

DRAFT TEA INDUSTRY REGULATIONS, 2016

ARRANGEMENT OF REGULATIONS

Preliminary

-Long Title, Preamble, Commencement

1-Citation

2 -Interpretation

Functions of the Directorate

3 -Functions of the directorate

Licensing Provisions

4 -Application for Commercial tea nursery

4 -Registration of Commercial Tea Nursery

5 - Tea Growers Register

5 -Registration of Tea Grower

6 -Application of a Commercial green Leaf Transporter

6- Green Leaf Transporter Certificate

7- Tea manufacturing license application and issuance

7- Cottage factory license application and issuance

8- Manufacturing license holder Statistical Returns

8- Manufacturing license Monthly Production Return

9- Green leaf Agreement

10- Licensing of tea trader

11- Considerations before Licensing

12 -Licensing of a Tea Packer

13- Licensing a Tea Broker

14- certificate of a Tea Broker

15- Considerations before Licensing

16- Authority to Maintain Register of all Licensed persons

17- Monthly Return for Buyer, Exporter, Importer, Broker and Warehouseman

18- Monthly returns for a Tea Packer

19 – Cancellation of license

20-Registration of a Management Agent

20-Certificate of registration for Management Agent

21-Duration of management agreement

22- Approval of Management Agreement

23-Registration of a Marketing Agent

23- Marketing Agent License

23 – Submission of Annual return for Marketing Agent

24- Supply of Additional Information

25- Publication of Names and Particulars

26 -Transferability of license or registration

27-Application for registration as an Auction Organizer

28 -Certificate of registration of tea Auction Organizer

29- Approval of Trading Rules and Regulations

29- Submission of Auction report

29 - Supervision of tea trade

30 – Notification of Fees and Charges

31- Penalty for Operation Illegality

- 32-Tea export registration
- 33 -Transit tea
- 34 –Tea Pre-imports approval
- 35 -Requirements relating to import of tea
- 36 -Conformity to standards
- 37 -Validity of licenses and registration.
- 38 -General penalty
- 39 -No compensation for cancellation of license
- 40- Declaration of export and import consignments
- 41 -Release Order
- 42 -Entry and inspection
- 43-Powers of an authorized officer
- 44- Prohibition to import and export tea seed or plants without a permit
- 45- Revocation of Legal Notice No 34 of 2012
- 46 -Penalties

IN EXERCISE of the powers conferred under Section 40 of the Crops Act, the Cabinet Secretary for Agriculture Fisheries and Livestock, in consultation with the County Governments, makes the following Regulations–

Regulations to provide for the registration and licensing of tea dealers, the sustainable development of the Tea Industry.

	<i>Preliminary</i>
Citation	1. These Regulations may be cited as the Tea Industry Regulations, 2016
Interpretation	<p>2. In these Regulations, unless the context otherwise requires-</p> <p>“Act” means the Crops Act, 2013;</p> <p>“Auction” means a physical or electronic system where potential buyers place competitive bids for tea;</p> <p>“Auction Organizer” means a person, company or firm established for the purpose of organizing tea auctions in Kenya and licensed by the Authority;</p> <p>“Authority” means the Agriculture and Food Authority established under section 3(1) of the Agriculture and Food Authority Act;</p> <p>“Broker” means a person or company or firm established for the purpose of negotiating the purchase or sale of tea between producers and buyers;</p> <p>“Blending” means the process of mixing of teas of different grades to affect the flavor and characteristics of the tea for the purposes of packing and for sale;</p> <p>“Buyer” means a person, company or a firm engaged in acquiring made tea for resale in the local or export market,</p> <p>“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to Agriculture;</p> <p>“Certificate of Origin” means a document issued in a customs territory by a competent authority confirming the origin of tea product;</p>

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

“Commercial Tea Nursery “means a person or firm who maintains not less than five thousand tea seedlings or planting material for sale.

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

“County government” means the county government provided for under Article 176 of the constitution but for the purposes of these regulations excludes non tea growing counties;

“Cottage tea factory” means a tea factory that manufactures not more than seven hundred and fifty thousand kilograms of high value specialty teas per annum.

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

“Directorate” means the Tea Directorate established by the Authority under section 11 of the Agriculture and Food Authority Act;

“Export” means to take tea out of Kenya to any place outside Kenya;

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

“Green Leaf Agreement” means an agreement between the tea grower and the factory as prescribed in these regulations.

“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 an area;

“Import” means to bring tea into Kenya from any place outside Kenya;

“Importer” means a person, a firm, or a corporate body engaged in the business of

importing tea.

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

“Licensee” means a person who holds a manufacturing license under Section 18 of the Crops Act;

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

“Manufacture” mean the processing of agricultural products and includes the packaging, labelling, distribution, importation of scheduled agricultural products for sale.

“Management Agent” means any person that is registered under these regulations and appointed by a tea factory through a specific management contract or agreement to perform or offer professional services in production, processing, financial, or related services;

“Marketing Agent” means any person that is registered under these regulations and appointed by a tea factory or tea buyer through a specific marketing contract or agreement to perform or offer professional services in Sales, Value Addition, Product Development and related marketing services.

“Manufacturing License” means a license issued under section 18 of the Crops Act;

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

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

“Plantation Tea Producer” means a person cultivating tea in a large area of land measuring twenty hectares and above and who own their own tea processing factory;

“Person” includes a firm, a company, an association, cooperative society or a corporate body;

“Smallholder” means a grower cultivating tea in a small parcel or parcels of land who does not poses their own tea processing factory;

	<p>“Tea” means the plant botanically known as <i>Camellia sinensis</i> 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;</p> <p>“Tea Factory” means a factory that processes and manufactures green tea leaf into made tea and licensed by the Authority.</p> <p>“Tea Packers Association” means any association of tea packers registered by the Authority.</p> <p>“Tea Packer” any person who blends , brands and packs tea into packets or containers holding not more than ten kilograms of tea intended for sale locally or for export;</p> <p>“Tea Trader” means a buyer, exporter, importer, or a warehouseman;</p> <p>“Transit tea” means any consignment of tea transiting through Kenya custom territory and is destined for another custom territory;</p> <p>“Value addition” means improvements on made tea through blending, packaging flavoring, or branding in not more than ten kilograms, and includes tea extracts, tea aroma and tea by-products.</p> <p>“Warehouseman” means a company registered in Kenya and is in the business of storing tea.</p>
	<p><i>Functions and powers of the Directorate</i></p>
<p>Functions and powers of the directorate</p>	<p>3. (1) The Tea Directorate shall carry out such activities and do such things as are necessary to promote and protect the tea industry for the benefit of the tea grower and other stakeholders in the tea industry.</p> <p>(2) Without prejudice to the generality of paragraph (1) the Directorate shall in consultation with County government:-</p> <p>(a) facilitate formulation of general and specific policies for the development of the tea sub-sector in liaison with the Ministry responsible for Agriculture;</p> <p>(b) facilitate the marketing and distribution of tea through monitoring and dissemination of market information including identification of the local and international demand situation, domestic market matching and overseas market intelligence and promotion activities on tea;</p>

- (c) Issue licenses under these Regulations.
 - (d) Issue registration certificates under these regulations.
 - (e) determine the criteria for issuance, refusal, revocation, cancellation, suspension or variation of licenses or registrations issued with respect to tea;
 - (f) regulate and promote, the transportation and processing of tea;
 - (g) In liaison with the stakeholders and relevant government research institutions determine the research priorities on tea and advise generally on tea research.
 - (h) promote tea grower training programs aimed at increasing their knowledge in tea production, technology, market potentials and prospects for various types of tea;
 - (i) partner with research institutions in the development of tea varieties suitable to the agro climatic conditions of the tea growing areas and markets that will provide greatest value addition to tea;
- (3).The Directorate shall:
- (a) regulate all aspects of tea trade and registration of all persons dealing in tea;
 - (b) devise and maintain a system for regular obtaining and disseminating information on current and future production, prices and movement in tea trade;
 - (c) establish linkages with various government and private research institutions for the conduct of studies and researches designed to promote the production, marketing and processing of tea;
 - (d) establish and enforce standards in grading, sampling and inspections, tests and analysis, specifications, units of measurements, code of practice and packaging, preservation, conservation and environmental sustainability and transportation of tea;
 - (e) Develop guidelines to promote the production, processing, marketing, grading, blending, labelling, storage, collection and warehousing of tea.
 - (f) promote and advise on strategies for value addition prior to the export of tea from Kenya;
 - (g) promote an efficient and effective tea trading system
 - (h) Recommend general industry agreements between tea industry players.
 - (i) Prescribe the maximum period within which tea growers are to be paid for tea

	<p>delivered and penalties for delayed payments;</p> <p>(j) Appoint crops inspector and assign functions as prescribed under the Crops Act;</p> <p>(k) Perform any other relevant function with respect to tea including the taking of measures to ensure compliance with the Agriculture and Food Authority Act and the Crops Act.</p>
	<p><i>Registration and Licensing Provisions</i></p>
<p><i>Application of a commercial tea nursery</i></p> <p><i>Registration of commercial tea nursery</i></p> <p><i>Tea growers register</i></p> <p><i>Registration of tea grower</i></p> <p><i>Green leaf agreement</i></p>	<p>4. (1) A person who intends to establish a commercial tea nursery shall Apply for registration to the County Government where they intend to establish the tea nursery. In Form Tea A1 as set out in the Second Schedule.</p> <p>(2) The County Government shall issue a certificate of registration to a commercial tea nursery .in Form Tea A2 as set out in the Second Schedule.</p> <p>(3) A commercial tea nursery shall submit annual returns to the respective County government with a copy to the Authority. in Form A3 set out in the First Schedule.</p> <p>5. (1) A tea factory shall maintain a register of all growers who supply green leaf to it and forward a copy to the County not later than the fifteenth January of every year.</p> <p>(2) Upon commencement of these regulations every registered tea grower shall be deemed to have been registered with the tea factory to which they deliver green leaf.</p> <p>(3) Where a person starts growing tea after the commencement of these regulations, such person shall register with a tea factory where they intend to deliver green leaf as set out in Form C.</p> <p>(4) (i) All tea factories shall sign a Green Leaf Agreement with their registered tea growers as set out in Form C1 in the First Schedule. The parties to the green leaf agreement may include additional terms and conditions that they may deem necessary, provided that the additional terms and conditions do not contravene the provisions of the Act or Regulations (ii) A tea grower shall not register green leaf from their parcel of land to more than one tea factory at a time,</p> <p>Provided that, where subdivision has been carried out but separate titles deeds have not been issued, proof of such subdivision from the registered owner of the land shall be provided to the tea factory.</p>

<p>Application of a Commercial Green leaf transporter</p> <p>Green leaf transporter certificate</p>	<p>(iii) A tea grower who intends to change the factory to which they deliver their green leaf shall issue at least one month written notice of their intention to move to another tea factory.</p> <p>(iv) A factory that receives a notice from a tea grower shall within one month of the receipt of the notice release the grower subject to the grower making arrangements to clear any outstanding obligations with the factory.</p> <p>(v) Any change in the particulars supplied by the grower for purposes of registration in accordance with sub paragraph (1) shall be notified to the Factory in writing.</p> <p>(vi) Where the factory has reasonable cause to believe that a person whose particulars are so recorded has ceased to be a grower, it may after giving that person written notification of its intention to do so, remove the name of such person from the register.</p> <p>(vii) The register referred to in subparagraph (4) shall be <i>prima facie</i> proof of the fact that a person is a registered tea grower with the factory.</p> <p>(viii) A person who grows tea and carries on business as such without being registered in accordance with this paragraph or knowingly or recklessly supplies false particulars, shall be guilty of an offence and on conviction shall be subject to the penalties prescribed under Section 19 of the Crops Act.</p> <p>6. (1) A person who intends to operate or renew their registration as a Commercial green leaf transporter shall, apply for registration to the respective County Government, in Form Tea D as set out in First Schedule.</p> <p>(2) The County Executive Member shall upon recommendation by the factory where the applicant intends to supply green leaf transport services, issue a Commercial green leaf transporter registration certificate in Form Tea D1 as set out in the First schedule.</p> <p>(3) A Commercial green leaf transporter shall sign an annual Green Leaf Transport Agreement, with the factory where they intend to provide green leaf transport services.</p> <p>(4)The tea factory shall maintain for inspection by the County a register of its registered commercial green leaf transporters</p> <p>(5) The commercial green leaf transporter shall convey green leaf to only those tea factories with whom they have signed green leaf transport agreements.</p> <p>(6) A Commercial green leaf transporter shall comply with the Tea Industry Code of Practice KS: 2128, the Public Health Act and any other relevant</p>
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	<p>law.</p> <p>(7) The County Executive Member shall before registering or renewing the registration of a Commercial green leaf transporter satisfy themselves that the applicant has complied with the provisions of the Act, the Tea Industry Code of Practice KS: 2128, the Traffic Act, the Public Health Act and any other relevant law.</p> <p>(8) A Commercial Green Leaf Transporter shall pay to the respective county government an annual registration fee for each vehicle.</p> <p>(9) The county shall issue a sticker to every vehicle registered by it as a Commercial Green Leaf Transporter..</p> <p>(10) All Commercial green leaf transporters shall display the green leaf transport sticker on the front windscreen of their vehicles while conveying green leaf.</p> <p>(11) A person who contravenes the provisions of regulation 5 shall be guilty of an offence and shall upon conviction be liable to the penalties prescribed under Section 37 of the Crops Act.</p>
<p>Tea manufacturing license application and issuance</p> <p>Cottage factory license application and issuance</p>	<p>7. 1) A person who intends to manufacture tea or renew a tea manufacturing license shall apply to the Authority in Form AFA\TD \B set out in the First Schedule.</p> <p>2) The Authority shall issue a manufacturing license in Form AFA\TD\ B1 set out in the First Schedule.</p> <p>(3) A person who intends to manufacture tea in a cottage factory or renew the license shall apply to the Authority in Form AFA\TD\ B2 set out in the First Schedule.</p> <p>(4) The Authority shall issue a cottage manufacturing license in Form AFA\TD\ B3 set out in the First Schedule.</p> <p>(5) Before the issuance of a manufacturing license, the Authority shall satisfy itself that the applicant has complied with the provisions of the Crops Act, and any other relevant law.</p> <p>(6) The Authority shall at least thirty days before granting a new license give notice of the proposed grant in the Gazette and in such other manner as it may</p>

determine.

(7) The Authority shall, after considering an application for a manufacturing license, make a decision within thirty days after receipt of a duly completed application for a manufacturing license

8. (1) A holder of a manufacturing license shall, not later than the fifteenth day of January of every year, complete and submit to the Authority a Statistical Return in Form AFA\TD\ E set out in the First Schedule.

(2) The holder of a manufacturing license issued by the Authority shall, not later than the fourteenth day of each month, complete and submit to the Authority a Monthly Production Return in Form AFA\TD\ F set out in the First Schedule.

9. (1) Every tea factory shall sign a Green Leaf Agreement with the tea growers who are registered to supply green leaf to the factory in Form C1 set out in the Second Schedule.

(2) A holder of manufacturing license who fails to pay its registered tea growers within the prescribed period of one hundred and twenty days shall pay the outstanding amounts with interest at three percentage points above the ruling Central Bank of Kenya rates, until the full amount is paid in full.

(3) The Authority may prescribe a formula, to be applied by a holder of a manufacturing license, to determine the payment to be made to tea growers from time to time for green leaf delivered to the manufacturer. -

(4) A person shall not manufacture or process tea except under and in accordance with a license or registration issued the Act or regulations made thereunder.

(5) A person who manufactures tea without a license commits an offence and is liable, on conviction, to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or both.

10. A person who intends to trade in tea or renew their license as a tea trader shall apply to the Authority in Form AFA\TD\ G set out in the First Schedule

11. (1) A person who intends to carry on the business of a tea buyer, exporter or

Manufacturing
license holder
Statistical Returns

Monthly
Production Returns

Green Leaf
Agreement

Licensing of tea
trader

	<p>16. The Authority shall maintain a register of all persons licensed under these Regulations and may publish the register in such manner as it may determine.</p>
Monthly return for buyer, exporter, importer, broker and warehouseman.	<p>17. (1) Every Tea Trader and Tea Broker shall not later than the fourteenth day of each month, complete and submit to the Authority a return in Form AFA\TD\ P and AFA\TD\Q set out in the First Schedule.</p> <p>(2) The return submitted under paragraph one above shall include details of the teas bought in the previous month and the source and destination of such tea.</p>
Monthly return for a Tea Packer	<p>18. Every Tea Packer shall make a monthly return of the tea packed to the Authority in Form AFA\TD\ R set out in the First Schedule.</p>
Cancellation of a License/Registration	<p>19. (1) The Authority may revoke, alter, suspend or vary the terms and conditions of a license if the holder fails to comply with the provisions of the Act or breaches the terms and conditions of the license or if the holder fails to comply with a lawful requirement or demand given by the Authority.</p> <p>(2) A person who is aggrieved by the decision of the Authority in respect of a grant, refusal, renewal or variation of a license may appeal to the Cabinet Secretary within 30 days from the date on which the applicant received notice of the decision.</p> <p>(3) Before the Authority cancels, suspends or varies a license, it shall give the person to be affected by such action an opportunity to be heard.</p>
Registration of a management agent Management Agent License Annual return for management agent	<p>20. (1) A person who intends to operate as a Management agent shall apply to the Authority in Form AFA\TD\ S set out in the First Schedule.</p> <p>(2) The Authority shall issue a license to a Management Agent in Form AFA\TD\ S1 as set out in the First Schedule.</p> <p>21. Every management agent shall make an annual return to the Authority in Form AFA\TD\ S2 set out in the First Schedule.</p>
Approval of Management Agreement	<p>22. (1) Every Management agent shall sign a management agreement or contract with each tea factory that they intend to offer management agent services to.</p> <p>(2) A management agent shall submit a copy of the management agreement between them</p>

		and the tea factory for recommendation by the Authority.
Registration of a Marketing Agent		23. (1) A person who intends to register or renew their registration as a Marketing Agent shall apply to the Authority in Form AFA\TD\ U set out in the First Schedule.
Marketing Agent License		(2) The Authority shall issue a license to a Marketing Agent in Form AFA\TD\ U1 set out in the First Schedule.
Submission of annual returns		(3) A marketing agent shall submit to the Authority a copy of the marketing agent agreement signed between them and the tea factory for recommendation by the Authority. (4) An applicant for a marketing agency license shall have no direct commercial relationship with the tea factory that they intend to offer marketing agency services to. (5) Every Marketing Agent shall make an annual return to the Authority in Form AFA\TD\ U2 set out in the First Schedule.
Supply of additional information		24. The Authority may require an applicant for a license or registration specified under these Regulations to provide any other further information, that it considers necessary to determine the application.
Publication of names and particulars		25. The Authority shall publish in such manner as it considers appropriate, the names and particulars of the persons— (a) issued with licenses; or (b) whose licenses has been revoked under these Regulations,
Transferability of license or registration		26A license or registration issued by the Authority under these Regulations shall not be transferable to third parties.
Application for registration as an auction organizer		27. A person who intends to register or renew their registration as a tea auction organizer shall apply to the Authority in Form AFA\TD\ X set out in the First Schedule.
Certificate of registration of tea auction organizer		28. The Authority shall issue a certificate of registration to or renew a certificate of registration of a Tea Auction Organizer in Form AFA\TD\ Y set out in the First Schedule.
Approval of trading rules and regulations		29.. (1) The Authority shall, before issuing or renewing a certificate of registration of a tea auction organizer, approve the trading rules and regulations including the maximum fees chargeable, commissions and charges governing the operations of the members annually.

<p>Submission of auction reports</p> <p>Supervision of tea trade</p>	<p>(2) Any changes to the trading rules and regulations of the auction organizer made within the course of the year shall be submitted to the Authority for approval.</p> <p>(3) The Authority shall, before approving the trading rules and regulations, satisfy itself that they are in compliance with the provisions of the Crops Acts, the Competition Act and any other relevant written laws.</p> <p>(4) An auction organizer shall not later than the fourteenth day of each month submit to the Authority a monthly tea auction report of all teas sold through the auction in the previous month in Form AFA\TD\ Z as set out in the First Schedule.</p> <p>(5) An auction organizer shall ensure that only members licensed or registered by the Authority participate in the auction.</p> <p>(6) An auction organizer shall notify the Authority of any complaints or malpractices by any affected member and the corrective action taken within fourteen days.</p>
<p>Notification of fees and charges</p>	<p>30. The fees to be charged for a license, registration certificate or renewal issued under these Regulations shall be as set out in the Third Schedule.</p> <p>(3) All licensed tea brokers, tea auction organizers, marketing and management agents shall annually notify the Authority of fees and commissions charged for services rendered.</p>
<p>Penalty for operating illegally</p>	<p>31. A person who deals in tea without being registered in accordance with this Regulations commits an offence and shall on conviction be liable to imprisonment for term not exceeding five years or to a fine not exceeding Ten million shillings or both.</p>
<p>Tea export registration</p>	<p>32. (1)An exporter shall register all tea exports with the Authority before export in Form AFA\TD\ V set out in the First Schedule.</p> <p>(2) An exporter shall ensure that all tea designated for export conform to Kenyan Standards on quality, food safety and hygiene, sanitary and phytosanitary (SPS) regulations and maintain the relevant documents for inspection by the Authority.</p>
<p>Transit teas</p>	<p>33. An exporter or importer shall comply with the relevant customs laws and regulations on transit-shipment of goods in handling transit teas and maintain the relevant documents for inspection by the Authority.</p>
<p>Tea pre- import approval</p>	<p>34. 1) A person who intends to import tea directly shall apply for pre-import approval to the Authority in Form AFA\TD\ W as set out in the First Schedule.</p> <p>2) An importer shall not import tea into Kenya except and in accordance with pre-</p>

	<p>import approval issued by the Authority.</p> <p>The following tea imports shall be exempt from pre-import approval;-</p> <ol style="list-style-type: none"> i. Teas imports for sale through the Kenyan tea auction ii. Transit teas. <p>(3) An importer shall declare the imports made with the Authority and make a return on all transactions to the Authority in Form AFA\TD\ W1 as set out in the First Schedule.</p> <p>(4) The Authority or its authorized agent shall verify pre-import documentation on tea intended for importation and issue a pre -import approval in the manner prescribed in Form AFA\TD\ B(1)in the Second Schedule.</p> <p>(5) An importer shall not import tea into Kenya without a valid certificate of conformity to Kenya Tea Standards from an accredited institution from the country of origin.</p> <p>(6) The Authority may conduct an analysis of teas imported into the country from time to time to ensure conformity to Kenya tea standards, at the importer’s cost.</p> <p>(7) A person who contravenes the provisions of regulation 34 shall be guilty of an offence and shall upon conviction be liable to the penalties prescribed under Section 37 of the Crops Act.</p>
Requirements relating to import of tea	<p>35. (1) An importer who imports bulk tea into Kenya for blending shall;-</p> <ol style="list-style-type: none"> (a) Provide evidence that the teas they intend to import are not available in the local market or at the tea auction. (b) Obtain pre-import approval from the Authority. (c) Re-export the tea within a period of six months of the date of import and proof of such re-export shall be maintained for inspection by the Authority. <p>(2) All tea imported into Kenya shall be accompanied by—</p> <ol style="list-style-type: none"> (a) Certificate Of Conformity to Kenya Tea Quality Standards; (b) Certificate of origin; (c) Sanitary and phytosanitary certificate; (d) Certificate of analysis on pesticide residues issued by a competent authority from the country of origin. <p>(3) Any imported tea that does not conform to the requirements set out in paragraph (1) and (2) shall be rejected, seized , or destroyed by the Authority or be re-exported to the country of origin at the importer’s expense.</p>
Conformity to	<p>36. All persons dealing in tea shall comply with the relevant national standards.</p>

standards	
Validity of licenses and registration.	<p>37. (1) All licenses and registrations issued under these Regulations shall expire on 30th June of each year.</p> <p>(2) An application for a renewal of a license or registration shall be made at least one month prior to the expiry of such license or registration.</p> <p>Provided that where an application for a renewal of a license or registration is made, the license or registration shall be deemed to continue in force until the application for renewal is determined.</p> <p>(3)The Authority may consider late applications upon an applicant giving reasonable cause for the delay, and upon approval of such application the applicant shall pay a late application fee of 100% of the fees payable.</p>
General penalty	<p>38. A person who is convicted of an offence under these Regulations may in addition to any other penalty have the license or registration suspended or cancelled for such a period as the Authority may decide.</p>
No compensation for cancellation of license or registration	<p>39. . Where a license or registration is suspended or cancelled under these Regulations, the holder of the license or registration shall not be entitled to claim from the Authority, or Government for any compensation or any damages occurring as a result of such suspension or cancellation.</p>
Declaration of export and import consignments	<p>40. (1) Every tea exporter or importer shall declare information on all export and import consignments to the Authority in the prescribed manner.</p> <p>(2) A tea exporter or importer who provides false information under these regulations commits an offence and shall upon conviction be liable to the penalty prescribed under Section 37 of the Crops Act.</p>
Release Order	<p>41. (1) The Authority or its authorized agent shall verify customs documentation on tea export or import of any tea consignment and issue an import or export/import release in Form AFA\TD\ A1 as set out in the Second Schedule.</p> <p>(2) The Authority shall not issue a Release Order if an exporter or importer is in contravention of the provisions of the Crops Act or any Regulations made there under.</p> <p>(3) The Authority may cancel the export or import release or approval Order if an exporter/importer contravenes the provisions of the Crops Act or any Regulations made there under.</p>
Entry and inspection	<p>42. (1) Any person or inspector duly authorized in writing in that behalf by the Authority may, at all reasonable times and upon production of such authority to any person so requesting, enter any land or buildings occupied by the license holder or a person registered under these regulations.</p> <p>(2) The purpose of such entry and inspection shall be to ascertain whether the</p>

	<p>provisions of the Agriculture and Food Authority Act or the Crops Act and the terms and conditions of the respective registrations or license issued under these regulations are being complied with.</p> <p>(3) An inspector or authorized person shall have the power to require any person found thereon to give such information as they may require.</p>
Powers of an Inspector or authorized officer	<p>43. (1) An Inspector, or any officer duly authorized by the Authority may—</p> <p>(a) enter and search any premises upon which he has reason to believe there is tea in respect of which an offence under is being or has been committed, and seize and remove any tea found thereon which they have reasonable cause to believe may provide evidence of that offence;</p> <p>(b) stop, search and detain any vehicle, vessel or other conveyance which they have reason to believe is being or has been used for conveyance of tea in respect of which an offence under the Crops Act or regulations made thereunder is being or has been committed</p> <p>(2) Before removing any tea under this sub regulation (1) (a) , the person removing it shall furnish the person in whose custody or possession the tea is at the time of removal with a written acknowledgment of the seizure of the tea therefor;</p> <p>(3) Every seizure under this regulation shall be reported without unnecessary delay to a subordinate court, and where any vehicle, vessel or other conveyance has been stopped and detained under subparagraph (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.</p> <p>(4) Any person who hinders or obstructs a person acting in the exercise of his powers under this section shall be guilty of an offence.</p>
Prohibition to import and export tea seed or plants without a permit	<p>44. Any person who, except with a written permit by the Authority ,imports or exports any tea seed, or any living tea plants, or any living parts of tea plants which are capable of use for the propagation of tea, shall be guilty of an offence.</p>
Revocation of Legal Notice No 34 of 2012,	<p>45. The Tea (Nominations) Regulations 2012 and the Tea (Licensing, Registration and Trade) Regulations, 2011 are hereby revoked.</p>
Penalties	<p>46. A person who contravenes the provisions of this regulation or commits an offence under this regulation for which no penalty is prescribed shall be liable upon conviction to the penalties prescribed under Section 37 of the Crops Act.</p>

