

**SPECIAL ISSUE**

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*27th January, 2012*

*(Legislative Supplement No. 2)*

PARLIAMENT  
OF KENYA  
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LEGAL NOTICE NO. 7

THE NURSES (AMENDMENT) ACT  
(No. 27 of 2011)

COMMENCEMENT

IN EXERCISE of the powers conferred by section 1 of the Nurses (Amendment) Act, 2011, the Minister for Medical Services, appoints the 19th December, 2011, as the date on which the Act shall be deemed to have come into operation.

Dated the 19th January, 2012.

P. A. NYONG'O,  
*Minister for Medical Services.*

LEGAL NOTICE NO. 8

THE TEA ACT  
(Cap. 343)

IN EXERCISE of the powers conferred by section 25 of the Tea Act, the Minister for Agriculture, in consultation with the Board, makes the following regulations:—

THE TEA (AD VALOREM LEVY) REGULATIONS, 2011

1. These Regulations may be cited as the Tea (Ad Valorem Levy) Regulations, 2012, and shall commence one month after the date of publication.

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

“ad valorem levy” means a per centum of the value of all made tea imposed by the Minister at the point of export or import in accordance with Section 18 of the Act;

“authorized agent” means a representative appointed by the Board to collect ad valorem levy on its behalf;

“customs value” means the export or import value of the made tea on which the ad Valorem Levy is assessed;

“Kenya Standard 1927: 2005 Tea Packets and Containers—Specifications (KS 1927: 2005)” means the Kenya Standard that specifies the requirements and methods of test 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 but does not include tea sacks.

“point of export” means a designated customs border point at which made tea is taken out of Kenya to any place out of Kenya;

“point of import” means a designated customs border point at which made tea is brought into Kenya from any place out of Kenya

3 The Minister imposes an ad valorem levy payable at the rate of one per centum of the customs value for made tea exports or imports.

4 The ad valorem levy imposed under paragraph 3, shall not apply to made tea imports imported in bulk into Kenya for blending and re-export

5. Any made tea packed in Kenya in accordance with Kenya Standard 1927:2005 Tea Packers and Containers – Specifications (KS 1927 2005) or an equivalent standard shall be exempt from payment of the ad valorem levy.

6 A tea exporter or importer shall pay the ad valorem levy to the Board or its authorized agent based on the customs value of each consignment of made tea at the point of export or import.

7. Upon payment of the ad valorem levy, the Board or its authorized agent shall issue the tea exporter or importer with a receipt.

8. Where the levy is paid to an authorized agent under paragraph 6, the authorized agent shall remit the amount to the Board not later than the tenth day of the following month.

9. A tea exporter or importer shall provide information on all export and import consignments to the Board in Form V and W set out in the First Schedule of The Tea (Licensing, Registration and Trade) Regulations, 2008

10. A tea exporter or importer who provides false information required under paragraph 9 commits an offence and shall be liable on conviction to the penalties provided under section 23 of the Act.

11. A tea exporter or importer shall provide receipts to the Board or its authorized agent, as proof of payment of the requisite ad valorem levy

12 (1) An ad valorem levy which remains unpaid shall be recovered by the Board as a civil debt due to it from the person by whom it is payable

(2) An ad valorem levy that remains unpaid for thirty days or more shall attract interest at commercial bank rates, prevailing at the time the levy becomes due, until it is fully paid

13. The Board or its authorized agent shall, upon successful processing of customs documentation, verify the tea export or import consignment.

14 The Board shall upon verification, issue a release order in Form A set out in the First Schedule.

15 The Board shall not issue a release order to an exporter or importer unless that person has complied with the provisions of the Act

16. The Board may cancel the export or import release order if an exporter or importer contravenes the provisions of the Act.

17. The Legal Notice No. 331 of 1994 is revoked.

## FIRST SCHEDULE

FORM A

(r 14)

## TEA EXPORT/IMPORT RELEASE ORDER

Name of Exporter/Importer . . . . .

Postal Address . . . . .

Contact Person and Designation . . . . .

Telephone/Mobile No/Fax . . . . .

E-mail Address . . . . .

Tea Export/Import Registration No . . . . .

Issue Date . . . . .

Customs Entry No and Date . . . . .

Net Weight (Kgs made tea) . . . . .

Physical location of consignment . . . . .

Signature of Exporter/Importer or Authorized Agent . . . . . Date . . . . .

## FOR OFFICIAL USE ONLY

Release Authority Stamp

Name . . . . . Signature . . . . . Date . . . . .

For and on behalf of Tea Board of Kenya

Made on the 24th January, 2012

SALLY KOSGEL,  
Minister for Agriculture

## LEGAL NOTICE NO 9

## THE TEA ACT

(Cap 343)

IN EXERCISE of the powers conferred by section 25 of the Tea Act, the Minister for Agriculture, in consultation with the Board, makes the following Regulations —

THE TEA (LICENSING REGISTRATION AND TRADE)  
(AMENDMENT) REGULATIONS, 2012

1 These Regulations may be cited as the Tea (Licensing, Registration and Trade) (Amendment) Regulations, 2012

2 The Tea (Licensing, Registration and Trade) Regulations, 2008 (in these Regulations referred to as the principal Regulations) are amended by deleting regulation 3 and substituting therefor the following new regulation—

L.N. 122/2008

3 (1) A small holder tea grower registered under section 8 of the Act shall apply to be registered with the tea factory to which he delivers green leaf in Form A set out in the First Schedule

(2) A plantation tea grower registered under section 8 of the Act shall apply to be registered with the tea factory to which he delivers green leaf in Form A1 set out in the First Schedule

3 The principal Regulations are amended in regulation 5 by deleting the word "wishes" and substituting therefor the word "intends"

4 The principal Regulations are amended in regulation 7 by deleting the word "wishes" in regulation 7 and substituting therefor the word "intends"

5 The principal Regulations are amended in Regulation 12—

(a) by deleting the words "cess and" appearing immediately after the word 'monthly' wherever they appear in paragraph (1),

(b) by deleting paragraph (2), and

(c) by deleting paragraph (3)

6 The principal Regulations are amended by deleting regulation 13 and substituting therefor the following new regulation—

13 A person who intends to deal in tea as a buyer, exporter, importer, broker or warehouseman shall register or renew the registration with the Board by applying to the Board in Form G, I and K respectively set out in the First Schedule

7 The principal Regulations are amended by deleting regulation 15 and substituting therefor the following new regulation—

15 A person who intends to deal in tea as a tea packer shall register or renew his registration with the Board by applying to the Board in Form M set out in the First Schedule

8 The principal Regulations are amended by inserting the following new regulation immediately after regulation 15—

15A Any manufacturer or person dealing in tea engaged in more than one function along the value chain shall be required to register with the Board for each function he performs in accordance with these Regulations

9 The principal Regulations are amended by deleting regulation 24 and substituting therefor the following new regulation—

24 A person who intends to deal in tea as a management agent shall register or renew his registration with the Board by applying to the Board in Form S set out in the First Schedule

10 The principal Regulations are amended by deleting regulation 38 and substituting therefor the following new regulation—

38 A person who intends to deal in tea as an auction organizer shall register or renew his registration with the Board by applying to the Board in Form X set out in the First Schedule

11 The principal Regulations are amended in the First Schedule by deleting Form D and substituting therefor the new Form D set out in the First Schedule to these Regulations

12 The principal Regulations are amended in the First Schedule by deleting Form F and substituting therefor the new Form F set out in the First Schedule to these Regulations

13 (1) The principal Regulations are amended in Form S appearing in the First Schedule by—

(a) deleting paragraph 1(c) under the terms and conditions and substituting therefor the following new paragraph—

(c) that an applicant intending to offer agency services including marketing and payment to growers, has provided indemnity of 0.5% of principals' annual business turnover from a reputable institution, and

(b) deleting the word "manufacturing" in paragraph 5 and substituting therefor the word "management"

14 The principal Regulations are amended in the First Schedule by deleting Form V and substituting therefor the new Form V set out in the First Schedule to these Regulations

15 The principal Regulations are amended in the First Schedule by deleting Form W and substituting therefor the new Form W set out in the First Schedule to these Regulations

#### FIRST SCHEDULE

FORM D

(r 6)

#### TEA MANUFACTURING LICENCE

THIS LICENCE is issued to \_\_\_\_\_ of P O Box \_\_\_\_\_ and authorizes the said person to conduct the business or carry on the business of tea manufacture in the Republic of Kenya at L.R. No(s) \_\_\_\_\_ for a period of one year beginning on the \_\_\_\_\_ day of \_\_\_\_\_ and ending on \_\_\_\_\_ day of \_\_\_\_\_ . (both days inclusive)

THIS LICENCE is issued for,

A Type of tea manufacture

(a) CTC (cut, tear, curl)	Orthodox	Instant	Others (specify)

**B Manufacturing capacity**

Green tea leaf . . . . . kilograms per year

THIS LICENCE is issued subject to compliance with the provisions of the Tea Act (Cap 343) and the Tea (Licensing, Registration and Trade) Regulations, 2011 and to such terms and conditions as specified hereunder

Date

*Managing Director  
Tea Board of Kenya  
Signature/Seal Stamp*

*Terms and Conditions*

- 1 Each tea factory shall sign a Green Leaf Supply Agreement with all their registered growers and a copy of the Agreement shall be maintained at the factory for inspection by the Board
- 2 No tea factory shall buy green leaf from any other person other than the growers appearing in its register
- 3 Notwithstanding paragraph 2 in the case of a Tea factory where there is a processing capacity shortfall but a surplus green leaf, the Board shall intervene to decide the arrangements to divert the surplus green leaf to the nearest factory with extra processing capacity
- 4 This License is issued on condition that the Board's approval shall be required to expand processing capacity in any given year

FORM F

(r 12)

**MONTHLY PRODUCTION RETURN**

(CONFIDENTIAL)

Month . . . . . 20 . . . . .

1 Name of Manufacturing License Holder . . . . .

2 License Number . . . . .

3 Address . . . . .

**GRADE ANALYSIS OF PRODUCTION AND STOCK RELEASES (KGS)**

Types of Tea Manufacture	CTC Grades	BPI	PFI	PD	BP	F	DI	D	BMF	Total (kg)
	Orthodox Grades		P	F	OF	PD	D	P2	s	
	OTHERS Grades (Green Tea, Oolong, Tea Extracts, White Tea and Soluble)									
Production Analysis	Stock brought forward									
	Manufactured this month									
	Total									
Stock Releases	Auction sales									
	Direct sales Export									
	Direct sales Local									
	Total Issues									
Stock Balance Carried Forward										

I ..... do

hereby declare that the above particulars are true

Date ....., 20 .....

Signature .....

License holder or his duly Authorized Agent

**NB**—Each licence holder must complete a separate Form for each type of tea manufactured

## FOR OFFICIAL USE ONLY

Received

Date

Managing Director,  
The Tea Board of Kenya

FORM V

(r 32)

**TEA EXPORT REGISTRATION**  
(CONFIDENTIAL)

- 1 Name of exporter
- 2 Address
- 3 Telephone No ..
- 4 Email Address
- 5 Registration certificate number.
- 6 Details of consignment (bulk teas)

Factory Marks	Invoice No	Grade	No of Packages	Net Weight (Kg)	Customs Value of Consignment (USD)	Ad Valorem Levy Applicable (USD)

*(If spaces not adequate provide attachment and if tea is blended please attach blending sheet)*

- 7 Details of consignment (teas packed for retail in form of tea bags, tea packets, instant and ready to drink tea containers)

Brand Name	Form of packaging	Invoice No	No of Packages	Net Weight (Kg)	Unit Price	Customs Value of Consignment (USD)	Ad Valorem Levy Applicable (USD)

Full name and address of buyer/consignee



Name and address of Warehouse where tea can be inspected

Tea Short Shipment (if any)

Factory Marks	Invoice No	Grade	No of Packages	Net Weight (Kg)

If space provided is not adequate provide an attachment

Note -- Every exporter shall attach certified copies of the following documents for verification

- (a) sale contract showing (contract number, contract date) .
- (b) commercial invoice showing (unit price USD, terms of payment, port and country of destination),
- (c) brokers invoice and,
- (d) blending sheet (where applicable),
- (e) custom entry form, and
- (f) bank Pay in slip/advice for *ad Valorem* levy

Date

Authorized signature  
Stamp of Exporter

#### FOR OFFICIAL USE

Authentication by  
The Tea Board of Kenya

Date

Signature and Stamp

#### Terms and Conditions

- 1 For the purpose of duty/V A T/ *Ad Valorem* Levy exemptions on imported inputs, all exporters shall account for all tea bought by them for export using Form W in the Schedule For tea sold through the Mombasa Auction, the Board shall submit a certified summary in respect of each manufacturer to the Kenya Revenue Authority for the purpose of accounting for the tea
- 2 Any *Ad Valorem* Levy which remains unpaid for thirty days or more shall be recovered by the Board as a civil debt due to it from the person by whom it is payable
- 3 The Tea export registration form is issued in triplicate for distribution as follows-
  - (a) one copy to be retained by the Tea Board of Kenya, and
  - (b) two copies to the exporter or agent one of which must be presented to the Kenya Revenue Authority together with relevant Export Entry form

FORM W

(r 35)

**TEA IMPORT REGISTRATION**  
**(CONFIDENTIAL)**

- 1 Name of importer
- 2 Registration certificate number.
- 3 Address
- 4 Telephone number
- 5 Email address
- 6 Details of consignment (bulk teas)

Country of Origin	Invoice No	Grade	Net weight (Kg)	Unit Price (USD)	Customs Value of Consignment (USD)	Ad Valorem Levy Applicable (USD)
<b>TOTAL</b>						

(If space is not adequate provide additional attachment)

- 7 If imported tea packets or value added form.

Details of shipment

Country of Origin	Invoice No	Type	Net weight (Kg)	Unit price (USD)	Customs value of consignment (USD)	Ad Valorem Levy Applicable (USD)
<b>TOTAL</b>						

(If space is not adequate provide additional attachment)

- 8 Full name and address of Seller/Consigner
- 9 Name and physical address of Warehouse where tea will be stored

## 10. Indicate Tea short shipment (if any)

Country of Origin	Invoice No.	Grade	Net weight (Kg)	Unit price (USD)	Customs Value of consignment (USD)	Ad Valorem Levy Applicable (USD)
TOTAL						

(If space provided is not adequate provide an attachment)

*Note.*— Every importer shall attach certified copies of the following documents for verification—

- (a) sale contract,
- (b) phytosanitary Certificate,
- (c) certificate of Origin;
- (d) certificate of analysis for pesticide residues,
- (e) customs entry form, and
- (f) bank pay in slip or advice for Ad Valorem Levy

Date .....

.....  
 Authorized signature  
 Stamp of Importer

## FOR OFFICIAL USE ONLY

Authentication by  
 The Tea Board of Kenya

..... Date .....

Signature and Stamp

*Terms and conditions.*

- 1 Every tea importer must comply with Kenya Revenue Authority rules and regulations on bonded and transit goods
2. A tea importer who diverts tea into the local market must produce evidence of duty, value added tax or Ad Valorem payment to the Kenya Revenue Authority - Customs Services Department, where due
- 3 An Ad Valorem levy which remains unpaid for thirty days or more shall be recovered by the Board as a civil debt due to it from the person by whom it is payable.
4. The Tea import registration form is issued in triplicate for distribution as follows—

- (a) one copy to be retained by the Tea Board of Kenya, and
- (b) two copies to the importer or agent one of which must be presented to the Kenya Revenue Authority together with relevant Import Entry form

Made on the 24th January, 2012.

SALLY KOSGEI,  
*Minister for Agriculture*

LEGAL NOTICE NO. 10

THE VETTING OF JUDGES AND MAGISTRATES ACT  
(No. 2 of 2011)

IN EXERCISE of the powers conferred by section 33 of the Vetting of Judges and Magistrates Act, the Judges and Magistrates Vetting Board makes the following Regulations:—

THE VETTING OF JUDGES AND MAGISTRATES  
(PROCEDURE) (AMENDMENT) REGULATIONS, 2012

1 These Regulations may be cited as the Vetting of Judges and Magistrates (Procedure) (Amendment) Regulations, 2012

2. The Schedule to the Vetting of Judges and Magistrates (Procedure) Regulations, 2011, is amended by—

LN 189/2011

- (a) deleting the expression “thirty (30)” appearing in item (i) of Form JMVB 2 and substituting therefor “.....”;
- (b) deleting the expression “Section Three” appearing immediately after section II of Form JMVB 5 and substituting therefor the expression “Section III”;
- (c) deleting the expression “PSC 2” appearing in Section III of Form JMVB 5 and substituting therefor the expression “JSC 2b”.

Made on the 24th January, 2012.

SHARAD RAO,  
*Chairperson,*  
*Judges and Magistrates Vetting Board.*