

**THE KENYA TEA DEVELOPMENT AUTHORITY  
(TEA CULTIVATION) ORDER**

1. This Order may be cited as the Kenya Tea Development Authority (Tea Cultivation) Order.

2. In this Order, unless the context otherwise requires—

"area" means an area specified in the First Schedule;

"the appointed day" means such day as the Authority may, by notice in the Gazette, appoint;

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

"centre" means a centre established by the Authority under paragraph 14;

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

"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;

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

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

"permit" means an authorization in writing issued by the Authority or by some person authorized in writing by the Authority for that purpose;

"planting material" include!, seeds, roots, stumps, cuttings and any other parts or products of tea plants from which further tea plants may be propagated;

"pruning" means the cutting and removal of the branches down to a specified level, carried out at set intervals for the purpose of re-shaping and re-invigorating a tea plant;

"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 5 per cent;

"smallholding" means a piece of land in any area on which a grower proposes to plant or to cultivate or is cultivating tea;

"tea" means the plant known botanically as *Camellia Thea* (Link) and includes its seed and includes tea plants and the leaf thereof, whether on the plant or detached therefrom and, in the latter case, whether green tea or manufactured tea;

"tea plant" includes plants or bushes grown from planting material for the production of green tea leaf;

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

"tipping-in" means breaking the tips of the young shoots which grow on a tea plant after pruning, when they have reached a pre-determined height above the level of the prune, for the purpose of forming a level top to the tea plant before the start of plucking.

3. No person shall establish, operate or extend a seed garden or tea nursery in any area unless he is in possession of a permit.

4. A person establishing, operating or extending a seed garden or tea nursery in any area shall comply in all respects with any conditions specified in such permit.

5. No person shall, after the appointed day, establish or operate a tea plantation in any area unless he is in possession of a licence. in Form 1 in the Schedule, issued to him by the Authority.

6. No person shall have in his possession, or plant or have planted or growing in any area, planting material or tea plants in excess of the total quantity thereof supplied to him by the Authority (or before the 20th January, 1964 by the Special Crops Development Authority), of which total quantity the records in the possession of the Authority shall be prima facie evidence.

7. No person shall, after the appointed day, extend any existing tea plantation in any area unless he is in possession of a licence, in Form 2 in the Schedule, issued to him by the Authority.

8. (1) No person to whom a licence is issued under paragraph 5 or paragraph 7 shall plant more planting material than is specified in the licence or contravene any conditions of issue of the licence imposed by the Authority and endorsed on the licence.

(2) The Authority shall ensure that no licence which it may issue under this Order causes to be exceeded the total quantity specified by any current licence or licences granted to the Authority by the Tea Cap. 343. Board of Kenya under the Tea Act.

9. (1) No planting material shall be brought into any area by any person except under and in accordance with a permit issued to him.

(2) No person shall buy or otherwise require, sell, give away, convey or be in possession of planting material in any area except under and in accordance with a permit.

10. No person shall be issued with a licence under paragraph 5 or paragraph 7 until—

(a) the land upon which it is proposed to plant tea has been approved by the Authority; and

(b) such measures to conserve the soil as may be directed by any officer have been taken; and

(c) the land has been cleared and cultivated and all woody material has been removed from the soil; and

(d) holes have been dug on the land not less than 9 inches in diameter and not less than 18 inches deep spaced as directed by any officer, and following the contour on sloping land.

11. Every grower shall, in respect of each smallholding under his control, comply with the following requirements—

(a) planting material shall be planted within 72 hours of receipt thereof and in accordance with any directions given by an officer, spaced to give 2,904 plants per acre in Nyanza Province, Rift Valley

Province and Western Province, and 3,485 plants per acre in Central Province and Eastern Province, and proportionally for any areas of less than an acre;

(b) on smallholdings which are subject to strong winds, an adequate windbreak of trees shall be planted on the wind ward side of the tea plants, and an officer shall decide where the windbreaks are necessary, the species of trees to be planted and the spacing of trees in the windbreaks;

(c) artificial shade to the specifications directed by an officer shall be maintained over the tea plants for a minimum period of six months after planting;

(d) the ground surrounding and between the tea plants shall be kept free of weeds and completely mulched to the specifications directed by an officer until the canopies of the bushes meet:

(e) the tea shall be infilled, as required, to maintain the full number of plants per acre, as specified in subparagraph (a);

(f) all growing tea shall be pruned and tipped-in, at such times of the year as may be directed by an officer, as follows—

Year from planting	Height of prune in inches	Height of tipping-in in inches
1	6	—
2	11	30
4	16	30
6	20	30

thereafter the tea shall be pruned every third year at & height of 1 inch above the previous prune and tipping-in shall be at 30 inches above the ground or 8 inches above the pruning cut, whichever is the greater;

(g) the green tea leaf plucked shall be two leaves and a bud, or a single soft bhanji leaf, and a good plucking table shall be maintained; and

(h) every tea plantation and all tea plants thereon shall be cultivated and maintained in accordance with the principles of good husbandry and with any orders, directions or specifications issued by the Authority or given by an officer.

12. The Director of Agriculture may give directions in writing to any officer of the Department of Agriculture, and the Authority may give directions in writing, with the approval of the Director of Agriculture, to any of the Authority's officers, enabling any such officer to give directions in writing to any grower to uproot any diseased tree which, in the opinion of the Director of Agriculture, is liable to lead to a spread of the disease, and the grower shall within 72 hours of receipt of the written direction, or such longer period as may be therein specified, uproot the tree and destroy it by burning.

13. Except under and in accordance with a permit to do so, no person shall sell, to any person other than the Authority, green tea leaf grown in any area.

14. Unless the grower thereof holds a permit under paragraph 13, all green tea leaf when picked shall be delivered, at such times as may be specified by the Authority, to such centre or centres, established by the Authority for the reception and purchase of such tea, as the Authority or any officer may specify by notice in writing served on the grower.

15. The Authority may accept or reject any green tea leaf delivered in accordance with paragraph 14; and all rejected green tea leaf shall be destroyed forthwith under the supervision of an officer or of an employee or agent of Ac Authority:

Provided that the powers conferred by this paragraph may only be exercised by a leaf officer, leaf inspector or buying clerk appointed by the Authority

16. Green tea leaf, when accepted at any centre, shall be weighed by an officer or by an employee of or person appointed by the Authority in the presence of the person delivering it, and a receipt shall be issued for the weight of such tea in pounds:

Provided that, in weighing such tea, the Authority may make a deduction, not exceeding 10 per cent, from the ascertained weight where surface moisture is found to be present in the tea.

17. The price to be paid by the Authority for green tea leaf shall be specified by the Authority from time to time by notice in the Gazette.

18. Any person who in contravention of this Order—

(a) establishes, operates or extends any seed garden, tea nursery or tea plantation; or

(b) fails to comply with any of the conditions of issue of any licence or permit issued to him under this Order, or with this Order;

(c) fails to comply with any lawful order, direction or specification issued by the Authority or given by an officer;

(d) sells or gives away, buys or otherwise acquires, plants, moves, deals with or is in possession of any planting material or green tea leaf,

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.

19. The court may confiscate any planting material or tea in respect of which any person has been convicted of an offence under paragraph 18.

20. Any officer may—

(a) enter and search any land or premises upon which he has reason to believe there is planting material or green tea leaf in respect of which an offence is being or has been committed, and seize and remove, on the issue of a receipt signed by him on behalf of the Authority, any planting material or green tea leaf found thereon;

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

21. (1) Any vehicle detained under paragraph 20 (b) may be taken with its contents to the nearest police station, and any planting material or green tea leaf seized under paragraph 20 (a) shall be dealt with as follows (but without prejudice to the normal discretionary powers of a court)—

(a) in the event of a conviction—

(i) planting material shall if suitable in quality and sufficient in quantity, be held by the Authority if sale is practicable and the proceeds of sale shall belong to and be retained and applied by the Authority for its own benefit and that of licensed growers unless the court otherwise directs;

(ii) green tea leaf shall if practicable be taken to the nearest centre and accepted or rejected in accordance with paragraph 15, and if accepted shall be sold by the Authority and the proceeds of sale shall be dealt with in accordance, with subparagraph (i);

(b) in the event of an acquittal, the court may order—

(i) the return of the material to the owner; or

(ii) the sale of the material or the green tea leaf and the payment of proceeds thereof to the owner:

Provided that the price realized shall not be less than that which is adjudged by the court to be a reasonable price; or

(iii) the replacement by the Authority to the owner of material at least the equivalent of that which is seized; or

(iv) the refund by the Authority to the owner of whatever sums were paid by the latter to the former in respect of the material.

(2) If the green tea leaf is not taken to a centre, the Authority shall pay to the owner thereof that price which he would have received for the quantity of the green tea leaf seized under this Order had the green tea leaf been taken to a centre and accepted; such quantity to be determined by the Authority with the concurrence of the court.

FORM 1 SCHEDULE (paras. 5 and 7)  
TEA PLANTATION LICENCE  
(Original must bear Official Stamp)

No. ....

The Kenya Tea Development Authority hereby authorizes  
.....  
of .....location .....

establish and maintain a  
District to \_\_\_\_\_ tea plantation of .....  
continue an existing

tea plants on his registered holding/s .....  
This licence is valid only for tea established in or before 19.... and  
is issued subject to the conditions endorsed on the reverse hereof.

Signed on behalf of the Authority by .....  
Signature of Issuing Officer.

Date .....

FORM 2

LICENCE FOR FURTHER PLANTING

The Kenya Tea Development Authority hereby authorizes

.....  
the holder of Tea Plantation Licence Number .....  
..... to extend the tea plantation referred to therein  
by planting thereon ..... additional tea stumps in  
the year .....

Date .....

.....  
Signature of issuing Officer.

CONDITIONS

- 1. All such conditions relating to growers and tea plantations as may be issued or published by the Authority and for the time being in force.
- 2. The following special conditions: —