KENYA GAZETTE SUPPLEMENT

VIHIGA COUNTY BILLS, 2019

NAIROBI, 5th April, 2019

CONTENT

Bill for Introduction into the County Assembly of Vihiga—

The Vihiga County Tea Development Bill, 2019

PAGE

1
THE VIHIGA COUNTY TEA DEVELOPMENT BILL, 2019

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

1—Short title
2—Interpretation

PART II—COUNTY TEA DEVELOPMENT COMMITTEE

3—Establishment of the County Tea Development Committee
4—Terms and conditions of service
5—Vacation of office of member
6—Functions of the Committee
7—Powers of the Committee
8—Delegation by the Committee
9—Conduct of affairs of the business of the Committee

PART III—ESTABLISHMENT OF THE COUNTY TEA DEVELOPMENT OFFICE

10—County Tea Development Office
11—Composition of the Office
12—Functions of the County Tea Development Office
13—Rules for framework of the unit

PART IV—GROWING OF TEA IN THE COUNTY

14—Registration of tea growers
15—Application for planting licences
16—Planting licence may be cancelled, etc
17—may require licensee to remove tea planted without licence or in breach of licence
18—Uprooting of tea prohibited
19—Registration of Tea Buying Centers
20—Falsification of green leaf weight at designated tea buying entures

PART V—MANUFACTURE OF TEA

21—No manufacture of tea without licence
The Vihiga County Tea Development Bill 2019

22—Illegal manufacture, possession, etc

**PART VI—ENTRY AND INSPECTION**

23—Entry and inspection
24—Powers of search and seizure

**PART VII—FINANCIAL PROVISIONS**

25—Application of moneys of the County Tea Development Office
26—Investment of funds and borrowing powers
27—Audit of accounts
28—Report and accounts to be submitted to the County Executive Committee Member for Agriculture

**PART VIII—GENERAL PROVISIONS**

29—Penalties
30—Offences by corporations, societies, etc
31—Regulations

Schedule
THE VIHIGA COUNTY TEA DEVELOPMENT BILL, 2019
A Bill for

AN ACT of the County Assembly of Vihiga to make provision for regulating, development and production, and marketing of tea, and for connected purposes

PART I— PRELIMINARY

Short title

1 This Act may be cited as the Vihiga County Tea Development Act 2019 and shall come into operation on such date as the Member of the, with the concurrence of the Governor, may appoint

Interpretation

2 In this Act, unless the context otherwise requires—

“County Tea Development” means the County Tea Development established by section 3,

“buyer” means a person, company or firm engaged in buying made tea for resale in the local or export market,

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

“established agency” means Kenya Tea Packers Limited or such other body as the Member of the may, by notice in the County Gazette, appoint, "green tea leaf" means leaf detached from tea plants but not dried or processed in any way,

“grower” means any person who is cultivating tea in any area or who intends to plant and cultivate tea in any area,

“licensee” means the holder of a planting licence,

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

“management agent” means any person, co-operative society, marketing or company established under any written law, that is appointed through a specific management contract or agreement by another person or company to perform or offer professional services in specific,

“office” means the County Tea Development Office established at Section 10

“planting licence” means a planting licence issued under section 15,
“producer” means a producer of tea and includes a smallholder or a plantation tea grower or his representative,

“registration” means registration of any person dealing in tea under this Act,

“smallholder” means a grower cultivating tea in a small piece or pieces of land who does not possess his own tea processing factory,

“sun-drying” means the manufacture of green leaf into made tea by using direct heat of the sun,

“tea” means the plant known botanically as *Camellia Sinensis* and includes its seed, tea plants and the leaf, whether on the plant or detached therefrom, and, in the latter case, whether green tea or manufactured tea

“tea factory” means a factory to process green tea leaf into made tea,

“tea manufacture” means the mechanical or chemical processing and conversion of green tea leaf into made tea or other tea products

PART II— COUNTY TEA DEVELOPMENT

Establishment of the County Tea Development Committee

3 (1) There is established a County Tea Development Committee by the County Executive Committee Member for Agriculture whose membership shall consist of—

(a) a tea grower in the county appointed by CECM, for the time being in charge of Agriculture in consultation with Governor after a vetting process who shall be chairperson of the committee,

(b) the Chief Officer for the time being in charge of Agriculture as ex-officio

(c) the Chief Officer in the County department for the time being responsible for matters relating to Finance ,

(d) the Chief Officer in the County department for the time being responsible for matters relating to Public Administration,

(e) the County Legal Officer/County Attorney,

(f) four persons not being public officers who shall be appointed by the County Executive Committee Member for Agriculture to represent stakeholders in the tea sector, and

(g) the County Tea Development Officer appointed under section II who shall be the Secretary of the Committee

(h) the Sub-Committee will have one Tea grower representative from each zone elected by the farmers
(2) To ensure inclusion and deliberation of matters of Tea, the Committee will send two representatives to the County Agricultural Board, one of whom will be the tea grower appointed by the CECM in 1(a) above and the County Tea Development Officer in 1(g) above

(3) The persons under subsection (1) (a) and 1 (f) shall—

(a) be appointed on such terms and conditions as the CECM Finance shall, in consultation with the Salaries and Remuneration Commission consider appropriate, and

(b) hold office for a term of three years renewable for one further term

(c) meets integrity and equity with full social, minority, gender inclusion

(4) A person shall be qualified for appointment under subsection (1) (f) if that person holds at least a diploma with wide experience from a recognized college and meets the leadership and integrity requirements

Terms and conditions of service

4 (1) The members shall serve a term of three years

(2) The members of the committee shall be paid such allowances as the County Executive Committee Member for the time being Finance shall, in consultation with the Salaries and Remuneration Commission, determine

Vacation of office of member

5 (1) The office of a member of the appointed under section 3 (1) (e) shall become vacant if the member—

(a) is adjudged bankrupt,

(b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months,

(c) is convicted of an offence involving fraud or dishonesty,

(d) is absent, without reasonable cause, from three consecutive meetings of the,

(e) resigns in writing a notice of 3 months addressed to the Member of the for clearance,

(f) is removed from office by the Member of the for—

(i) being unable to perform the functions of his office by reason of mental or physical infirmity, or
The Vihiga County Tea Development Bill 2019

(i) failing to declare his interest in any matter being considered or to be considered by the, or

(ii) dies

(2) Before the removal of a member under subsection (f) (1), the Member of the shall request the to—

(a) investigate the circumstances giving rise to the proposed removal, and

(b) make recommendations on whether or not the member should be removed from office

Functions of the Committee

6 The functions of the Committee are to—

(a) formulate policy guidelines on production, development and marketing of tea in the county,

(b) ensure that all policies are consistent with the national priorities specified in the relevant policy document,

(c) review the legal, institutional and regulatory framework for county tea development,

(d) approve the organisational structure of the Tea Development Office, and

(e) perform any other function as may be conferred on it by this Act or any other written law

Powers of the Committee

7 The shall have all the powers necessary for the proper discharge of its functions under this Act and without prejudice to the generality of the foregoing, shall have the power to—

(a) oversee the implementation of policies formulated under this Act, and

(b) require any information from any party in relation to tea development in the county

(c) register/license tea growers in the County

(d) register and license tea buying centres

(e) oversee purchase and distribution of tea seedlings to tea growers

(f) monitor weighing and quality assurance of green leaf collection in tea buying centres and take appropriate action to enhance service delivery
Delegation by the Committee

8 (1) The committee may establish such subcommittees as it may consider necessary for the better performance of its functions and the exercise of its powers under this Act

(2) The committee may co-opt into the membership of subcommittee established under subsection (1), such persons whose knowledge and skills are found necessary for the performance of the functions of the sub-committee

(3) The committee may, by resolution either generally or in any particular case, delegate to any sub-committee or to any member, officer, employee or agent of the , the exercise of any of the powers or the performance of any of the functions of the under this Act or under any other written law

Conduct of affairs of the business of the Committee

9 (1) Subject to subsection (2), the business and affairs of the shall be conducted in accordance with the First Schedule

(2) Except as provided in the First Schedule, the Committee may regulate its own procedures

PART III—ESTABLISHMENT OF THE COUNTY TEA DEVELOPMENT OFFICE

County Tea Development Office

10 There shall be established, within the County Department responsible for matters relating to Agriculture, an office to be known as the County Tea Development Office

Composition of the office County Tea Development Office

11 (1) The office shall consist of—

(a) the County Tea Development Officer,

(b) such deputy County Tea Development Officers as the County Executive Committee Member for the time being Agriculture may, in consultation with the Governor, consider necessary for the performance of the functions of the unit under this Act,

(c) a secretariat of 7 staff deployed from the department

(2) The County Tea Development Officer and Deputy County Tea Development Officer of the unit shall be competitively recruited and appointed on such terms and conditions as the County Executive Committee Member for the time being Finance shall, in consultation with the Salaries and Remuneration Commission determine
(3) A person shall be qualified for appointment as the County Tea Development Officer or a Deputy County Tea Development Officer if such person—

(a) holds a degree in Agriculture or a related field from a university recognized in Kenya, and

(b) has at seven years professional experience in the relevant field

**Functions of the County Tea Development Office**

12 (1) The functions of the office are to—

(a) serve as the secretariat and technical arm of the, and

(b) provide technical, financial and legal expertise to the and any node established under this Act

(c) Ensure compliance of tea production, development and marketing guidelines as provided by the County Tea Development Act

(2) In the performance of its functions under subsection (1), the office shall—

(a) Register county tea growers

(b) License tea buying centres

(c) serve as a resource centre on matters relating to tea development,

(d) conduct research and gap analysis to ensure continuous performance improvement the tea sector in the county,

(e) collate, analyse and disseminate information on the tea sector in the county,

(f) assist the in formulating guidelines and standard documentation required under this Act,

(g) carry out such other functions as may be conferred on it by the and this Act

(3) the office shall prepare financial accounts and an inventory of any monies allocated to it, any financial support received by it and any success fees received by it from a private party or project company as the case may be, under this Act

**Rules for framework of the unit**

13 The Chief Officer, for the time being responsible for Agriculture in consultation with the CECM for the time being responsible for Agriculture, shall make rules for the administrative and financial
framework of the Tea Development Office, the relationship of the unit with other County departments and organizations and the conduct of the affairs of the office. These will be reviewed from time to time to ensure their responsiveness to the tea sector in the County.

PART IV—GROWING OF TEA IN THE COUNTY

Registration of tea growers

14 (1) All tea growers shall, upon the commencement of this section, register with County Tea Development Officer by proving the relevant particulars.

(2) All tea growers shall declare the farm location, acreage or number of tea bushes and the tea factory to which they will deliver green leaf and other details as the may, in its regulations, prescribe.

(3) A tea grower shall not deliver green leaf to two different tea factories at the same time.

(4) A tea grower withdrawal or transfer from one factory to another shall on application be approved or rejected with reasons by the County Tea Development Officer within 60 (sixty) days.

(5) (a) Upon the commencement of this section, every tea grower licensed/authorised by the or its agent shall be deemed to be a registered tea grower.

(b) where the particulars supplied to the by such grower for purposes of licensing do not meet the requirements of any regulations prescribed under subsection 14 (1), the grower shall be given one month comply with such requirements.

(6) Where a person starts growing tea at any time after the commencement of this section, such person shall, within six months register with a tea factory in accordance with subsection (1).

(7) Any change in the particulars supplied by a grower for purposes of registration in accordance with subsection (2) in terms of the acreage or factory shall be notified to the or the tea factory in writing, without undue delay.

(8) The tea factory shall maintain a register for the purposes of this Part and shall record therein the particulars supplied in accordance with this section.

(6) Where the tea factory has reasonable cause to believe that a person whose particulars are so recorded has ceased to be grower, it may,
after giving that person written notification by registered post of its intention to do so, remove the name of such person from the register

(9) The register referred to in subsection (5) shall be *prima facie* proof of the fact that a person is a registered tea grower and the factory shall furnish the with particulars of all registered tea growers in such manner as the may prescribe

(10) After the commencement of this section, any grower who carried on business as such without being registered in accordance with this section or knowingly or recklessly supplies false particulars, shall be guilty of an offence

(11) A grower who registers himself or herself to two different factories or agencies shall be guilty of an offence under this act and liable to a fine not less than twenty thousand shillings, or to imprisonment for a term not less than two years or to both and a further suspension of his or her registration by the County Executive Committee Member for the time being responsible for Agriculture for at least six months

**Application for planting licences**

15 Every application to the Tea Development Officer for a planting licence shall be made in writing in the prescribed form

Provided that the County Tea Development Officer may in any particular case require the applicant to supply any further particulars which it may require for the determination of the application

**Planting licence may be cancelled, etc**

16 The County Tea Development Officer, may, after consultation with the County Executive Committee Member, for the time being Agriculture, and the Director of the Tea Factories in the County, suspend for any specified period or vary the terms and conditions of any planting licence, whether issued by or on behalf of the

Provided that the County Tea Development Officer shall not be required to consult the Director if such cancellation, suspension or variation is made at the request of the licensee holding the licence to which it relates

**May require licensee to remove tea planted without licence or in breach of licence**

17 (1) If any person is convicted of an offence under section 14, the County Tea Development Officer may, by notice in writing, require such
person to uproot and remove to such place as the may specify any tea so planted, within such reasonable time as the may specify in the notice.

(2) If any person fails to comply with any requirement of the Act under subsection (1) any person duly authorized in writing on that behalf by the Tea Development Officer may, upon production of his authority to any person requiring the same, enter upon the land occupied by such person and uproot and remove any tea which the required to be uprooted and removed and the County Tea Development Officer may recover the cost of so doing as a civil debt from the person so failing to comply.

**Uprooting of tea prohibited**

18 (1) A person shall not uproot tea except with the written authority of the County Tea Development Committee.

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

**Registration of Tea Buying Centres**

19 (1) There shall be designated and licensed tea buying centres for tea leaf collection for every tea factory.

(2) Tea buying centres per factory shall be vetted and licensed by the County Tea Development.

(3) All tea factories or tea companies operating in the county shall have their tea buying Centres designated and duly licensed by the County Tea Development.

(4) Undesignated and unlicensed tea buying centres will be illegal.

(5) Roadside and farm purchase of green tea leaves will be an offence under this Act.

(6) Any factory, agent or company engaged in roadside purchases of tea leaves from undesignated and unlicensed buying centres shall be guilty of an offence under this act and liable to a fine not less than five hundred thousand shillings, or to imprisonment for a term not less than two years or to both and confiscation of the tea and the vehicle(s) transporting the tea.

(7) A grower selling his tea to unlicensed factory or agency and/or at a non-designated and unlicensed buying centre shall be guilty of an
offence under this act and liable to a fine not less than twenty thousand shillings, or to imprisonment for a term not less than six months or to both and suspension of his / her registration by the and factory or agency for at least one year

Falsification of green leaf weight at designated tea buying centres

20 (1) Factory agents shall ensure that the weight of the tea delivered by farmers to the designated tea buying centres is accurately recorded

(2) Any factory or agent staff found falsifying green leaf weight of farmers tea shall be guilty of an offence under this act and liable to a fine not less than one hundred thousand shillings, or to imprisonment for a term not less than two years or to both and shall be dismissed forthwith in public interest without benefits

(3) A grower involved in falsification of green leaf weights for his benefit or otherwise shall be guilty of an offence under this act and liable to a fine not less than fifty thousand shillings, or to imprisonment for a term not less than one year or to both and his or her growers registration with and factory or agency suspended for at least one year

(4) Tea collection from the designated /licensed centres shall be done between 8 00am and 6 00 pm

(5) Tea factories shall send a detailed report on weight of tea leaf deliveries of every farmer with the corresponding acreage or number of tea bushes to the County Tea Development Officer for assessment, evaluation and consideration before release of tea bonus

(6) The County Tea Development Committee shall direct the management agency or factory to confiscate in full or partially a growers bonus if it is convinced that the kilograms attached to farmers planted tea were obtained fraudulently

(7) Payment of bonuses to growers shall only be done after verification by the County Tea Development Committee and a resolution of the same adopted and passed to the Board of Directors of a factory or agency with verification report if any, for action by the factory or agency

(8) A management agency or factory shall not pay bonus to any tea grower with dubious green leaf weight
PART V— MANUFACTURE OF TEA

No manufacture of tea without licence

21 (1) No person shall manufacture tea for sale, whether by sun drying or otherwise, except under and in accordance with a licence issued by the County Executive Committee Member for the time being Agriculture, following an application to, and consideration by, the Tea Development Committee

(2) The County Agricultural Board on the recommendation of the Tea Development Committee, may after consultation with the County Executive Committee Member for the time being Agriculture, issue a manufacturing licence, in accordance with and under this Act, or may, after such consultation, decline to issue a manufacturing licence on any ground which will be communicated to the applicant

(3) The County Agricultural Board on the recommendation of the County Tea Development Committee may, in consultation with the County Executive Committee Member for the time being responsible for Agriculture, cancel, vary or suspend any licence issued under this section, or suspend any such licence in respect of a specified factory

(4) Every application for a licence under this section shall be made in writing in the prescribed form

Illegal manufacture and possession of tea

22 (1) Any person who—

(a) manufactures tea for sale in contravention of section 19,

(b) buys, sells, exposes for sale, transports or has in his possession any tea which to his knowledge or belief has been grown, manufactured or dried otherwise in violation of this act, shall be guilty of an offence and liable to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding not exceeding ten years, or to both

(2) Where a person has in his possession or under his control any tea for which he is unable to account to the satisfaction of a person authorized under this Act, such tea shall be deemed to have been grown, manufactured or dried otherwise than in accordance with this Act until the contrary is proved
(3) Where a person is convicted of an offence under this section the court shall order that any tea and any vehicle, vessel or other conveyance in relation to which an offence has been committed shall be forfeited to the 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.

PART VI—ENTRY AND INSPECTION

Entry and inspection

23 (1) Any person duly authorized in writing in that behalf by the County Tea Development Committee may, at all reasonable times and upon production of such authority to any person so requesting, enter any land or buildings occupied by the holder of a manufacturing licence issued under this Act or a person registered under this Act and make such inspection and enquiries as he may think fit for ascertaining whether the provisions of this Act, or any regulations made thereunder or the terms and conditions of the respective registration or licence are being complied with and may required any person found thereon to give such information as he may require.

(2) Any person who hinders or obstructs any person duly exercising or attempting to exercise any of the powers conferred by subsection (1) or who fails to give to the best of his ability any information reasonably required of him under that subsection shall be guilty of an offence under this act and liable to a fine not less than one hundred thousand shillings, or to imprisonment for a term not less than two years or to both.

Powers of search and seizure

24 (1) An officer of the County Department of Agriculture or of the Office authorized in writing by or on behalf of the County Tea Development Committee or the County Tea Development Officer, 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 tea in respect of which an offence under section 14 is being or has been committed, and seize and remove any tea found thereon which he has reasonable cause to believe may provide evidence of that offence.

Provided that, before removing any tea under this paragraph, the person removing it shall furnish the person in whose custody or
possession the tea 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 conveyance of tea in respect of which an offence under this 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 so 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 tea 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 under this act and liable to a fine not less one hundred thousand shillings, or to imprisonment for a term not less than two years or to both.

PART VII—FINANCIAL PROVISIONS

Application of moneys of the County Tea Development Office

25 The proceeds, voted funds, donations and any other moneys accruing to the, may be used for all or any of the following purposes—

(a) the remuneration of members of the staff and technical advisers of the,

(b) the provision of offices, and of houses for members of the staff of the County Tea Development Office, and of furniture and equipment therefore, as the may deem necessary,

(c) the payment of such remuneration, fees, travelling and other expenses and subsistence allowances to members of the Committee on such scale and subject to such conditions as may be approved by the County Executive Committee Member of Finance and, where applicable, Salaries and Remuneration Commission,

(d) experiments, investigation and research in connexion with the tea industry,
(e) the collection and dissemination of statistics and other information relating to tea and its production, distribution and consumption,

(f) the promotion of exhibitions for the display of tea and the processes for manufacture thereof, and matters incidental thereto,

(g) the payment of expenses and other charges incurred by the Committee or the County Tea Development Office for which the Committee (???) may become liable in the course of its operations,

(h) assisting the tea industry in the county in such manner as the may think fit

Investment of funds and borrowing powers

26 (1) The Tea Development Committee may, with the approval of the County Executive Committee Member for Finance in Consultation with the County Executive Committee Member for the time being responsible for Agriculture, invest any funds which may from time to time be standing to its credit, and which are not immediately required for any of the purposes specified in section 24, in such investments as the County Executive Committee Member for Finance may approve

(2) The County Agricultural Board on the recommendation of and on behalf of Tea Development Committee may, with the approval of the County Executive Committee Member for Finance, raise or borrow sums of money for the purposes of discharging its functions under this Act, and may, for that purpose, mortgage or charge the whole or any part of its property

Audit of accounts

27 (1) The County Teas Development Committee 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 Member of the 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 Member of the may approve, cause to be prepared, signed and transmitted to the Auditor-General—

(a) a balance sheet showing in detail the assets and liabilities of the , and

(b) such other statements of account as the Member of the may require
(2) The accounts of the shall be examined, audited and reported upon annually by the Auditor-General.

(3) The shall produce and lay before the auditor all books and accounts of the, 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 enquire from all members, officers, employees and agents of the such information and explanation as he may consider to be necessary for the performance of his duties as auditor, and the expenses of and incidental to the audit shall be paid by the

PART VIII — GENERAL PROVISIONS

Licenses

28 A tea buying centre established in the County to serve a marketing agent or factory located outside the County shall attract an annual license fee of not less than fifty thousand shillings (Ksh 50,000) and failure of which shall constitute a breach of this Act and shall be liable of a fine of not less than two hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

Penalties

29 Every person who is guilty of an offence under this Act in respect of which no penalty is specially provided shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

Offences by corporations, societies, etc

30 Where any offence under this Act or under any regulations 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

Regulations

31 (1) The County Executive Committee Member for the time being responsible for Agriculture may make regulations for the protection and promotion of the Tea Industry of Vihiga County and generally for the better carrying out of the provisions of this Act.
(2) Regulations made under this section may, without prejudice to the generality of the power conferred by subsection (1), provide for—

(a) prescribing the areas outside which tea may not be planted, and regulating and controlling the variety, the cultural conditions, the method of production and manufacture of tea and the grading of manufactured tea, and providing for the control of pests and diseases (including requiring the treatment or destruction of diseased or infested tea and empowering the in default of such treatment or destruction to effect such treatment or destruction and to recover from the person in default the cost of so doing),

(b) regulating and controlling the methods of blending and packing manufactured tea for sale,

(c) empowering the Tea Development Officer or the Director to give directions to any planter as to the method of sowing, planting and cultivation of tea and the harvesting, collection, movement, processing and storage of tea leaf, and to delegate the like powers to any servant of the or public officer,

(d) requiring the submission of returns, reports and estimates by the holders of licences and permits under his Act and others,

(e) prescribing the periods for which licences shall be issued,

(f) prescribing the fees to be paid for anything to be done under this Act,

(g) prescribing the forms which may be used under this Act,

(h) prescribing anything which under this Act may be prescribed,

(i) requiring the registration or deregistration of buyers, brokers, packers, management agents and any other persons dealing in tea,

(j) requiring that the rules and regulations of any organization dealing or involved in tea trade do in conformity with the provisions of this Act,

(k) prescribing the regulations which shall govern the elections of the members to represent respective tea areas and interests
SCHEDULES 9 (1)

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNTY TEA DEVELOPMENT COMMITTEE

Meetings

1 (1) The committee shall meet at such place in the County as the chairperson may determine and the meetings shall be convened by the chairperson.

(2) The committee shall have at least four meetings in every financial year and not more than three months shall elapse between one meeting and the next meeting. They shall not have more than twelve meetings in a year.

(3) Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member by the County Tea Development Officer.

(4) The chairperson may, at his discretion or at the written request made by at least half of the members of the Tea Development Committee and within seven days of the request, convene an extraordinary meeting at such time and place and he may appoint.

(5) Meetings shall be presided over by the chairperson or in his or her absence by the vice-chairperson.

(6) The members of the Tea Development Committee shall elect a vice-chairperson from among themselves—

(a) at the first sitting of the, and

(b) whenever it is necessary to fill the vacancy in the office of the vice-chairperson.

(7) Where the chairperson or vice-chairperson is absent, the members shall appoint from among themselves, a person to chair the meeting of the.

(8) The Tea Development Committee may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the committee.

Conflict of Interest

2 (1) If any person has a personal or fiduciary interest in a project, proposed contract or any matter before the Tea Development Committee, and is present at a meeting of the Committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take
part in any consideration or discussion of, or vote on any question touching such matter

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made

Quorum

3 (1) Subject to subparagraph (2), the quorum of the meeting shall not be less than half of the appointed members of the

(2) Where the persons present at a meeting of the do not constitute the quorum necessary to hold a meeting under this Act or where by reason of exclusion of a member from a meeting, the number of members present falls below the quorum necessary to hold a meeting, the shall postpone the consideration of the matter in question until there is a quorum

Voting

4 A question before the shall be decided by simple majority of the members present and voting and the chairperson shall, in the case of an equality of votes, have a casting vote

Rules of Procedure and minutes

5 The Tea Development Committee shall—

(a) determine rules of procedure for the conduct of its business, and

(b) keep minutes of its proceedings and decisions
MEMORANDUM OF OBJECTS AND REASONS

The main objective of the Bill is to make provision for regulating, development, production, and marketing of tea in Vihiga County.

PART I of the Bill provides for preliminary provisions that include the short title and interpretations of various terms used in the Bill for clarity and better understanding.

PART II of the Bill contains provisions for Administration matters. It establishes the Establishment of the County Tea Development Committee and the composition of its membership. This part also outlines the functions, powers, and terms and conditions of service of the members of the committee. It describes the conduct of affairs of its business and vacancy in the committee.

PART III provides for the establishment of the County Tea Development Office which shall consist of the County Tea Development Officer, Deputy County Tea Development Officer(s), competitively recruited as the County Executive Committee Member for Agriculture in consultation with Governor may appoint and a secretariat of seven (7) staff deployed from the Department. The part also provides for the functions of the Office.

PART IV of the Bill provides for the framework of tea growing in the County which includes, registration of tea growers and buying centres, application for planting licences, suspension and revocation of planting licences. The part also outlines offences and penalties of uprooting tea and falsification of green leaf weight at designated tea buying centres.

PART V of the Bill deals with criteria of issuance of a Manufacturing licence. It describes offences and penalties for illegal manufacture, possession, processing and sale of tea in the county.

PART VI of the Bill describes the powers of entry, inspection/search and seizure of an authorised officer to the premises of tea manufacturing licence holder. It also provides for offences and penalties any person accused of obstruction to entry.

PART VII of the Bill deals with financial provisions including investing of fund and borrowing powers, audit of accounts and the general administration of funds etc.

PART VIII of the Bill provides for general provisions, that include offences by Corporations and societies and powers to make regulations.

MANOA KAREGA MBOKU,
Chairperson, Committee on Agriculture,
Livestock, Fisheries and Co-operatives.