

Cap.343. **THE KENYA TEA DEVELOPMENT AUTHORITY (SUN-DRIED TEA)
ORDER**

1. This Order may be cited as the Kenya Tea Development Authority (Sun-Dried Tea) Order.

2. In this Order-

"area" means any area specified in the First Schedule to the Order;

"Authority" means the Kenya Tea Development Authority established by the Order;

"green tea leaf" means leaf detached from tea plants but not dried or processed in any way;

"officer" means any person authorized in writing by the Director of Agriculture or by the Authority and any police officer, administration police officer, chief or assistant chief;

"the Order" means the Kenya Tea Development Authority Order;

"sun-dry" means prepare made tea by the drying of green tea leaf by the direct or indirect heat of the sun;

"tea committee member" means a person elected or appointed as a member of a divisional tea committee or district tea committee under the Second Schedule to the Order.

3. No person shall in any area-

(a) sun-dry or otherwise manufacture or prepare made tea except under and in accordance with the terms of a manufacturing licence issued under section 13 of the Act; or

(b) sell, give away or otherwise dispose of any made tea manufactured or prepared in contravention of subparagraph (a) of this paragraph; or

(c) convey, buy or otherwise acquire, or be in possession of, any made tea manufactured in contravention of subparagraph (a) of this paragraph.

4. Any person who—

(a) contravenes paragraph 3; or

(b) obstructs or hinders any person acting in pursuance of this Order; or

(c) wilfully withholds any information, or gives any information knowing or having reason to believe it to be false or misleading to any person acting in, pursuance of this Order,

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

5. Any made tea belonging to or found in the possession of any person convicted of an offence under paragraph 4 shall be confiscated and destroyed in such manner as the court may direct:

Provided that this power of the court shall relate only to the made tea which is the subject of the charge before the court.

6. Any officer, and any tea committee member, may—

(a) enter and search any land or premises upon which he has reason to believe there is made tea in respect of which an offence is being or has been committed;

(b) stop, search and detain any vehicle which he has reason to believe is being or has been used for conveying any made tea in respect of which an offence is being or has been committed:

(c) seize and remove, on the issue of a receipt for it signed by him on behalf of the Authority, any made tea in respect of which he has reason to believe an offence is being or has been committed; and

(d) require the occupant of any such land or premises, or the owner, driver or user of any such vehicle, to render such explanations and give such information relating to made tea found thereon or therein as may reasonably be required by the officer or tea committee member in the performance of his duties.

7. (1) Any vehicle detained under paragraph 6 (6) may be taken with its contents to the nearest police station, and any made tea seized under paragraph 6 (c) shall be retained by the Authority and returned to the owner thereof in the event of no proceedings being taken against hereunder or of his acquittal.

(2) In the event of a conviction in any proceedings taken in respect of made tea, it shall be dealt with (including destruction thereof) as the court thinks fit.