

LEGAL NOTICE NO. 114

THE TEA ACT
(Cap. 343)

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

THE TEA (ELECTIONS) REGULATIONS, 2005

1. These Regulations may be cited as Tea (Elections) Regulations, 2005.

Citation.

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

“delegate” means a director of a tea factory company entitled to vote in an election convened under these Regulations;

“election” means the process of electing the Board members to represent the interests of small holder tea growers;

“electoral area” means the zones specified in the First Schedule;

“presiding officer” means a person appointed by the returning officer to be in charge of an election in a polling station;

“returning officer” means a person appointed by the Minister to be in charge of the electoral process in a defined electoral area;

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

“tea factory company” means a company that owns a factory that processes green tea leaf into made tea;

“tea trade” means the business of dealing in the commodity of made tea which includes buying, selling, packing and brokering of tea but does not include production or manufacture of tea;

“tea trade organizations” means organizations that engage in tea trade;

“zone” means a specified area under tea cultivation with or without a tea factory to which registered tea growers deliver their green tea leaf;

Election to the Board.

3. (1) The Directors of the Board elected to represent the interests of small holder tea growers as specified in section 3 (1) (e) of the Act shall be elected in accordance with the provisions of these Regulations.

(2) The Minister shall convene zone meetings for the purpose of electing members to represent the interests of small holder tea growers on the Board.

(3) The zones for purposes of elections under paragraph (2) shall be as specified in the First column of the First Schedule.

(4) Every director of a tea factory company in a zone specified in the First Schedule shall attend zone meetings convened by the Minister for the purpose of electing directors to represent the interests of small holder tea growers on the Board in accordance with the provisions of the First Schedule.

(5) The representation of zones on the Board shall be in the proportion specified in the third column of the First Schedule.

(6) In case of a vacancy on the Board and where the Minister declares a vacancy on the Board as specified in section 3A (5) of the Act, the Minister shall convene a meeting to elect a new member to the Board within sixty days of the declaration.

Eligibility for election to the Board.

4. (1) Every director of a tea factory company shall be eligible for election to the Board in accordance with the provisions of these Regulations.

(2) No person shall be eligible to be a member of the Board if that person—

(a) is not a director of a tea factory company;

(b) is an undischarged bankrupt;

(c) is of unsound mind;

(d) has been convicted for mismanagement or corrupt practices;

(e) has been convicted of an offence under the Act;

(f) has not attained the "O" level certificate of education; or

(g) does not have the professional qualifications or management experience relevant to the tea sector.

Nomination of candidate.

5. (1) Every candidate for election shall be proposed and seconded by a delegate at the meeting at which the election is held.

(2) If only one candidate is nominated for election in accordance with paragraph (1), the presiding officer shall declare such candidate to be duly elected.

(3) If more than one candidate is nominated for election, the presiding officer shall carry out an election.

Voting

6. (1) Only a person who is a delegate in the zone in which a meeting is held, and is present at the meeting shall be entitled to vote under these Regulations.

(2) Each delegate shall have one vote.

(3) The delegates present shall determine whether the method of voting shall be by way of ballot or by a show of hands.

(4) Where the delegates decide, under paragraph (3), that voting shall be by a show of hands, the presiding officer shall call out the name of each candidate for election, and a delegate shall raise his hand when the name of the candidate he wishes to vote for is called.

(5) The election of a candidate under paragraph (4) shall be determined by a majority of the delegates present and voting.

(6) Where the delegates decide under paragraph (3) that the elections shall be decided by ballot, the presiding officer shall cause a ballot paper to be delivered to every delegate present and the delegate shall vote by writing the name of the candidate of his choice from among those nominated under regulation 5 (1)

(7) No other mark, writing or signature shall be made on the ballot paper, and the delegate 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 presiding officer shall direct.

(8) Immediately after receiving all the ballot papers the presiding officer shall in the presence of the candidates and delegates count the votes cast.

(9) The presiding officer shall thereupon announce the number of votes cast for each candidate, and shall declare the candidate for whom the greatest number of votes has been cast to be duly elected.

(10) In the event of an equality of votes between two candidates at the end of a poll, a second vote shall be taken to elect one of the two candidates following the procedure set out in this Regulation.

(11) The presiding officer shall communicate the election results to the returning officer who shall forward the results of the election to the Minister.

7. The members of the Kenya Tea Growers Association shall at a meeting convened by the Minister, following their own procedure, nominate four persons to represent plantation tea growers on the Board as specified in the Second Schedule.

Nomination of
Kenya Tea
Grower
Association's
representatives.

8. The directors of registered tea trade organizations shall at a meeting convened by the Minister, following their own procedure, nominate one member to represent the interests of the tea trade organizations on the Board.

Nomination of
Tea trade
organization
representative.

FIRST SCHEDULE

(r. 3)

SCHEDULE OF ZONES FOR SMALL HOLDER
REPRESENTATION TO THE TEA BOARD OF KENYA

<i>Zone</i>	<i>District</i>	<i>Number of Directors</i>
1.	Kiambu Thika	One (1)
2.	Thika Maragua	
3.	Murang'a	
4.	Nyeri	One (1)
5.	Kirinyaga Nyeri	
6.	Kirinyaga Embu	
7.	Meru Central Meru North Meru South	One (1)
8.	Kericho Bureti	
9.	Bureti Bomet Nakuru Narok	One (1)
10.	Nyamira Rachuonyo Migori	One (1)
11.	Gucha Kisii Central Transmara	
12.	Nandi Vihiga Kakamega Trans Nzoia Marakwet Keiyo Mt. Elgon	One (1)

SECOND SCHEDULE

(r. 7)

SCHEDULE OF ELECTORAL DISTRICTS FOR LARGE-SCALE
REPRESENTATION TO THE TEA BOARD OF KENYA

<i>Zone</i>	<i>Number of Members</i>
Limuru	One (1)
Kericho	One (1)

<i>Zone</i>	<i>Number of Members</i>
Sotik	One (1)
Nandi	One (1)

Made on the 11th August, 2005.

KIPRUTO ARAP KIRWA,
Minister for Agriculture.