

## THE COFFEE CULTIVATION AND PROCESSING) RULES

L.N.94/1962,  
L.N.119/1963,  
L.N.622//1963,  
L.N.339/1966.

### PART I—PRELIMINARY

Cap.490

1. These Rules may Be. cited a. the Coffee (Cultivation and Processing) Rates, and shall apply to all coffee growing in Kenya.

2. In these Roles, except where the context otherwise requires—

"chairman" means the chairman of a co-operative society registered under the Co-operative Societies Act;

"cherry" means complete undried coffee fruits;

"Director" includes any senior officer of the Ministry of Agriculture to whom the Director has delegated any of the powers or duties conferred or implied upon him by these Rules;

"nursery" means any land on which coffee is raised from seed or by vegetative propagation;

"occupier" means any person for the time being holding the cultivation rights of any area of land;

"parchment" means the endocarp of the coffee fruit.

### PART II—GROWING OF COFFEE

Cap.21,  
Sub.Leg.  
Cap.318.

3. (1) It shall not be lawful to plant coffee except in those areas named in the first column of the Schedule (hereinafter referred to as the coffee growing areas), nor shall it be lawful, except with the approval in writing of the Director, to plant in those parts coffee of any varieties other than those specified in relation to those parts in the second column of the Schedule:

Provided that this rule shall not affect the right of any person to continue lo grow any coffee that was growing at the commencement of these Rules.

(2) If any coffee is planted in contravention of this rule the person who plants it shall be guilty of an offence and liable, in addition to any penalty imposed, to have the coffee uprooted and destroyed by an inspector, who shall for this purpose have free access to the land where such coffee is growing.

4. (1) The Board, in exercising powers granted to it under section 17 of die Act relating to the issue, cancellation or suspension of planter's licences, shall have regard to the extent to which provision will be made by the applicant for improving and maintaining the cultural conditions of the crop and the methods of its production, and in particular, but without prejudice to the generality of the foregoing, for planting (including the seed or seedlings used for planting), developing and maintaining a nursery or plantation to the satisfaction of .the Board and, where necessary, for erecting and equipping a pulping station or other means for the preparation of coffee for marketing.

(2) The Board shall have power, after consultation with the Director, to attach to a planter's licence such conditions as they may think fit to impose with a view to improving the cultural conditions, including the establishment of a nursery, the methods of production and the quantity of any coffee grown by the licensee.

(3) If any coffee is grown in contravention of this rule or of any condition of a planter's licence, the person who so grows it shall be guilty of an offence and liable, in addition to any penalty imposed, to have the coffee uprooted and destroyed by an inspector, who shall for this purpose have free access to the land where such coffee is growing.

4A. (1) Where a planter's licence has been issued under section 17 (2) of the Act to a co-operative society, the secretary or the manager of the society, as the case may be, shall maintain a register of all members of the society to whom the conditions of the planter's licence apply; and such register shall show the number of coffee trees each member is authorized to maintain and any authorized alteration in the number of trees shall be entered therein.

(2) An inspector shall at all times have full and free access to the register maintained by a co-operative society, and failure by the secretary or manager of a society satisfactorily to maintain a register shall be an offence.

(3) Any person planting or maintaining coffee trees other than those authorized in the register of the co-operative society shall be guilty of an offence and liable, in addition to any penalty imposed, to have such coffee uprooted and destroyed by an inspector, who shall for this purpose have free access to the land where such coffee is growing.

5. An inspector shall at all times, after giving notice to the planter concerned, have full and free access to the coffee growing areas for the purpose of searching for diseases and pests, investigating the method of cultivation and ascertaining whether any person is contravening these Rules, and he may remove samples of soil and parts of coffee plants from the coffee growing areas for the purpose of research or investigation.

6. An inspector shall at all times have full and free access to any land other than the coffee growing areas, for the purpose of ascertaining whether any coffee tree is being grown therein.

7. (1) Whenever it appears to an inspector that any coffee tree in the coffee growing areas is infested with any pest or disease to an extent endangering neighboring plantations, or likely to affect seriously the quality of the coffee produced thereon, he may—

(a) if such land is occupied, in writing order the occupier thereof to take any such action with regard to any coffee tree thereon as he may consider necessary or advisable to treat, uproot or destroy such tree in order to control or eradicate any such pest or disease; or

(b) if such land is unoccupied, or appears after investigation to be unoccupied, treat or destroy any or all of the coffee trees thereon in such manner as may seem to him necessary or advisable after having first obtained the permission of the local District Agricultural Committee.

(2) Whenever it appears to an inspector that any land in the coffee growing areas upon which coffee has been planted is, by reason of soil erosion or any other form of neglect, in such a condition as seriously to affect the quality of the coffee produced thereon, he may—

(a) if such land is occupied, in writing order the occupier to take any reasonable action which may be necessary by mulching, manuring or similar means to restore the fertility of the soil or the condition of the trees;

(b) if such land is unoccupied, take such action as he may consider necessary or advisable, after having first obtained the permission of the local District Agricultural Committee to restore fertility of the soil or the condition of the trees, or recommend to the Board the cancellation of the planter's licence concerned.

(3) Any person who contravenes any order made under this rule shall be guilty of an offence and liable, in addition to any penalty imposed, to have such treatment, uprooting or destruction carried out or caused to be carried out to any coffee tree by an inspector, in such manner as the inspector may consider necessary or advisable in accordance with any written order issued under this rule.

(4) For the purposes of paragraph (3), an inspector shall have free access to the land where such coffee is growing, and any treatment, uprooting or destruction carried out under that paragraph shall be at the expense of the occupier.

8. (1) Whenever under the powers conferred by rule 7 an inspector orders an occupier to do any of the things specified therein with regard to land or any coffee tree thereon, he shall specify such period as may seem to him reasonable within which such action shall be completed.

(2) (Deleted by L.N. 339/1966).

(3) Service of any such order may be effected by sending it by registered letter to the occupier, requiring him to acknowledge receipt within a specified period, or by sending it in writing to the chairman of the co-operative society, of the district in which the plantation or nursery is situated, and the chairman shall give a receipt to the inspector therefor and shall communicate the order to the occupier within a period specified by the inspector, and if the chairman fails to communicate the order within the time specified therein he shall report such failure to the inspector, or may be effected by an inspector personally, or in the manner prescribed in the Civil Procedure Rules.

(4) Any person aggrieved by an order of an inspector under paragraph (1) or paragraph (2) of rule 7 may, within thirty days after being served with the order, appeal to the Agricultural Appeals Tribunal established under Part XV of the Agriculture Act, and the provisions of that Part shall, mutatis mutandis, apply in relation to every such appeal.

(5) Any person who fails to comply with any order served on him under this rule shall be guilty of an offence.

### PART III—PULPING OF COFFEE

9. (1) The Board, in exercising powers conferred on it by section 18 of the Act relating to the issue of pulping station licences, shall—

(a) normally restrict the issue of such licences to plantations of ten acres or more of planted coffee, but, in the case of licences in respect of plantations of less than ten acres issued before the commencement of these Rules, such licences shall be renewable annually for a period of five years from that date and thereafter the applicant must either—

(i) have joined a co-operative society; or

(ii) have joined with others in forming a company; or

(iii) have executed a contract of sale of cherry to a licensed processor, to the satisfaction of the Board and subject to its approval:

Provided that nothing in this subparagraph shall prevent the Board, at its discretion, from issuing a licence to a plantation of less than ten acres under the above terms;

(b) have regard to the extent to which provision will be made by the applicant for adequate facilities for the efficient operation of a pulping station and, in particular but without prejudice to the generality of the foregoing, for the provision of a permanent supply of clean running water, the use of efficient motorized pulping machinery, the construction of fermenting tanks and grading channels of permanent materials and the provision of adequate drying facilities;

(c) no construction of a pulping station shall be commenced without the prior approval in writing to the grant of a licence by the Board.

(2) Any person who pulps his or anyone else's coffee by any method other than through a licensed pulping null shall be guilty of an offence; and, on the conviction of any person for an offence under this rule, the court may, in addition to any penalty, order the forfeiture of any coffee or processing apparatus or machinery which is the subject of the prosecution.

#### PART IV—PURCHASE AND MANUFACTURE OF COFFEE

Cap.318.

Cap.513.

10. An inspector may, at all reasonable times and after advising the owner concerned, enter any pulping station and inspect the buildings and machinery used in connexion therewith and the coffee at all stages of processing and storage.

10A. (1) Whenever it appears to an inspector that the facilities of a pulping station are inadequate in any respect in such a way as to be likely to affect the quality of the coffee produced, he may in writing order the manager or owner thereof to take such action as he deems necessary to bring such facilities to a standard that does not adversely affect the quality of the coffee.

(2) Whenever, under the powers conferred by this rule, an inspector orders an owner or manager to carry out any of the things specified therein, he shall specify such period as may, w.m to him reasonable within which such action is to be completed.

(3) Any person aggrieved by an order of an inspector under this rule may, within 30 days after being served with the order, appeal to the Agricultural Appeals Tribunal established under Part XV of the Agriculture Act, and that Part shall apply mutatis mutandis in relation to every such appeal.

(4) Any person who fails to comply with any order served on him under this rule shall be guilty of an offence.

11. (1) Every owner or manaeer of a pulping station shall maintain such crop records and submit such returns as may from time to time be required and under such conditions as may be laid down by the Board in consultation with the Director.

(2) Every owner or manager shall, if deemed necessary by the Board, in install one or more weighing machines of pattern which would be lawful for use by way of trade in accordance with the Weights and Measures Act, and such instruments shall be subject to verification, stamping inspection and rejection by Inspectors of Weights and Measures in a like manner as if they were in fact in such use.

12. (1) No person shall convey or cause to be conveyed any coffee which is infested with any insect pest from a pulping station except to a warehouse situated in the same district or, with the consent of the Director, to a warehouse situated in an adjoining district unless it has bee. treated for the destruction of such pest, to the satisfaction of an inspector.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

13. (1) If any coffee is found in a warehouse to be infested with any insect pest, the keeper of such warehouse shall forthwith notify the Director of -the tad, and shall state the name of the pulping station from which such coffee was delivered.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

14. (1) If any coffee is found to be infested with any insect pest in a warehouse, the keeper of such warehouse shall cause such infested coffee, together with the bags containing it and any other coffee directly in contact with it, to be immediately and effectively treated for the destruction of living larvae, pupae and eggs as the case may be to the satisfaction of an inspector.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

15 (1) No person shall convey or cause to be conveyed any coffee from a pulping station or other place of storage except in clean bags of good quality.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

16. (1) No person shall despatch bags of coffee from a pulping station unless they have been marked with such distinguishing mark or marks as may be required by the Board under section 20 of the Act, and no person shall deliver coffee to the Board except under such mark or marks.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to a fine not exceeding five hundred shillings-

#### PART V—GENERAL

17. No planter's licence or coffee pulping station licence shall be transferable except with the consent in writing of the Board.

18. Any person who is guilty of an offence under these Rules for which no special penalty is provided by These Rules shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

19. On conviction of a person for an offence under these Rules, the court may, in addition to any other penalty, order the forfeiture of any coffee; coffee tree. pulping, milling or processing apparatus or machinery which is the subject of the prosecution.

#### SCHEDULE (r.3)

First Column

Second Column

#### PART A-

The Kangundu location of the Machakos District between the 4,900 ft. and 6,000 ft. contour lines .. . . .

coffea arabica

That part of the Matungulu location of the Machakos District between the 4,900 ft- and 6,000 ft. contour lines.. .. .	”
That part of the Mitabooni location of the Machakos District between the 5,000 ft. and 6,000 ft. contour lines.. .. .	”
That part of the Iveti, Mbooni, Mukaa and Kilungu locations of the Machakos District between the 5,200 ft. and 6,200 ft, contour lines.. .. .	”
That part of the Kilimakimwe sub-location of the Mputi location of the Machakos District above the 5,200 ft. contour line ..	”
That part of the Mutungoni location of the Kitui District above the 4-000 ft. contour line.. .. .	”
That part of the KaJiado District in the Ngong area adjacent to the Kiambu District and above the 6,000 ft. contour line of the Ololua and Embakasi Forest. Reserves and north of the Nairobi-Magadi Road C.307/2 and east of the Ngong Circular Road C.313, as shown on Map GSGS 4786 sheet 148/111 .. .. .	”
That part of the Machakos District between the 5,000 ft. and 6,000 ft. contours in the area south-east of the Mua Hills and east of the main Nairobi-Mombasa road .. ..	”
That part of the Kajiado District near Oloitokitok enclosed by the Kenya/Tanganyika boundary line and elsewhere by the 4,500 ft. contour line .. .. .	”
That part of the Machakos District lying north of the Mua Hills and bounded by the Liikenya road and the boundary of the Mitaboni location.. .. .	”
The Kiambu District east of the longitudinal grid line HZH 990 as defined on Map No. GSGS.4786, Sheet No. 148/1	”
The Murang'a District except that part which lies east of a line commencing at the intersection of the District boundary with the Maragua River, thence following Road C167/2 to Murang'a Township, thence along the western boundary of Murang'a Township to its intersection with Road C.1030 thence following roads C.1030 and C.I 031 to the Nyeri-Murang'a District boundary line as shown on Map No GSGS.135/1	”
That part of the South Nyeri District west and north of a line drawn from HZR.527,318 on the Nyeri-Murang'a District boundary line to Mweru village at HZR.554334, thence to the Nyeri-Embu district boundary line at HZR.607380 Map No. GSGS.4786, Sheets 121/III, 134/11 and 135/1 ..	”
Those parts of the Ndia, Gichugu and Embu Divisions of the Embu District above the 4,500 ft. contour line as denned	

on MapNo. GSGS.4786, Sheets 121/III, 121/IV, 122/III, 135/1 my 135/11, not including in the next following paragraph ..

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That part of the Embu District commencing at HZR.629346, where a tributary joins the Sagana River, thence by a straight line to the posho mill on the Rapati River at HZR. 654,350 thence to the intersection of the Mwerua-Kiine-location boundary line and the Kanyariri River at HZR. 696,389, thence to a road junction south of the Kibiriguri River at HZR.648413 and thence to HZR.607380 on the Nyeri-Embu district boundary line, and thence by the ' Nyeri-Embu boundary line to HZR.629346 as shown on Kenya Map GSGS.4786, Sheets 135/1 and 135/11 ..

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That part of the Meru District which lies above the 4,000 ft. contour line and south and east of the Upper and Lower | Imenti Forest Reserves, the Kiega Forest Reserve and the Nyambeni Forest Reserve as shown on Map No. GSGS 4786, Sheets 108/11, 108/III, 108/IV, 122/1, 122/11, 122/III ' and 122/IV

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The Maua, Akachiu, Muthara and Kianjal locations of the Meru District above the 4,000 ft. contour line, north of the grid line HAD 14 and east of the grid line HAD 31 as defined on Map No. GSGS 4786, Sheets 108/11, 108/III and 108/IV

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That part of the North Nyer i District which lies south of the I grid line 640 as defined on Map No. GSGS 4786 Sheets 120/ffl, 120/IV and 121/III, between the Aberdare and Mount Kenya Forests .. .. .

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That part of the Thika District which is bounded by the line commencing from the point HZJ.734655 on the Machakos-Thika district boundary and following that boundary to point HZJ 970739, thence in a straight line to the Tana River at HZR.870057, thence following the Embu-Thika district boundary until it meets with the Murang'a-Thika district boundary, thence following^the Murang'a-Thika district boundary until it meets with the Kiambu-Thika district boundary, thence following the Kiambu-Thika district boundary to the point HZJ.296770, where it meets the Nairobi Area boundary, thence following the Nairobi-Thika district boundary to its intersection by the Nairobi-Thika railway line where it crosses the Kamiti River, thence in a straight tine to the Koma Rock, thence following the Machakos-Thika district boundary to the point HZJ 734655 as shown on Map No. GSGS 4786 Sheets 135/III, 135/TV, 148/11, 149/1 and 149/11 .. The Nairobi Area and City of Nairobi ..

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That part of the South Nyanza and Kisii Districts north of the Migori River which lies between the 4,800 ft. and 6,400 ft. contour lines

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That part of the Butende and Bukuria locations of the KISII District between the 5,400 ft. and 6,000 ft. contour lines ..	”
That part of the Kericho District between the 4,500 ft. and 6,500 ft. contour lines ..	”
The Isuklia, Idakho, Tiriki, Nyangori, Maragoli, Bunyore, Kisa, Butotso, Bunyala and Kabras locations of the North Nyanza District ..	”
The South Marama location of the North Nyanza District east of the Mumias-Yala Road	”
That part of the Elgon Nyanza District lying to the north of the Nzoia River at GAF.576681, thence following the railway line as far as Broderick Falls, thence following the road from Broderick Falls to Kituni, thence following the foot-path to where it crosses the Kuywa River, thence up the Kuywa River to its intersection with the Kimiili-Chwele Road, thence along that road through Chwele to Sirisia, Luandanyi School, thence down the Namewanga River to the Tisi River, thence down the Tisi River to the Luakhakha River as shown on the Map GSGS. 4786. Sheets 87/11, 88/1, 88/ni and 88/IV ..	”
The Malanga, Luanda, Lundha, Kararim, Nyanminia Marenzo, Uranga, Sirembi and Umuri sub-locations of the North Gem location of the Central Nyanza District. The KagUe sub-locations of the South Gem location of the Central Nyanza District ..	”
Those parts of the Kisumu and Kaiulu locations of the Central Nyanza District above the 4,700 ft. contour line That part of the Nyakatch location of the Central Nyanza District known as the Nyanonde Plateau above the 4,800 ft. contour line	”
Marsabit Township .. .. . The Tugen Hills area of the Baringo District above the 6,000 ft. contour line .. .. .	”
The Lembus Forest Settlement area of the Baringo District the Nandi District ..	”
That part of the Mnagei location of the "West" Pokot "District above the 6,200 ft. contour line	”
That part of the Trans-Nzoia District south of the grid line	”
GAm.360 as shown on Map series Nos. SKII (Y731) Sheets 74/IV and 75/III	”
That part of the Uasin Gishu District below the 6,500 ft. contour line	”



Those areas between the 5,800 ft. and 7,400 ft. contour lines in the Njoro, Rongai, Ravine and Nakuru East Rural Districts and the Tun-Elburgon Ward of the County of Nakuru	”
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The Municipality of Nakuru	”
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That part of the Nyahururu District which lies within the area defined by a line commencing at the point HAB.650500 and running due east to the point HAB.700500, thence in a straight line to the point HAB-678412, thence following the western boundary of the Lariak Forest Reserve to the Point HAB.701344, thence in a straight line to the point HAB.693310,thence following the northern and western boundaries of the Marmanet Forest Reserve to its intersection by the grid line 280, thence westwards along the grid line 280 to its intersection by the grid line 650, thence due north to'the original point HAB.650500 ..	”
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That part of the Taita District situated in the Taita Hills above the 4.100 ft. contour line	”
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PART B—

First Column	Second Column
Those parts of the Busamia, Seme and Kisumu locations of the Central Nyanza District between the 4,000 ft. and 4 700 ft contour lines .....	Coffea arabica
The North Ugenya, South Ugenya and Alego locations of the Central Nyanza District	”
The North Wanga, Mukulu, North Marama and South Wanga   locations of the North Nyanza District	”
The South Marama location of the North Nyanza District west of theMumias-YalaRoad	”
The South Teso, Bukhayo and Marach locations of the Elgon Nyanza District	”

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