

3RD AUGUST, 2012

LEGAL NOTICE NO. 79

THE COFFEE ACT
(No. 9 of 2001)

IN EXERCISE of the powers conferred by Section 44 of the Coffee Act, the Minister for Agriculture in consultation with the Board makes the following Rules:—

THE COFFEE (GENERAL) (AMENDMENT) RULES, 2012

Citation.

1. These Rules may be cited as the Coffee (General) (Amendment) Rules, 2012.

L.N.123/2002.

2. Rule 11 of the Coffee (General) Rules, in these Rules referred to as “the principal Rules”, is amended-

(a) in paragraph (2) by deleting the words “Coffee Research Foundation” and substituting therefor the word “Board”; and

(b) by deleting paragraph (3) and substituting therefor the following new paragraph—

(3) A person shall not operate a private or commercial coffee nursery without registration by the Board.

3. Rule 22 of the principal rules is amended by deleting paragraph (2) and substituting therefor the following new paragraph—

(2) The agreement shall take the form set out in the First Schedule, with such minor modifications or adaptations, if any, as the parties see fit to make.

4. The principal rules are amended by inserting the following new rule immediately after rule 29—

30. A private miller or commercial miller shall not be licensed as a coffee dealer.

5. Rule 32 of the principal Rules is amended—

(a) by deleting paragraph (2) and substituting therefor the following new paragraph—

(2) A marketing agency agreement shall take the form set out in either the Fifth or the Sixth Schedule, with such minor modifications or adaptations, if any, as the parties see fit to make.; and

(b) in paragraph (3) by deleting the words “six months’ notice” and substituting therefor the words “three months’ notice”.

6. Rule 33 of the principal Rules is amended by deleting paragraph (2) and substituting therefor the following new paragraph—

(2) A bank guarantee to be given to the Board as required by section 24(1) (a) of the Act shall be given by a bank licensed by the Central Bank of Kenya”.

7. The principal Rules are amended by inserting the following new Rule immediately after Rule 33—

34. A dealer shall not be licensed as a marketing agent.

8. Rule 44 of the principal Rules is amended by inserting the words “ and the Board” immediately after the word “growers”.

9. Rule 48 of the principal Rules is amended in paragraph (1) by deleting the words “buyer or auctioneer” wherever they occur.

10. The principal Rules are amended by deleting Rule 49 and substituting therefor the following new Rule—

49. There shall be post-auction trade between dealers and such trade shall be limited to a maximum of ten per cent of the total volume of coffee bought at the auction by a dealer and the dealer shall submit returns to the Board.

11. The principal Rules are amended by deleting rule 62 and substituting therefor the following new rule—

62. The Nairobi Coffee Exchange shall be managed by the Exchange Committee as provided for in the Nairobi Coffee Exchange Trading Rules.

12. Rule 64 of the principal Act is amended by deleting the words “or roasters or packers” wherever they occur.

13. The principal Rules are amended by deleting the Eighth Schedule.

Dated the 9th July, 2012.

SALLY KOSGEI,
Minister for Agriculture