

LEGAL NOTICE. 44

THE COFFEE ACT

(NO. 9 of 2001)

IN EXERCISE of the powers conferred by section 44 of the Coffee ACT, 2001, THE Minister for Agriculture, after consultation with the Board, makes the following Rules:-

THE COFFEE (ELECTIONS) RULES, 2002

1. These Rules may be cited as the Coffee (Elections) Rules, 2002 and, shall come into operation on the 25th March, 2002.
2. In these Rules, unless the context otherwise requires-

“Board” has the meaning assigned to it by the section 3 of the Act; “chairman” means the chairman of the Board elected under rule 19:

“Election” means the process of selecting a person to represent the interests of registered coffee growers who are members of registered co-operative societies, plantation coffee growers or coffee trade organizations as the case may be in the Board and includes the process of selecting a replacement for a Board member under section 6 of the Act.

“Electoral area” means a coffee growing zone as specified in the first schedule;

“Presiding officer” means a person appointed by the returning officer to be in-charge of the electoral process at a polling station.

“Returning officer” means a person appointed by the Minister to be in-charge of the electoral process;

“Secretary to the Board” means the Managing Director of the Board appointed under section 11 of the Act.

3. The Board, or in case of a small holder grower, the co-operative society acting on behalf of the Board, upon registering a grower shall –

(a) allocate an electoral area to the grower; and

(b) Notify the grower of the allocation.

5. The registers kept under rule 4 shall be available for inspection by any person during the normal working hours of the Board or the co-operative society.

6. (1) The growers in each pulping station of a co-operative society shall elect five representatives to represent such groups at the election of members of the Board in their respective zones.

(2) The five representatives shall be evenly distributed from the area from which the pulping station receives coffee from growers.

(3) A co-operative society which does not have a pulping station shall be deemed to have one pulping station for the purposes of the elections under these Rules.

7. Every registered plantation grower shall nominate one representative, to elect a member of the Board in his respective zone.

8. Every coffee trade organization under any written law for the time being in force shall nominate one representative t a meeting of directors of those organizations to elect a member of the Board to represent the interests of coffee trade.

9. Every factory manager of a pulping station in a co-operative society plantation grower and registered coffee trade organization shall submit the name(s) of the representatives elected under rules 6, 7 and 8 to the secretary to the Board for purposes of preparing the electoral register.

10(1) The Minister, after giving thirty (30) days notice in the Gazette and in at least two local dailies of national circulation, shall convene meeting in the electoral areas specified in the first schedule for the purpose of holding elections of members of the Board.

(2) The meetings referred to in paragraph (1) shall be meetings of –

(a) Representatives of co-operative societies elected under rule 6:

(b) Representatives of plantations growers nominated under rule 7: and

(c) Representatives of coffee trade organizations nominated under rule 8;

(3) Members if the Board shall be elected at the meetings referred to in paragraph (2).

(4) The number of members to be elected to the Board from an electoral area or from any interest group shall be as specified in the first schedule.

11. For purpose of election of the members of the Board, the Minister shall appoint a returning officer who shall be a public officer in the ministry for the time being responsible for matters relating to agriculture.

12(1) A candidate for election to the Board shall be proposed and seconded by at least ten registered growers entailed to vote at the meeting at which the election is held from ten different co-operative societies or ten coffee plantations, as the case may be provided that of the ten registered growers five shall propose and the other five shall second the candidate as specified in the second schedule.

(2) Where the number f co-operative societies in paragraph (1) is less than ten, the Minister may, from time to time, determine the number applicable.

(3) The candidate referred to in paragraph (1) shall submit his / he candidature to the secretary to the Board fifteen days before the date of elections.

13. The secretary to the Board shall publish in the Gazette and in at least two dailies of national circulations a list of the names of the candidates by the Zones for which they intend to be elected, seven days before the date of election.

14. The elections to the Board shall be by secret ballot and each plantation grower, elected representative of a pulping station in a co-operative society or coffee trade organization shall have one vote.

15. A candidate for election to the Board must be a registered coffee grower in the area which he aspires to represent and shall be elected to represent the electoral area allocated to him under rule 3.

16. (1) Where a single candidate is nominated for election at a meeting convened under rule 10, the presiding officer shall forthwith declares such candidate to be duly elected to the Board.

(2) Where more than one candidate is nominated for election, the presiding officer shall cause a plain piece of paper to be delivered to every registered grower or elected representative present and entitled to vote and the registered coffee grower or elected representative shall record his vote by writing on the paper the name of a candidate who has been proposed and seconded in accordance with rule 12.

(3) No other mark, writing or signature shall be made on the paper, and the registered coffee grower or elected representative shall forthwith fold the paper so as to conceal his vote, and shall deliver it, or cause it to be delivered, to the presiding officer in such manner as the residing officer shall direct.

(4) Upon receipt and counting of the cotes cast under paragraph (3), the presiding officer shall thereupon announce the number of votes cast for each candidate, and shall declare the candidate for whom the greater number of votes has been cast to e duly elected to the Board.

(5) In the event of an equality of votes between two candidates at the end of a poll, a second vote shall be taken pitting the two candidates and the same procedure shall be observed as if it were a first vote.

17. No person, other than the registered coffee growers or elected representatives present in person in the area in which a meeting is held, shall be entitled to vote upon any matter provided for by these rules, and each registered grower or elected representative shall have one vote.

18. (1) The presiding officers shall forward the names of the candidates elected in their respective e electoral area to the returning officer.

(2) The name of candidates declared elected under rule 16 shall constitute the names to be submitted from the electoral areas by the returning officer to the Minister for the purpose of constituting the Board.

19(1) The Minister shall convene the first meeting of the Board, at which the chairman and the vice-chairman shall be elected.

(2) The Secretary to the Board shall forward the name of the chairman of the Board to the Minister for appointment by notice in the Gazette.

20. Any person who, interferes with or obstructs any voter or candidate from voting or being elected commits an offence.

21. A person aggrieved by the decision of the returning officer to reject his candidature or right to vote may appeal within fourteen days from the date of rejection to the Agriculture Appeals Tribunal established under part XV of the Agriculture Act.

22. A person who contravenes any of these Rules commits an offence and is liable upon conviction to a fine not exceeding six thousands shillings or to imprisonment for a term not exceeding six months. Or to both.

FIRST SCHEDULE

ELECTORAL AREAS FOR ELECTIONS TO THE COFFEE BOARD OF KENYA

(r. 2)

(r. 10)

1. Electoral Area I Co-operative Sector

Zone	Districts	No. of Board Members
1.	Kiambu and Thika	1
2.	Murang'a and Maragua	1
3.	Nyeri and Kirinyaga	1
4.	Meru Central, Meru North, Meru South, Embu and Mbeere	1
5.	Machakos, Kitui, Makueni, Taita/Taveta	1
6.	Kericho, Bomet, Buret, Kajiando, Nakuru, Nandi, Uasin Gishu, West Pokot, Laikipia, Trans Nzoia, Baringo, Koibatek, Keiyo and Marakwet.	1
7.	Kisii Central, Kisii North, Gucha, Kuria, Migori, Rachuonyo, Kisumu, Nyando and Siaya	1
8.	Kakamega, Kugar, Bungoma, Vihiga, Teso, Busia and Mt. Elgon	1
	Sub-Total	8

2. Electoral Area in plantation sector

Zone	Districts	No. of Board Members
1	Nyeri, Kirinyaga, Meru Central, Meru North, Meru South ad Embu.	1
2.	Thika, Kiambu, Murang'a, Maragua, Machakos, Makueni and Taita/Taveta	1
3.	District in Rift Valley, Nyanza and Western Provinces	1
	Sub-Total	3

		No. of Board Members
3.	Representation for interests of coffee trade organizations	1

SECOND SCHEDULE

(r. 12)

FORM A1

NOMINATION FORM FOR CANDIDATES IN THE ELECTIONS TO THE COFFEE BOARD OF KENYA

(a) Name and number of zone

(b) Candidate's name

(c)

	Proposer's name	Member's number	Name of co-operative society or plantation	Registration number
1				
2				
3				
4				
5				

(d)

	Proposer's name	Member's number	Name of co-operative society or plantation	Registration number
1				
2				
3				
4				

(e) Verification by the manager, of co-operative society or plantation, to which the candidate is a member or director in terms of rules 4, 6 and 7.

1. Name of manager

ID No

Signature of manager

2. Name of witness (committee member/plantation grower.....)

ID No..... witness's signature

(f) Verification by the manager of coffee pulping station to which the member delivers cherry for pulping in terms of rules 4, 6 and 7.

1. Name if factory manager

ID NO.

Signature

2. Name if witness (grower)

ID NO

Witness's signature

SECOND SCHEDULE – (Contd.)

For official use

Received and verified in terms of rules 4,6, and 7

SECRETARY to the Coffee Board of Kenya

Date

(r. 16)

FORM A2

RESULTS OF ELECTIONS TO THE COFFEE BOARD OF KENYA

(a) Name and number of zone

(b)

Serial Number	Candidate's name	Number of votes received
1		
2		
3		
4		

Total votes cast

(c) Verification by the growers present and voting

1. Name

ID No..... Co-operative Society/Plantation

Signature

2. Name

ID NoCo-operative Society/Plantation

Signature

3. Name

ID No Signature

4. NameSignature

Presiding officer

Date

(r. 18)

FORM A3

CERTIFICATE OF ELECTION TO THE COFFEE BOARD OF KENYA

THIS IS TO CERTIFY that

Mr/Mrs./Msof zone No..... has been duly elected as a member of the Coffee Board of Kenya

Signature

Returning Officer

Date

Made on the 19th March, 2002.

B. A. GODANA,
Minister for Agriculture.