

THE KENYA TEA DEVELOPMENT AUTHORITY ORDER

L.N.42/1964,
L.N.59/1964
L.N.180/1964,
L.N.181/1964,
L.N.226/1965,
L.N.157/1966,
L.N.20/1967

1. This Order may be cited as the Kenya Tea Development Authority Order.
2. In this Order, "made tea" means the product of green leaf after processing in the factory.
3. (1) There is hereby established an authority, to be known as the Kenya Tea Development Authority (hereinafter referred to as the Authority), for promoting and fostering the development of tea, for the areas specified in the First Schedule.

(2) The Authority shall consist of the following members—
 - (a) the Permanent Secretary of the Ministry;
 - (b) the Director of Agriculture;
 - (c) the chairman of the Tea Board;
 - (d) a person appointed by the Commonwealth Development Corporation, for so long as the Authority is indebted to the Commonwealth Development Corporation;
 - (e) a person appointed, if it so desires, by any government, society, person or body of persons who in the opinion of the Minister is a substantial lender of funds to the Authority, for so long as the Authority is indebted to that government, society, person or body of persons;
 - (f) if no member is appointed under paragraph (d) or (e), a person appointed by the Minister, by notice in the Gazette, for his ability or experience in the field of commerce and finance;
 - (g) not more than two members appointed by the Minister, by notice in the Gazette, who, in the opinion of the Minister, are persons suitably qualified to further the work of the Authority;
 - (h) licensed tea growers elected in the manner prescribed in the Third Schedule;
 - (i) the general manager of the Authority appointed under paragraph 9; and
 - (j) a chairman appointed by the president who may, but need not, be already a member of the Authority.
- (3) The Authority shall elect annually from amongst the members specified in paragraphs (a), (b), (c), (d), (e), (f), (g) and (h) of subparagraph (1) a deputy chairman, who shall act in place of the chairman during his absence.
- (4) In the absence of both the chairman and deputy chairman the members present at any meeting may appoint any one of their number to act as chairman at the meeting.
- (5) Any person appointed to act as chairman under paragraph (3) or (4) shall have all the power and privileges of the chairman at and in respect of any meetings at which he presides.

(6) If any of the members specified in paragraphs (a), (b), (c), (d) and (e) of subparagraph (1) is for any reason, unable to attend any meeting or meetings of the Authority, he may in writing appoint a person to represent him, and that person shall thereupon be deemed to be a duly appointed member for all purposes connected with the meeting or meetings,

(7) Every appointment under subparagraphs (2) and (3) shall be preserved in the records of the Authority.

(8) The chairman shall hold office for a period of three years and shall be eligible for reappointment.

(9) The licensed growers who are elected members under subparagraph (1) (h) shall hold office in the manner prescribed in the Third Schedule.

4. Notwithstanding anything to the contrary in this Order, a person shall cease to be a member—

(a) upon receipt by the Minister of his resignation in writing; or

(b) upon his death; or

(c) if he is certified to be insane or otherwise adjudged to be of unsound mind under any written law; or

(d) if the Minister declares him to be physically or otherwise incapable of discharging his duties as a member; or

(e) if he is absent, without the permission of the Authority, from three consecutive meetings of the Authority; or

(f) if he is adjudged or otherwise declared bankrupt under any written law; or

(g) if he is sentenced by a court to imprisonment for a term of six months or more.

5. Every member of the Authority who is or is likely to be concerned in or who participates in the profits of any contract with or work done for the Authority, otherwise than in his capacity as a member of the Authority, shall, on the matter coming before the Authority for consideration, immediately declare his interest therein, and shall in any case abstain from voting in the matter.

6. The Authority shall meet not less than four times in each Financial year.

7. A quorum of the Authority shall be a majority of the members of the Authority.

8. (1) Every decision of the Authority shall be by a simple majority of the members present and voting, but the chairman shall have a casting as well as a deliberative vote.

(2) Subject to this Order, the Authority shall regulate its own proceedings.

(2) The terms and conditions of service of officers appointed by the Authority shall be subject to the approval of the Minister, but need not be on the same terms and conditions as salaried officers of the Government.

10. The Authority may delegate any of its powers to any committee thereof or to the Managing Director.

11. (1) The Authority shall set up tea committees in each division and District, and a board in each Province, in which tea is grown under the direction of the Authority, to advise the Authority in carrying out its functions.

(2) The composition of these committees and boards shall be as prescribed in the Second Schedule:

Provided that, notwithstanding anything to the contrary in this Order, a person shall cease to be a member of a district or divisional tea committee or a provincial board—

(a) upon receipt by the chairman of the committee or board of his resignation in writing; or

(b) upon his death; or

(c) if he is certified insane or otherwise adjudged to be of unsound mind under any written law; or

(d) if the Minister declares him to be physically or otherwise incapable of discharging his duties as a member; or

(e) if he is absent without the permission of the chairman from three consecutive meetings of the committee or board concerned; or

(f) if he is adjudged or otherwise declared bankrupt under any written law; or

(g) if he is sentenced by a court to imprisonment for a term of six months or more.

(3) Members of these committees and boards shall hold office in the manner prescribed in the Fourth Schedule.

12. Members of the Authority, other than salaried officers of the Government, shall receive such remuneration and allowances (if any) as the Minister may approve.

13. The seal of the Authority shall be authenticated by the signature of the chairman and of the general manager of the Authority, or by either one of them together with one member of the Authority so authorized by the Authority in that behalf.

14. The Authority may, by writing under its seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situated in Kenya, and a deed signed by such attorney on behalf of the Authority and under his seal shall bind the Authority and have the same effect as if it were under the seal of the Authority,

15. All documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the chairman of the Authority, or of the Managing Director of the Authority, or of any member of the Authority, or any other person, authorized by the Authority in that behalf.

16. The financial year of the Authority shall be from the 1st July in each year to the 30th June in the year following.

17. (1) The Authority shall cause to be kept such books of account and other books in relation thereto and to all its undertakings, funds, activities and property as the Minister may from time to time require or approve, and shall, within a period of four months after the end of its financial year or within such longer period as the Minister may approve, cause to be prepared, signed and transmitted to the auditor—

(a) a balance sheet showing in detail the assets and liabilities of the Authority; and

(b) such other statements of accounts as the Minister may require.

(2) The accounts of the Authority shall be examined, audited and reported upon annually by the Controller and Auditor-General or by such other person as the Minister may appoint, being a person who is the holder of a practising certificate issued pursuant to section 21 of the Accountants Act.

(3) The Authority shall produce and lay before the auditor all books and accounts of the Authority with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the auditor shall be entitled to require from all members, officers, employees and agents of the Authority such information and explanation as he may consider to be necessary for the performance of his duties as auditor.

(4) The expenses of and incidental to the audit shall be paid by the Authority.

(5) The Authority shall within a period of seven months after the end of its financial year, or within such longer period as the Minister may approve, submit to the Minister a report of its operations during that year, and the year's balance sheet and such other statements of account as the Minister shall require together with the auditor's report thereon, and the Authority shall, if the Minister so requires, publish them in such manner as the Minister may specify.

(6) The Minister shall lay the Authority's report and the auditor's report, together with the balance sheet and such other statements of account as he may have required, before the National Assembly as soon as practicable.

18. Any levy imposed by the Authority under this Order shall be payable to the Authority or its agents in that behalf by the person on whom it is imposed in such manner and within such time as the authority may direct, and shall be a civil debt due from such person to the Authority.

19. The Authority shall be empowered to do the following things—

(a) with the approval of the Minister and after consultation with the Tea Board, to schedule the areas in which it shall operate;

(b) to prepare and carry out schemes for the development of tea including—

(i) the establishment and management of nurseries for the cultivation of seed;

(ii) the purchase of seed and seedlings;

(iii) the sale of seed and seedlings to growers and others;

(iv) the supervision of cultivation by growers;

(v) the inspection of growing and harvested green leaf;

(vi) the purchase, collection and transportation of green leaf from growers;

(vii) storage of green leaf;

(viii) the processing of green leaf for the manufacture of made tea, or its sale to others for that purpose;

(ix) the transportation and sale of made tea;

- (c) to deduct, from moneys held for and on behalf of growers, any levies due to the Authority from those growers;
- (d) to employ agents for the implementation of any scheme, or for the performance of any function of the Authority under this Order, at such remuneration as may be agreed;
- (e) to raise such loans on such terms and for such purpose as may be approved by the Minister after consultation with the Minister for the time being responsible for finance;
- (f) to utilize its profits for repayment of any outstanding loans, and with the approval of the Minister for promoting and fostering the development of tea or for any other purpose whether of a like nature or otherwise;
- (g) to make loans for the purpose of developing tea;
- (h) to market green leaf;
- (i) to enter into agreements with a processing factory or factories for the purchase or processing of green leaf;
- (j) to establish, acquire and operate processing factories, to enter into agreement for the establishment of factories, and to promote and subscribe for shares in any company incorporated in Kenya for the purpose of processing or marketing tea;
- (k) to market made tea;
- (l) to create and operate price stabilization funds, and such other reserve funds as the Minister may approve, and to apply any such funds to the repayment of any outstanding loans;
- (m) to invest sums belonging to it which are not immediately required for any of the purposes of this Order in any manner in which trustees are authorized by law to invest in trust funds, and to sell or vary any investments so made, to place money on deposit with a bank and to establish and operate bank accounts;
- (n) if, in any year, the operations of the Authority result in a surplus after all expenses and charges have been met and provision for payment to the funds provided for in subparagraph (l) has been made, with the approval of the Minister to utilize such part of the surplus as it thinks fit in repayment of any outstanding loan or in payments to the growers; and any surplus not disposed of pursuant to this Order and not otherwise appropriated shall be carried forward in the revenue and expenditure account for appropriation in succeeding years; and
- (o) with the approval of the Minister, by order published in the Gazette—
 - (i) to impose a levy or levies on growers, including levies at different rates in respect of any growers or section of growers, for the purpose of financing the operations of the Authority and for such other purposes as the Minister may approve;
 - (ii) to fix prices either generally or in reference to any particular circumstances including payment to growers for green leaf;
 - (iii) to regulate and control the marketing of crops by growers and others, including the requirement to sell crops by growers and others to particular persons only;

(iv) to provide for any other matter which is approved by the Minister as being in the furtherance of the development of tea or incidental or conducive to the exercise of any of the powers of the Authority;

(p) with the approval of the Minister, to do any other thing which in the opinion of the Authority will assist the development of tea:

Provided that, without prejudice to powers conferred upon it elsewhere in this Order, the Authority shall carry out its functions subject to the general or specific directions of the Minister.

20. Any person who contravenes any order of the Authority made under paragraph 19 (o) 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.

FIRST SCHEDULE

The Authority may operate in the following areas:-

Provincial	District	Division	Location/Sub-Division
Central	Kiambu	Gatundu	Kiganjo Ndarugu Chania
		Githunguri	Gatamaiyu Githunguri
		Limuru	Limuru Lari
Central	Fort Hall	Kandara Kigumo Kiharu Kangema	1, 3, 4, 5, 16 2, 6, 7, 17, 18
Central Eastern	Kirinyaga Meru	North Imenti South Imenti Nithi Nyambeni	Tigania (excluding Nyambeni Tea Company Limited Estate). Igembe.
Eastern Rift Valley	Embu Kericho	Buret	3
		Konoin Belgut	8 (excluding L.R. Nos. 6019-6028 inclusive, 7030 and 7035 1 and 2
		Bomet Chepsir Settlement Northern	5, Waldai, Mosop, 4 Sangalo
Rift Valley	Nandi		

SECOND SCHEDULE

1. (1) A tea buying centre area committee shall be composed of-

(i) five tea growers elected by and from among the tea growers registered by the Authority for delivery of green leaf to that centre;

(ii) the leaf collection clerk employed by the Authority, who shall attend meetings in an ex officio capacity.

(2) The members of the committee shall elect from one among their numbers to serve as chairman of the committee.

2. (1) A tea base section committee shall consist of-

(i) nine tea growers, elected by and from among the tea grower members of all the tea buying centre committees falling under the tea base section;

(ii) one director of the respective factory company managed by the Authority, elected by tea growers who are shareholders of the factory company;

(iii) the factory manager for the time being responsible for the factory company, who shall attend meetings of the committee in an ex officio capacity.

(iv) the leaf officer in charge of leaf collection operations of the Tea Base Section, who shall attend meetings in an ex officio capacity;

(v) the assistant tea officer in charge of tea extension services in the tea base section, or the administrative division, who shall attend meetings in an ex officio capacity.

(2) The members shall elect one person from among their number to serve as chairman of the committee.

3. (1) A zonal tea committee shall consist of -

(i) three tea growers from each tea base section falling within the zone, elected by and from among the tea-grower members of the tea base section committees;

(ii) the zonal factory operations superintendent, appointed by the Authority to be in charge of factory operations in the zone, who shall attend meetings in an ex officio capacity;

(iii) the zonal leaf collection superintendent appointed by the Authority to be in charge of leaf collection in the zone, who shall attend meetings in an ex officio capacity;

(iv) the tea officer for the time being responsible for extension services in the zone or administrative district, who shall attend meetings in an ex officio capacity.

(2) The members may elect one among their numbers to serve as chairman of the committee.

THIRD SCHEDULE

1. Members of the Authority who are tea growers shall be elected members of the zonal tea committees on the basis of one for every three tea base sections falling under the zone, subject to a maximum of two members for every zone.

2. Where a member of the Authority ceases to be a member of his zonal tea committee he shall automatically cease to be a member of the Authority and shall be replaced by elections as prescribed in paragraph 1 by another member of his zonal tea committee.

FOURTH SCHEDULE

1. Members of committees set up under this Order shall hold office for a period of three years and shall be eligible for re-election.

2. An elected member of a zonal tea committee shall automatically cease to be a member of that committee when he ceases to be a member of his tea base section committee.

3. An elected member of a tea base section committee shall cease to be a member