

COFFEE (FORMS) RULES, 2002

[L.N. 124 of 2002, L.N. 105 of 2003, L.N. 132 of 2007.]

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COFFEE (FORMS) RULES, 2002

1. Citation

These Rules may be cited as the Coffee (Forms) Rules, 2002.

2. Registration of coffee grower

The certificate of registration of a coffee grower shall be as prescribed in Form A in the First Schedule.

3. (Deleted by L.N. 132 of 2007, s. 2.)

4. (Deleted by L.N. 132 of 2007, s. 3.)

5. Registration of processing

(1) An application for registration as a coffee processor under section 23 of the Act shall be as prescribed in Form D1 in the First Schedule.

[L.N. 132 of 2007, s. 4.]

(2) The certificate of registration shall be as prescribed in Form D2 in the First Schedule.

6. Annual pulping station statistical returns

Every factory manager of a registered pulping station shall, not later than 15th January in any year, complete and submit—

(a) to the grower, in the case of a plantation grower; or

(b) to the co-operative society, in the case of a small holder grower,

statistical returns as prescribed in Form E in the First Schedule, and the plantation grower or Co-operative Society, as the case may be, shall forward a copy to the Board not later than 30th January in that year.

7. Processing returns

Every holder of a processing licence shall complete and submit to the Board weekly out-turn statements and weekly processing returns as prescribed in Form F1 and Form F2, respectively, in the First Schedule.

[L.N. 132 of 2007, s. 5.]

8. Marketing agent registration and licence

(1) An application for registration of a coffee marketing agent under section 24 of the Act, and for a coffee marketing agent's licence under section 17 of the Act, shall be as prescribed in Form G1 and the decision of the Board shall be as prescribed in Form G2 in the First Schedule.

(2) The certificate of registration shall be as prescribed in Form G3 in the First Schedule.

(3) The licence shall be as prescribed in Form G4 in the First Schedule.

9. Coffee buyer's/dealer's licence

(1) An application for a buyer's or dealer's licence under section 17 of the Act shall be as prescribed in Form H1 in the First Schedule.

(2) The licence shall be as prescribed in Form H2 in the First Schedule.

10. Coffee auctioneers licence

(1) An application for a coffee auctioneer's licence under section 17 of the Act shall be as prescribed in Form I1 in the First Schedule.

(2) The licence shall be as prescribed in Form I2 in the First Schedule.

11. Coffee processor's licence/certificate

(1) An application for a coffee processor's licence under section 17 of the Act shall be as prescribed in Form J1 in the First Schedule.

[L.N. 132 of 2007, s. 6.]

(2) The licence shall be as prescribed in Form J2 in the First Schedule.

12. Returns of coffee packed

Every coffee processor shall forward to the Board a monthly return, as prescribed in Form K in the First Schedule, of coffee processed.

[L.N. 132 of 2007, s. 7.]

13. Returns of classified coffee by marketing agent

Every coffee marketing agent shall forward to the grower a coffee classification report, as prescribed in Form L in the First Schedule, with a copy to the Board, in respect of coffee classified by the marketing agent at the end of the liquoring for every coffee out-turn.

14. Returns of coffee sold

Every dealer shall furnish to the Board a monthly return, as prescribed in Form M in the First Schedule, in respect of coffee sold.

[L.N. 132 of 2007, s. 8.]

15. Returns of coffee dealt

Every coffee auctioneer, buyer and dealer shall forward to the Board a monthly return, as in prescribed in Form N in the First Schedule, of coffee dealt in.

16. Returns of coffee exported

Every coffee exporter shall register the exports made and forward to the Board a return, as prescribed in Form P in the First Schedule, on every transaction.

17. Registration of management agent

An application to the Board for registration as a management agent under section 44 (2) of the Act shall be as prescribed in Form Q1 in the First Schedule.

(2) The certificate of registration shall be as prescribed in Form Q2 in the First Schedule.

18. Returns by management agent

Every management agent shall forward to the Board an annual return as prescribed in Form R in the First Schedule.

19. Warehouse licence

(1) An application for a coffee warehouseman's licence pursuant to section 18 of the Act shall be as prescribed in Form S1 in the First Schedule.

(2) The licence shall be as prescribed in Form S2 in the First Schedule.

20. Permit

A coffee movement permit issued under the Coffee (General) Rules, 2002 shall be as prescribed in Form T in the First Schedule.

21. Sales catalogue

The marketing agent shall prepare sales catalogues in a format that includes the particulars specified in the Second Schedule.

22. Payments and deductions

The marketing agent shall prepare returns to the grower, with a copy to the Board, in a format that includes the particulars specified in the Third Schedule.

23. Fees payable to Board

(1) For accepting and processing an application under the Act, a fee of one thousand shillings shall payable to the Board.

(2) On issue of a licence or certificate under the Act, a fee of ten thousand shillings shall be payable to the Board.

SCHEDULES

First Schedule

[Rule 2]

[L.N. 132 of 2007, s. 9.]

FORM A - GROWER'S REGISTRATION CERTIFICATE.

Registration No.....

Name of applicant

Address

Telephone.....

Location.....

Division.....

District.....

L.R. No. or Nos.....

is hereby registered to maintain..... hectares of coffee on the above L.R. No./Nos.in the above (District and/or to plant/uproot approximately.....hectares of coffee on the said land), subject to the terms and conditions specified overleaf.

NameSignature.....Manager, Co-operative Society)

DateSignatureManaging Director, Coffee Board of Kenya

(Delete as appropriate)

Terms and conditions of registration as a grower are as stated here below—

(i) The growers shall not sell, transfer or in any way part with possession of coffee seedlings, stumps, plants, or any planting material, whether produced by vegetative propagation or otherwise, to any person other than a person who is registered to plant by the Board.

(ii) No grower shall sell cherry, parchment or buni to any person or deliver coffee to a pulping station other than the pulping station specified in the application.

(iii) Registered growers who are licensed to operate coffee nurseries are required to issue a receipt for all sales of coffee seedlings or planting material and note on the receipt the name of the grower, the date, and in the case of sales made to small holders, the registration number of the grower.

FORM B1

(Deleted by L.N. 132 of 2007, s. 9 (j).)

FORM B

(Deleted by L.N. 132 of 2007, s. 9 (k).)

FORMS C1 and C2

(Deleted by L.N. 132 of 2007, s. 9 (a).)

FORM D1- APPLICATION FOR REGISTRATION AS A COFFEE PROCESSOR

[Rule 5]

(L.N. 132 of 2007, s. 9 (d).)

1. Name of Applicant

2. Postal Address.....

3. Address of premises at which coffee processing is to be carried out.....

4. I/We hereby certify that I/we have been issued with Coffee Processors Licence No.....which is valid until..... (date).

5. I/We hereby apply for registration as a coffee processor in accordance with the terms of section 23 of the Act.

6. I/We hereby certify that the following services are provided in accordance with section 23 (4) of the Act:

.....
.....
.....

Date.....Name.....Signed.....

Applicant (Processing Agent)

FORM D2

[Rule 5]

[L.N. 132 of 2007, s. 9 (e).]

CERTIFICATE OF REGISTRATION AS A COFFEE PROCESSOR

1. Name.....

2. Postal Address.....

3. Processing Licence No.....

4. It is hereby certified that the above-named licensed coffee processor has been registered as a coffee processor in accordance with section 23 of the Coffee Act in respect of processing plant situated at

.....

Registration No.....

Date.....Signed.....

Managing Director Coffee Board of Kenya

FORM E

[Rule 6]

ANNUAL STATISTICAL RETURN

(CONFIDENTIAL)

Name of pulping station.....

Address.....

Registration number.....

Total area.....

1. COFFEE PLANTED AS AT 31ST DECEMBER, 20.....

Hectares

(a) Planted before 2002.....

(b) Planted during 2003.....

20

(c) Reduction in hecterage (if any).....

Total area under coffee as at 31st December 20.....

2. Details of crop

Coffee pulped	Jan-March	April-June	July-Sept	Oct-Dec	Total
Cherry in kgs.					
Parchment realised in kgs.					
Buni in kgs.					
Hulled buni in kgs.					
Total Crop in kgs.					

3. RAINFALL for 20 mm

4. I,..... (full names) do hereby declare that the above particulars are true.

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

Coffee Factory Manager

5. ForwardedName of Manager.....

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

For.....

Coffee Co-operative Society

Note: This Form must be forwarded to the COFFEE BOARD OF KENYA, P.O. BOX 30566, NAIROBI, on or before 30th January in every year.

Any person who fails to submit statistical returns commits an offence under the Coffee Act.

FORM F1

[Rule 7]

[L.N. 132 of 2007, s. 9 (b).]

WEEKLY OUT-TURN STATEMENT FROM THE PROCESSOR

WEEK ENDING ON..... 20.....

1. (a) Name of Processing Agent.....

(b) Registration No.....

2. (a) Name of plantation or pulping station.....
 (b) Registration No.....
3. (a) Name of Grower or Co-operative Society.....
 (b) Registration No.....
4. (a) Name of marketing agent.....
 (b) Registration No.....
5. Out-turn No.....
6. Distinguishing Mark.....
7. Quantity of coffee in each Grade.....
8. I/We certify that the information supplied on parchment coffee received is correct.
9. I/We certify that the information supplied on estate cured/processed coffee or hulled buni is correct.

Date.....Signed.....
 (Processing Agent/Warehouseman/Marketing Agent)

- Copy to: (1) Original to the Grower;
 (2) Duplicate to Managing Director, Coffee Board of Kenya.

FORM F2

[Rule 7]

[L.N. 132 of 2007, s. 9 (c).]

WEEKLY PROCESSING RETURNS

(CONFIDENTIAL)

WEEK ENDING ON.....20.....

1. Name of Processing Licence Holder.....
 2. Address.....

3. GRADE ANALYSIS OF PROCESSING AND STOCK RECEIPTS AND RELEASES
(weight in kgs.)

Parchment Grades	P1	P2	P3	PL	BUNI 1	BUNI 2			
Last week parchment stock balance brought forward									
This week parchment stock received									
Total parchment in stock									
Parchment processed this week									
Parchment Stock Balance Carried Forward									
Grades	E	PB	AA	AB	C	TT	T	MH	HL
Clean coffee produced this week									
Release of clean coffee for sale at Nairobi Coffee Exchange auction									
Balance of clean coffee in stock carried forward									
Release of spillages & Sweepings									
By-products of coffee processing									

I, (Full names) do hereby declare that the above particulars are true.

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

Licence holder or his duly authorised agent.

Any person who fails to submit statistical returns commits an offence under the Coffee Act.

FORM G1

[Rule 8]

APPLICATION FOR LICENCE/REGISTRATION AS MARKETING AGENT

1. Name of marketing agent.....

2. Address.....

3. Registered office..... Building..... Street.....

Town/CityL.R No.....

4. Date of incorporation.....

5. Registration No.....

6. Name of Company.....

7. Physical Address.....

8. I/We hereby apply for licence and registration as coffee marketing agent and to carry on business of coffee marketing agent.

9. Location of the principal office.....

Address.....

Telephone.....

Telex.....

Fax.....

E-mail.....

10. Details of the capital structure:

(i) Normal capital KShs.....

(ii) Paid-up capital KShs.....

11. Full names, addresses and occupations of the directors:-

Name: Address: Occupation:

1.....

2.....

3.....

4.....

5.....

6.....

7.....

12. Branch Office (s) if any

Address:.....

Building:Street:.....

Town/City: L.R. No.:.....

Tel:.....

Telex:.....

Fax:.....

E-mail:.....

*Attach a separate list if necessary.

13. Name, Address, Telephone and Occupation of the Chief Executive:

Name:.....

Physical Address:.....

Telephone:.....

Postal Address:.....

Occupation:.....

Professional Qualifications:.....

Experience:.....

14. I/We enclose the following required documentation in support of our application for licence and registration to conduct the business of coffee marketing agent:

- (i) The certified copy of certificate of incorporation/or registration;
- (ii) The certified copy of memorandum and articles of association;
- (ii) A statement listing the names of holding companies, associated companies or partnerships in which the applicant has interest;
- (iv) A letter of intent from an approved bank to give a guarantee;
- (v) Names and addresses of two business referees;

1.....

2.....

15. I/We enclose our bankers cheque for the amount of one thousand Kenya shillings to cover our application non-refundable fees.

16. I/We certify that the information given above is correct.

Name of Director..... Signature.....

Name of Director..... Signature.....

Name of Secretary..... Signature.....

17. I/We certify that we have read and understood the Coffee Act, 2001 and the rules made thereunder. I/We also understand that the licence and registration certificate granted on this application may be cancelled and penalties and punishment may be imposed on each of us if any document or statement submitted by us in the course of this application is false or materially misleading.

Date:.....

Name of Director..... Signature.....

Name of Director..... Signature.....

Name of Secretary..... Signature.....