

(Legislative Supplement No. 56)

LEGAL NOTICE NO. 97

THE CROPS ACT, 2013

(No. 16 of 2013)

THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

*Arrangement of Regulations*

*Regulation*

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## THE CROPS ACT, 2013

(No. 16 of 2013)

IN EXERCISE of the powers conferred by section 40 of the Crops Act, 2013, the Cabinet Secretary for Agriculture, Livestock, Fisheries and Co-operatives in consultation with the Agriculture and Food Authority and the County Governments, makes the following Regulations—

## THE CROPS (TEA INDUSTRY) REGULATIONS, 2020

## PART I—PRELIMINARY

1. These Regulations may be cited as the Crops (Tea Industry) Regulations, 2020. Citation.

2. In these Regulations, unless the context otherwise requires — Interpretation.

“auction” means a process of buying and selling tea by offering bids and selling it to the highest bidder through a physical or electronic system;

“auction organizer” means a person, company or firm established for the purpose of organizing tea auctions in Kenya;

“Authority” means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act, 2013; No. 13 of 2013.

“broker” means a person or company or firm established for the purpose of negotiating the purchase or sale of tea between producers and buyers;

“blending” means the process of mixing of teas of different or same grades to affect the flavour and characteristics of the tea for the purposes of packing and sale;

“buyer” means a person, company or a firm engaged in acquiring made tea for re-sale in the local or export market, including export of imported tea;

“black CTC tea” means tea derived exclusively, and produced by acceptable processes and includes oxidation (fermentation) and drying, from the leaves, buds and tender stems of varieties of the species *Camellia Sinensis* (Linnaeus), O. Kuntze, known to be suitable for making tea for human consumption as a beverage;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to Agriculture; No. 12 of 1997.

“Certificate of Origin” means a document issued in a customs territory by a competent authority confirming the origin of tea product;

“co-operative society” means a co-operative society registered under the Co-operative Societies Act;

“commercial tea nursery operator” means a person or firm who propagates not less than five thousand tea seedlings or planting material for sale;

“County Executive Committee Member” means the County Executive Member for the time being responsible for matters relating to agriculture in the respective tea producing county;

“County Government” shall have the meaning assigned to it under Article 176 of the Constitution;

“cottage tea factory” means a tea factory limited company that manufactures high value specialty teas of not less than thirty-eight thousand five hundred kilograms of made tea and not more than four hundred thousand kilograms of made tea per annum;

“cottage tea manufacture” mean the processing of not less than thirty-eight thousand five hundred kilograms of made tea and not more than four hundred thousand kilograms of made tea per annum;

“commercial green leaf transporter” means a person, a firm or a corporate body contracted by a tea factory limited company to provide green leaf transport services from the farm or green leaf collection centre to the tea factory at a fee;

“crops inspector” means a person appointed as an inspector in accordance with section 27 of the Act;

“Directorate” means the Directorate established under the Agriculture and Food Authority Act, 2013 for the time being responsible for matters related to tea;

“electronic trading platform” means an information technology and/or digital or electronic system installed and/or established by an auction organizer for purposes of electronic buying and selling tea at the auction;

“export” means to take tea or cause tea to be taken out of the Kenya customs territory or to an Export Processing Zone;

“exporter” means a person, a firm, or a corporate body engaged in the business of blending, packaging and exporting of tea in bulk or in value added form;

“tea factory limited company” means a person who operates a tea processing or manufacturing factory and sources green leaf from own tea farm(s) and from registered tea growers;

“green leaf” means green leaf detached from tea plants but not dried or processed in any way and includes purple leaf;

“Green Leaf Agreement” means an agreement for supply of green leaf between the tea grower and the tea factory limited company and the obligations thereof;

“import” means to bring tea into or cause to be brought into the Kenya customs territory or to an Export Processing Zone;

“importer” means a person, a firm, or a corporate body engaged in the business of importing tea into Kenya;

“Kenya Standard 1927 Tea Packets and Containers” means the Kenya Standard or an equivalent standard, that specifies the requirements for tea packets and containers, applicable to tea packaging for retail in the form of tea bags, tea packets, instant tea and ready to drink containers or instant tea specifications or their recognized equivalent but does not include tea sacks;

“licensee” means a person who holds a tea manufacturing licence issued under the Act;

“licensing authority” means the Authority or the County Government as the case may be;

“made tea” means the derivative from green leaf through a manufacturing process;

“manufacture” means the mechanical or chemical processing and conversion of green tea leaf into made tea or other tea products and includes the packaging, labelling, distribution of tea and tea products for sale;

“management agent” means any person that is appointed by a tea factory limited company through a specific management contract or agreement to perform or offer professional services other than company secretary services;

“manufacturing licence” means a licence issued under the Act;

“point of export” means a designated customs border point at which made tea is taken out of the Kenya customs territory or to an Export Processing Zone;

“point of import” means a designated customs border point at which made tea is brought into the Kenya customs territory or to an Export Processing Zone, from any place outside Kenya;

“plantation tea grower” means a person cultivating tea in parcels of land and who has own tea processing facility;