

LEGAL NOTICE NO. 42

THE TEA ACT

(Cap. 343)

IN EXERCISE of the powers conferred by section 25 of the Tea Act, the Minister for Agriculture, in consultation with the Board, makes the following Regulations:—

THE TEA (CULTIVATION) REGULATIONS, 1999

1. These Regulations may be cited as the Tea (Cultivation) Regulations, 1999.

2. In these Regulations, unless the context otherwise requires—

“green tea leaf” means leaf detached from a tea plant but not dried or processed;

“grower” means any person who is cultivating tea in any area or who intends to plant and cultivate tea in any area;

"nursery" means any land on which tea is raised from seed or vegetative propagation;

"an authorized officer" means a person authorized in writing by the Director of Agriculture or by the Tea Board of Kenya or a Tea Factory Company, and any Police Officer, Administrative Police Officer, Chief or Assistant Chief;

"planting material" includes seeds, roots, stumps, cuttings and any other parts or products of tea plants approved for planting by the Board from which further tea plants may be propagated;

"seed garden" means any place where tea is being grown for the production of tea seeds;

"sloping land" means any land with a gradient of over five per cent;

"tea factory" means a place where green tea leaf is processed into made tea;

"tea plantation" means any land on which tea is growing, whether the land is used solely as a tea plantation or not.

3. No person shall establish, operate or extend a seed garden or tea nursery in any tea-growing area unless he is registered by the Board or a tea factory.

4. A person establishing, operating or extending a seed garden or tea nursery in any tea-growing area shall comply in all respects with any conditions specified by the Board or a tea factory.

5. No planting material shall be brought into any tea-growing area by any person unless with the approval of the Board or in accordance with an approval issued on behalf of the Board by an authorized officer.

6. The Director of Agriculture may either directly or through the Board give directions in writing, to any of the factories' officers, and direct any grower to uproot any infested tree, which in his opinion may lead to the spread of a disease, and the grower shall within 72 (seventy-two) hours of receipt of the written direction, or such longer period as may be specified therein uproot the tree and burn it.

7. Except in accordance with a permit issued by the Board, no person shall sell to any person other than the tea factory to which he is a member, green tea leaf grown in any area.

8. Unless a grower holds a permit specified in paragraph 7, all green tea leaf shall, when picked, be delivered to such centre or centres established for the reception and purchase of such tea at such times as may be specified by the Board or tea factory.

9. The tea factory may accept or reject any green tea leaf delivered in accordance with paragraph 8, and all rejected green tea leaf shall be destroyed forthwith under the supervision of an authorized officer or of an employee or agent of the tea factory duly authorized as such:

Provided that in the absence of any employee or agent of the tea factory, an authorized officer appointed by the tea factory shall exercise the powers conferred by this paragraph.

10. When green tea leaf is accepted at any centre, it shall be weighed by an authorized officer or by an employee of or a person appointed by the tea factory in the presence of the person delivering it, and a receipt shall be issued for the net weight in kilogrammes of such tea.

11. Any person who in contravention of these Regulations—

- (a) establishes, operates or extends any seed garden, tea nursery or tea plantation; or
- (b) fails to comply with any of the conditions attached to the licence or permit issued to him under these Regulations; or
- (c) fails to comply with any lawful order, direction or specification issued by the Board or given by an authorized officer; or
- (d) sells, gives away, buys or otherwise acquires, moves or deals with or is in possession of green tea leaf,

commits an offence and shall be liable to a fine not exceeding one thousand shillings or to a term of imprisonment not exceeding one month or to both such fine and imprisonment.

12. Any green tea leaf in respect of which any person has been convicted of any offence under paragraph 11 may be confiscated by the court.

13. Any authorized officer may—

- (a) enter and search any land or premises upon which he has reason to believe that there is green tea leaf in respect of which an offence is being or has been committed, and may seize and remove, on issuing of a receipt signed by him on behalf of the factory, any green tea leaf found thereon; and
- (b) stop, search and detain any vehicle which he has reason to believe is being or has been used for conveying any green tea leaf in respect of which an offence is being or has been committed.

14. Any vehicle detained under paragraph 13 (b) shall be taken with its contents to the nearest police station and green tea leaf seized under paragraph 13 (a) shall be dealt with, without prejudice to the normal discretionary powers of the courts, as follows—

- (a) in the event of a conviction, green tea leaf shall if practicable be taken to the nearest centre and accepted or rejected in accordance with paragraph 14, and if accepted shall be bought by the tea factory and the proceeds of sale shall belong to and be retained and applied by the tea factory for its own benefit unless the court otherwise directs; and
- (b) in the event of an acquittal, the court shall order payment of the proceeds thereof to the owner.

Sub-leg.

15. The Tea (Cultivation) Regulations are repealed.

Made on the 22nd March, 1999.

MUSALIA MUDAVADI,
Minister for Agriculture.