

# THE COFFEE (GENERAL) RULES

## PART I—PRELIMINARY

### Citation

1. These Rules may be cited as the Coffee (General) Rules.

### Interpretation

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

"Appeal Board" means the Appeal Board constituted under rule 35;

"chief district delegate" means a person appointed as a chief district delegate in accordance with Part V;

"district delegate" means a person ejected or appointed as a district delegate in accordance with Part IV;

"electoral area" means a province in which coffee is grown;

"electoral district" means an electoral district established by Part H;

"licensed miller" means a person licensed under paragraph (g) of section 14 of the Act;

"licensed warehouseman" means a person licensed under paragraph (h) of section 14 of the Act.

## PART II—ESTABLISHMENT OF ELECTORAL DISTRICTS

### Electoral areas

3. For the purposes of these Rules, the electoral areas specified in the first column of the First Schedule shall comprise the electoral districts specified in the second column of that Schedule.

### Allocation of electoral districts

4. (1) Whenever a planter's licence is issued to any person or co-operative society, the Board shall allocate that person or society to an electoral district, and shall notify such person or society of the district so allocated by endorsement on the planter's licence at the time of issue.

(2) The secretary of the Board shall maintain a register in which shall be entered the name of each person or co-operative society issued with a planter's licence and the electoral district to which such person or society has been allocated and the register shall be available for inspection by any person during the normal working hours of the Board.

### Variation of districts

5. The Board may, at any time, except during the sixty days preceding the conference, vary the electoral district to which any person or co-operative society issued with a planter's licence has been allocated, and the secretary of the Board shall thereupon notify such person or society of the variation.

## PART III—CONVENING OF ELECTORAL DISTRICT MEETINGS

### Electoral district meetings

6. (1) The chief district delegate of each electoral district shall convene a meeting of planters and representatives of co-operative societies in the district and the meeting shall be held not less than thirty days -before the dale fixed for the conference in each year.

(2) The chief district delegate shall give not less than fourteen days notice of the meeting convened under paragraph (1).

### Delegates to district meetings

7. Every co-operative society allocated to an electoral district under rule 4 shall be entitled to send to the meeting convened in accordance with rule 6 one representative elected 'by the committee of such society and every other holder of a planter's licence so registered shall be entitled to send to such meeting one representative, who shall be the owner or a director or partner of the plantation to which such licence relate.

## PART IV—ELECTION AND APPOINTMENT OF DISTRICT DELEGATES

### Interpretation of Part

8. In this Part, "representative" means a person entitled to attend a meeting convened in any electoral district under Part III.

### Election of delegates to the conference

9. (1) The representatives present at a meeting convened under Part III shall elect a district delegate or district delegates to the conference to be held in accordance with section 12 of the Act

(2) The number of district delegates to be elected by each electoral district shall be .the number specified in the third column of the First Schedule m relation to the electoral district.

(3) Each candidate for election as a district delegate shall be proposed and seconded by the representatives present at the meeting convened under Part III.

(4) When the number of candidates duly proposed and seconded for election in any electoral district does not exceed the number of district delegates to be elected for such district, all the candidates shall be declared elected.

(5) When the number of candidates duly proposed and seconded for election in any electoral district exceeds the number of district delegates to be elected for such district, an election ballot shall be held forthwith, and in the ballot each representative shall be entitled to one vote in respect of each vacancy.

### Delegate to the conference

10. Every district delegate shall be a delegate to the conference next following his election, and shall hold office until the next meeting convened in accordance with 'Part m in the electoral district for which he has been elected.

Substitute district delegates 11. In the event of any district delegate being prevented by absence, illness or other sufficient cause from fulfilling the duties of his office, a substitute district delegate may be appointed in his place either—

(a) by a meeting convened in accordance with Part III; or

(b) where there is another district delegate or where there are other district delegates for the electoral district, by the consent of such delegate or delegates:

Provided that nothing in this rule shall cause any electoral district not to be represented by a delegate at the conference, and, in the event of no substitute delegate being appointed for any sufficient cause under this rule, the district delegate who is prevented from attending the conference may, in his discretion, appoint a substitute delegate.

#### PART V—APPOINTMENT OF CHIEF DISTRICT DELEGATES

##### Appointment of chief district delegate

12. (1) Where there is more than one district delegate for any Appointment electoral district, the district delegates of such district shall, by majority, appoint one of their number to be the chief district delegate, district

(2) Where there is only one district delegate in any electoral district, such delegate shall be the chief district delegate for such district.

Duties of the chief district delegate 13. The chief district delegates shall assist the Board with the dissemination of information among, and the collection of returns from, coffee planters in their respective districts, as the Board may from time to time require.

#### PART VI—CONVENING OF THE CONFERENCE

##### Annual conference

14. The secretary of the Board shall with the agreement of the Annual Board, in each year convene a conference and shall notify the convening thereof by notice in the Coffee Board Bulletin and in at least one local newspaper at least sixty days before the date fixed therefor.

#### PART VII—ELECTION OF MEMBERS OF THE BOARD

##### Election of members of the Board

15. The members of the Board referred to in paragraph (a), (b) Election of and (c) of subsection (1) of section 3 of the Act shall be elected by the conference in the manner provided for in this Part.

##### Candidates for election to the Board

16. (1) Every candidate for an election to the Board shall lodge with the secretary of the Board, not less than thirty days before the election to date fixed for the conference, a nomination paper signed by not less than seven holders of a planter's licence in the electoral area which he seeks to represent: Provided that where more than one planter is included in a single planter's licence only one of them shall be entitled to sign the nomination paper.

(2) In the case of candidates to represent co-operative societies and smallholders who are producers of coffee, not more than two of the number of holders of a planter's licence required to sign the nomination paper as provided in paragraph (1) shall be from one co-operative society.

##### Publication of candidates names

17. The secretary of the Board shall, not less than fourteen days publication of before the date on which the conference is to be convened, publish candidates' the names of candidates together with the names of the nominators in the Coffee Board 'Bulletin and in at least one local newspaper.

#### Procedure after nomination

18. If, after nomination—

(a) the number of nominated candidates does not exceed the procedure

number of available vacancies, the nominated candidates shall nomination.  
be declared elected.

(b) the number of nominated candidates exceed the number of vacancies, an election shall be by ballot taken at the conference.

#### Voting

19. (1) Each district delegate shall be entitled to one vote in respect of each vacancy.

(2) In the event of an equal number of votes being cast for two or more candidates, a further ballot shall be taken.

#### Election results

20. Tire names of candidates declared elected under this Part shall constitute the panel of names to be submitted by the conference to the Minister for the purpose of subsection (2) of section 3 of the Act.

### PART VIII—LICENSING ADVISORY COMMITTEE

#### Election of chairman of Advisory Committee

21. The Chairman of the Advisory Committee appointed by the Board under paragraph (a) of subsection (1) of section 9 of the Act shall be elected by a majority vote of the Board after being proposed and seconded by members of the Board.

#### Election of members of Advisory committee

22. (1) The three members to be appointed to the Advisory Committee by the Board under paragraph (&) of subsection (1) of section 9 of the Act shall be proposed and seconded by members of the Board, and shall toe declared elected by a majority vote of the members of the Board.

(2) The three members of the Advisory Committee to be elected under paragraph proposed and seconded by full members of the Mild Coffee Trade Association of Eastern Africa, the Hard Coffee Trade Association of Eastern Africa, and shall .be declared elected by a majority vote of themembers present and voting at a general meeting of the Associations.

### PART XI—STANDING JOINT COMMITTEE AND ADVISORY PANEL

#### Election of members of Joint committee

23. (1) The three members to be elected to the Standing Joint Committee by the Board under paragraph (b) of subsection (1) of section 10 of the Act shall be proposed and seconded by members of the Board, and shall be declared elected by a majority vote of the members of the Board.

(2) The three members to be elected to the Standing Joint Committee by the Mild Coffee Trade Association of Eastern Africa under paragraph (c) of subsection (1) of section 10 of the Act shall be proposed and seconded by full members of the Association, and shall be declared elected by majority vote of the members present and voting at a general meeting of the Association.

#### Election of members of Advisory Panel

24. The members of the Advisory Panel to be elected by the Mild Coffee Trade Association of Eastern Africa under subsection (1) of section 11 of the Act shall be proposed and seconded by full members of the Association, and shall be declared elected by a majority vote of the members present and voting at a general meeting of the Association.

### PART X—LICENCE, PULPING STATION LICENCES AND REGISTRATION OF DISTINGUISHING MARKS

#### Application for licences

25. Every application for a planter's licence under section 17 or Application for a pulping station licence under section 18 or for the registration for licence of a distinguishing mark under section 20 of the Act shall be made in the form set out in the Second Schedule.

#### Form of licence and certificate

26. Every planter's licence, and every pulping station licence issued under section 18 of the Act, and every certificate of registration of a distinguishing mark under section 20 of the Act, shall be in the form set out in the Third Schedule.

#### Registering of distinguishing marks

27. The register of distinguishing marks under section 20 of the Register Act shall be in the form set out in the Fourth Schedule, distinguishing marks.

### PART XI—REGISTRATION OF COFFEE MILLERS

#### Register of millers

28. Every application for registration as a coffee mater under section 19 of the Act shall be made in the form set out in the Fifth Schedule.

#### Register coffee millers

29. The register of coffee millers kept in accordance with section 19 of the Act shall be in form set out in the Sixth Schedule.

#### Certificate of registration as a coffee miller

30. Every certificate of registration as a coffee miller shall be in the form set out in the Seventh Schedule.

### PART XII—DELIVERY OF COFFEE TO THE BOARD

#### Delivery of coffee to the Board

31. Delivery of coffee to the Board shall be effected by the delivery of cured coffee and buni (including hulledbuni) to the Board or its authorized agents.

### PART XIII—STATEMENT OF CUBED COFFEE DELIVERED TO THE BOARD

#### Statement of cured coffee

32. The form set out in -the Eighth Schedule shall be the prescribed form for the purposes of section 24 (1) (a) of the Act.

### PART XIV—PAYMENT BY THE BOARD AGAINST COFFEE DELIVERED BY THE PLANTERS

#### Payment by the Board

33. (1) The Board shall, within fourteen days after the date of the classification make an initial payment to planters or their agents the against coffee which has been classified, at such rates as may be determined by the Board.

(2) The Board shall, from time to time, make further payments to planters or their agents at .the rates to be determined by the Board.

#### Advances to planters

34. The Board may, in its discretion, make advances to planters or their agents against parchment coffee held for delivery to the order of the Board.

### PART XV—APPEAL BOARD

#### Constitution of the Appeal Board

35. (1) For the purpose of subsection (2) of section 25 of the Act, an Appeal Board shall 'be constituted for each appeal under that subsection as follows—

(a) one member appointed by the Board from a panel of not less than six names submitted by the Mild Coffee Trade Association of Eastern Africa;

(b) one member appointed by the appellant or his agent, from the same panel.

(2) One of the Board's liquorers shall be present when appeals are heard but shall not be entitled to vote.

#### Decision of Appeal Board

36. The decision of the Appeal Board shall be final unless the members disagree, in which case the decision shall rest with a referee appointed by them from the members of the panel referred to in rule 35.

#### Fees

37. A fee of one hundred shillings for one or two grades in one out-turn and fifty shillings for any additional grade shall be lodged with the Board together with a copy of die notice of appeal to the Appeal Board: Provided that such fees shall be refunded to a successful appellant after the determination of the appeal.

### PART XVI—SERVICE BY THE BOARD AND CHARGES

#### Agency

38. (1) The Board may, in its discretion, undertake to act as an agent for a planter.

(2) The fee to be charged for the Board's services as an agent shall be one per cent of the payment for the out-turn.

(3) The fee specified in paragraph (1) shall be deducted at the time of payment.

PART XVII—RETURNS FROM PERSONS LICENSED UNDER SECTION 14 OF THE ACT

Returns

39 .(1) The holder of a licence under section 14 of the Act shall submit a return of stocks to the Board at such times and in such manlier as the Board may from time to time require.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence.

PART XVIII—RETURNS FROM PERSONS LICENSED UNDER SECTIONS 17 AND 18

Returns and Estimates

40. (1) The holder of a licence under section 17 or section 18 of the Act shall submit a return of stocks and an estimate of production to the Board in such a manner and at such times as the Board may from time to time require.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence.

PART XIX—GENERAL

41. Any person who is guilty of an offence under these Rules shall be liable to a fine sot exceeding one thousand and five hundred shillings.

SECOND SCHEDULE

<i>Certifying Agency</i>	<i>Producing Country</i>
Uganda Coffee Marketing Board .. . . . . .	Uganda.
Tanzania Coffee Marketing Board .. . . . . .	Tanzania.
Office National du Cafe.. . . . . .	Zaire.
Office des Cultures Industrielles du Ruanda, Kigali.. . . .	Rwanda.
Office des Cultures Industrielles du Burundi, Bujumbura .	Burundi.

THIRD SCHEDULE (r, 26)

PLANTER'S LICENCE, PULPING STATION LICENCE, CERTIFICATE OF REGISTRATION OF DISTINGUISHING MARK AND NOTIFICATION OF COFFEE ELECTORAL DISTRICT

A.—Particulars of Licensee

1. Name .....
2. Address .....
3. L.R. No.(s) .....
4. District .....
5. Name of plantation (where applicable) .....

B.—Planter's Licence

6. The above-named is hereby licensed for a period of one year commencing 1st July, 19..... to—

(ii) plant .....

acres of coffee on the above-mentioned L.R. No.(s) in the above District, subject to the terms and conditions set out overleaf.

Licence No. .... Year 19 .....

Receipt is hereby acknowledged for Sh. 30 fee.

C.—Pulping Station Licence

7. The above-named is hereby licensed to erect/operate a coffee pulping station on the above-mentioned L.R. No. District.

D.—Certificate of Registration of Distinguishing Marks

It is hereby certified that the undermentioned distinguishing marks have been registered in respect of the above named—

Registration No. ....

E.—Notification of Coffee Electoral District

9. It is hereby notified that the above-named has been registered in the  
..... Coffee Electoral District.

Date..... Signed.....

Secretary  
Coffee Board of Kenya

(Terms and Conditions)

FOURTH SCHEDULE (r. 27)

FORM OF REGISTER OF DISTINGUISHING MARKS

L.R. number	Registration number	Name of plantation or co- or co-operative society	Name and address of owner (where applicable)	Acreage marks
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FIFTH SCHEDULE (r.28)

APPLICATION FOR REGISTRATION AS A COFFEE MILLER

To: The Secretary,  
The Coffee Board of Kenya,  
P.O. Box 30566, Nairobi

1. Name of Applicant .....

2. Postal address .....

3. Address of premises at which is to be carried out  
.....  
.....  
.....

4. I/We hereby certify that I/we have been issued with Coffee Millers Licence No.  
..... which is valid  
until ..... (date).

5. I/We hereby apply for registration as a coffee miller in accordance with the terms of section 19 of the Coffee Act.

Date..... Signed .....

(Applicant or his duly  
authorized Agent)

SIXTH SCHEDULE(r.29)

FORM OF REGISTER OF COFFEE MILLERS

Registration number	Date	Name	Postal Address	Situation of milling premises
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SEVENTH SCHEDULE (r. 30)

CERTIFICATE OF REGISTRATION AS A COFFEE MILLER

1. Name .....

2. Postal address .....

3. It is hereby certified that the above-named licensed coffee miller has been registered as a coffee miller in accordance with section 19 of the Coffee Act in respect of milling premises situated at  
.....  
.....

Registration No.....

Date ..... Signed.....  
Secretary  
Coffee Board of Kenya

EIGHTH SCHEDULE (r. 32)

FORM OF OUT-TURN STATEMENT

1. Name of agent .....

2. Name of plantation or pulping station .....

3. Name of planter or society of planters.....

4. Out-turn No. ....

5. Mark .....

6.Quantity of coffee in each grade .....

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