST SCHEDULE

THE COUNTY GOVERNMENT OF.....

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFACGVA1

(5 (1))

APPLICATION TO ESTABLISH A COMMERCIAL TEA NURSERY

Application is hereby made to develop a commercial tea nursery in the County ofon the land parcel specified in Part B below:-

A Particulars of Applicant

- 1. Name of applicant\Certificate of Incorporation\ Registration.....
- 2. National Identify Card No/Passport No.
- 3. Address.....
- 4. Telephone No.....
- 5. PIN No:.....
- 6. Tax Compliance Certificate.....

B Particulars of Land

- 1. L.R. No. or No's.....
- 2. Location.....
- 3. Ward.....
- 4. Sub-County.....
- 5. County

C Type of seedling/ clones and numbers (indicate below)

- i.
- ii.
- iii.
- iv.

Date..... Signature.....

Applicant or his duly authorized agent

<p>FOR OFFICIAL USE:</p> <p>Approval by: County Executive Member in charge of Agriculture</p> <p>Remarks.....</p> <p>Date & StampSignature.....</p>

Terms and Conditions

1. An applicant for registration shall be made to the County government where the nursery will be made.
2. The applicant shall demonstrate that they have adequate knowledge in nursery management.

THE COUNTY GOVERNMENT OF.....

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\CG\A2

(r. 5 (2))

COMMERCIAL TEA NURSERY REGISTRATION CERTIFICATE

This CERTIFICATE is issued to (company/name of person).....of P. O. Box and permits the holder to raise a commercial tea nursery business at the location indicated as per L.R. No.(s).....

- 1. A commercial tea nursery shall ensure that all planting material has been inspected and approved by the national plant protection organization.
2. A commercial tea nursery shall comply with Phytosanitary requirements to ensure clean, and healthy planting material.
3. Commercial tea nursery shall maintain records of source of planting material, seedlings raised and sold as the case may be.
4. A commercial tea nursery shall submit annual returns to the respective County government with a copy to the Authority.
5. A commercial tea nursery shall issue a receipt for all sales of vegetative tea planting material and indicate on the receipt the name of the registered grower, the date, and registration number of the grower, factory where grower is registered and any other relevant details that may be required with regard to the registration.
6. A commercial tea nursery shall seek for technical advice from the national institution for the time being in charge of tea research on vegetative propagation materials suitable for the ecological zones where the tea shall be grown.
7. The County may revoke, vary or suspend the certificate of the commercial tea nursery if the terms and conditions of registration have been contravened or not complied with.

This CERTIFICATE is issued subject to compliance with the provisions of the Crops Act, The Crops (Tea Industry) Regulations, 2020, County Government Act and to such terms and conditions as specified hereunder.

Date Signature/Stamp.....

County Executive Member in charge of Agriculture

THE COUNTY GOVERNMENT OF.....

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\CG\A3

(r. 5 (3))

COMMERCIAL TEA NURSERY ANNUAL RETURNS

Names of Tea Nursery Owner.....

Location.....

1. Number of tea nurseries

2. Number of planted seedlings indicating the type of clone

Type of Clone

Number

i.

i.

ii.

iii.

iv.

3. Number of seedlings sold in the year

4. Factory/Factories served by the Nursery

i.

ii.

iii.

iv.

v.

Date

Signature/Stamp.....

Copy of this Form to be submitted to respective County Government and Agriculture and Food Authority by fifteenth January of every year.

A separate Form to be filled for each Nursery Owner.

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\CG\ B1

(r. 6 (1))

APPLICATION FOR REGISTRATION AS A TEA GROWER

To: The Factory Manager Tea factory limited company

Application is hereby made to grow/maintain.....hectares/ acres of tea on the land parcel specified in Part B below:-

A Particulars of Applicant

- 1. Name of applicant
- 2. National Identify Card No/Passport No.
- 3. Address.....
- 4. Telephone No.....
- 5. Email address.....

B Particulars of Land

- 1. L.R. No. or No's.....
- 2. Location.....
- 3. Ward.....
- 4. Sub-County.....
- 5. County

Date.....

Signature.....

Applicant or his duly authorized agent

is hereby Registered

Not Registered.....as a Tea Grower and is subject to terms and conditions specified herewith.

<p>FOR OFFICIAL USE:</p> <p>Tea Factory Manager:</p> <p>Remarks:.....</p> <p>.....</p> <p>.....</p> <p>Date and stampSignature.....</p>

Terms and Conditions

1. For the continued validity of registration, the grower 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 tea.
2. No grower shall sell green leaf to any person other than to the manufacturing factory where they are registered.
3. A registered tea grower is required to issue a receipt for all sales of tea planting material and note on the receipt the name of the registered grower, the date, and registration number of the grower.
4. Each tea grower shall sign a Green Leaf Agreement with the factory where they are registered in such format as shall be prescribed by the Authority.
5. A Tea grower wishing to change the factory where he delivers green leaf shall inform the respective factories by giving a notice as specified in the *Green Leaf Agreement*. In case of an “*Objection*” to the notice, the respective County Government shall be informed immediately of the reasons thereto for appropriate action.
6. Where the grower has leased a tea garden, a Lease Agreement shall be signed between the *Lessor* and the *Lessee and the particulars thereof* verified by the respective factory and a copy of the agreement shall be submitted to the respective factory before accepting the extra green leaf supply.

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\CG\ B2

(r. 6 (7))

APPLICATION FOR REGISTRATION AS A PLANTATION TEA GROWER

To: Agriculture and Food Authority (AFA)

Application is hereby made to grow/maintain.....hectares/ acres of tea on the land parcel specified in Part B below: -

A. Particulars of Applicant

- 1. Name of applicant
- 2. National Identify Card No/Passport No.
- 3. Address.....
- 4. Telephone No.....
- 5. Email address.....

B. Particulars of Land

- 1. L.R. No. or No's.....
- 2. Location.....
- 3. Ward.....
- 4. Sub-County.....
- 5. County
- 6. Factory where green leaf is delivered.....

Date.....Signature.....

Applicant or his duly authorized agent

is hereby (Tick as appropriate)

Registered as a Plantation Tea Grower and is subject to terms and conditions specified herewith.

Not Registered

FOR OFFICIAL USE:

Agriculture and Food Authority:

Remarks:.....

.....

.....

Date and stampSignature.....

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\CG\B43

(r. 6 (8))

PLANTATION TEA GROWER CERTIFICATE

To:

..... Plantation tea grower.

Is hereby registered to grow/maintain Hectares of tea on the land parcel specified herein subject to the terms and conditions specified below.

Particulars of Land

- 1. L.R. No. or No's.....
- 2. Location.....
- 3. Ward.....
- 4. Sub-County.....
- 5. County
- 6. Factory where green leaf is delivered.....

THIS Registration Certificate is issued subject to compliance with the provisions of the Crops Act, The Crops (Tea Industry) Regulations, 2020, County Government Act and to such terms and conditions as specified hereunder.

FOR OFFICIAL USE:	
Director General – Agriculture and Food Authority:	
Remarks.....
.....
.....
Date and stamp	Signature.....

Terms and Conditions:

- 1. For the continued validity of registration, the grower 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 tea.
- 2. A registered tea grower is required to issue a receipt for all sales of tea planting material and note on the receipt the name of the registered grower, the date, and registration number of the grower.

THE AGRICULTURE AND FOOD AUTHORITY
THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\C

(r. 8 (1))

GREEN LEAF AGREEMENT

BETWEEN

NAME OF TEA FACTORY LIMITED COMPANY:

-AND-

NAME OF TEA GROWER:

AGREEMENT

THIS AGREEMENT is made this Day of20.....

BETWEEN:

A.TEA FACTORY COMPANY LTD of P.O. Box
..... (Hereinafter referred to as “The Factory” which expression
shall, where the context so admits include its successors and assigns) on the one part; and

B. Mr./Mrs..... of ID. Number.....
of P. O. Boxand Telephone Number.....
(hereinafter referred to as “The Grower” which expression shall, where the context so
admits include his personal representatives and assigns) of the other part:-

WHEREAS:-

- (a) The grower has registered, Grower Number of the Factory and intends to supply Green Leaf to the Factory;
- (b) Location of Grower/Out-grower tea farm:
 - (i) Location.....
 - (ii) Ward.....
 - (iii) Sub-County.....
 - (iv) County.....
- (c) Title Deed Number of the farm /farms L.R No. or Nos.....
- (d) Size of the growers’ farmacres.
- (e) Area of the farm planted with teaacres.
- (f) Number of tea bushes in (e) above
- (g) Estimated annual Production.....Kgs

1. DURATION OF AGREEMENT

2.1 This Agreement shall commence on _____ day of the Year _____ and shall continue in force for a period of 2 (TWO YEARS), subject to termination by either party giving to the other 1 (ONE MONTH) written notice.

- 2.2 Any party wishing to review the terms and conditions of the agreement shall give at least two (2) written months' notice to the other party highlighting the terms they wish to review.
- 2.3 The terms and conditions of this agreement shall subsist during any period of review of the contract by the parties

2. THE GROWER RESPONSIBILITIES

- 2.1 The grower shall farm and produce good quality green leaf for processing using the best farming methods to ensure high quality yields;
- 2.2 The grower will arrange for all green leaf grown on his farm to be delivered in suitable leaf containers to the nearest designated Green Leaf Collection Centre (LCC) as and when such green leaf becomes ready for delivery at such times and on such days as have been agreed with the Factory;
- 2.3 The grower shall be bound to sell to the Factory good quality green leaf as per the Leaf standard specified from time to time;
- 2.4 The grower shall apply the type and quantity fertilizer specified to the tea plants to ensure high productivity and production of quality leaf as guided by the factory extension officers from time to time.

3. THE FACTORY'S RESPONSIBILITIES

- 3.1 The factory shall, offer technical advisory services to the grower on Good Agricultural Practices (GAPS) for optimal production of high quality tea.
- 3.2 In order to maximize on Green leaf plucking, the Factory in consultation with a Green Leaf Collection Centre Committee, shall set a timetable for leaf collection. The timetable shall be prominently displayed at the Green Leaf Collection Centre in a language that is understood by a majority of the growers.
- 3.3 The tea factory limited company shall ensure green leaf is collected as scheduled. In case green leaf is not collected as per schedule, then the factory shall make arrangements to compensate the grower for loss of uncollected leaf.

Provided that if the failure by the tea factory limited company to collect the green leaf as set in the time table is due to *force majeure* the factory shall not be liable to compensate the grower for the loss of green leaf.

- 3.4 The factory shall inform the grower of its inability to collect green leaf as per the set timetable due to *force majeure* within a reasonable time after such occurrence.

4. DELIVERY OF GREEN LEAF

- 4.1 All green leaf from the grower delivered to the Factory shall be weighed and examined by the factory within a reasonable time after delivery to ensure conformity to the Leaf Standards and the weight recorded.
- 4.2 The grower or their representative shall be entitled to be present or to be represented at such weighing and examination.
- 4.3 The property and risk in the green leaf accepted by the Factory will pass to the Factory upon completion of such weighing and examination.
- 4.4 Green Leaf shall be collected as per the timetable displayed at the Green Leaf Collection Centre and growers alerted at least 2 hours in advance.

4.5 The Factory shall cause to be displayed at every Green Leaf Collection Centre a Service Charter displaying relevant information including, Leaf Collection timetable, Green Leaf Quality Standards, Input distribution, Payment procedures.

5. PAYMENTS TO THE GROWER

1.2 The Factory shall make payment to the tea grower for green leaf delivered at the rate of Kshs -----per Kg of green leaf.

6. TERMINATION

6.1 Notwithstanding anything to the contrary herein before contained, this Agreement may be terminated by either party as follows:-

- (a) by service of a written notice of termination, if a party fails to remedy any breach of this agreement within 30 days after service of a written notice specifying the breach and requiring it to be remedied;
- (b) forthwith and without notice, in the event of the grower ceasing to grow tea; and
- (c) forthwith and without notice, if a party does not comply with any legal and statutory requirements currently in force or hereinafter enacted related to the growing, delivery or manufacture of green leaf;

6.2 Any termination under the provision of this clause shall be without prejudice to any claim for damages and any rights and remedies of either party against the other in respect of any breach of any of the terms and conditions of this agreement whether giving rise to such termination or antecedent thereto.

6.3 Provided that a party shall be required to fulfil any outstanding obligations that they may have to the other party notwithstanding the termination of the contract under clause 6.1 above

7. ARBITRATION

Any dispute arising between the parties in connection with the agreement and the review thereof shall be submitted to the Agriculture and Food Authority, within 14 days after a party first serves notice to the other of such dispute. Any such arbitration proceedings shall be conducted in accordance with the Arbitration Act and any other relevant law.

IN WITNESS whereof this agreement has been duly executed by or on behalf of the parties.

Sealed with the common seal of

.....TEA FACTORY LIMITED COMPANY

In the presence of)
)
)
 Director)
 Director/Company Secretary)
)
)
)

Signed by the Tea Grower : _____

Name of Tea Grower :

Witnessed By : _____

Name :

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\1

(r.9 (1))

APPLICATION FOR ISSUANCE/RENEWAL OF TEA MANUFACTURING
FACTORY LICENCE

An application is hereby made to establish/operate a factory for the manufacture of tea in

accordance with the particulars given below:-

1. Name of Applicant.....
2. Certificate of Company Incorporation and Tax Compliance certificate (Attach copy)
3. List Names and Particulars of Directors (Attach copy of CR 12 Form)
4. Postal Address
5. Telephone No
6. E-mail address.....
7. Location.....
8. Ward
9. Sub-County.....
10. County
11. L.R. No./Nos.....
12. Factory Trade Mark.....
13. Source of green leaf for processing:
 - (a) Own (Hectares)
 - (b) Out growers /growers..... (Hectares)
14. Type of tea manufacture:
 - (a) C.T.C. (cut, tear, curl)
 - (b) Orthodox
 - (c) Instant
 - (d) Purple
15. Manufacturing capacity:
 - (a) Green tea leaf..... Kilogrammes per year.
 - (b) Made Tea..... Kilogrammes per year.
16. Tea Packing Capacity:Kilogrammes per year

17. Source of tea for packing

- (a) Own tea..... Kilogrammes per year
 (b) Other factory teas..... Kilogrammes per year
 (c) Imported teas Kilogrammes per year

The particulars given are hereby certified to be correct.

Date..... Signature.....

Applicant

FOR OFFICIAL USE:

Approved/not approved by The Director General, Agriculture and Food
 Authority.....

.....

Signature.....Date & Stamp.....

Terms and conditions

1. An applicant for a tea manufacturing licence shall;
 - (a) furnish the Authority with a feasibility study report of the proposed tea manufacturing factory which should include a financial plan demonstrating capacity to construct and a crop development plan to sustain leaf supply;
 - (b) provide a grower's register to include growers name, I.D number, Location, total area of the grower's farm, area planted with tea, land registration (L.R) number and factory where the grower currently supply green leaf;
 - (c) provide grower's affidavits supported by grower I.D copy and copy of land title or area chiefs letter.
 - (d) have at least 250 hectares of planted tea bushes; and
 - (e) where an application is by a group of persons or companies, have at least 250 hectares of planted tea bushes which parcels of land must be within a 50 kilometres radius.
2. A tea manufacturing factory shall not buy green leaf from any other person other than the growers appearing in its register.
3. A tea manufacturing factory shall verify the details contained in the application made to it by a grower to ensure that the particulars submitted are correct.
4. A tea manufacturing factory shall sign a Green Leaf Agreement with all its registered grower's and maintain the signed agreement at the factory for inspection by the Authority.

5. A tea manufacturing factory that intends to vary its licensed processing capacity, shall furnish the Authority with proof of the additional source of leaf.
6. Before granting additional processing capacity to a tea manufacturing factory, the Authority shall satisfy itself that the applicant has adequate green leaf for the capacity applied for.
7. A tea manufacturing factory shall only manufacture the types of teas for which they are licensed.
8. When considering an application for a manufacturing licence, the Authority shall satisfy itself that the applicant has adequate financial capacity to undertake the project.
9. When considering an application for renewal of a manufacturing licence, the applicant shall furnish the Authority with audited financial statements.
10. If a tea manufacturing factory intends to use wood as a source of energy, the applicant shall furnish the Authority with a wood fuel sustainability plan equivalent to the ratio of 4:1 tea planted to woodlots planted.
11. Before granting a manufacturing license the Authority shall satisfy itself that the directors of the applicant are not serving as directors in a company having a direct or indirect commercial relationship with the factory.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\2

(r. 9 (2))

TEA MANUFACTURING LICENCE

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

THIS LICENCE is issued for:

Type of tea manufacture:

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

Manufacturing capacity:

Green tea leaf Kilograms per year.

THIS LICENCE is issued subject to compliance with the provisions of the Crops Act, the Crops (Tea Industry) Regulations, 2020, and to such terms and conditions as specified hereunder.

Terms and Conditions

1. Each tea factory shall sign a Green Leaf Agreement with all their registered growers and a copy of the Agreement shall be maintained at the factory for inspection.
2. A tea factory limited company shall furnish the Authority with a certified copy of the growers register.
3. No tea factory limited company shall buy green leaf from any other person other than the growers appearing in its register.
4. Notwithstanding the provisions of paragraph 2, in cases where a tea factory limited company has inadequate processing capacity and surplus green leaf, the Authority shall, where necessary, arbitrate to decide the arrangements to divert the surplus green leaf to the tea factory with extra processing capacity.
5. This license shall authorize the holder to carry on the business of packing and blending in addition to manufacturing.
6. A holder of a tea manufacturing licence shall not install additional processing capacity or vary the type of manufacture without prior approval by the Authority.
7. A tea factory limited company shall comply with good manufacturing practices and

national standards on quality, food safety and hygiene.

8. The Authority may revoke, vary, or suspend the licence if the conditions of the licence have been contravened or not complied with.
9. The Authority shall seize and remove or order the removal of any manufactured tea or processing capacity where it has reasonable grounds to believe has been installed contrary to the conditions of the licence issued under these Regulations.
10. A director of a tea factory limited company shall not serve as a director in another company having a direct or indirect commercial relationship with the factory where the person is serving as a director.

Date issued.....Signature/Seal.....

Director General

Agriculture and Food Authority

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\AE1

(r. 9 (3))

APPLICATION FOR ISSUANCE/RENEWAL OF COTTAGE TEA

MANUFACTURING LICENCE

An application is hereby made to establish/operate a factory for cottage tea manufacture

in accordance with the particulars given below:-

1. Name of Applicant.....
2. Certificate of Company Incorporation and Tax compliance certificate (Attach copy)
3. List Names and Particulars of Directors /Officials (Attach Form CR12).....
4. Postal Address
5. Telephone No
6. E-mail address.....
7. Location.....
8. Ward.....
9. Sub-County.....
10. County
11. L.R. No./Nos.....
12. Factory Trade Mark.....
13. Source of green leaf for processing:
 - (a) Own (Hectares)
 - (b) Out growers /growers..... (Hectares)
14. Type of tea manufacture:
 - (a) Orthodox,
 - (b) Purple
 - (c) Instant
 - (d) White tea (silver tips)
 - (e) green
 - (f) Others (specify)
15. Manufacturing capacity: (Maximum Four Hundred Thousand Kgs M.T/YR)
 - (a) Green tea leaf..... Kilogrammes per year.

(b) Made Tea.....Kilogrammes per year.

The particulars given are hereby certified to be correct.

Date..... Signature.....

Applicant

<p>FOR OFFICIAL USE:</p> <p>Remarks by the Director General, Agriculture and Food Authority</p> <p>.....</p> <p>.....</p> <p>Signature.....Date & Stamp.....</p>

Terms and conditions

1. A cottage tea manufacture shall not buy leaf from any other person other than the growers appearing in its register.
2. A cottage tea manufacturer shall verify the details contained in the application made to it by a grower to ensure that the particulars submitted are accurate.
3. A cottage tea manufacturer shall sign a Green Leaf Agreement with all its registered growers and maintain the signed agreement at the factory for inspection by the Authority.
4. A cottage tea manufacturer shall comply with good manufacturing practices and relevant national and international standards on quality, food safety & hygiene, Tea Industry Code of Practice, the provisions of the National Environment Authority Act and other relevant laws.
5. A cottage tea manufacturer shall only manufacture the types of teas for which they are licenced.
6. If a cottage tea manufacturer wishes to vary the type of tea manufacture or processing capacity they shall seek prior approval from the Authority.
7. Before granting additional processing capacity to a cottage tea manufacturer, the Authority shall satisfy itself that the applicant has adequate green leaf for the capacity applied for.
8. When considering an application for a cottage manufacturing licence, the Authority shall satisfy itself that the applicant has adequate financial capacity to undertake the project.
9. When considering an application for renewal of a cottage manufacturing licence, the applicant shall furnish the Authority audited financial statements.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\2

(r.9 (5))

COTTAGE TEA MANUFACTURING LICENCE

THIS COTTAGE TEA MANUFACTURING LICENCE is issued to

Of P. O. Box and authorizes the said person to conduct the business or carry on the business of manufacture in the Republic of Kenya at L.R. No(s) for a period of beginning on the Day of and ending on Day of (Both days inclusive).

THIS LICENCE is issued for;

Type of tea manufacture:

Orthodox	Green	Instant	White (silver tips)	Purple	Others (specify)

Manufacturing capacity:

Green tea leaf Kilograms per year.

THIS LICENCE is issued subject to compliance with the provisions of the Crops Act, the Crops (Tea Industry) Regulations, 2020, and to such terms and conditions as specified hereunder.

Date issued.....Signature/Seal.....

Director General
Agriculture and Food Authority

Terms and Conditions

1. Each cottage tea manufacturer shall sign a Green Leaf Agreement with all their registered growers and a copy of the Agreement shall be maintained at the factory for inspection.
2. No cottage tea manufacturer shall buy green leaf from any other person other than the growers appearing in its register.
3. A holder of a cottage tea manufacturing licence shall ensure that their designated tea collection centres comply with the provisions of the Public Health Act (CAP. 242) and other relevant laws.
4. A new applicant for a cottage tea manufacturing licence shall construct and commission the tea factory within three years from the date of issuance of licence.

-
5. The Authority may revoke, vary, or suspend the licence if the conditions of the licence have been contravened or not complied with.
 6. A holder of a cottage tea manufacturing licence shall not install additional processing capacity or vary the type of manufacture without prior approval by the Authority.
 7. A cottage tea factory shall comply with good manufacturing practices and national standards on quality, food safety and hygiene.
 8. The Authority shall seize and remove or order the removal of any manufactured tea or processing capacity where it has reasonable grounds to believe has been installed contrary to the conditions of the licence issued under these Regulations.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\F1

(r. 12 (1) (a))

TEA FACTORY ANNUAL PRODUCTION STATISTICAL RETURN

(CONFIDENTIAL)

1. Name of the factory.....
2. Address.....
3. County.....
4. Telephone.....
5. Email address
6. Licence Number.....
7. Total Number of registered tea growers/outgrowers.....
8. Planted Area (Hectares)
 - (a) Planted area by registered tea growers /outgrowers (Hectares).....
 - (b) Planted area own Factory Estates (Hectares).....
 - (c) Total Combined Planted area (a+b) above (Hectares)
9. Number of Commercial Tea Nurseries in the area.....
10. Tea Manufactured during the reporting period:
 - (a) C.T.C (cut, tear, curl).....
 - (b) Orthodox
 - (c) Green Tea.....
 - (d) Purple.....
 - (e) White (silver tips).....
 - (f) Instant Tea.....
 - (g) Tea extracts.....
 - (h) Others (specify)
11. Total crop processed in the last financial year.....Kgs/G.L/YR
12. Made Tea in the last financial year.....Kgs/M.T
 - (a) Current installed processing capacity.....Kgs/G.L/YR
 - (b) Capacity utilization percentage (%).....Kgs/G.L/YR
 - (c) Projected processing capacity
13. Packed Tea in the last financial year.....Kgs/M.T
14. Average payment to growers on Greenleaf deliveries.....Ksh/Kg/G.L/YR

15. Cumulative rainfall for the yearmm

I, do hereby declare that above particulars are true

Date..... Signature

Tea Factory Limited Company Manager

For :.....

Tea Factory Limited Company

NOTE: This Form must be forwarded to the Authority C/o P.O. Box 20064, 00200, NAIROBI and a copy to the respective County government on or before 15th of January in every year.

It is an offence for a tea factory limited company to fail to submit statistical returns as required by the Tea

Regulations 2020.

I.....do hereby declare that the above particulars are true.

Date, 20.....

Signature.....

Licence holder or his duly Authorized Agent.

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

FOR OFFICIAL USE
Date received.....Official Stamp.....
Remarks by the Director General, Agriculture and Food Authority
.....
.....

NOTE:

- i. This Form must be forwarded to the Agriculture and Food Authority C/o. P.O. Box 20064, 00200, NAIROBI, on or before 14th day of ensuing month.
- ii It is an offence for a tea factory limited company to fail to submit monthly statistical returns as required by the Crops (Tea Industry) Regulations, 2020.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\ G1

(r. 13(1))

APPLICATION FOR REGISTRATION /RENEWAL OF CERTIFICATE OF TEA WAREHOUSE

- 1. Name of Applicant
- 2. Details of National Identity Card No/Passport No/Certificate of Incorporation No. (Attach copy).....
- 3. Tax compliance Certificate from Kenya Revenue Authority (Attach Copy)
- 4. List Names and particulars of Directors (Attach copy of Form CR 12).....
- 5. Postal address.....
- 6. Email address.....
- 7. Location of Business:
 - a. Town.....
 - b. Street/Road.....
 - c. Name of Building
 - d. Telephone No
 - e. E-mail address.....
- 8. Location of business:

.....

.....

.....

.....

Date Signature

Applicant or his duly Authorized Agent

FOR OFFICIAL USE:
Received
.....
Remarks by the Authority.....
Date..... Signature/Stamp.....
Director General
Agriculture and Food Authority

Terms and conditions for Warehouse

1. Only a firm incorporated under the Company's Act shall apply for registration as a tea warehouse.
2. Provide details of the proposed premises suitably located and equipped for the business for which they are registered.
3. On application for registration or renewal of registration certificate a warehouseman shall submit to the Authority a certified copy of a valid insurance policy covering all risks related to the tea warehouseman business.
4. On application for registration or renewal of certificate the applicant shall comply with the requirements of the Public Health Act and any other relevant law.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\G2:

(r. 13 (2))

TEA WAREHOUSE CERTIFICATE

THIS Certificate of registration is issued toof P. O. Box..... to engage in the business of tea warehousing in the County ofAt LR/ No(s).....for a period of beginning on the.....day of and ending onday of.....(Both days inclusive).

THIS Certificate is issued subject to compliance with the provisions of the Crops Act, the Crops (Tea Industry Regulations), 2020, Public Health Act, and any other relevant law.

Date issued.....

Signature

Director General

Agriculture and Food Authority

Official Seal

Terms and Conditions

1. A warehouse shall comply with these Regulations, Tea Industry Code of Practice, KS:2128 Standards on warehousing including national Standards on food safety and hygiene and any other relevant law.
2. A warehouseman shall conduct their business honestly, fairly and with integrity, appropriate to the nature and scale of business.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\H1

(r. 14 (1))

APPLICATION FOR REGISTRATION/RENEWAL OF A TEA
PACKER

1. Name of Applicant.....
2. Details of National Identity Card No/Passport No.
3. Certificate of Incorporation/Registration/Registration No (Attach copy).....
4. Tax Compliance Certificate (Attach Copy).....
5. If a Company, List Names and Particulars of Directors (Attach copy).....
6. Postal Address.....
7. Email Address.....
8. Telephone No.
9. Location of Business:-
 - a. County.....
 - b. Town.....
 - c. Street/Road.....
 - d. Name of Building
10. Source of Tea:-
 - a. Own tea.....Yes/No
 - b. Mombasa auction purchases.....Yes/No
 - c. Ex-factory purchase.....Yes/No
 - d. Direct purchase.....Yes/No
 - e. Imports.....Yes/No
 - f. Packaging on contract
 - g. Packing CapacityKgs. per Year
11. Tea exports:-
 - a. Value added exports
 - b. Bulk tea exports

Date

Signature

Applicant or his duly Authorized Agent

FOR OFFICIAL USE:	
Remarks by Director General, Agriculture and Food Authority	
.....	
.....	
Signature.....	Date & Stamp.....

Terms and conditions:

1. While considering an application for registration or renewal, the Authority shall ensure that only Packers with the requisite approvals under the Public Health Act and any other written law are registered.
2. An applicant shall provide details of proposed premises that are suitably located and equipped for tea packing.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TDH2

(r. 14 (2))

TEA PACKER CERTIFICATE

THIS Certificate is issued to of P. O. Box and authorizes the said person to carry on business as a tea packer in the Republic of Kenya at L.R. No.(s).....or a period of beginning on the.....day ofand ending onday of..... (Both days inclusive).

THIS Certificate is issued subject to compliance with the provisions of the Crops Act, the Crops (Tea Industry) Regulations 2020, and to the terms and conditions specified hereunder.

Date

Director General
Agriculture and Food Authority
Signature & Seal Stamp

Terms and Conditions

- 1. A packer shall comply with national and international standards on tea quality, standards on tea packing and food safety and hygiene.
- 2. A packer who fails to submit statistical returns as required under these regulations may have their registration certificate revoked, altered or suspended.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\H3

(r. 15 (1))

PACKER MONTHLY RETURN

(CONFIDENTIAL)

1. Month.....Year.....
2. Name of packer.....
3. Address.....
4. Tea bought during the month:
- a. Auction purchase.....Kgs
- b. Ex-factory.....Kgs
- c. Local purchase.....Kgs
- d. ImportsKgs
- e. Others.....Kgs
- Total Kgs.....
5. Total packing releases:
- a. Local sales.....Kgs
- (i) Packets(in grams).....Kgs
- (ii) Tea bags.....Kgs
- (iii) Others.....Kgs
- Total.....Kgs
- b. Export sales.....Kgs
- (i) Packets (in grams).....Kgs
- (ii) Tea bags.....Kgs
- (iii) Others.....Kgs
- Total.....Kgs
6. Allowances and free issues.....Kgs
- a. Packets (in grams).....Kgs
- b. bags.....Kgs
- c. Others.....Kgs
- TOTAL RELEASES.....Kgs.
- (If space is inadequate provide an attachment)

Date.....

Signature.....

Packer or his duly Authorized Agent

Note:

- i. The Form shall be forwarded to the Authority C/O. P.O. Box 20064-00200, NAIROBI and copy to respective County Government duly completed not late than Fourteen (14) days after end of each month.
- ii. It is an offence for a tea packer to fail to submit monthly statistical returns as required under The Crops (Tea Industry) Regulations, 2020.

THE AGRICULTURE AND FOOD AUTHORITY
THE CROPS ACT, 2013
THE CROPS (TEA INDUSTRY) REGULATIONS, 2020
FORM AFA\TD\ J1 (r. 16 (1))
APPLICATION FOR REGISTRATION/RENEWAL OF
TEA BUYER/ EXPORTER

1. Name of Applicant
2. Details of National Identity Card No/Passport No/Certificate of Incorporation No.
(Attach copy).....
3. Tax compliance Certificate from Kenya Revenue Authority (Attach Copy)
4. List Names and particulars of Directors (Attach copy of Form CR 12).....
5. Postal address.....
6. Email address.....
7. Location of Business:
 - a. Town.....
 - b. Street/Road.....
 - c. Name of Building
 - d. Telephone No
 - e. E-mail address.....
8. Nature of Business Specify Buyer/Exporter
9. Source of Tea:-
 - a. Own tea.....Yes/No
 - b. Mombasa auction purchases.....Yes/No
 - c. Ex-factory purchase.....Yes/No
 - d. Direct purchase.....Yes/No
 - e. Imports.....Yes/No
 - f. Packaging on contract
 - g. CapacityKgs. per Year
10. Tea exports
 - a. Value added exports
 - b. Bulk tea exports

Date

Signature

Applicant or his duly Authorized Agent

(Delete as necessary)

FOR OFFICIAL USE:	
Received	
Decision of the Agriculture and Food Authority	
.....	
Date.....	Signature/Stamp.....
Director General	
Agriculture and Food Authority	

Terms and Conditions Buyer/Exporter

1. A new applicant for registration as a buyer/exporter shall provide a business plan detailing the nature of business for which registration is sought.
2. A buyer or exporter who diverts tea bought at the auction to the local market shall produce evidence of duty and value added tax payment to the Kenya Revenue Authority, where due.
3. An applicant for buyer/exporter registration shall:-
 - (a) be a company incorporated in Kenya under the Company's Act; and
 - (b) demonstrate that it has the necessary management capacity to carry on tea buying/exporting business for which the Registration is required; and
 - (c) demonstrate that it has sufficient knowledge, experience and capacity to conduct tea buying/exporting business and that the persons engaged or to be engaged in the position of Chief Executive Officer or other senior position possess sufficient knowledge, management experience and capacity.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TDJ2

(r.16 (7))

TEA BUYER/EXPORTER REGISTRATION CERTIFICATE

THIS Certificate is issued toof P. O. Box..... and authorizes the said person to carry on business as a tea buyer/exporter in the Republic of Kenya at L.R. No(s).....for a period of beginning on the.....day of and ending onday of.....(Both days inclusive).

Nature of Business; specify

Buyer/exporter

THIS Certificate is issued subject to compliance with the provisions of the Agriculture and Food Authority Act, the Crops Act, Crops (Tea Industry Regulations), 2020 and to the terms and conditions specified hereunder.

Date issued.....	Signature
	Director General
	Agriculture and Food Authority
	Official Seal

Terms and Conditions

Tea Buyer/Exporter

1. A tea buyer /exporter shall value add at least forty percent of their annual tea exports except tea extracts, tea aroma, tea oils, tea by-products and specialty teas.
2. A buyer/exporter shall conduct its business honestly, fairly, with integrity and professional skills appropriate to the nature and scale of activity.
3. A buyer/exporter shall comply with the provisions of the Crops Act, (Tea Industry) Regulations, 2020 and any other relevant law.
4. Any buyer/exporter who fails to register their tea exports promptly and correctly to the Authority may have their registration certificate revoked, altered or suspended.
5. The Authority may revoke, alter or suspend a registration certificate of a buyer/exporter/ if an offence has been committed with respect to a registered activity or if a condition of the registration has been contravened or not complied with.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TDK1

(r.17 (1))

APPLICATION FOR REGISTRATION/RENEWAL OF
TEA BROKER

1. Name of Applicant.....
2. Details of Certificate of Incorporation No (Attach copy).....
3. If Company, List Names and Particulars of Directors (Attach
A copy of Form CR12).....
4. Tax Compliance Certificate (Attach copy).....
5. Address
6. Location of Business
 - a. Town.....
 - b. Street/Road.....
 - c. Name of Building.....
 - d. Telephone Number
 - e. E-mail address.....Contact Person.....
6.
Nature of Business.....
Date.....

- Signature

<p>FOR OFFICIAL USE</p> <p>Received.....</p> <p>Decision of Agriculture and Food Authority.....</p> <p>Date.....</p> <p>Director General</p> <p>Agriculture and Food Authority</p>
--

Terms and Conditions

1. Before granting any Registration, in respect of an application before it, the Authority shall satisfy itself-
 - (a) that the applicant is a company incorporated in Kenya under the Companies Act, with such minimum share capital as it may prescribe;
 - (b) that the applicant has the necessary management capacity to carry on tea brokerage business for which the Registration is required;
 - (c) that the applicant has sufficient knowledge, experience and capacity to conduct tea broking business or that the persons to be engaged in the position of Chief Executive Officer or other senior position possess sufficient knowledge, management experience and capacity;
 - (d) that the applicant is an independent company not having a direct or indirect commercial relationship with the tea factory that they intend to offer brokerage services to; and
 - (e) that the applicant or the directors or management do not have a direct or indirect interest that Conflicts or may conflict with the interest of the tea factory limited company that they may offer brokerage Services to.
2. The applicant shall furnish the Authority with audited financial statements for the preceding two years.
3. The applicant shall demonstrate financial capacity to provide brokerage services.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\ K2

(r. 17 (2))

TEA BROKER REGISTRATION CERTIFICATE

THIS Certificate is issued toof P . O . Box
..... and authorizes the said person to carry on business
as a tea broker in the Republic of Kenya at L.R. No.(s).....for a
period of beginning on the.....day of
and ending onday of..... (Both days inclusive).

THIS Certificate is issued subject to compliance with the provisions of the Crops Act,
the
Crops (Tea Industry) Regulations, 2020 and to the terms and conditions as specified
herein below.

Date.....

Director General
Agriculture and Food Authority

Signature/ Stamp.....

Terms and Conditions

1. A tea broker shall conduct its business honestly, fairly, with integrity and professional Skills Appropriate to the nature and scale of activity.
2. A tea brokers, its Directorates or staff shall not engage directly or indirectly in any Business activity that conflicts with the interest of the factory/factories it offers or intends to offer brokerage services to.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020
FORM AFA\TDL1 (r.19 (1))BUYER/EXPORTER/IMPORTER AND BROKER MONTHLY RETURN
(CONFIDENTIAL)

Month..... Year.....

1. Name of buyer/exporter/ importer/broker.....

2. Address.....

3. Location of business.....

a. Town.....

b. Street/Road.....

c. Name of building.....

d. Telephone number and E-mail address

4. Nature of business.....

5. If buyer/exporter/importer, specify source of tea bought/handled during the month:

a. Mombasa auction.....Kgs.

b. Direct purchases:

i. Local.....Kgs.

ii. Imports.....Kgs.

iii. Ex-factory purchases.....Kgs.

6. If exporter, specify details of exported consignment (bulk teas)

Country of Destination	Factory Mark(s)	Grade(s)	Value added teas (Kgs)	Bulk teas (Kgs)	Total Weight (Kgs)	Value of Consignment (USD)

7. If importer, specify details of imported consignment (bulk teas)

Country of Origin	Invoice No.	Grade	Net Weight (Kg)	Value of Consignment (USD)

8. If broker, specify details of consignment (bulk teas)

Factory Mark	Invoice No.	Grade	Net Weight (Kg)	Value of Consignment (USD)

(If space not adequate provides an attachment)

<p>FOR OFFICIAL USE</p> <p>Date Received</p> <p style="text-align: right;">Signature & Stamp.....</p> <p style="text-align: right;">Director General Agriculture and Food Authority</p>

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM\AFA\TD\M

(r. 19 (3))

WAREHOUSE ANNUAL RETURN

(CONFIDENTIAL)

Month..... Year.....

1. Name of Warehouseman.....
2. Address.....
3. Registration No.....
4. Location of business
 - a. Town.....
 - b. Street/Road.....
 - c. Name of building.....
 - d. Telephone number and E-mail address

5. Summary of Tea warehoused:

	Garden/Blended/Mark	No. of packages	Kgs of Mt.	Total kgs. of tea
Producer tea				
Exporter tea				
Imported tea				
Transit teas				
Blended tea				

Total

FOR OFFICIAL USE:

Date received Signature & Stamp.....

Director General
Agriculture and Food Authority

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TDN1

(r. 21 (1))

APPLICATION FOR REGISTRATION/RENEWAL OF MANAGEMENT
AGENT

1. Name of applicant.....
2. Certificate of incorporation No..... (Attach copy)
3. Names and Particulars of Directors (attach copy of Form CR 12).....
.....
4. Tax Compliance Certificate (Attach copy)
5. Postal Address.....
6. Telephone number and E-mail address
-
7. L.R. No. /Nos.....
8. Nature of business.....
9. Contact Person.....
10. Factory Marks (specify).....
11. Indicate services to be provided shall be in the following areas (tick as appropriate)
 - a. Production.....
 - b. Processing.....
 - c. Financial Services.....
12. Others - specify.....
- Date.....

Signature of applicant

<p>Recommendation by Tea factory limited company</p> <p>.....</p> <p>DateSignature</p>
--

Terms and Conditions:

1. Before registering a management agent the Authority shall satisfy itself: -
 - (a) that the applicant has the necessary management capacity to carry out the services out the services which they intend to offer intend to officer and for which the and for which the licence is required;
 - (b) that the applicant intending to offer agency services has provided indemnity of 0.5% of principals' annual business turnover from a reputable financial institution; and
 - (c) the Directors of the Management Agent do not act in a position of directorship at or have a commercial relationship a tea factory limited company or Marketing Agent that they intend to offer management services to.
2. The Authority shall satisfy itself that the Management Agreement between the Management Agent and the Factory Company conforms to the Crops Act, these Regulations, and any other relevant laws.
3. The Management Agreement shall specify the performance standards to be adhered to by each of the parties to the agreement for the contract period.
 1. When considering an application for renewal of registration of a Management Agent, the Authority shall require the applicant to submit the annual audited financial statements.
 2. A Management Agent shall be excluded from offering the services of a company secretary to a tea factory limited company limited company that they intend to offer management agent services to.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TDN2

(r. 21 (2))

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 offer:-

- a. Production.....
- b. Processing.....
- c. Financial Services.....
- Others –specify.....

Specify the factory/garden marks..... in the Republic of Kenya at L.R. No(s).....for a period ofbeginning on the..... day of and ending on..... day of..... (Both days inclusive).

THIS Certificate is issued subject to compliance with the provisions of the Crops Act, the Crops (Tea Industry) Regulations, 2020 and to the terms and conditions specified herein below.

Date.....

.....
Director General
Agriculture and Food Authority

.....
Signature/Stamp

Terms and Conditions

1. A certificate shall be for specific factory/garden /garden marks.
2. Any subsequent factory/garden /garden marks shall be applied for separately.
3. The term duration of the management agreement shall be for a period not exceeding 5 years and annual fees for the service does exclude 2% of gross tea sales.
4. A tea factory limited company company wishing to terminate its management agreement shall give at least six months’ notice of its intention to terminate the agreement or any such period as specified in the management agreement and inform the Authority immediately stating the reasons thereof.

5. A Management Agent wishing to terminate its management agreement with a factory company shall give at least six months' notice of its intention to terminate or such period as specified in the agreement and inform the Authority immediately stating the reasons thereof.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TDN3

(r. 21 (3))

ANNUAL RETURN BY MANAGEMENT AGENT
(CONFIDENTIAL)

1. Name of agent.....
2. Address.....
3. Registration Number.....
4. Category of Services offered to factories:.....
(Attach list of clients under each services)
 - (i)
 - (ii)
 - (iii)
 - (iv)
 - (v)
(If space is not adequate provide an attachment)

I.....do hereby declare that the above particulars are true.

Date..... Signature.....
Management Agent

Note:- This Form must be forwarded to the Agriculture and Food Authority, P.O. Box 20064-00200 NAIROBI, on or before 15th January in every year.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\ P

(r. 23 (1))

APPLICATION FOR REGISTRATION/RENEWAL OF AUCTION ORGANIZER

- 1. Name of applicant.....
- 1. Certificate of incorporation..... (Attach copy)
- 2. Copies of Memorandum and Articles of Association.....(Attach copy)
- 4. Names and Particulars of Directors and Form CR 12 (attach details).....
- 5. Tax Compliance Certificate (Attach copy).....
- 6. Address.....
- 7. Telephone number
- E-mail address.....
- 8. Contact Person.....
- 9. L.R. No. /Nos.....
- 10. Nature of business.....
- 11. Specify services to be provided.....
-
-
-

Date applied.....
Signature of applicant

Terms and Conditions

- 1. An applicant shall furnish the Authority with the rules governing the operations of the Auction in a form satisfactory to the Authority.
- 2. The rules shall restrict the applicant to the business of operating a tea auction and related services.
- 3. The rules shall contain the applicable fees and charges for membership and for services rendered by and between members.

4. The rules shall contain guidelines for disclosure of the daily trading report of the auction.
5. Satisfy the Authority on the applicant Financial capacity, functional expertise and infrastructure to undertake Tea Auction in the Republic of Kenya.
6. Have in its employments sufficient number of persons with adequate, professional and other relevant competencies and experience.
7. An applicant shall digitize and automate the Tea Auction system for efficient services delivery and information dissemination.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020
FORM AFA\TD\Q (r. 23 (2))

AUCTION ORGANIZER CERTIFICATE

THIS Certificate is issued to of P.O. Box..... and authorizes the said person carry on the business of Tea auction organizer in the Republic of Kenya at L.R. No.(s).....for a period of beginning on the.....day of and ending onday of.....(Both days inclusive).

THIS Certificate is issued subject to compliance with the provisions of the Crops Act, the Crops (Tea Industry) Regulations, 2020 and to the terms and conditions specified herein below.

Date.....
Director General

Agriculture and Food Authority

Signature/ Stamp

Terms and Conditions

1. An auction organizer shall not later than the fourteen (14) day of each month submit to the Authority a monthly tea auction report of all teas sold through the auction in the previous month in the prescribed form.
2. An auction organizer shall ensure that only Members who have valid licences or registration certificates from the Authority participate in the auction.
3. The trading rules and regulations of the auction organizer shall: -
 - a. promote fair treatment of members and persons who applies for admission as members;
 - b. exclude a person who is not fit and proper from being a member;
 - c. promote appropriate standards of conduct of its members;
 - d. ensure that its members comply with the Crops Act and these Regulations;
 - e. require members to report in a timely manner any breaches of applicable rules and regulations;
 - f. expel, suspend, discipline or sanction a member if they contravene the Crops Act or these Regulations; and
 - g. provide procedure for disputes resolution.
4. An auction organizer shall ensure that only members who have valid licences or registration certificates from the Authority participate in the auction.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\A

(r. 25 (8))

AUCTION ORGANIZER REPORT

MONTHLY AUCTION SALES ANALYSIS FOR THE MONTH ENDING.....

Auction No.	Garden Mark	Grade	Volume Offered (Kgs)	Broker	Broker Valuation (USD/Kg)	Buyer	Buyer Price (USD/Kg)

(CONFIDENTIAL)

1. Name of Auction Organizer.....
2. Address.....
3. Registration Number.....

I.....do hereby declare that the above particulars are true.

Date..... Signature.....
Auction Organizer

Note:- This Form must be forwarded to the Agriculture and Food Authority, P.O. Box 20064, 00200 NAIROBI, on or before the fourteenth (14) day of the subsequent month.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA) REGULATIONS, 2020

FORM AFA\TDAS

(r. 29 (1))

TEA EXPORT DECLARATION
(CONFIDENTIAL)

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

Factory Marks	Invoice No.	Grade	No. of Packages	Net Weight (Kg)	Value of Consignment (USD)

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

7. Details of consignment (value added teas)
(Teas packed for retail in not more than 10 Kgs in the form of tea bags, tea packets, instant and ready to drink tea containers).

Brand Name	Form of packaging	Invoice No.	No. of Packages	Net Weight (Kg)	Unit Price	Value of Consignment (USD)

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

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

Tea Short Shipment (if any):

Factory Marks.	Invoice No.	Grade	No of Packages	Net Weight (Kg)

If space provided is not adequate provide an attachment

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

- i. Sale contract showing (contract number, contract date);
- ii. Commercial invoice showing (unit price USD, terms of payment, port and Country of destination);
- iii. Brokers invoice; and
- iv. Blending sheet (where applicable);
- v. Custom entry form

Date.....
 Authorized signature Stamp of Exporter

<p>FOR OFFICIAL USE</p> <p>Authentication by Agriculture and Food Authority</p> <p>Date.....</p> <p>Officer's Name</p> <p>Signature and Official Stamp.....</p>

Terms and Conditions

1. For the purpose of duty/VAT exemptions on imported inputs, all exporters shall account for all tea bought by them for export using Form AFA\TD\ T in the Schedule.
2. The Tea export registration form is issued in triplicate for distribution as follows:
 - i. One copy to be retained by the Authority; and
 - 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.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\T

(r. 31 (1))

APPLICATION FOR REGISTRATION/RENEWAL
OF A TEA IMPORTER

1. Name of Applicant.....
2. Details of National Identity Card No/Passport No/Certificate of Incorporation No (Attach copy).....
3. Tax compliance Certificate from Kenya Revenue Authority (Attach Copy)
4. List Names and Particulars of Directors (Attach copy of Form CR 12).....
.....
5. Postal address.....
6. Email address.....
7. Location of Business
 - a. Town.....
 - b. Street/Road.....
 - c. Name of Building
 - d. Telephone No
 - e. E-mail address.....
8. Source of Tea:-
 - a. Country of origin.....
 - b. Export Processing Zone
9. Tea imported:-
 - a. Value added imports in Kgs.....
 - b. Bulk tea imports in Kgs.....

Total volume in Kgs.

10. Purpose for imports

- a. Re-export.....
- b. Local sales.....
- c. Other.....

11. Annual CapacityKgs. per Year

Date Signature
Applicant or his duly Authorized Agent

(Delete as necessary)

FOR OFFICIAL USE:	
Received	
Decision of the Agriculture and Food Authority	
.....	
.....	
Date.....	Signature/Stamp.....
	Director General Agriculture and Food Authority

Terms and Conditions:

1. An importer who intends to import other teas destined to the tea auction or transit teas shall apply for pre-import approval from the Authority in accordance with regulation 35 of this Regulations.
2. 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 Authority.
3. An importer who diverts made tea imported into Kenya for blending and re-export into the local market shall in addition produce evidence of duty and value added tax payment to the Kenya Revenue Authority, where due.
4. Before granting any Registration, the Authority shall, in respect of an application before it, satisfy itself: -
 - a. that the applicant is a company incorporated in Kenya under the Companies Act, with such minimum share capital as may be prescribed;
 - b. that the applicant has the necessary management capacity to carry on tea importing and buying/exporting business for which the Registration is required; and
 - c. that the applicant has sufficient knowledge, experience and capacity to conduct tea buying/importing/exporting business and that the persons engaged or to be engaged in the position of Chief Executive Officer or other senior position possess sufficient knowledge, management experience and capacity.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TDU

(r. 31 (2))

TEA IMPORTER REGISTRATION CERTIFICATE

THIS Certificate is issued toof P. O. Box.....and authorizes the said person to carry on business as a tea Importer in the Republic of Kenya at L. R. No(s).....for a period of -----beginning on the.....day of and ending onday of.....(Both days inclusive)

THIS Certificate is issued subject to compliance with the provisions of the Agriculture and Food Authority Act, the Crops Act, (Tea Industry Regulations 2020 and to the terms and conditions specified hereunder.

Date issued.....	Signature
	Director General Agriculture and Food Authority
	Official Seal

Terms and Conditions

1. An importer shall conduct its business honestly, fairly, with integrity and professional skills appropriate to the nature and scale of activity.
2. An importer shall comply with the provisions of the Crops Act, Tea Industry Regulations and any other relevant law.
3. An importer who fails to declare their tea imports promptly and correctly to the Authority or fails to obtain pre-import approval may have their registration certificate revoked, altered or suspended.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TDV1 (r. 32 (1))
 TEA PRE- IMPORT APPROVAL APPLICATION
 (CONFIDENTIAL)

1. Name of importer
2. Registration certificate number
3. Physical Address.....
4. Telephone number
5. Email address.....
6. Reason for intended importation.....
7. Details of consignment (bulk teas)

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)
TOTAL					

(If space is not adequate provide additional attachment)

8. If imported tea packets or value added form, (Indicate pack size or stock taking unit).
9. Details of shipment

Country of Origin	Invoice No.	Type	Net weight (Kg)	Unit price (USD)	Customs value of consignment (USD)
TOTAL					

(If space is not adequate provide additional attachment)

10. Full name and address of Seller/Consigner:.....

.....

11. Name and physical address of Warehouse where tea will be stored.....

.....

12. Indicate Tea short shipment (if any):

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit price (USD)	Customs Value of consignment (USD)
TOTAL					

(If space provided is not adequate provide an attachment)

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

- i. Sale contract;
- ii. Phytosanitary Certificate;
- iii. Certificate of Origin;
- iv. Health certificate or its equivalent,
- v. Certificate of analysis from an accredited institution from the country of origin and recognized by the Authority including microbiological, pesticides residues and heavy metals; and
- vi. Customs entry forms.

Date.....

Authorized signature
Stamp of Importer

<p>FOR OFFICIAL USE</p> <p>Authentication by Agriculture and Food Authority</p> <p>Date.....</p> <p>Officers Name</p> <p>Signature and Official Stamp.....</p>
--

Terms and conditions

1. Every tea importer must comply with Kenya Revenue Authority rules and regulations on bonded and transit goods.
2. A tea importer who diverts tea into the local market must produce evidence of duty and value added tax payment to the Authority and Kenya Revenue Authority - Customs Services Department, where due.
3. The Tea import registration form is issued in triplicate for distribution as follows-
 - a. One copy to be retained by the Authority.
 - 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.
4. A tea importer who imports tea without prior approval from the Authority may have their Registration as a tea importer suspended, varied or revoked.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

PRE-IMPORT APPROVAL ORDER

FORM AFA\TD\V2

(r. 32 (5))

This pre-import approval is issued to..... of P. O. Boxand authorizes the said person to importKgs of tea in accordance with the following details.

1. Details of consignment (bulk teas)

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)
TOTAL					

(If space is not adequate provide additional attachment)

2. Details of consignment (tea packets and value added form)

Country of Origin	Invoice No.	Type	Net weight (Kg)	Unit price (USD)	Customs value of consignment (USD)
TOTAL					

(If space is not adequate provide additional attachment)

3. Full name and address of Seller/Consigner:.....

.....

4. Name and physical address of Warehouse where tea will be stored.....

.....

FOR OFFICIAL USE ONLY		
Pre-Import Release Order Authority Stamp		
Name	Signature	Date
.....		
For and on behalf of the Agriculture and Food Authority		
Dated this.....day of		
.....20.....		

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\W

(r. 32 (6),

TEA IMPORT DECLARATION
(CONFIDENTIAL)

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

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)
TOTAL					

(If space is not adequate provide additional attachment)

7. If imported tea packets or value added form, details of shipment

Country of Origin	Invoice No.	Type	Net weight (Kg)	Unit price (USD)	Customs value of consignment (USD)
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):

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit price (USD)	Customs Value of consignment (USD)
TOTAL					

(If space provided is not adequate provide an attachment)

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

- (i). Sale contract;
- (ii). Phytosanitary Certificate;
- (iii). Certificate of Origin;
- (iv). Certificate of analysis and pesticide residues;
- (v). Customs entry form; and
- (vi). Pre-import approval Order

Date.....

Authorized signature
Stamp of Importer

<p>FOR OFFICIAL USE</p> <p>Authentication by Agriculture and Food Authority</p> <p>Date.....</p> <p>Officers Name</p> <p>Signature and Official Stamp.....</p>
--

Terms and conditions

1. Every tea importer must comply with Kenya Revenue Authority rules and regulations on bonded and transit goods.
2. A tea importer who diverts tea into the local market must produce evidence of duty and value added tax payment to the Authority and Kenya Revenue Authority - Customs Services Department, where due.

3. The Tea import registration form is issued in triplicate for distribution as follows-
 - i. One copy to be retained by the Authority.
 - ii. Two copies to the importer or agent one of which must be presented to the Kenya Revenue Authority together with relevant Import Entry form.

FIRST SCHEDULE

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA) REGULATIONS, 2019

FORM AFA\TD\X

(r.33 (1))

TEA EXPORT DECLARATION
(CONFIDENTIAL)

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

Factory Marks	Invoice No.	Grade	No. of Packages	Net Weight (Kg)	Value of Consignment (USD)

(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).

Brand Name	Form of packaging	Invoice No.	No. of Packages	Net Weight (Kg)	Unit Price	Value of Consignment (USD)

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

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

Tea Short Shipment (if any):

Factory Marks.	Invoice No.	Grade	No of Packages	Net Weight (Kg)

If space provided is not adequate provide an attachment

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

- vi. Sale contract showing (contract number, contract date);
- vii. Commercial invoice showing (unit price USD, terms of payment, port and Country of destination);
- viii. Brokers invoice and;
- ix. Blending sheet (where applicable);
- x. Custom entry form

Date.....
 Authorized signature Stamp of Exporter

<p>FOR OFFICIAL USE</p> <p>Authentication by Agriculture and Food Authority</p> <p>Date.....</p> <p>Officer's Name</p> <p>Signature and Official Stamp.....</p>

Terms and Conditions

1. For the purpose of duty/VAT exemptions on imported inputs, all exporters shall account for all tea bought by them for export using Form AFA\TD\ T in the Schedule.
2. The Tea export registration form is issued in triplicate for distribution as follows-
 - iii. One copy to be retained by the Authority; and
 - iv. Two copies to the exporter or agent, one of which must be presented to the Kenya Revenue Authority together with relevant Export Entry form.

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

FORM AFA\TD\Y

(r. 34 (1))

TEA EXPORT/IMPORT RELEASE ORDER

1. Name of Exporter/Importer.....
2. Postal Address.....
3. Contact Person and Designation.....
4. Telephone/Mobile No/Fax.....
5. E-mail Address.....
6. Tea Export/Import Registration No.....
7. Issue Date.....
8. Customs Entry No. and Date.....
9. Net Weight (Kgs made tea).....
10. Bill of lading.....
11. Physical location of consignment.....
11. Indicate Tea short shipment (if any):

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit price (USD)	Customs Value of consignment (USD)
TOTAL					

(If space provided is not adequate provide an attachment)

.....
Signature of Exporter/Importer or Authorized Agent

.....
Date

<p>FOR OFFICIAL USE ONLY Release Authority Stamp</p> <p>NameSignature Date</p> <p>For and on behalf of Agriculture and Food Authority</p> <p>Dated this.....day of20.....</p>

SECOND SCHEDULE

(r. 9(1), (8), 10(1), 14(1), 15(1), 17(1), 18(1), 24(1), 29(1), 32(1))

THE AGRICULTURE AND FOOD AUTHORITY

THE CROPS ACT, 2013

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

LICENSING AND REGISTRATION FEES

NO.	PERSONS DEALING IN TEA	NEW APPLICANTS Amount in Kenya Shillings (Kshs).	RENEWAL FEES Amount in Kenya Shillings (Kshs).
1.	Tea Manufacturing Licence – Black CTC tea	10,000	7,500
2.	Cottage Tea Manufacturing License	10,000	7,500
3.	Management Agent	25,000	12,500
4.	Marketing Agent	25,000	12,500
5.	Tea Buyer/Exporter,	20,000	10,000
6.	Tea Warehouse	20,000	10,000
7.	Tea Importer	20,000	10,000
8.	Tea Broker	20,000	10,000
9.	Tea Auction Organizer	25,000	10,000
10.	Tea Packer	5,000	2,000
11.	Commercial Green Leaf Transporter	1,000	1,000
12.	Commercial Tea Nursery Operator	To be determined by the County Assembly of the respective County.	To be determined by the County Assembly of the respective County.

Dated the 20th May, 2020.

PETER MUNYA,
Cabinet Secretary for Agriculture,
Livestock, Fisheries and Co-operatives.