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**THARAKA NITHI COUNTY GAZETTE
SUPPLEMENT**

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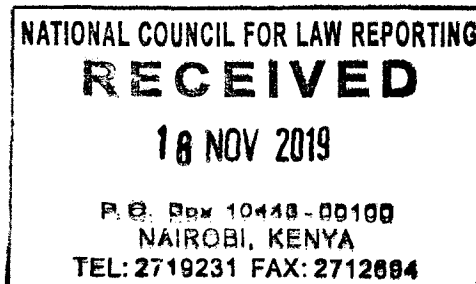
NAIROBI, 27th April, 2015

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THE THARAKA NITHI COUNTY COFFEE BILL, 2015

A Bill for

AN ACT of the County Assembly of Tharaka Nithi to provide for the regulation of the Coffee industry and the control of the production, marketing and export of coffee; and for purposes incidental thereto and connected therewith

ENACTED by the County Assembly of Tharaka Nithi, as follows—

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Tharaka Nithi County Coffee Act, 2015.

Interpretation.

2. In this Act, except where the context otherwise requires -

“Advisory Committee” means the Coffee Licensing Advisory Committee established by section 9;

“The Board” means the Coffee Board of Tharaka Nithi established by section 3;

“Broker” means a person employed to negotiate sales of Coffee between two other persons;

“Buni” means coffee dried in the fruit or cherry but does not include hulled buni;

“Coffee” means the fruit or any part of the fruit of coffee species, and includes that known as clean Coffee, parchment Coffee, buni, roasted coffee beans and roasted and ground coffee beans;

“Commission agent” means a person employed by a planter as his agent for dealings in Coffee;

“Conference” means a meeting of delegates of planters in accordance with, and for any purpose specified in, this Act

“Co-operative society” means a co-operative society registered, or deemed to be registered, under the Co-operative Societies Act;

“Association” means a group of registered coffee planters or deemed to be registered, under the Co-operative Societies Act;

“Dealer” means a person who purchases coffee either for himself or on behalf of a principal buyer whether or not for the purpose of resale;

“Executive Committee member” means the County Officer responsible for agriculture in the County;

“Inspector” means a police officer of or above the rank of Inspector, an officer of the Department of Agriculture of or above the rank of Technical Officer or a person appointed in writing by the executive committee member” to be an inspector for the purposes of this Act;

“Member”, in relation to the Board, does not include a person co-opted to serve on the Board;

“Mill” means hull, husk or grade;

“Plantation” includes any area of land or group of contiguous areas of land under the same ownership on which coffee plants are grown for sale or for the production of coffee;

“Plantation interests” means the interests of persons who own severally not less than 5 acres of planted coffee;

“Planter” means the holder of a current planter’s licence and any person who is deemed to be the holder of such a licence;

“Planter’s license” means a license issued to a planter;

“Pulping station” means a factory or place where coffee is pulped, fermented or otherwise treated for the preparation of coffee in parchment;

“Warehouseman” means a person who conducts a ware-house where coffee is handled and stored.

PART II—THE BOARD

Establishment and constitution of the Board.

3. (1) There is hereby established a Board, to be known as the Coffee Board of Tharaka Nithi County, which shall consist of –

- (a) A Chairperson appointed by the Governor with approval of the County Assembly;
- (b) Secretary appointed by the Governor with the approval of the County Assembly;
- (c) Three (3) persons appointed by the co-operative societies who are producers of Coffee;
- (d) One estates coffee farmer appointed by the planters association ;
- (e) Not more than two persons, appointed by the Governor with experience in Coffee production and processing or marketing and value addition;
- (f) A representative of the department in-charge of agriculture;

- (g) The representative of the County Executive Officer in-charge of Agriculture who shall be the Secretary to the Board.
- (2) The members of the Board shall be approved by the County Assembly before appointment by the Governor.
- (3) The appointed members of the board shall hold office for three years and are legible for re-appointment for a final term of three years.
- (4) The Governor may terminate the appointment of any member if recommended by the cooperative or association s/he represents or if s/he misses three or more consecutive meetings of the Board without the permission.

Functions of the Board.

- 4. (1) The Board shall be responsible for the promotion of the coffee industry including production, processing, marketing, the licensing, enforcement coffee rules, research and linkages in the industry.
- (2) The Board shall, if the Governor so directs, be the agent of the County Government in respect of all matters pertaining to County and National Agreements to be made in relation to Coffee.
- (3) The Executive Committee Member in-charge of agriculture shall establish a coffee secretariat to facilitate the functions of the board.

Provisions as to meetings of Board.

5. The following provisions shall have effect in relation to meetings of the Board—

- (1) in the absence of the chairperson and the vice-chairperson from any meeting, a chairperson for that meeting shall be chosen by the members present;
- (2) the Board shall fix the number of members required for a quorum;
- (3) the Board shall meet not less than once in every three months;
- (4) the chairperson, or, in his the vice-chairperson, may, in his/her discretion, at any time convene a special meeting of the Board, and shall, upon receipt of a written request signed by not less than six members of the Board, convene a special meeting of the Board within two weeks after the receipt of the request; and
- (5) The Board may make standing orders for regulating the conduct of business and the procedure at meetings.

Funding the boards operations

6. The Executive Committee Member in-charge of agriculture in the County shall each year allocate funds for—

- (1) Facilitating the boards operations to include meetings, seminars, conferences and tours among others,
- (2) Operations of the Coffee secretariat,
- (3) Promoting Coffee production, processing, marketing, value addition, capacity building and publicity,

Powers of the Board

7. (1) The Board may appoint and employ, on such terms and conditions as it may from time to time determine, agents to carry out any of its functions under this Act.

(2) The Board may authorize any member or members thereof, to exercise on its behalf, at any time when it is not meeting, such of its powers as it may from time to time specify.

(3) The exercise of powers shall, to the extent required by the Board, be reported without unreasonable delay to a meeting of the Board.

(4) In the exercise of its powers and in the performance of its functions under this and national Act on coffee/crops, the Board shall act in accordance with any general or special directions that may be given to it by the County Executive and the National Cabinet Secretary in-charge of Agriculture.

Delegation of powers of the Board.

8. The Board may, by resolution, delegate any of the powers conferred on it by this Act to any of its members, officers or servants or to any committee, whether constituted wholly of members of the Board or jointly with members of any body established in any other County/Country and having responsibilities for the marketing of Coffee grown there similar to the responsibilities of the Board.

Liability of members of the Board.

9. No member of the Board or person co-opted to serve on the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith and without negligence in the course of the operations of the Board.

Conferences.

10. (1) The Board shall, at least once in every year, convene a conference of delegates of Coffee growers and of transacting such other business of which notice has been given.

(2) The Board may convene conferences, in addition to that mentioned in subsection (1), for such purposes and at such times as it may think fit.

(3) Subject to this Act and any rules made thereunder, the Board may make standing orders for the regulation of the conduct of business and the procedure at conferences.

PART III—LICENSING AND REGISTRATION

The constituted County laws and rules on registration and licensing shall complement and not contradict the national laws on coffee.

Prohibition of certain acts without licence.

11. (1) Subject to subsection (2), no person shall—

- (a) buy, sell, export, mill, warehouse or otherwise deal in or transact any business in Coffee unless he is the holder of a current licence authorizing him/her, issued, in its discretion, by the Board;
- (b) Transport or have in his possession any Coffee unless he is licensed to do any of the things specified in paragraph (a) of this subsection or is acting in the course of his/her employment as the servant or agent of such person.

(2) This section shall not apply to —

- (a) the purchase of clean coffee by a wholesale or retail seller of provisions from a dealer who holds a current dealer's licence and the onward sale by such wholesale or retail seller where —
 - (i) he keeps a register of all purchases so made by him/her; and
 - (ii) such purchase and onward sale are made in the course of his normal business;
- (b) the purchase of coffee by any person from a dealer who holds a current dealer's licence or a planter who holds a current planter's licence.
- (c) The milling and marketing of coffee by a grower of coffee produced by him/her.

(3) Any person who contravenes the provisions of subsection (1) or acts in contravention of the conditions of any licence granted thereunder

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding five years or a fine of five hundred thousand shillings or both.

(4) Where a person is convicted of an offence under this section the court shall order that any coffee and any vehicle, vessel or other conveyance in relation to which the offence has been committed shall be forfeited to the county government unless, in the case of a vehicle, vessel or other conveyance, the court sees good reason, to be recorded by it in writing, not to do so.

(5) Where a person is charged with an offence under this section the onus shall be upon the person charged to prove that he/her was at the material time the holder of a licence authorizing him/her to do the things with which he is charged or that he/her was acting in the course of his employment as the servant or agent of such person, as the case may be.

Kinds of Licence.

12. In view of the aforesaid in section (11) the County Government adopts and enhances the following National Laws and Regulations on coffee:

- (a) "Nursery registration" a license to operate a private or commercial coffee nursery.
- (b) "pulping license" authorizing a person to operate a wet pulping machine,
- (c) a dealer's "A" license, authorizing the holder to deal in and export Coffee of any Country of origin;
- (d) a dealer's "B" licence, authorizing the holder to deal in Kenya in Coffee of any Country of origin, but not to export Coffee;
- (e) a dealer's "C" licence, authorizing the holder to deal in and export coffee grown outside Kenya;
- (f) a Buni dealer's licence, authorizing the holder to deal in and export buni of any Country of origin;
- (g) a broker's licence, authorizing the holder to conduct the business of a broker; to conduct the business of a commission agent;
- (h) a miller's licence, authorizing the holder to conduct the business of a miller; and
- (i) a warehouseman's licence, authorizing the holder to conduct the business of a warehouseman.

Issue of Licences and Licence Fees.

13. (1) The Board shall not issue such a licence to any person unless

- (a) it is of the opinion that the person is a fit and proper person to hold such a licence; and
- (b) in the case of a dealer's "A" licence the board is satisfied that the person has sufficient knowledge or experience properly to conduct the business or employs on the staff of the business a person with such knowledge or experience.

(2) Every licence shall specify the premises upon which the business specified in the licence may be carried on.

(3) Licences issued under section 11 shall remain in force until the 30th day of June of the subsequent year from the date of issuing

(4) There shall be payable for the issue of licences such fees as the committee member responsible for finance may from time to time prescribe.

Duties of Licence Holders.

14. (1) The holder of a licence under section 13 shall –

- (a) at all times keep on the premises specified therein a register in English or Kiswahili of all purchases and sales of Coffee made under the authority of his licence, and within forty-eight hours after each purchase or sale enter in the register the name and address of the vendor or purchaser, as the case may be, the quantity purchased or sold and the date of the transaction:

Provided that if the method of dealing is otherwise than by purchase or sale the licensee shall enter in the register the manner and particulars of the dealing and the date thereof;

- (b) at all times keep exhibited over the outer door of his/her shop or place of business, in English characters not less than three inches in size, his name and the words "Licensed Coffee Dealer" in English or Kiswahili;
- (c) submit such returns at such times and to such persons as may be prescribed;
- (d) On demand by an inspector, allow the inspector to enter upon his premises and inspect all coffee therein, and produce for his inspection at his request his licence and the register kept under this section.

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

Planter's Licences.

15. (1) Where a planter's licence is issued to a grower or co-operative society, then all the members of the co-operative society shall be deemed to have been issued with such a licence for the purposes of this Act and any rules made thereunder.

(2) There shall be payable in respect of every licence issued under this section such fee as the executive committee member in charge of agriculture may from time to time prescribe:

- (a) Every license under this section shall be issued annually and shall expire on the 30th day of June the following year from the date of issuing.
- (b) The Board may, cancel, or suspend for any specified period, a planter's licence. In the case of a planter's licence issued to a co-operative society or a planter, the Board may, cancel, or suspend for any specified period, such licence in respect of a planter or society if the holder violates any of the above provisions.
- (c) Any person who contravenes the provisions of this section or of any term or condition of his/her licence shall be guilty of an offence.

Nursery Registration

16. (1) No person shall operate a coffee nursery without a registration certificate issued by the Board.

(2) A nursery registration may be issued in the form of an endorsement to a planter's license.

(3) Where the holder of a nursery registration has more than one nursery, a list giving the location of each nursery shall be endorsed thereon.

(4) Nursery registration shall expire on the 30th day of June of the following year from the date of issuing.

(5) The Board may, cancel or suspend a nursery registration issued under this section if the holder violates any of the above provisions.

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

Pulping Station Licenses.

17. (1) No person shall operate a wet mill/ pulping station unless he is the holder of a current licence issued in respect thereof by the Board.

(2) A pulping station licence may be issued in the form of an endorsement to a planter's licence.

(3) Where the holder of a planter's licence operates more than one pulping station, a list giving the location of each such station shall be endorsed thereon.

(4) Pulping station licences shall expire on the 30th day of June each year from the date of issuing.

(5) The Board may, cancel or suspend a licence issued under this section in respect of any specified pulping station if the holder violates any of the above provisions.

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

Registration and Duties of Coffee Millers.

18. (1) No person shall conduct the business of a coffee miller unless he is registered as a coffee miller by the Board, nor at any other premises than those specified in the register.

(2) The register of Coffee millers shall be kept by the Secretary of the Board, who shall not register any therein without the approval of the Board.

(3) On registration of a Coffee miller, the board shall issue to him/her a certificate of registration specifying the premises at which milling may be carried on.

(4) No fee shall be charged in respect of any registration or certificate of registration made or given under this section.

(5) Every Coffee miller registered under this section shall submit such returns at such times and to such persons as may be prescribed by the board.

(6) Any person who contravenes the provisions of subsection (1) or subsection (5) shall be guilty of an offence.

Registration of Distinguishing Marks.

19. (1) No person offering for sale or exporting coffee shall use any distinguishing mark to mark and identify, it as coffee grown by him/her or by a member of a co-operative society to which he belongs unless the

mark is registered as the distinguishing mark of such person or such society by the Board in a register kept for that purpose.

(2) A person who desires to use or a co-operative society who desires its members to be able to use, such a mark shall make application for registration thereof to the Board, who may register the same, or may require the applicant to submit another mark for consideration, or may refuse to register the mark.

(3) Where the Board registers a mark under this section, it shall issue a certificate of registration thereof to the applicant.

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

PART IV—PROVISIONS RELATING TO THE EXPORT, MARKETING AND CURING OF COFFEE

Restriction of Export and Sale of Coffee.

20. (1) Subject to the provisions of this Act –

- (a) No planter shall export any coffee without a license;
- (b) No planter shall sell any coffee to any person without a license;
- (c) No planter shall roast any coffee for sale without a license;

Provided that the Board may, by order in writing, exempt any person from any of the provisions of this section for such purposes, in respect of such coffee, to such extent and subject to such conditions, as the Board may think fit.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable to imprisonment for a term not exceeding five years or a fine of five hundred thousand shillings or both.

(3) Where a person is convicted of an offence under this section the court shall order that any coffee and any vehicle, vessel or other conveyance in relation to which the offence has been committed shall be forfeited to the county government unless, in the case of a vehicle, vessel or other conveyance, the court sees good reason, to be recorded by it in writing, not to do so.

Marketing of Coffee

21. (1) Where a sample of Coffee has been sent to the miller, the miller shall classify the coffee and shall within seven days after such classification, notify the planter to whom the sample belongs, or his agent, of the class in which the Coffee has been classified.

(2) Any planter who is aggrieved by the classification of his Coffee under subsection (1) may, within twenty-one days of his notification under the said subsection, appeal in writing against such classification to an Appeal Board constituted in such manner as shall be prescribed.

(3) The marketing agent shall ensure that the growers' Coffee is sold competitively in the auction or through direct sale and that the grower concurs with the sale price offered before the Coffee is released.

(4) The marketing agent shall ensure that the grower is paid within two weeks after Coffee is sold.

(5) Any marketing agent who contravenes sub-sections (3) and (4) shall commit an offence.

PART V—FINANCE

Levies.

22. (1) The Executive Committee Member may from time to time, on the recommendation of the Board, by order published in the Gazette, impose either or both of the following levies: –

- (a) a levy, hereinafter referred to as an export levy, on all coffee, other than buni, produced in county and exported: Provided that
 - (i) The amount of such levy shall not exceed one shilling per hundredweight or part of a hundredweight of Coffee;
 - (ii) Trade samples not exceeding ten pounds in weight shall not be liable to levy;
 - (iii) no such levy shall become operative until the expiration of a period of two months from the date of the order imposing it, but without prejudice to the validity during such period of any levy previously imposed;
- (b) A levy, hereinafter referred to as a planter's levy, for a specified period not exceeding three per centum on all coffee sold under the provisions of this Act:

Provided that the amount of such a levy shall not, in the case of any planter, exceed three per centum of the payments due for coffee purchased from him.

(2) No Coffee produced in Tharaka Nithi County shall be exported unless the export levy payable in respect thereof has been paid, and any person who exports or attempts to export any such Coffee in respect of which any money owing in respect of export levy shall be guilty of an offence.

(3) All moneys due on account of a planter's levy shall be a debt due to the Board from the planter concerned, and the Board may recover such moneys by way of deduction from any moneys which are due to the planter.

Coffee Levy Fund.

23. (1) There is hereby established a fund known as the coffee development levy fund, which shall consist of all moneys collected in respect of the levies imposed and the fees for licences issued under this Act, and such sums as County Assembly may from time to time provide for the purpose.

(2) The Coffee levy fund shall be in the custody of the Board.

(3) The Board shall apply the coffee development levy fund for –

- (a) promoting coffee production, processing and marketing activities.
- (b) payment of the expenses, commission and other charges incurred by the Board or for which the Board may become liable in the course of its business;
- (c) the cost of advertising the merits of Tharaka Nithi County coffee and of endeavoring to increase its sale by extending existing markets and exploiting new markets, and of matters incidental thereto;

For the cost of capacity building and products promotions;

- (d) the remuneration of and the payment of travelling and out-of-pocket expenses to individual members of the Board and persons appointed to serve on the Board at rates approved by the executive committee member;
- (e) the employment of such staff as the Board may consider necessary for the carrying out of its functions;
- (f) any other purpose which in the opinion of the Board is calculated to promote the welfare of the coffee farmers:

Provided that the Board shall not, without the prior approval of the executive committee member responsible for finance apply any part of the coffee development levy fund to any service under this paragraph if money has during the preceding twelve months been provided by the County Assembly to the Coffee Development Levy Fund.

PART VI—AUDIT AND REPORT

Accounts and Audit.

24. (1) The Board 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 Executive Committee Member responsible for finance may from time to time require; and shall, within a period of four months after the end of its financial year, or within such longer period as the executive committee member 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 Board; and
- (b) Such other statements of account as the Executive Committee Member responsible for finance may require.

(2) The accounts of the Board shall be examined, audited and reported upon annually by the Controller and Auditor-General.

(3) The Board shall produce and lay before the auditor all books and accounts of the Board, 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 Board 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 Board.

Annual Report and Publication Thereof.

25. (1) The Board shall, within a period of seven months after the end of its financial year or within such period as the Executive Committee Member responsible for finance may approve, submit to the Executive Committee member a report of its operations during such year, and the yearly balance sheet and such other statements of account as the executive committee member shall require together with the auditor's report thereon; and the Board shall, if the Executive Committee Member so requires, publish them in such manner as may be specified.

(2) The Executive Committee Member shall lay the Board's report and the auditor's report, together with the balance sheet and such other statements of accounts as s/ he may have required, on the table of the County Assembly within fourteen days of receipt of the reports and statements b or, if the County Assembly is not sitting, within fourteen days of the commencement of the next sitting.

(3) The Board shall submit its report and the auditor's report, together with the balance sheet and such other statements of account as the Executive Committee Member may have required, to the conference next convened after the same have been submitted to the Executive Committee Member.

PART VII—GENERAL

Appeals.

26. Any person aggrieved by the refusal of the Board, Appeals, or of any person authorized by the Board in that behalf, to issue any licence under this Act, or by the cancellation or suspension of any such licence, or by any decision of the Board under the proviso to subsection (1) of section 21, may, within thirty days after being notified of such refusal, cancellation, suspension or decision, appeal to the Court of law.

Service of Notices.

27. Where any notice is required by or under this Act or any rules made thereunder to be served on any person, service thereof may be effected either personally on such person or by registered post; and, where the person to be served is a body corporate or a society or other body of persons, service of any such notice may be effected by serving it personally on any secretary, director or other officer thereof or on any person concerned or acting in the management thereof, or by leaving it or sending it by registered post addressed to the body corporate, society or body of persons at its registered office, or, where there is no registered office, at any place where it carries on business.

Powers of Inspectors.

28. (1) An inspector may require the person in charge, or appearing to be in charge, of the premises of a planter or retail seller of provisions to allow him/her free ingress to the premises and to produce for inspection any licence issued, and any register kept, in relation thereto under this Act.

(2) Any person who refuses entry to an inspector acting under this section or obstructs him in making entry or in making an inspection thereunder, or who, without reasonable excuse, fails to produce any licence or register production of which is required of him under this section, shall be guilty of an offence.

Powers of Search and Seizure.

29. (1) An officer of the of the Board, authorized in writing by or on behalf of the Board, as the case may be, upon production of his authority on demand, and any police officer or administration police officer may –

- (a) enter and search any premises upon which he has reason to believe there is coffee in respect of which an offence under this section is being or has been committed, and seize and remove any coffee found thereon which he has reasonable cause to believe may provide evidence of that offence: Provided that, before removing any coffee under this paragraph, the person removing it shall furnish the person in whose custody or possession the coffee is at the time of removal with a written receipt therefor;
- (b) stop, search and detain any vehicle, vessel or other conveyance which he has reason to believe is being or has been used for conveying any coffee in respect of which an offence under the act is being or has been committed.

(2) Every seizure under subsection (1)(a) shall be reported without unnecessary delay to a subordinate court, and where any vehicle, vessel or other conveyance has been stopped and detained under subsection (1)(b) the person stopping and detaining shall forthwith take it or cause it to be taken together with its contents, or report the fact of its detention, to the nearest police station and the officer in charge of the police station may thereupon order that the vehicle, vessel or other conveyance, together with any coffee found therein, be seized.

(3) Any person who hinders or obstructs a person acting in the exercise of his powers under this section shall be guilty of an offence.

Offences by Corporations, Societies, etc.

30. Where any offence under this Act or under any rules made thereunder is committed by any company or other body corporate, or by any society, association or body of persons, every person charged with, or concerned or acting in, the control or management of the affairs or activities of such company, body corporate, society, association or body of persons shall be guilty of that offence and liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed or that he took all reasonable steps to prevent its commission.

Penalty.

31. Any person who is guilty of an offence under this Act for which no penalty is specially provided shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years, or both.

Additional Penalty for certain Offences.

32. (1) Where the holder of a licence, of this Act is convicted of an offence under Chapter XXXI of the Penal Code in respect of coffee, the court convicting him may, in addition to imposing any other penalty, order that his/her license or certificate of registration, as the case may be, be cancelled with effect from such date as the court considers will enable him to dispose of his existing stock of coffee, and that he be debarred thereafter from obtaining such a licence or from being so registered for such period as the court thinks fit.

(2) A person whose licence or certificate of registration has been ordered, under subsection (1), to be cancelled may, notwithstanding the provisions of section 348 of the Criminal Procedure Code, appeal against the order to the High Court in accordance with the provisions of Part XI of that Code.

Rules.

33. (1) The Executive Committee Member responsible for Agriculture for the time being may, after consultation with the Board, make rules for prescribing anything which by this Act is required to be prescribed and generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1), rules thereunder may provide for all or any of the following matters –

- (a) prescribing the manner in which delegates to represent planters for the purposes of section 9 shall be elected;
- (b) prescribing the forms and manner of application for registration under this Act, and the forms and manner of application therefor;
- (c) prescribing the forms and manner of application for registration under section 17 or section 18;
- (d) prescribing the forms of certificate to be issued under this Act;
- (e) prescribing the returns, and the forms thereof, to be made by persons holding licences under section 11 and millers registered under section 17;
- (f) prescribing the areas in which coffee may be planted, and regulating and controlling the variety, the cultural conditions, the methods of production, processing, marketing, value addition and funding.

- (g) empowering the Board or the Executive Committee Member to give directions to any planter as to the method of cultivation, harvesting, movement, pulping, drying or storage of Coffee, and to delegate the powers to any person;
- (h) Prescribing the forms of registers required by this Act to be kept, and the matters to be entered therein.
- (i) regulating the purchase and sale of Coffee
- (j) providing for and regulating deliveries of Coffee
- (k) prescribing the services which the Board may render to planters
- (l) providing for the submission of returns to the Board relating to the acreages of Coffee which are under cultivation, and the quantities of Coffee available for sale
- (m) providing for the manner of classification of Coffee under this Act;
- (n) Prescribing the fees which may be charged for under this Act.

MEMORANDUM AND OBJECTS OF REASONS

The Bill seeks to provide for the regulation of the Coffee industry and the control of the production, marketing and export of Coffee.

PART I is the preliminary, which includes the short title and Interpretation of the bill.

PART II provides for establishment and constitution of Board, functions of the Board, Provisions as to meetings of Board, Powers of the Board, Delegation of Powers of the Board and Liability of members of the Board.

PART III provides for licensing and registration which inter alia includes prohibition of certain acts without license, kinds of licenses, issues of licenses and license fees, duties of license holders, planters' licenses, pulping station licenses, application for renewal of licenses, registration and duties of Coffee millers and registration of distinguishing marks.

PART IV has the provisions relating to the export, marketing and curing of Coffee, classification of samples by the Board and powers of the board to purchase all Coffee sampled.

PART V deals with finance, levies and Coffee levy fund and the Coffee pool.

PART VI deals with audit and report, annual report and publication thereof.

PART VII provides for, appeals, service of notices, powers of inspectors, powers of search and seizure, offences by corporations, societies, penalties and additional penalties for certain offences.

NEVERT NTWIGA,
Chairman,

Committee on Agriculture, Environment and Natural Resources.

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