

**TEA (LICENSING, REGISTRATION AND TRADE) REGULATIONS, 2008**

## ARRANGEMENT OF REGULATIONS

*Regulation*

1. Citation.
2. Interpretation.
3. Registration of tea growers.
4. Tea grower certificate.
5. Application for a manufacturing licence.
6. Manufacturing licence.
7. Renewal of manufacturing licence.
8. Consideration of application.
9. Decision of the Board.
10. Suspension or cancellation of licence.
11. Submission of statistical return.
12. Submission of cess and production return.
13. Application for registration as buyer, exporter, importer, broker and warehouseman.
14. Certificate of registration for buyer, exporter, importer, broker and warehouseman.
15. Registration of tea packer.
- 15A. Registration of manufacture or person dealing in more than one function.
16. Certificate of Registration for tea packer.
17. Renewal of registration of buyer/exporter/importer, broker, warehouseman and packer.
18. Determination of application.
19. Consideration of application.
20. Register.
21. Monthly return for buyer, exporter, importer and broker.
22. Annual return for warehouseman.
23. Monthly return for packer.
24. Management agent registration.
25. Certificate of registration for management agent.
26. Compliance with the rules and regulations.
27. Supply of additional information.
28. Publication of names and particulars.
29. Transferability of licence or registration.
30. Annual return for management agent.
31. Fees.
32. Tea export registration.
33. Compliance with relevant laws.
34. Transit tea.
35. Tea import registration.
36. Compliance with rules.
37. Conformity to standards.
38. Application of registration of tea auction organizer.

[Subsidiary]

*Regulation*

39. Certificate of registration of tea action organizer.
40. Approval of trading rules and regulations.
41. Validity of licences and registration.
42. Penalties.
43. No compensation.
44. Transitional provisions.
45. Revocation of L.N. 170/2000.

SCHEDULES

- FIRST SCHEDULE – FORMS  
SECOND SCHEDULE – LICENSING REGISTRATION FEES
-

**TEA (LICENSING, REGISTRATION AND TRADE) REGULATIONS, 2008**

[Section 25, L.N. 122/2008, L.N. 7/2009, L.N. 9/2012.]

**1. Citation**

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

**2. Interpretation**

In these Regulations, unless the context otherwise requires—

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

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

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

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

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

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

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

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

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

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

[L.N. 7/2009, s.1.]

**3. Registration of tea growers**

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

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

[L.N. 9/2012, s. 2.]

**4. Tea grower certificate**

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

**5. Application for a manufacturing licence**

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

[L.N. 9/2012, s. 3.]

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[Subsidiary]

#### **6. Manufacturing licence**

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

#### **7. Renewal of manufacturing licence**

A person who intends to renew a manufacturing licence shall apply to the Board in Form C set out in the First Schedule.

[L.N. 9/2012, s. 4.]

#### **8. Consideration of application**

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

#### **9. Decision of the Board**

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

#### **10. Suspension or cancellation of licence**

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

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

#### **11. Submission of statistical return**

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

#### **12. Submission of cess and production return**

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

[L.N. 9/2012.]

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

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

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

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

[L.N. 9/2012, s. 6.]

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

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

**15. Registration of tea packer**

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

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

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

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

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

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

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

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

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

**18. Determination of application**

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

**19. Consideration of application**

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

**20. Register**

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

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

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

**22. Annual return for warehouseman**

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

**23. Monthly return for packer**

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

[Subsidiary]

**24. Management agent registration**

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

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

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

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

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

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

**27. Supply of additional information**

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

**28. Publication of names and particulars**

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

- (a) licensed as tea manufacturing factory or any other person registered under these Regulations; or
- (b) whose manufacturing licence or registration have been revoked,

to be published in the *Gazette*.

**29. Transferability of licence or registration**

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

**30. Annual return for management agent**

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

**31. Fees**

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

**32. Tea export registration**

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

**33. Compliance with relevant laws**

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

**34. Transit tea**

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

**35. Tea import registration**

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

**36. Compliance with rules**

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

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

- (a) certificate of conformity to Kenya Tea Quality Standards;
- (b) certificate of origin;
- (c) health certificate;
- (d) phytosanitary certificate;
- (e) certificate of analysis on pesticide residues,

issued by a competent authority from the country of origin.

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

**37. Conformity to standards**

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

**38. Application of registration of tea auction organizer**

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

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

**39. Certificate of registration of tea action organizer**

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

**40. Approval of trading rules and regulations**

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

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

(3) The Board shall, before approving the trading rules and regulations, satisfy itself that they are in compliance with the provisions of the Act and any other relevant written laws.

[Subsidiary]

**41. Validity of licences and registration**

(1) All licences and registration certificates issued under these Regulations shall expire on 31st December of each year.

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

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

(3) The Board may consider late applications upon an applicant giving reasonable cause for the delay, and upon approval of such application the applicant shall pay a penalty of fifty per cent of the fees payable.

[L.N. 7/2009, s. 3.]

**42. Penalties**

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

**43. No compensation**

Where a licence or registration is suspended or cancelled under these Regulations, the holder of the registration shall not be entitled to claim from the Board or Government any compensation or any damages occurring for such suspension or cancellation.

**44. Transitional provisions**

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

[L.N. 7/2009, s. 4.]

**45. Revocation of L.N. 107/2000**

The Tea (Forms) Regulations, 2000 (L.N. 107/2000), are revoked.

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FIRST SCHEDULE

**FORM A**

**(r. 3)**

APPLICATION FOR REGISTRATION AS A TEA GROWER

To: The Factory Manager  
..... Tea Factory

Application is hereby made to grow/maintain ..... hectares 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. ....

FIRST SCHEDULE, FORM A—continued

B - Particulars of Land

- 1. L.R. No. or No.s .....
  - 2. Location .....
  - 3. Division .....
  - 4. District .....
- Date .....

Signature .....

*Applicant or his duly authorized agent*

FOR OFFICIAL USE:

Decision of Tea Factory Company .....

.....

.....

.....

Date ..... Name of signatory .....

Signature .....

*Tea Factory Manager*

for: .....

*(Name of Tea Factory Company)*

FORM A1

(r. 3)

**APPLICATION FOR REGISTRATION AS A PLANTATION GROWER  
(FACTORY COMPANY)**

To: The Factory Manager

..... Tea Factory

Application is hereby made to grow/maintain ..... hectares of

tea on the land parcel specified in Part B below:

A - Particulars of Applicant

- 1. Name of applicant .....
- 2. Certificate of Company Incorporation No. ....
- 3. List names and particulars of Directors ..... (attach list)
- 4. Address .....
- .....
- 5. Telephone No. ....

B - Particulars of Land Parcel

- 1. L.R. No. or No.s .....
- .....
- 2. Location .....

Tea

[Subsidiary]

FIRST SCHEDULE, FORM A1—continued

3. Division .....

4. District .....

Date .....

Signature .....

Applicant or his duly authorized agent

FOR OFFICIAL USE:

Decision of Tea Factory Company .....

.....

.....

Date: ..... Name of Signatory .....

Signature .....

Tea Factory Manager

for: .....

(Name of Tea Factory Company)

CC.

Managing Director  
The Tea Board of Kenya

FORM B

(r. 4)

TEA GROWER REGISTRATION CERTIFICATE

To: The Factory Manager

..... Tea Factory

1. Name .....

2. National Identity Card No/Passport No/Certificate of Company Incorporation No. ....

3. Address .....

4. Location .....

5. Division .....

6. District .....

7. L.R. No./No.s .....

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

Signature .....

Tea Factory Manager

Date .....

Managing Director  
The Tea Board of Kenya

FIRST SCHEDULE, FORMB—continued

Terms and Conditions

- (i) 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.
- (ii) No grower shall sell green leaf to any person other than to the manufacturing factory specified in this certificate.
- (iii) A Registered 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.
- (iv) Each tea grower shall sign a Green Leaf Supply Agreement with the factory where they are registered.
- (v) 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 Supply Agreement in a prescribed format. In case of an "Objection" to the notice, the Tea Board of Kenya shall be informed immediately of the reasons thereto for appropriate action or arbitration.
- (vi) 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 the factory before accepting the extra green leaf supply.

Other conditions under which the registration is done:

The registration certificate is issued subject to the conditions specified in sections 8(4), 14(1) and (2).

FORM C

(r. 5, 7)

APPLICATION FOR ISSUANCE/RENEWAL OF TEA MANUFACTURING LICENCE

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

- 1. Name of applicant .....
- 2. Certificate of Company Incorporation No. (Attach copy) .....
- 3. List names and particulars of directors (Attach details) .....
- 4. Postal Address .....
- 5. Telephone No. ....
- 6. Location .....
- 7. Division .....
- 8. District .....
- 9. L.R. No./No.s .....
- 10. Factory Trade Mark .....
- 11. Source of green leaf for processing:
  - Own ..... (Hectares)
  - Outgrowers ..... (Hectares)
- 12. Type of tea manufacture:
  - (a) C.T.C. (cut, tear, curl)
  - (b) Orthodox
  - (c) Instant
  - (d) Others (specify)

Tea

[Subsidiary]

FIRST SCHEDULE, FORM C—*continued*

13. Manufacturing capacity:

Green tea leaf ..... kilogrammes per year.  
 Made tea ..... kilogrammes per year.

The particulars given hereby are hereby certified to be correct.

Date ..... Signature .....  
*Applicant*

FOR OFFICIAL USE:

Decision of the Tea Board of Kenya .....  
 .....  
 Date .....

.....  
*Managing Director*  
*The Tea Board of Kenya*

*Terms and conditions*

1. When licensing a new manufacturing factory due consideration shall be taken to ensure that processing over-capacity is not created in a given local area or zone. In the case of a new investor, the Tea Board shall where necessary arbitrate to decide how the growers are distributed between the existing and the new factory before issuing a licence.
2. A licence for a new factory may only be issued to a person or company who has at least 250 hectares of planted tea bushes. Where a group of persons or companies make a joint application for a licence, they may only be issued with a licence if they have at least 250 hectares of tea bushes, which parcels of land must be within a fifty (50) kilometer radius.
3. Notwithstanding paragraph 2 where an applicant seeks to manufacture high value specialty or value added teas, the Board may grant a licence based on the economic viability, technology used/or range of products.
4. An applicant for the issuance or renewal of a manufacturing licence shall pay the prescribed fees.
5. A tea manufacturing factory shall not buy green leaf from any other person other than the growers appearing in its register.
6. A tea factory shall verify the details contained in the application made to it by a grower to ensure that the particulars submitted are correct.
7. A tea factory shall sign a Green Leaf Supply Agreement with all its registered growers and a copy of the Agreement shall be maintained at the factory for inspection.
8. Notwithstanding paragraph 5, in the case of a tea factory where there is inadequate processing capacity and a surplus green leaf, the Tea Board of Kenya shall, where necessary, arbitrate to decide the arrangements to divert the surplus green leaf to the nearest factory with extra processing capacity.
9. An applicant for renewal of a manufacturing licence must comply with good manufacturing practices and national standards on quality, food safety and hygiene.
10. When considering an application for a manufacturing licence, the Board shall satisfy itself that the applicant has adequate financial capacity to undertake the project.
11. When considering an application for renewal of a manufacturing licence, the Board shall require the applicant to submit an Audit Certificate on their financial statements from registered external auditors.
12. Before granting a licence, the Board shall satisfy itself that the directors of the company are fit the functions for which they seek a licence.

FIRST SCHEDULE—continued

FORM D

(r. 6)

TEA MANUFACTURING LICENCE

[L.N. 9/2012, s. 11.]

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

This Licence is issued for;

A. Type of tea manufacture:

Table with 4 columns: (a), C.T.C. (cut, tear, curl), Orthodox, Instant, Others (specify)

B. Manufacturing capacity:

Green tea leaf ..... kilograms per year.

THIS LICENCE is issued subject to compliance with the provisions of the Tea Act (Cap. 343) and the Tea (Licensing, Registration and Trade) Regulations, 2011 and to such terms and conditions as specified hereunder.

Date .....

Managing Director, The Tea Board of Kenya Signature/Seal Stamp

Terms and Conditions

- 1. Each tea factory shall sign a Green Leaf Supply Agreement with all their registered growers and a copy of the Agreement shall be maintained at the factory for inspection by the Board.
2. No tea factory shall buy green leaf from any other person other than the growers appearing in its register.
3. Notwithstanding paragraph 2 in the case of a Tea factory where there is a processing capacity shortfall but a surplus green leaf, the Board shall intervene to decide the arrangements to divert the surplus green leaf to the nearest factory with extra processing capacity.
4. This Licence is issued on condition that the Board's approval shall be required to expand processing capacity in any given year.

FORM E

(r. 11)

ANNUAL STATISTICAL RETURN (CONFIDENTIAL)

- 1. Name of the factory .....
2. Address .....
3. Telephone .....
4. Email address .....
5. License No. ....
6. Total area .....
7. Planted area .....
(a) Total planted area in the previous year (Hectares) .....

Tea

[Subsidiary]

FIRST SCHEDULE, FORM E—continued

- Own .....
- Out growers .....
- (b) Area Planted during the reporting period (Hectares) .....
  - Own .....
  - Out growers .....
- (c) Total planted area in the reporting period (Hectares) .....
  - Own .....
  - Out growers .....
- 8. Tea Manufactured during the reporting period .....
  - TYPE:
    - (a) C.T.C (cut, tear, curl) .....
    - (b) Orthodox .....
    - (c) Solubles .....
    - (d) Others (specify) .....
- Total crop ..... kg.
- 9. (a) Current installed processing capacity .....
- (b) Capacity utilization percentage (%) .....
- (c) Projected processing capacity .....
- 10. Cumulative rainfall for 20 ..... mm

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

Date ..... Signature .....  
*Tea Factory Manager*

for .....  
*Tea Factory Company*

Note: This Form must be forwarded to THE TEA BOARD OF KENYA, P. O. BOX 20064, 00200, NAIROBI, on or before 15th January in every year.

It is an offence for a tea factory to fail to submit statistical returns as required by sections 12B and 23 of the Tea Act.

FORM F

(r. 12)

MONTHLY PRODUCTION RETURN (CONFIDENTIAL)

[L.N. 9/2012, s. 12.]

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

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

GRADE ANALYSIS OF PRODUCTION AND STOCK RELEASES (KGS)

Types of Tea Manufacture	CTC Grades	BP1	PF1	PD	BP	F	D1	D	BMF	Total (kg.)
	Orthodox Grades		P	F	OF	PD	D	P2	s	
	OTHERS Grades (Green Tea, Oolong, Tea Extracts, White Tea and Soluble)									

FIRST SCHEDULE, FORM F—continued

Types of Tea Manufacture	CTC Grades	BP1	PF1	PD	BP	F	D1	D	BMF	Total (kg.)
Production Analysis	Stock brought forward									
	Manufactured this month									
	Total									
Stock Releases	Auction sales									
	Direct sales Export									
	Direct sales Local									
	Total Issues									
Stock Balance Carried Forward										

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

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

Signature .....

*Licence holder or his duly Authorized Agent*

NOTE—Each licence holder must complete a separate Form for each type of tea manufactured.

FOR OFFICIAL USE ONLY

Received .....

Date .....

.....  
*Managing Director,  
 The Tea Board of Kenya.*

FORM G

(r. 13, 17)

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

1. Name of applicant .....
2. Details of National Identity Card No./Passport No./Certificate of Incorporation No. (Attach copy) .....
3. If a Company, list names and particulars of Directors (Attach copy) .....
4. Postal Address .....
5. Location of Business .....
  - (a) Town .....
  - (b) Street/Road .....
  - (c) Name of Building .....
  - (d) Telephone No. ....

Tea

[Subsidiary]

FIRST SCHEDULE, FORM G—continued

6. Nature of Business .....

Date ..... Signature .....
Applicant or his duly Authorized Agent

(Delete as necessary)

FOR OFFICIAL USE

Received .....

Decision of the Tea Board of Kenya .....

.....

Date .....

Managing Director
The Tea Board of Kenya

Terms and Conditions

- 1. 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.
2. Before granting any Registration, the Board shall, in respect of an application before it, satisfy itself—
(a) that the applicant is a company incorporated under the Companies Act, with such minimum share capital as the Board may prescribe; and
(b) that the applicant has the necessary management capacity to carry on tea buying/exporting and importing 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.

FORM H

(r. 14)

TEA BUYER/EXPORTER AND IMPORTER REGISTRATION CERTIFICATE

This Certificate is issued to ..... of P.O Box ..... and authorizes the said person to carry on business as a tea buyer/exporter importer in the Republic of Kenya at L.R. No.(s) ..... for a period of one (1) year beginning on the ..... day of ..... and ending on ..... day of ..... (both days inclusive)

This Certificate is issued subject to compliance with the provisions of the Tea Act, Cap 343 of the Laws of Kenya and the Tea (Licensing, Registration and Trade) Regulation and to the terms and conditions specified hereunder.

Date .....

Managing Director
The Tea Board of Kenya

Signature/Seal Stamp

FIRST SCHEDULE—continued

FORM I

(r. 13)

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION 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 details) .....
  - 4. Address .....
  - 5. Location of business
    - (a) Town .....
    - (b) Street/Road .....
    - (c) Name of Building .....
    - (d) Telephone No. ....
  - 6. Nature of business .....
- Date .....

Signature .....  
*Applicant or his duly Authorized Agent*

(Delete as necessary)

FOR OFFICIAL USE

Received .....  
Decision of the Tea Board of Kenya .....  
.....  
Date .....

*Managing Director  
The Tea Board of Kenya*

Terms and Conditions

- 1. A tea broker shall be required to provide evidence of a performance guarantee of at least KSh. 10 million or any other sum as may be prescribed by the Board from time to time.
- 2. Before granting any Registration, the Board in respect of an application before it shall satisfy itself—
  - (a) that the applicant is a company incorporated under the Companies Act, with such minimum share capital as the Board may prescribe; and
  - (b) that the applicant has the necessary management capacity to carry on tea broking business for which the Registration is required; and
  - (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 not a director of a company having a direct commercial relationship with the tea factory that they intend to offer brokering services to.
- 3. When considering an application for renewal of a Registration, the Board shall require the applicant to submit the annual audited financial statements for inspection.

[Subsidiary]

FIRST SCHEDULE—continued

FORM J

(r. 14)

TEA BROKER REGISTRATION CERTIFICATE

This Certificate is issued to ..... of 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 one (1) year beginning on the ..... day of ..... and ending on ..... day of ..... (both days inclusive)

This Certificate is issued subject to compliance with the provisions of the Tea Act, Cap 343 of the Laws of Kenya and the Tea (Licensing, Registration and Trade) Regulation and to the terms and conditions as specified herein below.

Date .....

Managing Director
The Tea Board of Kenya

Terms and Conditions

When considering an application for renewal of a Registration, the Board shall require the applicant to submit an Audit Certificate on their financial statements from a registered External Auditor.

FORM K

(r. 13)

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION OF TEA WAREHOUSEMAN

- 1. Name of applicant .....
2. Details of Certificate of Incorporation No. (Attach copy) .....
3. List names and particulars of Directors (Attach details) .....
4. Address .....
5. Location of business .....
Town .....
Street/Road .....
Name of building .....
Telephone No. ....
6. Nature of Business .....

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

Applicant or his duly Authorized Agent

FOR OFFICIAL USE

Received .....

Decision of the Tea Board of Kenya .....

Date .....

Managing Director
The Tea Board of Kenya

FIRST SCHEDULE, FORM K—continued

Terms and conditions

1. Only a firm incorporated under the Companies Act shall apply to be registered with the Board as Tea Warehouseman.
2. When considering applications for registration or renewal of registration as a warehouseman, the Board shall ensure that only warehouses with the requisite approvals under the Public Health Act and any other written law are registered.
3. A warehouseman shall comply with approved practices and standards on warehousing including national standards on quality, food safety and hygiene.
4. On application for registration or renewal of registration a warehouseman shall submit to the Board a certified copy of the insurance policy covering all risks related to the tea warehouseman business.

FORM L

(r. 14)

TEA WAREHOUSEMAN REGISTRATION CERTIFICATE

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

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

Date .....

*Managing Director  
The Tea Board of Kenya*

..... Signature/Seal Stamp

Terms and conditions

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

FORM M

(r. 15, 17)

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION FOR TEA PACKER

1. Name of applicant .....
2. Details of National Identity Card No./Passport No./Certificate of Incorporation No. (Attach copy)
3. If Company, List names and particulars of Directors (Attach details) .....
4. Registered trade mark(s) (Attach details) .....
5. Address .....
6. Location of factory
  - (a) Town .....
  - (b) Street/Road .....
  - (c) Name of Building .....
  - (d) Telephone No.(s) .....

Tea

[Subsidiary]

FIRST SCHEDULE, FORM M—continued

7. 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 ..... Yes/No

Packing capacity ..... kg. Per Year

Date ..... Signature .....  
*Applicant or his duly Authorized Agent*

FOR OFFICIAL USE

Received .....

Decision of the Tea Board of Kenya

Date .....

*Managing Director  
The Tea Board of Kenya*

Terms and conditions

1. While considering an application for registration or renewal, the Board shall ensure that only Packers with the requisite approvals under the Public Health Act and any other written law are registered.
2. A Packer shall comply with national Standards on tea quality, food safety and hygiene.

FORM N

(r. 16)

TEA PACKER CERTIFICATE

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

This Certificate is issued subject to compliance with the provisions of Tea Act (Cap 343) of the Laws of Kenya and the Tea (Licensing, Registration and Trade) Regulation and to the terms and conditions as specified herein below.

Date .....

*Managing Director  
The Tea Board of Kenya*

Signature/Seal Stamp

FIRST SCHEDULE—continued

FORM P

(r. 21)

BUYER/EXPORTER AND BROKER MONTHLY RETURN (CONFIDENTIAL)

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

- 1. Name of Buyer/Importer/Exporter .....
- 2. Address .....
- 3. Location of Business .....
- 4. Town .....
- Street/Road .....
- Name of Building .....
- Telephone No. ....
- Nature of Business .....

- 5. If Buyer/Exporter, specify source of tea bought/handled during the month:
  - Mombasa auction ..... kg.
  - Direct purchases
    - (a) Local ..... kg.
    - (b) Imports ..... kg.
  - Ex-factory purchases ..... kg.

- 6. Specify factory marks:
  - (i) .....
  - (ii) .....
  - (iii) .....
  - (iv) .....

(If space is not adequate provide an attachment)

- 7. If broker, specify Factory Marks:
  - (i) .....
  - (ii) .....
  - (iii) .....
  - (iv) .....

(If space is not adequate provide an attachment)

FOR OFFICIAL USE

Received .....

Date .....

Managing Director  
The Tea Board of Kenya

FORM Q

(r. 22)

WAREHOUSEMAN ANNUAL RETURN (CONFIDENTIAL)

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

- 1. Name of Warehouseman .....
- 2. Address .....
- 3. Registration No. ....

Tea

[Subsidiary]

FIRST SCHEDULE—*continued*

- 4. Location of business .....
- (a) Town .....
- (b) Street/Road .....
- (c) Name of building .....
- (d) Telephone no. ....

Summary of Tea warehoused:

	<i>Garden/Blended Mark</i>	<i>No. of packages</i>	<i>Kg. of mt</i>	<i>Total kg. of tea</i>
Producer tea				
Exporter tea				
Imported tea				
Transit teas				
Blended tea				

Total .....

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

FOR OFFICIAL USE

Received .....

Date .....

*Managing Director  
The Tea Board of Kenya*

FORM R

(r. 23)

PACKER MONTHLY RETURN (CONFIDENTIAL)

- 1. Month ..... Year .....
- 2. Name of packer .....
- 3. Address .....
- 4. Tea bought during the month:
  - (a) Auction purchase ..... kg.
  - (b) Ex-factory ..... kg.
  - (c) Local purchase ..... kg.
  - (d) Imports ..... kg.
  - (e) Others ..... kg.
  - TOTAL .....Kg.
- Total packing releases:
  - Local sales ..... kg.
  - (i) Packets (in s) ..... kg.
  - (ii) Tea bags ..... kg.
  - (iii) Others ..... kg.
  - TOTAL KG ..... kg.

FIRST SCHEDULE, FORM R—continued

Export sales .....	kg.
Packets (in grammes) .....	kg.
Tea bags .....	kg.
Others .....	kg.
TOTAL KG .....	kg.
Allowances and free issues .....	kg.
Packets (in grams) .....	kg.
Tea bags .....	kg.
Others .....	kg.
TOTAL RELEASES .....	

(If space is inadequate provide an attachment)

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

Packer or his duly Authorized Agent

Note.—The Form shall be forwarded to the Tea Board of Kenya, P. O. BOX 20064-00200 NAIROBI duly completed not later than fourteen (14) days after the end of each month.

FORM S

(r. 24)

APPLICATION FOR REGISTRATION/RENEWAL OF MANAGEMENT AGENT

[L.N. 7/2009, s. 5, L.N. 9/2012, s. 13.]

1. Name of applicant .....
2. Certificate of Incorporation No. .... (attach copy)
3. Names and Particulars of directors (attach details) .....
4. Address .....
5. Telephone no. ....
6. L.R. No./No.s.....
7. Nature of business .....
8. Factory Marks (specify) .....
9. Professional services to be performed or offered by a management agent shall be in the following functions:
  - (a) production;
  - (b) procession;
  - (c) marketing of tea.

Date ..... Signature of applicant

Terms and conditions

1. Before granting any registration, the Board shall satisfy itself—
  - (a) that the applicant is not a director of a company having a direct commercial relationship with the tea factory that they intend to offer management services to;
  - (b) that the applicant has the necessary management capacity to carry on the business of tea management agent and that at least one (1) director and one (1) employee who is the Chief Executive Officer of the applicant company has at least five (5) years of proven experience at senior management level; and

[Subsidiary]

FIRST SCHEDULE, FORM S—continued

- (c) that an applicant intending to offer agency services including marketing and payment to growers, has provided indemnity of 0.5% of principals' annual business turnover from a reputable institution;
- 2. A management agent offering professional services including marketing services shall pay a tea company within fourteen days of receipt of proceeds.
- 3. The Board shall satisfy itself that the management agreement between the Management Agent and the Factory Company to conform to these Regulations and the Act.
- 4. A firm applying for registration as a management agent shall attach a letter of support from the respective producers stating that they are satisfied that the applicant has sufficient capacity to offer the services being applied for.
- 5. When considering an application for renewal of registration of a management Agent, the Board shall require the applicant to submit the annual audit certificate for inspection.

FORM T

(r. 25)

MANAGEMENT AGENT CERTIFICATE

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

.....  
in the Republic of Kenya at L.R. No(s) ..... for a period of one (1) year beginning on the ..... day of ..... and ending on ..... day of ..... (both days inclusive).

This Certificate is issued subject to compliance with the provisions of the Tea Act, Cap 343 of the Laws of Kenya and the Tea (Licensing, Registration and Trade) Regulations and to the terms and conditions specified herein below.

Date .....

Managing Director  
The Tea Board of Kenya  
Signature/Seal Stamp

Terms and Conditions

- 1. A certificate shall be for specific factory marks.
- 2. Any subsequent factory marks shall be applied for separately.
- 3. A factory company wishing to terminate its management agreement shall give at least one year's notice of its intention of termination or any such period as specified in the management agreement and inform the Board immediately.
- 4. A management agent wishing to terminate its management agreement with a factory company shall give a notice for such period as specified in the agreement of its intention of termination and inform the Board immediately stating the reasons thereof.

FORM U

(r. 31)

ANNUAL RETURN BY MANAGEMENT AGENT (CONFIDENTIAL)

- 1. Name of agent .....
- 2. Address .....

FIRST SCHEDULE, FORM U—continued

3. Registration Number .....

4. Category of Services of 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 Tea Board of Kenya, P. O. Box 20064, 00200 Nairobi, on or before 15th January in every year.

FORM V

(r. 32)

TEA EXPORT REGISTRATION (CONFIDENTIAL)

[L.N. 9/2012, s. 14.]

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)	Customs Value of Consignment (USD)	Ad Valorem Levy Applicable (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	Customs Value of Consignment (USD)	Ad Valorem Levy Applicable (USD)

Tea

[Subsidiary]

FIRST SCHEDULE, FORM V—continued

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—

- (a) sale contract showing (contract number, contract date);
- (b) commercial invoice showing (unit price USD, terms of payment, port and country of destination);
- (c) brokers invoice and;
- (d) blending sheet (where applicable);
- (e) custom entry form; and
- (f) bank Pay in slip/advice for *ad Valorem* levy.

Date .....

Authorized signature  
Stamp of Exporter

FOR OFFICIAL USE

Authentication by  
The Tea Board of Kenya

Date .....

Signature and Stamp

Terms and Conditions

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

FIRST SCHEDULE—continued

FORM W

(r. 35)

TEA IMPORT REGISTRATION (CONFIDENTIAL)

[L.N. 9/2012, s. 15.]

- 1. Name of Importer .....
- 2. Registration Certificate no. ....
- 3. Address .....
- 4. Telephone no. ....
- 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)	Ad Valorem Levy Applicable (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)	Ad Valorem Levy Applicable (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)	Ad Valorem Levy Applicable (USD)
TOTAL						

Tea

[Subsidiary]

FIRST SCHEDULE, FORM W—continued

(If space provided is not adequate provide an attachment)

Note.— Every importer shall attach certified copies of the following documents for verification—

- (a) sale contract;
- (b) phytosanitary Certificate;
- (c) certificate of Origin;
- (d) certificate of analysis for pesticide residues;
- (e) customs entry form; and
- (f) bank pay in slip or advice for *Ad Valorem* Levy

Date .....

Authorized signature  
Stamp of Importer

FOR OFFICIAL USE

Authentication by  
The Tea Board of Kenya

..... Date .....

Signature and Stamp

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, value added tax or *Ad Valorem* payment to the Kenya Revenue Authority - Customs Services Department, where due.
3. An *Ad Valorem* levy which remains unpaid for thirty days or more shall be recovered by the Board as a civil debt due to it from the person by whom it is payable.
4. The Tea import registration form is issued in triplicate for distribution as follows—
  - (a) one copy to be retained by the Tea Board of Kenya; and
  - (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.

FORM X

(r. 39)

APPLICATION FOR REGISTRATION/RENEWAL OF AUCTION ORGANISER

1. Name of applicant .....
2. Certificate of Incorporation No. .... (attach copy)
3. Names and particulars of directors (attach details) .....
4. Address .....
5. Telephone No. ....
6. L.R. No./No.s .....
7. Nature of Business .....
8. Specify services to be provided .....

Date .....

Auction Organizer or duly authorized Agent  
Signature of applicant

[Subsidiary]

FIRST SCHEDULE—*continued*

FORM Y

(r. 40)

## AUCTION ORGANISER 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 one (1) year beginning on the ..... day of ..... and ending on ..... day of ..... (both days inclusive).

This Certificate is issued subject to compliance with the provisions of the Tea Act, Cap 343 of the Laws of Kenya and the Tea (Licensing, Registration and Trade) Regulation and to the terms and conditions specified herein below.

Date .....

*Managing Director  
The Tea Board of Kenya*

Signature/Seal Stamp

## SECOND SCHEDULE

[Rule 31.]

## LICENSING AND REGISTRATION FEES

## A. LICENSING FEES

NO.	PERSONS DEALING IN TEA	NEW APPLICANTS (Amount in Kenya Shillings (KSh).	RENEWAL FEES (Amount in Kenya Shillings (KSh).
1.	Tea Manufacturing Licence	10,000	7,500

## B. REGISTRATION FEES

NO.	PERSONS DEALING IN TEA	NEW REGISTRATION FEES (Amount in Kenya Shillings (Ksh).	ANNUAL RENEWAL OF REGISTRATION FEES Amount in Kenya Shillings (KSh)
1.	Management Agent	50,000	25,000
2.	Buyers	20,000	10,000
3.	Brokers	20,000	10,000
4.	Warehouseman	20,000	10,000
5.	Importers	20,000	10,000
6.	Tea Auction	10,000	10,000
7.	Packers	5,000	2,000