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SNA
2/12/25*

THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

 THE NATIONAL ASSEMBLY PAPERS LAID	
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CLERK AT THE TABLE:	INZOPU MWALE

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REPORT OF:

THE MEDIATION COMMITTEE ON THE COFFEE BILL (SENATE BILL NO. 10 OF 2023)

PURSUANT TO ARTICLE 113 OF THE CONSTITUTION

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DECEMBER 2025

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CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Mediation Committee on the Coffee Bill (*Senate Bill No. 10 of 2023*). The Senate considered the Bill and transmitted their amendments to the National Assembly for consideration on 1st August, 2024.

The Senate approved the Motion on the Report of the Committee of the Whole House on the consideration of National Assembly amendments to the Coffee Bill, 2023 on Tuesday, 20th May, 2025. The Committee rejected some of the National Assembly amendments to the Bill, warranting the committal of the Bill to the Mediation Committee according to Article 112 (2) (b) of the Constitution.

The Speaker of the National Assembly appointed Members to the Mediation Committee on 22nd July 2025 as required by Standing Order 149 (2) of the National Assembly Standing Orders while the Speaker of the Senate appointed Senators to the Committee on 20th May 2025 under provisions of Standing Order No. 166 (2) of the Senate Standing Orders.

The Committee held five (5) meetings to consider clauses of the Bill that were under mediation. The Committee developed an agreed version of the Bill in these meetings.

The Committee is grateful to the Offices of the Speakers and Clerks of both Houses of Parliament for the logistical and technical support accorded to it in the execution of its mandate.

Finally, we express our appreciation to Members of the Committee and the Committee Secretariat for their patience, sacrifice, endurance and commitment to the assignment which enabled the Committee to complete the task within the stipulated period.

It is now my pleasant privilege and honour to commend this report to the Houses for approval on behalf of the Mediation Committee pursuant to Article 113 (2) of the Constitution, Standing Order 150 (1) of the National Assembly Standing Orders and Standing Order 161 (1) of the Senate Standing Orders.



Hon. David Wafula Wakoli, MP
Chairperson,
Mediation Committee on the Coffee
Bill (Senate Bill No. 10 of 2023)



Hon (Dr.) John Kanyuithia Mutunga, CBS, MP
Vice-Chairperson,
Mediation Committee on the Coffee Bill
(Senate Bill No. 10 of 2023)

CHAPTER ONE

1.0 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Mediation Committee on the Coffee Bill (*Senate Bill No. 10 of 2023*) was constituted by the Speaker of the National Assembly on 22nd July 2025 pursuant to Standing Order 149 (2) of the National Assembly Standing Orders and the Speaker of the Senate on 20th May 2025 pursuant to Standing Order 166 (2) of the Senate Standing Orders.

1.2 MANDATE OF THE COMMITTEE

2. The Mediation Committee derives its mandate from the provisions of Articles 112 (b) and 113 of the Constitution, Standing Order 149 of the National Assembly Standing Orders and Standing Order 166 of the Senate Standing Orders which outline the functions of the Committee as follows:
 - i. *To consider Bills where the Houses do not agree on all or any of the amendments made by either Houses;*
 - ii. *To consider Bills where either House rejects a Motion that a Bill which originated in the other House be read a Second or Third time; and,*
 - iii. *To attempt to develop a version of the Bill that both Houses will pass.*

1.3 COMMITTEE MEETINGS

3. The Committee held five (5) sittings to deliberate on the Coffee Bill (*Senate Bill No. 10 of 2023*) in accordance with the Constitution and relevant provisions of the Standing Orders of the Senate and the National Assembly.
4. During the first sitting, the Committee elected Sen. David Wafula Wakoli, MP and Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP, as Chairperson and Vice-Chairperson, respectively, pursuant to Standing Order 160 (4) of the Senate Standing Orders and Standing Order 149 (4) of the National Assembly Standing Orders.

I.4 COMMITTEE MEMBERSHIP

2. The Mediation Committee on the Coffee Bill (*Senate Bill No. 10 of 2023*) comprises the following Members:

Chairperson

Sen. David Wafula Wakoli, MP
Bungoma County

Ford Kenya Party

Vice-Chairperson

Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP
Tigania West Constituency

UDA Party

Sen. (Prof.) Margaret Jepkoech Kamar, MP
Nominated Senator

UDA Party

Sen. Crystal Asige, MP
Nominated Senator

ODM Party

Sen. Daniel Maanzo, EBS, MP
Makueni County

WDM Party

Hon. Dorice Donya Aburi, MP
Kisii County

WDM Party

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency

ODM Party

Hon. Duncan Maina Mathenge, MP
Nyeri Town Constituency

UDA Party

Hon. Julius Melly Kipbiwott, CBS, MP
Tinderet Constituency

UDA Party

Sen. James Kamau Murango, MP
Kirinyaga County

UDA Party

Sen. Moses Kajwang, CBS, MP
Homabay County

ODM Party

Hon. Yussuf Farah Mohamed, MP
Wajir East Constituency

ODM Party

Hon. Jared Odoyo Okelo, MP
Nyando Constituency

ODM Party

Sen. Esther Anyieni Okenyuri, MP
Nominated Senator

UDA Party

Hon. Robert Gichimu Githinji, MP
Gichugu Constituency

UDA Party

Hon. John Okwisia Makali, MP
Kanduyi Constituency

Ford Kenya Party

Sen. Catherine Mumma, MP
Nominated Senator

ODM Party

Sen. Joseph Kamau Githuku
Lamu County

UDA Party

I.5 COMMITTEE SECRETARIAT

3. The Committee was facilitated by the following staff:

- | | | | |
|------|---------------------|---|---------------------|
| i. | Mr. Peter Mulesi | - | Clerk Assistant I |
| ii. | Ms. Laureen Wesonga | - | Clerk Assistant I |
| iii. | Ms. Regina Munyao | - | Legal Counsel I |
| iv. | Ms. Caroline Njue | - | Clerk Assistant II |
| v. | Mr. Gerald Kadede | - | Legal Counsel II |
| vi. | Mr. Victor Kilimo | - | Clerk Assistant III |

CHAPTER TWO

2.0 NATIONAL ASSEMBLY AMENDMENTS TO THE COFFEE BILL (SENATE BILL NO. 10 OF 2023) UNDER MEDIATION

2.1 INTRODUCTION

4. The Coffee Bill (*Senate Bill No. 10 of 2023*) is sponsored by Hon. James Kamau Murango, MP and co-sponsored by Hon. Kimani Ichung'wah, EGH, MP, the Leader of the Majority Party in the National Assembly.
5. The Bill was published vide *Kenya Gazette Supplement No. 26 of 10th March, 2023* and was considered and passed with amendments by the Senate on 21st March, 2024. The Bill was forwarded to the National Assembly for consideration pursuant to Standing Order 161 of the Senate Standing Orders.
6. The National Assembly considered and passed the Bill with amendments on 27th November, 2024 and transmitted the amendments to the Senate seeking concurrence on 29th November, 2024.
7. The Senate approved the Motion on the Report of the Committee of the Whole House on the consideration of National Assembly amendments to the Coffee Bill, 2023 on Tuesday, 20th May, 2025. The Committee rejected some of the National Assembly amendments to the Bill warranting committal of the Bill to the Mediation Committee pursuant to Article 112 (2) (b) of the Constitution.

2.2 CLAUSES UNDER MEDIATION

The following clauses of the Coffee Bill (*Senate Bill No. 10 of 2023*) were considered by the Mediation Committee:

8. **Amend the definition of a “sales catalogue”** to delete the words “*in the presence of a commercial miller*”.

Resolution by the Senate

The Senate declined the amendment because there have been incidences of stealing of coffee such that the amount that is declared to the grower after milling is sometimes understated or it is not declared at all before the coffee is presented to the exchange for sale. This definition was to ensure accountability.

9. **Clause 3 on objects be amended** by deleting the words “(e) *Promote the vertical integration of the coffee value chain at the production level for the purpose of achieving economies of scale and managing risk*”; and inserting the words “(e) *promote integration of the value chain actors for purposes of achieving economies of scale*.”

Resolution by the Senate

The Senate declined the amendment because the purpose of the integration is to benefit the farmer at the production level.

10. **Delete subclause** “3(f) *Promote evidence-based coffee research and the delivery of extension services for the development of the coffee sector*” and replace it with “(f) *promotion of coffee research and training for the development of the coffee sector*”.

Resolution by the Senate

The Senate declined this amendment because this is what is provided for in the Bill.

11. **Clause 8 on Qualification for appointment** amend to add a new provision “(2) *For purposes of this section, “coffee management” means the process of increasing coffee production per tree, including choice of appropriate agroecology, determination of plant population, planting, crop husbandry, harvesting and conveying through pulping stations.*”

Resolution by the Committee

The Senate declined the amendment because it was not necessary.

12. **Clause 11 on Functions of the Board be amended in subclause** “(e) *collect, collate and maintain a data base and disseminate information on the coffee industry*” to read “(e) *collect, collate and maintain a data base to ensure ease of access to information on the coffee industry.*”

Resolution by the Senate

The Senate declined the amendment because there are various reasons for the collection of data which need to be provided for in the Act.

13. **Amend subclause (2) to read** “(2) *The Board shall, in the performance of its functions under this Act, consult and collaborate with the relevant licensing authority and other industry players*”.

Resolution by the Senate

The Senate declined the amendment because not all functions are in regards to licencing. Agriculture is a devolved function and therefore consulting with CoG is essential. Being general/not expressly providing for consultation makes the provision ambiguous.

14. **Clause 15 on Chief executive officer be amended in subclause (2)(a) to replace degree with** “*postgraduate degree*”.

Resolution by the Senate

The Senate declined the amendment because the provision is in line with *Mwongozo Guidelines on Good Governance*.

15. **Subclause (2) (b)** be amended by replacing 5 years with 10 years.

Resolution by the Senate

The Senate declined the amendment because the provision is in line with the *Mwongozo* Guidelines on Good Governance.

16. **Clause 23 be amended by —**

- a) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A county government may impose levies and fees as may be necessary for the registration and issuance of licences in accordance with the respective county legislation and such standards as may be prescribed by the Cabinet Secretary under this Act.”

Resolution by the Senate

The Senate declined this amendment because it’s important to assign responsibilities to a specific office for purposes of accountability.

- b) by deleting subclause (3) and substituting therefor the following new subclause—

“(3) The Cabinet Secretary shall, in consultation with the Board and the respective county government, prescribe standards and guidelines for the setting of levies and fees by the county government under subsection (2).”

Resolution by the Senate

The Senate declined this amendment because it’s important to assign responsibilities to a specific office for purposes of accountability.

17. **Clause 24 on Enactment of County Specific Legislation** be amended by—

- a) re-numbering the existing provision as subclause (1); and

- b) inserting the following new subclause immediately after subclause (1)—

“(2) The Cabinet Secretary shall, in consultation with the Board and county governments prescribe standards and guidelines to be adhered to while enacting specific county legislation.”

Resolution by the Senate

The Senate declined the amendment because Article 191 of the Constitution provides on how National laws and county laws should be enacted.

18. **Clause 25 on Licencing of Coffee Operations** be amended—

- a) in subclause (3) to read *“(3) The licensing authority shall consider the application and may issue to the applicant a licence in accordance with the respective county legislation.”*

Resolution by the Senate

The Senate declined the amendment because this part is applicable to counties since they are the licencing authorities.

b) by inserting the following new subclause immediately after subclause (3)—

“(4) A county government shall maintain the necessary statistical information with respect to the coffee sector and avail such information to the Board where necessary for proper planning.”

Resolution by the Senate

The Senate declined the amendment because licences will be issued by the county government.

19. **Clause 26 on Regulation of Production and Processing of Coffee be amended in subclause (2) to read—**

“(2) A county government shall regularly share the necessary statistical information with respect to the coffee sector with the Board and such information shall form the basis for proper planning by the Board.”

Resolution by the Senate

The Senate declined the amendment because these are two different provisions; one is providing for maintaining and the other on sharing. The sharing should be both ways.

20. **Clause 30 be amended to read** *“(2) A person shall not conduct the business of a coffee exchange, agent or offer brokerage services at the exchange unless that person is licensed by the Authority in accordance with the provisions of the Capital Markets Act”.*

Resolution by the Senate

The Senate declined the amendment because agents were replaced by brokers who are licenced under the Capital Markets Authority Act for smooth operation.

21. **Clause 33 on Movement Permits** be amended by deleting the words *“county executive committee member”* and substituting therefore the words *“county government”*.

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

22. **Clause 37 on Submission of Reports** be amended by—

a) deleting the words *“county executive committee member”* and substituting therefore the words *“county government”*.

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

- b) deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Board shall submit to the respective county government a report on the registered and licensed dealers and other service providers within the respective county at the end of each month or within such timelines as may be agreed upon with the respective county government.”

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

23. **Clause 38 on Appeals** be amended by—

- a) moving Part IX - COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA (clauses 69 to 84) to appear immediately after clause 38.

Resolution by the Senate

The Senate declined the amendment because the parts are better placed as they appear in the Bill.

- b) moving Part X - FINANCIAL PROVISIONS OF THE INSTITUTE (clauses 85 to 91) to appear immediately after the following new Part VA - COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA.

Resolution by the Senate

The Senate declined the amendment because the parts are better placed as they appear in the Bill.

24. **Clause 39 on Coffee Production** be amended—

- a) by deleting subclause (1).

Resolution by the Senate

The Senate declined this amendment since the Institute will disseminate coffee production and processing technologies in collaboration with county governments. The provisions on (1) will suitably be placed in part IX which provides for the functions of the Institute.

- b) in subclause (2) by deleting the words “county executive member” and substituting therefore the words “county government”.

Resolution by the Senate

The Senate declined the amendment since it is important to assign responsibilities to a specific person for purposes of accountability.

25. **Clause 40 on Importation of Coffee Planting Materials** be amended in subclause (1) by inserting the words “*and licensed*” immediately after the words “*been registered*”.

Resolution by the Senate

The Senate declined this amendment. A way should be explored to distinguish between imports that are done for personal use and for commercial use. Further, Licencing of plants is a mandate of KEPHIS. The compromise would be for the licencing to be done in collaboration with the Board of the Institute.

26. **Clause 42** of the Bill be amended in subclause (3), by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”.

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

27. **Clause 43 on Certification of Kenyan Coffee** be amended in subclause (4) by deleting the words “*county executive committee member*” appearing in paragraph (b) and substituting therefor the words “*county government*”; and in subclause (5), by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”.

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

28. **Clause 45 on Requirements Relating to Coffee Traceability and Disclosures** be amended in subclause (3) by deleting the words “*comprehensive*” appearing in paragraph (b).

Resolution by the Senate

The Senate declined the amendment because the word *comprehensive* in this context means a cover that takes care of all risks.

29. **Clause 47 on Milling Service** be amended by deleting subclause (2).

Resolution by the Senate

The Senate declined this amendment because the provision is important to ensure accountability. Presently, the processing of coffee especially milling is shrouded in mystery.

30. **Clause 49 on Coffee Trading** be amended by deleting the words “with county governments as the Board may prescribe” and inserting the words “the relevant licensing authority may prescribe”.

Resolution by the Senate

The Senate declined this amendment because amendment of this section will affect growers in general. Agriculture and indeed the coffee sector being devolved, there is need to involve county governments.

31. **Clause 50 on International and Local Direct Coffee Sales** be amended by deleting the word “monthly” and substituting therefor the word “quarterly”.

Resolution by the Senate

The Senate declined this amendment because the seller will be required to submit the sales returns monthly for purposes of accountability.

32. **Clause 53 on Sales Catalogue** be amended to read “(1) A grower or a broker appointed by a grower shall, in consultation with an exchange, prepare a sales catalogue for coffee destined for sale at exchange in a licensed warehouse in accordance with the Act”.

Resolution by the Senate

The Senate declined the amendment since the presence of a miller and grower was meant to ensure accountability.

33. **Clause 54** of the Bill be amended in subclause (2) by deleting the words “county executive committee member” and substituting therefor the words “county government”.

Resolution by the Senate

The Senate declined this amendment since it is important to assign responsibilities to a specific office for purposes of accountability.

34. **Clause 57 on Export and Import of Coffee** be amended by inserting the words “of quality analysis” immediately after the word “certificate” appearing in paragraph (a) and in subclause (3), by inserting the word “analysis” immediately after the words “certificate of quality” appearing in paragraph (b).

Resolution by the Senate

The Senate declined this amendment because the clause requires further amendment.

35. **Clause 60 on Quality Assurance for Coffee Industry** be amended—

- a) in subclause (1) by adding the words “in collaboration with the respective licensing authority shall” immediately after the word Board and by deleting subclause (9) by substituting with a new sub clause “(9) The Board shall in collaboration with the licensing authorities and other relevant bodies

conduct periodic surveillance on the application of pesticide to ensure compliance with set standards and best practices.”

Resolution of the Senate

The Senate declined the amendment because the responsibility of enforcing standards cannot be taken away from counties as it's a role assigned to counties under Part 2 of the Second Schedule to the Constitution.

- b) in subclause (5) by replacing “County Executive Committee Member” with the words “county governments”.

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

- c) In subclause (7) by adding the word “maximum” immediately after the word “permissible”.

Resolution by the Senate

The Senate declined the amendment since the word permissible covers both maximum and minimum.

36. Clause 61 on Inspections be amended—

- a) in subclause (1) by deleting the words “county executive committee member” and substituting therefor the words “county government”;
- b) in subclause (2) by deleting the words “county executive committee member” and substituting therefor the words “county government”.

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

37. Amend clause 64 in subclause (1) by deleting the words “two per centum” and substituting therefor the words “two and a half per centum”.

Resolution by the Senate

The Senate declined this amendment because the increase is not justified.

38. Subclause (2) be amended as, “The levy imposed under subsection (1) shall be apportioned as follows—

- i. thirty-five per centum to the Institute;
- ii. twenty per centum to the Board for regulatory purposes
- iii. fifteen per centum to the Board for marketing purposes; and

- iv. *ten per centum to the counties growing areas on pro-rata basis as a conditional grant for coffee development.*”

Resolution by the Senate

The Senate declined the amendment because it was reducing the allocation to county governments, agriculture being devolved, counties should get more allocation. Further, there is no justification for increasing the allocation to the Board to 20% from 15%, an allocation which is only meant for administrative purposes.

39. **Clause 67 on Annual report and publication be amended** in subclause (3) by deleting the words *“the National Assembly and Senate”* and substituting therefore the word *“Parliament”*.

Resolution by the Senate

The Committee declined this amendment because legislation is done in this manner for purposes of clarity.

40. Amend clause 72 by—

- a) inserting the following new paragraph (gb) *“one person representing coffee traders nominated by the apex body representing coffee traders.”*

Resolution by the Senate

The Senate declined the amendment because it is not necessary to have a representative of coffee traders in the research institution.

- b) adding the following new provision *“(4) In making appointments under subsection (1), the appointing authority shall take into consideration the principle of gender balance”*.

Resolution by the Senate

The Senate declined this amendment because it is not implementable due to the composition of the Board.

- c) deleting subclause (5) and substituting with the following, *“(5) A person is qualified for appointment under section (1)(e) and (f) if that person holds a post-secondary education certificate.”*

Resolution by the Senate

The Senate declined this Amendment because the requirement of a post-secondary certificate is too low for a board member in a research institution.

41. **Clause 73 on Term of Appointment** be amended to read, *“The persons appointed under section 72 (1) (a), (e), (f), (g), (ga), (gb) and (h) shall serve for a term of four years renewable for one further term.”*

Resolution by the Senate

The Senate declined this amendment and resolved to reduce the term to 3 years.

42. **Clause 75 on Functions of the Institute** be amended to rearrange the provisions.

Resolution by the Senate

The Senate declined this amendment because it is not necessary.

43. **Clause 79** be amended by deleting subclause (3) and substituting therefor the following new subclause—

“(3) A person is qualified for appointment under subsection (1) if the person—

- a) is a citizen of Kenya;
- b) is a holder of a Doctor of Philosophy or its equivalent in a relevant field from a university recognised in Kenya and such shall be considered an added advantage;
- c) has at least ten years’ experience and knowledge in management;
- d) has at least five years’ experience in a position of senior management; and
- e) meets the requirements of Chapter Six of the Constitution.”

Resolution by the Senate

The Senate declined the amendment in paragraph (c) since the role of the CEO is administrative.

44. **Clause 93 on Digitization** be amended—

- a) in subclause (1), by deleting the words “county executive committee member” and substituting therefore the words “respective county government”; and
- b) in subclause (2), by deleting the words “county executive committee member” and substituting therefore the words “respective county government”

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

45. **Clause 97 on Penalties** be amended by inserting the words “*whichever is higher*” immediately after the words “*or coffee products or*”.

Resolution by the Senate

The Senate declined the amendment.

46. **Clause 99 on Regulations** be amended in subclause (1) by deleting the words “*Council of County Governors*” appearing in the opening statement and substituting therefore the words “*licensing authorities*” and

Resolution by the Senate

The Senate declined the amendment. Retain CoG and add licensing authority. The regulations do not only provide for licensing but also provide for other matters within the coffee sector.

47. Clause 101 of the Bill be amended—

a) by deleting the marginal note and substituting therefor the following new marginal note—

“Assets and liabilities”

Resolution by the Senate

The Senate declined this amendment since the provision does not provide for liabilities.

b) Amend (b) by numbering the existing provision as subclause (1).

Resolution by the Senate

The Senate declined this amendment.

c) Amend paragraph (c) by inserting the following new subclause immediately after subclause (1)—

“(2) All property, except such property as the Cabinet Secretary may specify in writing, which immediately before the commencement of this Act, was vested in the government for the use of the Coffee Directorate of the Agriculture and Food Authority, shall, on the date of commencement of this Act, vest in the Board subject to all interests, liabilities, charges, obligations and trusts affecting that property.”

Resolution by the Senate

The Senate declined this amendment because there was no justification for such powers to be given to the Cabinet Secretary.

48. The Second Schedule be amended.

Resolution by the Senate

The Senate declined all the amendments to the Schedule because the amendments are encroaching on the functions of county governments.

CHAPTER THREE

3.0 COMMITTEE OBSERVATIONS

49. Having considered the Coffee Bill (Senate Bill No. 10 of 2023), the Committee observed that:

- 1) The coffee law will help to regulate the coffee industry in Kenya as it will ensure that producers and manufacturers comply with established standards and guidelines. This will help in improving the quality of coffee products and ensure that consumers are protected from harmful or substandard products.
- 2) A clear legal framework for the coffee industry will make it easier for investors to understand the regulatory environment and make informed decisions about investing in the sector. This can lead to increased investment in coffee production and processing facilities, which will create jobs and drive economic growth.
- 3) The Coffee Bill, 2023 has provisions that protect domestic coffee producers from unfair competition from foreign imports and middlemen. This will help to support local coffee production and ensure that Kenya's coffee industry remains viable and sustainable.
- 4) The coffee industry is an important part of Kenya's agricultural sector, and promoting the growth and development of the industry will promote food security in the country. This is especially important given Kenya's dependence on imported coffee and other food products.
- 5) A well-regulated coffee industry will generate significant revenue for the Kenyan government through taxes and other fees. This revenue will be used to support important social programs and infrastructure projects.

CHAPTER FOUR

4.0 COMMITTEE RECOMMENDATION

50. The Committee, having reviewed the Coffee Bill (*Senate Bill No. 10 of 2023*), recommends that the House **approves** the Bill with amendments as proposed in the Schedule in Chapter Five of this report.

CHAPTER FIVE

5.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the Houses in the Committee Stage:

CLAUSE 2

1. **THAT**, Clause 2 of the Bill be amended by—

deleting the definition of “*sales catalogue*” and substituting therefor the following new definition—

“sales catalogue” means a standard document prepared by a grower or a broker appointed by a grower, in consultation with an exchange, for sale of clean coffee at an exchange”;

Justification

A commercial miller is not needed in the preparation of a sales catalogue.

CLAUSE 3

2. **THAT**, Clause 3 of the Bill be amended—

a) by deleting paragraph (e), and substituting therefor the following new paragraph—

“(e) promote integration of the value chain actors for purposes of achieving economies of scale;”

b) by deleting paragraph (f), and substituting therefor the following new paragraph—

“(f) promotion of evidence-based research and training for the development of the coffee sector;”

Justifications

a) **Integration needs to be both vertical and horizontal.**

b) **Research in extension services is already provided for under the functions of the Institute and county governments.**

CLAUSE 8

3. **THAT**, Clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (1)—

“(2) For purposes of this section, “coffee management” means the process of increasing coffee production per tree, including choice of appropriate agroecology, determination of plant population, planting, crop husbandry, harvesting and conveying through pulping stations.”

Justification

To provide for the definition of coffee management to ensure that the person considered for appointment has experience in the coffee management value chain.

CLAUSE 11

4. **THAT**, Clause 11 of the Bill be amended—

a) in subclause (1) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) collect, collate and maintain a data base to ensure ease of access to information on the coffee industry;”

b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Board may, in the performance of its functions under this Act, consult and collaborate with the relevant licensing authorities and other relevant industry players”.

Justifications

- a) **The aspect of access to the information database of the Board is important; and**
- b) **Consultation by the Board in the performance of its functions should not be mandatory but discretionary where necessary so as not to hinder the functions of the Board.**

CLAUSE 15

5. **THAT**, Clause 15 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A person is qualified for appointment under subsection (1) if the person—

- (a) holds a postgraduate degree in agriculture, business, law or any other relevant field from a university recognized in Kenya;*
- (b) has at least five years’ knowledge and experience from a relevant field;*

Justifications

- a) **A postgraduate degree is needed since the Board regulates a research institution; and**
- b) **Five years’ relevant experience is sufficient since the postgraduate degree involves research in the relevant area of experience.**

CLAUSE 23

6. **THAT**, Clause 23 of the Bill be amended—

a) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A county government may impose levies and fees as may be necessary for the registration and issuance of licences in accordance with the respective county legislation and such standards as may be prescribed by the Cabinet Secretary under this Act.”

b) by deleting subclause (3) and substituting therefor the following new subclause—

“(3) The Cabinet Secretary shall, in consultation with the Board and the respective county government, prescribe standards and guidelines for the setting of levies and fees by the county government under subsection (2).”

Justification

The Bill, being a national legislation, places emphasis on a county government so that the governor is held accountable in case of non-compliance.

CLAUSE 24

7. **THAT**, Clause 24 of the Bill be amended by—

a) re-numbering the existing provision as subclause (1); and

b) inserting the following new subclause immediately after subclause (1)—

“(2) The Cabinet Secretary shall, in consultation with the Board and county governments prescribe standards and guidelines to be adhered to while enacting specific county legislations.”

Justification

The amendment was rejected by the Committee because it contradicts Article 191 of the Constitution which provides for how county laws should be enacted. The amendment might infringe on the independence of county governments to legislate.

CLAUSE 25

8. **THAT**, Clause 25 of the Bill be amended—

a) by deleting subclause (3) and substituting therefor the following new clause—

“(3) A county government shall consider the application and may issue to the applicant a licence in accordance with the respective county legislation.”

b) by inserting the following new subclause immediately after subclause (3)—

“(4) A county government shall maintain the necessary statistical information with respect to the coffee sector and avail such information to the Board where necessary for proper planning.”

Justifications

- a) The Bill, being a national legislation, places emphasis on a county government so that the governor is held accountable in case of non-compliance.**
- b) The amendment was rejected by the Committee because information in the coffee sector cuts across all the licensing authorities, hence sharing of information should be by all the relevant licensing authorities.**

CLAUSE 26

9. **THAT**, Clause 26 of Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A county government shall regularly share the necessary statistical information with respect to the coffee sector with the Board and such information shall form the basis for proper planning by the Board”.

Justification

The amendment was rejected by the Committee because information in the coffee sector cuts across all the licensing authorities hence sharing of information should be by all the relevant licensing authorities.

CLAUSE 30

10. **THAT**, Clause 30 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A person shall not conduct the business of a coffee exchange, agent or offer brokerage services at the exchange unless that person is licensed by the Authority in accordance with the provisions of the Capital Markets Act”.

Justification

The proposal was rejected by the Committee because agents do not participate in the Exchange.

CLAUSE 33

11. **THAT**, Clause 33 of the Bill be amended in subclause (5), by deleting the words “county executive committee member” and substituting therefor the words “county government”.

Justification

The Bill, being a national legislation, places emphasis on a county government so that the governor is held accountable in case of non-compliance.

CLAUSE 37

12. **THAT**, Clause 37 of the Bill be amended—

a) in subclause (1), by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”.

b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Board shall submit to the respective county government a report on the registered and licensed dealers and other service providers within the respective county at the end of each month or within such timelines as may be agreed upon with the respective county government.”

Justification

The Bill, being a national legislation, places emphasis on a county government so that the governor is held accountable in case of non-compliance.

CLAUSE 38

13. **THAT**, the Bill be amended—

a) by moving Part IX - COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA (Clauses 69 to 84) to appear immediately after Clause 38; and

b) by moving Part X - FINANCIAL PROVISIONS OF THE INSTITUTE (Clauses 85 to 91) to appear immediately after the following new Part VA - COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA.

Justification

To enhance the flow of the provisions of the Bill. The establishment of the Coffee Research and Training Institute of Kenya should come before production and processing.

CLAUSE 39

14. **THAT**, Clause 39 of the Bill be amended—

a) by deleting subclause (1); and

b) in subclause (2), by deleting the words “*county executive member*” and substituting therefor the words “*county government*”.

Justifications

- a) **The functions of the Institute provided for under subclause 39(1) have been moved to clauses on the functions of the Institute; and**
- b) **The Bill being a national legislation places emphasis on a county government so that the governor is held accountable in case of non-compliance.**

CLAUSE 40

15. **THAT**, Clause 40 of the Bill be amended—

- a) by deleting subclause (1);
- b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Board may, upon application and in collaboration with any other relevant agency register a person to import coffee materials for nursesey establishment subject to the prescribed conditions.”

Justification

To ensure that the functions of the Board do not contravene the functions of KEPHIS.

CLAUSE 42

16. **THAT**, Clause 42 of the Bill be amended—

- a) in subclause (3) by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”.
- b) in subclause (4) by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”.

Justification

The Bill being a national legislation places emphasis on a county government so that the governor is held accountable in case of non-compliance.

CLAUSE 43

17. **THAT**, Clause 43 of the Bill be amended—

- a) in subclause (4) by deleting the words “*county executive committee member*” appearing in paragraph (b) and substituting therefor the words “*county government*”; and
- b) in subclause (5) by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”.

Justification

The Bill being a national legislation places emphasis on a county government so that the governor is held accountable in case of non-compliance.

CLAUSE 45

18. **THAT**, Clause 45 of the Bill be amended in subclause (3) by deleting the words “*comprehensive*” appearing in paragraph (b).

Justification

The proposal was rejected by the Committee because the word *comprehensive* is not used in the context of motor vehicle insurance but in its literal dictionary meaning.

CLAUSE 47

19. **THAT**, Clause 47 of the Bill be amended by deleting subclause (2);

Justification

The clause is a repetition of clause 45(2)

CLAUSE 49

20. **THAT**, Clause 49 of the Bill be amended in subclause (1), by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) such other methods as the Cabinet Secretary in consultation with the relevant licensing authority may prescribe”.

Justification

To include the Capital Markets Authority in the consultations.

CLAUSE 50

21. **THAT**, Clause 50 of the Bill be amended in subclause (6) by deleting the word “*monthly*” and substituting therefor the word “*annually*”.

Justification

The proposal was adopted with amendments to provide adequate and practical timelines for licensed coffee growers to submit reports to the Board.

CLAUSE 53

22. **THAT**, Clause 53 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

“(1) A grower or a broker appointed by a grower shall, in consultation with an exchange, prepare a sales catalogue for coffee destined for sale at exchange in a licensed warehouse in accordance with the Act”.

Justification

Catalogues are only prepared for coffee offered for sale at the exchange. Warehouses also store coffee for direct sale, but such coffee does not require the preparation of catalogues.

CLAUSE 54

23. **THAT**, Clause 54 of the Bill be amended—

- a) in subclause (2) by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”; and
- b) in subclause (5) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) insure all coffee in the warehouse or under their custody against fire, theft and other insurable risks;”

Justifications

- a) **The Bill being a national legislation places emphasis on a county government so that the governor is held accountable in case of non-compliance; and**
- b) **To provide clarity to the sentence**

CLAUSE 57

24. **THAT**, Clause 57 of the Bill be amended—

- a) in subclause (1) by inserting the words “*of quality analysis*” immediately after the word “*certificate*” appearing in paragraph (a); and
- b) in subclause (3), by inserting the word “*analysis*” immediately after the words “*certificate of quality*” appearing in paragraph (b).

Justification

To specify the certificate that one should possess

CLAUSE 60

25. **THAT**, the Bill be amended in Clause 60—

a) by deleting subclause (1) and substituting therefor the following new subclause—

“(1) The Board, in collaboration with the respective licencing authority shall, enforce coffee industry standards along the value chain for purposes of quality assurance.”

b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Board, in consultation with the Kenya Institute of Curriculum Development established under the Kenya Institute of Curriculum Development Act and accredited universities may develop a training curriculum, conduct examinations and jointly issue certificates for coffee liquorers.”

c) by deleting subclause (5) and substituting therefor the following new subclause—

“(5) The Board shall, in collaboration with the respective county governments establish cupping centres in the counties for purposes of conducting coffee quality analysis and capacity building.”

d) by deleting subclause (7) and substituting therefor the following new subclause—

“(7) The Board may sample coffee at any stage of the value chain to ascertain permissible maximum residual pesticide levels for compliance with set national and international standards”.

e) in subclause (8) by deleting the words “county executive committee member” and substituting therefor the words “county government”.

f) by deleting subclause (9) and substituting therefor the following new subclause—

“(9) The Board shall in collaboration with the licensing authorities and other relevant bodies conduct periodic surveillance on the application of pesticide to ensure compliance with set standards and best practices.”

Justification

- a) **The Board to collaborate with the licensing authorities in the enforcement of industry standards for quality assurance.**
- b) **The Board to develop the curriculum for coffee liquorers in consultation with the Kenya Institute of Curriculum Development, which is the body mandated to develop curriculum for institutions of higher learning in the country, together with accredited universities.**
- c) **The Bill being a national legislation places emphasis on a county government so that the governor is held accountable in case of non-compliance.**

- d) **Sampling is carried out to ascertain permissible maximum residual pesticide levels to ascertain compliance with set standards and not just to ascertain pesticide residual level.**
- e) **Compliance is a function of the Board and surveillance is to be done in collaboration with the licensing authorities and not the county executive committee member.**

CLAUSE 61

26. **THAT**, Clause 61 of the Bill be amended in—

- a) in subclause (1) by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”; and
- b) in subclause (2) by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”.

Justification

The Bill, being a national legislation, places emphasis on a county government so that the governor is held accountable in case of non-compliance.

CLAUSE 64

27. **THAT**, Clause 64 of the Bill be amended—

- a) by deleting the marginal note and substituting therefor the following new marginal note—

“Coffee development and marketing levy”;

- b) in subclause (1) by deleting the words “*two per centum*” and substituting therefor the words “*two and a half per centum*”;
- c) in subclause (2) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The levy imposed under subsection (1) shall be apportioned as follows—

- a) thirty-five per centum to the Institute;*
- b) twenty per centum to the Board for regulatory purposes;*
- c) fifteen per centum to the Board for marketing purposes; and*
- d) ten per centum to the counties growing areas on pro-rata basis as a conditional grant for coffee development.”*

Justifications

- a) **To incorporate the marketing aspect which is a very important function of the Board; and**

b) To ensure that the levy collected can support the functions allocated to it.

CLAUSE 67

28. **THAT**, Clause 67 of the Bill be amended in subclause (3) by deleting the words “*the National Assembly and Senate*” and substituting therefor the word “Parliament”.

Justification

Parliament means both the Senate and the National Assembly.

CLAUSE 72

29. **THAT**, the Bill be amended in Clause 72—

a) by inserting the following new subclause immediately after paragraph (g)—

“(gb) one person representing coffee traders nominated by the apex body representing coffee traders.”

b) by inserting the following new subclause immediately after subclause (3)—

“(4) In making appointments under subsection (1), the appointing authority shall take into consideration the principle of gender balance.”

c) by inserting the following new subclause immediately after subclause (3)—

“(4) A person is qualified for appointment under section (1)(e) and (f) if that person holds a post-secondary education certificate”.

Justifications

a) **The proposal was rejected by the Committee because there is no definition of apex body of coffee traders in the Bill.**

b) **The proposal was rejected by the Committee because the composition of the Board is determined by the persons holding different positions at the time.**

c) **The proposal was adopted by the Committee to ensure that the representative elected into the Council has some level of education literacy.**

CLAUSE 73

30. **THAT**, the Bill be amended by deleting Clause 73 and substituting therefor the following new clause—

“73. The persons appointed under section 72 (1) (a), (e), (f), (g), (ga), (gb) and (h) shall serve for a term of three years renewable for one further term.”

Justification

The proposal was rejected by the Committee because it was a subsequent amendment to the new membership

CLAUSE 75

31. **THAT**, the Bill be amended in Clause 75 by deleting subclause (1) and substituting therefor the following new subclause—

“(1) *The Institute shall—*

- (a) *develop appropriate systems to promote balanced, diversified and sustainable coffee development and to optimise coffee production through adaptive and investigative research;*
- (b) *prioritise areas for, and co-ordinate, coffee research including research in coffee diseases and new coffee varieties;*
- (c) *facilitate the use of improved production technology and establish adequate feedback systems from agricultural producers in order to achieve and maintain national self-sufficiency and export capacities in agricultural products;*
- (d) *advise the National and county governments on the resource requirements for coffee research;*
- (e) *develop curriculum and offer training on research, innovations and technology; and*
- (f) *disseminate, in collaboration with the Board, the Kenya Agricultural and Livestock Research Organisation established under the Kenya Agricultural and Livestock Research Organisation Act and other organizations, knowledge, information and application of research findings in relation to coffee.”.*

Justification

For proper sequencing of the activities.

CLAUSE 79

32. **THAT**, Clause 79 of the Bill be amended by deleting subclause (3) and substituting therefor the following new subclause—

“(3) *A person is qualified for appointment under subsection (1) if the person—*

- (a) *is a citizen of Kenya;*
- (b) *is a holder of a Doctor of Philosophy or its equivalent in a relevant field from a university recognised in Kenya and such shall be considered an added advantage;*
- (c) *has at least ten years’ experience and knowledge in management;*
- (d) *has at least five years’ experience in a position of senior management; and*
- (e) *meets the requirements of Chapter Six of the Constitution.”*

Justification

To align the provision with the Mwongozo Code of Good Governance and introduce the requirement for a PhD since this a research institution.

CLAUSE 93

33. **THAT**, Clause 93 of the Bill be amended—

- a) in subclause (1), by deleting the words “*county executive committee member*” and substituting therefor the words “*respective county government*”; and
- b) in subclause (2), by deleting the words “*county executive committee member*” and substituting therefor the words “*respective county government*”.

Justification

The Bill, being a national legislation, places emphasis on a county government so that the governor is held accountable in case of non-compliance.

CLAUSE 97

34. **THAT**, Clause 97 of the Bill be amended by inserting the words “*whichever is higher*” immediately after the words “*or coffee products or*”.

Justification

To equate the offence with the penalty.

CLAUSE 99

35. **THAT**, Clause 99 of the Bill be amended in subclause (1) by deleting the words “*Council of County Governors*” appearing in the opening statement and substituting therefore the words “*licensing authorities*”;

Justification

To include all the licencing authorities in consultation by the Cabinet Secretary in making regulations.

CLAUSE 101

36. **THAT**, Clause 101 of the Bill be amended—

- a) by deleting the marginal note and substituting therefor the following new marginal note—

“Assets and liabilities”

- b) by renumbering the existing provision as subclause (1);
- c) by inserting the following new subclause immediately after subclause (1)—

“(2) All property, except such property as the Cabinet Secretary may specify in writing, which immediately before the commencement of this Act, was vested in the government for the use of the Coffee Directorate of the Agriculture and Food Authority, shall, on the date of commencement of this

Act, vest in the Board subject to all interests, liabilities, charges, obligations and trusts affecting that property.”

Justification

To provide for a transition clause on the liabilities of the Board which is missing.

THE SECOND SCHEDULE

37. **THAT**, the Second Schedule to the Bill be amended—

a) by deleting paragraph 9 and substituting therefor the following new paragraph—

No.	Type of Licence/Permit or Certificate	Issuing Authority
9.	Warehouse licence	Board in consultation with the county government

b) by deleting paragraph 10 and substituting therefore the following new paragraph—

No.	Type of Licence/Permit or Certificate	Issuing Authority
10.	Coffee nursery certificates	Board in consultation with the county government

c) by deleting paragraph 11 and substituting therefore the following new paragraph—

No.	Type of Licence/Permit or Certificate	Issuing Authority
11.	Pulping station licence	Board in consultation with the county government

d) by deleting paragraph 13 and substituting therefore the following new paragraph—

No.	Type of Licence/Permit or Certificate	Issuing Authority
13.	Coffee Roaster’s licence	County government in consultation with the Board

e) by inserting the following new paragraphs immediately after paragraph 17—

No.	Type of Licence/Permit or Certificate	Issuing Authority
18.	Coffee Marketing Agents License	Capital Markets Authority
19.	Trading License”	Capital Markets Authority

Justification


To align the license with the correct licensing authority and to include other licenses.

Signed:
Date: 1/12/2025

Sen. David Wafula Wakoli, MP
Chairperson,
Mediation Committee on the Coffee
Bill (Senate Bill No. 10 of 2023)

Signed:
Date: 01-12/2025

Hon. (Dr.) John Kanyuthia Mutunga, CBS, MP
Vice-Chairperson,
Mediation Committee on the Coffee Bill
(Senate Bill No. 10 of 2023)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 02 DEC 2025	
DAY: TUESDAY	
TABLED BY:	HON. DANLUM MATHATGE (COMMITTEE MEMBER)
CLERK-AT THE-TABLE:	IMZOPU MWALU



THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025

MEDIATION COMMITTEE ON THE COFFEE BILL (SENATE BILL NO. 10 OF 2023)

ADOPTION SCHEDULE

We, the undersigned Honorable Members of the Mediation Committee on the Coffee Bill (Senate Bill No. 10 of 2023) today, **Monday, 1st December 2025** do hereby affix our signatures to this **Report of the Mediation Committee on the Coffee Bill (Senate Bill No. 10 of 2023)** to affirm our approval and confirm its accuracy, validity and authenticity:

S/NO.	NAME	SIGNATURE
1.	Sen. David Wafula Wakoli, MP – Chairperson	
2.	Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP – Vice-Chairperson	
3.	Sen. (Prof.) Margaret Jepkoech Kamar, MP	
4.	Sen. Daniel Maanzo, EBS, MP	
5.	Hon. Geoffrey Makokha Odanga, MP	Online
6.	Hon. Julius Melly Kipbiwott, CBS, MP	
7.	Sen. Moses Kajwang, CBS, MP	
8.	Hon. Jared Odoyo Okelo, MP	
9.	Hon. Robert Gichimu Githinji, MP	
10.	Sen. Catherine Mumma, MP	
11.	Sen. Crystal Asige, MP	
12.	Hon. Dorice Donya Aburi, MP	
13.	Hon. Duncan Maina Mathenge, MP	
14.	Sen. James Kamau Murango, MP	
15.	Hon. Yussuf Farah Mohamed, MP	
16.	Sen. Esther Anyieni Okenyuri, MP	
17.	Hon. John Okwisia Makali, MP	
18.	Sen. Joseph Kamau Githuku, MP	



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025

MINUTES OF THE 5TH SITTING OF THE MEDIATION COMMITTEE ON THE COFFEE BILL (SENATE BILL NO. 10 OF 2023) HELD ON MONDAY, 1ST DECEMBER 2025 IN COMMITTEE ROOM 23, 5TH FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AND ONLINE AT 3:00 PM

PRESENT

1. Sen. David Wafula Wakoli, MP - **Chairperson**
2. Hon. (Dr.) John Mutunga, CBS, MP - **Vice-Chairperson**
3. Sen. (Prof.) Margaret Jepkoech Kamar, MP
4. Hon. Geoffrey Makokha Odanga, MP
5. Hon. Robert Gichimu Githinji, MP
6. Hon. Jared Odoyo Okelo, MP
7. Sen. James Kamau Murango, MP
8. Sen. Catherine Mumma, MP
9. Hon. Dorice Donya Aburi, MP
10. Hon. Duncan Mathenge Maina, MP
11. Sen. Crystal Asige, MP
12. Sen. Esther Anyieni Okenyuri, MP

ABSENT WITH APOLOGY

1. Sen. Daniel Maanzo, EBS, MP
2. Hon. Julius Melly Kipbiwott, CBS, MP
3. Sen. Moses Kajwang, CBS, MP
4. Hon. Yussuf Farah Mohamed, MP
5. Sen. Joseph Kamau Githuku, MP
6. Hon. John Okwisia Makali, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

1. Peter Mulesi - Clerk Assistant I
2. Ms. Laureen Wesonga - Clerk Assistant I
3. Ms. Regina Munyao - Legal Counsel I
4. Ms. Caroline Njue - Clerk Assistant II
5. Mr. Gerald Kadede - Legal Counsel II
6. Mr. Danton Kimutai - Audio Officer

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda;
3. Confirmation of Minutes;
- 4. Consideration of Clauses under Mediation;**
- 5. Adoption of the Report**
6. Any other Business; and
7. Adjournment/Date of the Next Sitting.

MIN. NO. PSC/MC-CB/2025/16: PRELIMINARIES/ADOPTION OF THE AGENDA

The meeting was called to order at twenty-three minutes past three O'clock and prayer said by Sen. (Prof.) Margaret Kamar, MP.

The Agenda of the meeting was adopted having been proposed by Sen. Esther Anyieni Okenyuri, MP and seconded by Hon. Dorice Donya, MP respectively.

MIN. NO. PSC/MC-CB/2025/17: CONFIRMATION OF MINUTES

Minutes of the following sittings were confirmed as a true reflection of the proceedings:

1. Minutes of the Third Sitting having been proposed by Sen. James Kamau Murango, MP and seconded by Hon. Robert Gichimu Githinji, MP; and
2. Minutes of the Fourth Sitting having been proposed by Hon. Robert Githinji Gichimu, MP and seconded by Sen. Esther Anyieni Okenyuri, MP.

MIN. NO. PSC/MC-CB/2025/18: CONSIDERATION OF CLAUSES UNDER MEDIATION

After extensive deliberations, the meeting resolved as follows:

1. **Clause 97:** Add the word "quality analysis" after the word "certificate".
2. **Clause 101:** The Legal team was tasked to revise the provision to separate assets and liabilities of the Board and Institute.
3. **The Second Schedule:** The Committee agreed on what bodies to issue the different licences.
4. **Clause 2:** Delete definition of DSS
5. **Clause 51:** Amend subclause 51 (3) to remove reference to DSS and provide a timeline of payment of within fourteen days.

MIN. NO. PSC/MC-CB/2025/19: ADOPTION OF THE REPORT

The Report of the Mediation Committee on the Coffee Bill (Senate Bill No. 10 of 2023) was adopted having been proposed by Sen. James Kamau Murango, MP and seconded by Hon. Duncan Maina Mathenge, MP.

MIN. NO. PSC/MC-CB/2025/20:

ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at half past six O'clock.

Signed: 

Date: 1/12/2025

Sen. David Wafula Wakoli, MP
Chairperson, Mediation Committee
on the Coffee Bill, 2023

Signed: 

Date: 07/12/2025

Hon. (Dr.) John Mutunga, PhD, CBS, MP
Vice-Chairperson, Mediation Committee
on the Coffee Bill, 2023



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025

MINUTES OF THE 4TH SITTING OF THE MEDIATION COMMITTEE ON THE COFFEE BILL (SENATE BILL NO. 10 OF 2023) HELD ON MONDAY, 17TH NOVEMBER 2025 IN COMMITTEE ROOM 22, 5TH FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 2:00 PM

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Sen. David Wafula Wakoli, MP | - | Chairperson |
| 2. Hon. (Dr.) John Mutunga, CBS, MP | - | Vice-Chairperson |
| 3. Hon. Julius Melly Kipbiwott, CBS, MP | | |
| 4. Hon. Robert Gichimu Githinji, MP | | |
| 5. Sen. James Kamau Murango, MP | | |
| 6. Sen. Crystal Asige, MP | | |
| 7. Sen. Esther Anyieni Okenyuri, MP | | |
| 8. Hon. John Okwisia Makali, MP | | |

ABSENT WITH APOLOGY

1. Sen. (Prof.) Margaret Jepkoech Kamar, MP
2. Hon. Geoffrey Makokha Odanga, MP
3. Sen. Daniel Maanzo, EBS, MP
4. Sen. Moses Kajwang, CBS, MP
5. Hon. Jared Odoyo Okelo, MP
6. Sen. Catherine Mumma, MP
7. Hon. Yussuf Farah Mohamed, MP
8. Hon. Dorice Donya Aburi, MP
9. Hon. Duncan Mathenge Maina, MP
10. Sen. Joseph Kamau Githuku, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|--------------------------|---|----------------------|
| 1. Ms. Lauren Wesonga | - | Clerk Assistant I |
| 2. Ms. Regina Munyao | - | Legal Counsel I |
| 3. Ms. Caroline Njue | - | Clerk Assistant II |
| 4. Mr. Gerald Kadede | - | Legal Counsel II |
| 5. Mr. Victor Kilimo | - | Clerk Assistant III |
| 6. Mr. Hillary Cheruiyot | - | Research Officer III |
| 7. Ms. Winnie Atieno | - | Hansard Officer III |

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda;
3. Confirmation of Minutes;
- 4. Consideration of Clauses under Mediation;**
5. Any other Business; and
6. Adjournment/Date of the Next Sitting.

MIN. NO. PSC/MC-CB/2025/12: PRELIMINARIES/ADOPTION OF THE AGENDA

The meeting was called to order at three O'clock and prayer said by the Chairperson.

The Agenda of the meeting was adopted having been proposed by Hon. John Makali, MP and seconded by Sen. Esther Anyieni Okenyuri, MP respectively.

MIN. NO. PSC/MC-CB/2025/13: CONFIRMATION OF MINUTES

The agenda was differed to a later date.

MIN. NO. PSC/MC-CB/2025/14: CONSIDERATION OF CLAUSES UNDER MEDIATION

After extensive deliberations, the meeting resolved as follows:

1. **Clause 57 (1):** Add the word "quality analysis" after the word "certificate".

Justification

To specify the certificate that one should possess.

2. **Clause 60:** Agreed to
3. **Clause 64 (1):** amend by deleting the marginal note and substituting with, "Coffee Development and Marketing Levy".
4. **Clause 64 (2):** The Legal team was directed to redraft this clause and present in the next meeting for the Committee's consideration.
5. **Clause 67 (2):** The amendment by the National Assembly was adopted.

Justification

Parliament means both the Senate and the National Assembly.

6. **Clause 72 (gb):** The Committee resolved to delete the paragraph as proposed by the Senate.
7. **Clause 72 (h):** Delete the paragraph because it is a repetition of paragraph (g).
8. **Clause 72 (4):** The Committee resolved to delete the sub-clause as proposed by the Senate.
9. **Clause 72 (5):** The amendment by the National Assembly was adopted.
10. **Clause 73:** The proposal by the Senate to reduce the term of service to three years was adopted by the Committee.
11. **Clause 75:** The Legal team was tasked to rearrange the functions as proposed by the Senate.
12. **Clause 79:** Enhance the qualifications Masters to PhD and make the years of experience 3 years
13. **Clause 97:** The Legal team was tasked to come up with a general penalty.

14. **Clause 97:** Amend to read Licensing Authorities
15. **Clause 101:** Amend the marginal note to read "Assets and Liabilities" and amend the Statement to include liabilities.
16. **Clause 101(2):** The proposal by the Senate to delete the clause was adopted by the Committee.
17. **Second Schedule:** The secretariat to realign (a) considering traceability to ensure quality is retained while taking into consideration the functions of the Board. The Committee agreed to (c) pulping license to be issued by the county. The other licenses to remain as proposed by the National Assembly proposed.

MIN. NO. PSC/MC-CB/2025/15:

ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at eleven minutes to six O'clock. The next meeting will be held on notice.

Signed: 

Signed: 

Date: 1/12/2025

Date: 01/12/2025

**Sen. David Wafula Wakoli, MP
Chairperson, Mediation Committee
on the Coffee Bill, 2023**

**Hon. (Dr.) John Mutunga, PhD, CBS, MP
Vice-Chairperson, Mediation Committee
on the Coffee Bill, 2023**



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025

MINUTES OF THE 3RD SITTING OF THE MEDIATION COMMITTEE ON THE COFFEE BILL (SENATE BILL NO. 10 OF 2023) HELD ON MONDAY, 17TH NOVEMBER 2025 IN COMMITTEE ROOM 22, 5TH FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 11:00 AM

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Sen. David Wafula Wakoli, MP | - | Chairperson |
| 2. Hon. (Dr.) John Mutunga, CBS, MP | - | Vice-Chairperson |
| 3. Hon. Julius Melly Kipbiwott, CBS, MP | | |
| 4. Hon. Robert Gichimu Githinji, MP | | |
| 5. Sen. James Kamau Murango, MP | | |
| 6. Sen. Crystal Asige, MP | | |
| 7. Sen. Esther Anyieni Okenyuri, MP | | |
| 8. Hon. John Okwisia Makali, MP | | |

ABSENT WITH APOLOGY

1. Sen. (Prof.) Margaret Jepkoech Kamar, MP
2. Hon. Geoffrey Makokha Odanga, MP
3. Sen. Daniel Maanzo, EBS, MP
4. Sen. Moses Kajwang, CBS, MP
5. Hon. Jared Odoyo Okelo, MP
6. Sen. Catherine Mumma, MP
7. Hon. Yussuf Farah Mohamed, MP
8. Hon. Dorice Donya Aburi, MP
9. Hon. Duncan Mathenge Maina, MP
10. Sen. Joseph Kamau Githuku, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|--------------------------|---|----------------------|
| 1. Ms. Lauren Wesonga | - | Clerk Assistant I |
| 2. Ms. Regina Munyao | - | Legal Counsel I |
| 3. Ms. Caroline Njue | - | Clerk Assistant II |
| 4. Mr. Gerald Kadede | - | Legal Counsel II |
| 5. Mr. Victor Kilimo | - | Clerk Assistant III |
| 6. Mr. Hillary Cheruiyot | - | Research Officer III |
| 7. Ms. Winnie Atieno | - | Hansard Officer III |

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda;
3. Confirmation of Minutes;
- 4. Consideration of Clauses under Mediation;**
5. Any other Business; and
6. Adjournment/Date of the Next Sitting.

MIN. NO. PSC/MC-CB/2025/8: PRELIMINARIES/ADOPTION OF THE AGENDA

The meeting was called to order at thirty minutes past eleven O'clock and prayer said by Sen. Esther Anyieni Okenyuri, MP

The Agenda of the meeting was adopted having been proposed by Hon. John Makali, MP and seconded by Sen. Esther Anyieni Okenyuri, MP.

MIN. NO. PSC/MC-CB/2025/9: CONFIRMATION OF MINUTES

Minutes of the following sittings were confirmed as a true reflection of the proceedings:

1. Minutes of the First Sitting held on Tuesday, 11th November 2025 having been proposed by Hon. (Dr.) John Mutunga, CBS, MP and seconded by Sen. James Kamau Murango, MP; and
2. Minutes of the Second Sitting held on Wednesday, 12th November 2025 having been proposed by Hon. John Makali, MP and seconded by Sen. Esther Okenyuri, MP.

MIN. NO. PSC/MC-CB/2025/10: CONSIDERATION OF CLAUSES UNDER MEDIATION

After extensive deliberations, the meeting resolved as follows:

1. Amend clause 11(2) to read, "the Board may in performance of its functions under this Act, consult and collaborate with the relevant licensing authorities and other relevant industry players".

Justification

Consultation by the Board in the performance of its functions should be discretionary where necessary so as not to hinder the functions of the Board.

2. **Clause 15 (2)(a):** amend to read, "holds a postgraduate degree in agriculture, business, law or any other relevant field from a university recognised in Kenya".

Justification

A postgraduate degree is needed because the Board oversees a research institution.

3. **Clause 15 (2)(b):** amend to read, "has at least five years' knowledge and experience in a relevant field".

Justification

Five years' relevant experience is sufficient since a postgraduate degree involves research in a given area of experience.

4. **Clauses 23 (2), 23 (3), 25 (2), 33 (5), 37 (1), 37 (2), 39 (2), 42 (3), 42 (4), 43 (4)(b), 43 (5), 54 (2), 60 (5), 61 (1), 61 (2), 93 (1) and 93 (2):** The amendment by the National Assembly was adopted.

Justification

The Bill being a national legislation places emphasis on a county government so that the county governor is held accountable in case of non-compliance.

5. **Clause 24:** The amendment by the National Assembly was rejected.
6. **Clause 25 (4):** The amendment by the National Assembly was rejected.
7. **Clause 26 (2):** Such that communication between the county and the Board is two-way.
8. **Clause 30:** The amendment by the National Assembly was adopted.
9. **Clause 38:** The Bill be amended by moving Part IX-COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA (clauses 69 to 84) to appear immediately after clause 38; and by moving Part X-FINANCIAL PROVISIONS OF THE INSTITUTE (clauses 85 to 91) to appear immediately after the following new Part VA-COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA.
10. **Clause 39:** the clause be amended by deleting subclause (1).

Justification

Functions of the Institute provided for under clause 39(1) have been moved to clauses on the functions of the Institute.

11. **Clause 40:** delete sub-clause 40 (1) and amend subclause 40 (2) to read, "The Board may, upon application and in collaboration with any other relevant agency register a person to import coffee materials for nursery establishment subject to the prescribed conditions".

Justification

To ensure that functions of the Board do not interfere with those of KEPHIS.

12. **Clause 45:** The amendment by the National Assembly was adopted.
13. **Clause 47:** Amend the clause by deleting subclause (2).

Justification

The subclause is a repetition of subclause 45(2).

14. **Clause 49:** Amend by deleting paragraph 49 (1) (d) and substituting with the following new paragraph, "(d) such other methods as the Cabinet Secretary in consultation with the relevant licensing authority may prescribe".

Justification

This is to include CMA in the consultations.

15. **Clause 50 (6):** amend by deleting the word "monthly" and substituting with the word "annually".
16. **Clause 53 (1):** amend by amending subclause (1) to read, "A grower or a broker appointed by a grower shall, in consultation with an exchange, prepare a sales catalogue for coffee destined for sale at an exchange in a licensed warehouse in accordance with the Act".

Justification


Catalogues are prepared for coffee offered for sale at an exchange. Coffee stored in a warehouse does not require a catalogue.


17. **Clause 54 (5):** Amend subclause (5) to read, “insure all coffee in the warehouse or under their custody against fire, theft and other insurable risks”.

MIN. NO. PSC/MC-CB/2025/11:

ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at ten minutes past two O'clock. The next meeting will be held at twenty minutes to three O'clock.

Signed: 
Date: 1/12/2025
Sen. David Wafula Wakoli, MP
Chairperson, Mediation Committee
on the Coffee Bill, 2023

Signed: 
Date: 01/12/2025
Hon. (Dr.) John Mutunga, PhD, CBS, MP
Vice-Chairperson, Mediation Committee
on the Coffee Bill, 2023



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025

MINUTES OF THE 2ND SITTING OF THE MEDIATION COMMITTEE ON THE COFFEE BILL (SENATE BILL NO. 10 OF 2023) HELD ON WEDNESDAY, 12TH NOVEMBER 2025 IN COMMITTEE ROOM 23, 5TH FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 1:00 PM

PRESENT

- | | | |
|-------------------------------------|---|-------------------------|
| 1. Sen. David Wafula Wakoli, MP | - | Chairperson |
| 2. Hon. (Dr.) John Mutunga, CBS, MP | - | Vice-Chairperson |
| 3. Hon. Dorice Donya Aburi, MP | | |
| 4. Sen. James Kamau Murango, MP | | |
| 5. Sen. Esther Anyieni Okenyuri, MP | | |
| 6. Sen. Joseph Kamau Githuku, MP | | |
| 7. Hon. Yussuf Farah Mohamed, MP | | |
| 8. Hon. John Okwisia Makali, MP | | |
| 9. Hon. Jared Odoyo Okelo, MP | | |

ABSENT WITH APOLOGY

1. Sen. (Prof.) Margaret Jepkoech Kamar, MP
2. Hon. Julius Melly Kipbiwott, CBS, MP
3. Hon. Geoffrey Makokha Odanga, MP
4. Sen. Daniel Maanzo, EBS, MP
5. Sen. Moses Kajwang, CBS, MP
6. Sen. Catherine Mumma, MP
7. Hon. Robert Gichimu Githinji, MP
8. Sen. Crystal Asige, MP
9. Hon. Duncan Mathenge Maina, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|--------------------------|---|----------------------|
| 1. Mr. Peter Mulesi | - | Clerk Assistant I |
| 2. Ms. Laureen Wesonga | - | Clerk Assistant I |
| 3. Ms. Regina Munyao | - | Legal Counsel I |
| 4. Ms. Caroline Njue | - | Clerk Assistant II |
| 5. Mr. Victor Kilimo | - | Clerk Assistant III |
| 6. Mr. Gerald Kadede | - | Legal Counsel II |
| 7. Mr. Hillary Cheruiyot | - | Research Officer III |
| 8. Ms. Winnie Atieno | - | Hansard Officer III |

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda;
3. Confirmation of Minutes;
- 4. Consideration of Clauses under Mediation;**
5. Any other Business; and
6. Adjournment/Date of the Next Sitting.

MIN. NO. PSC/MC-CB/2025/4: PRELIMINARIES/ADOPTION OF THE AGENDA

The meeting was called to order at thirty minutes past one O'clock and prayer said by the Chairperson.

The Agenda of the meeting was adopted having been proposed by Sen. James Murango, MP and seconded by Hon. John Makali, MP.

MIN. NO. PSC/MC-CB/2025/5: CONFIRMATION OF MINUTES

Confirmation of minutes of the 1st sitting was deferred to the next sitting.

MIN. NO. PSC/MC-CB/2025/6: CONSIDERATION OF CLAUSES UNDER MEDIATION

After extensive deliberations, the meeting resolved as follows:

1. **Sub-clause 2(e):** The Committee agreed to define a '*sales catalogue*' to mean a standard document prepared by a grower or a broker appointed by a grower, in consultation with an exchange, for sale of clean coffee at an exchange.

Justification

A commercial miller is not needed in the preparation of a sales catalogue.

2. **Sub-clause 3(e):** The Committee agreed to delete paragraph (e) and substitute it with "(e) promote integration of the value chain actors for purposes of achieving economies of scale".

Justification

Integration needs to be both vertical and horizontal.

3. **Sub-clause 3(f):** The Committee agreed to delete paragraph (f) and substitute it with "(f) promotion of evidence-based research and training for the development for the coffee sector".

Justification

Research in extension services is already provided for under the functions of the Institute and county governments.

4. **Clause 8:** The Committee secretariat was tasked to redraft the clause and present in the next meeting.
5. **Clause 11:** The Committee secretariat was tasked to redraft the clause and present in the next meeting.

There being no other business, the meeting was adjourned at thirty-three minutes past two O'clock. The next meeting will be held on Monday, 17th November 2025 at eleven O'clock.

Signed: 

Date: 17/11/2025

Sen. David Wafula Wakoli, MP
Chairperson, Mediation Committee
on the Coffee Bill, 2023

Signed: 

Date: 17/11/2025

Hon. (Dr.) John Mutunga, PhD, CBS, MP
Vice-Chairperson, Mediation Committee
on the Coffee Bill, 2023



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025

MINUTES OF THE 1ST SITTING OF THE MEDIATION COMMITTEE ON THE COFFEE BILL (SENATE BILL NO. 10 OF 2023) HELD ON TUESDAY, 11TH NOVEMBER 2025 IN COMMITTEE ROOM 23, 5TH FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 1:00 PM

PRESENT

1. Hon. Geoffrey Makokha Odanga, MP
2. Hon. Jared Oduyo Okelo, MP
3. Sen. Catherine Mumma, MP
4. Sen. David Wafula Wakoli, MP
5. Hon. Dorice Donya Aburi, MP
6. Sen. James Kamau Murango, MP
7. Sen. Joseph Kamau Githuku, MP
8. Sen. Daniel Maanzo, EBS, MP
9. Hon. (Dr.) John Mutunga, CBS, MP
10. Hon. Yussuf Farah Mohamed, MP

ABSENT WITH APOLOGY

1. Sen. (Prof.) Margaret Jepkoech Kamar, MP
2. Hon. Julius Melly Kipbiwott, CBS, MP
3. Sen. Moses Kajwang, CBS, MP
4. Hon. Robert Gichimu Githinji, MP
5. Sen. Esther Anyieni Okenyuri, MP
6. Sen. Crystal Asige, MP
7. Hon. Duncan Mathenge Maina, MP
8. Hon. John Okwisia Makali, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|--------------------------|---|----------------------|
| 1. Mr. Peter Mulesi | - | Clerk Assistant I |
| 2. Ms. Regina Munyao | - | Legal Counsel I |
| 3. Ms. Caroline Njue | - | Clerk Assistant II |
| 4. Mr. Victor Kilimo | - | Clerk Assistant III |
| 5. Mr. Gerald Kadede | - | Legal Counsel II |
| 6. Mr. Hillary Cheruiyot | - | Research Officer III |
| 7. Ms. Winnie Atieno | - | Hansard Officer III |

AGENDA

- 1. Prayers
- 2. Preliminaries/Adoption of the Agenda
- 3. Confirmation of Minutes
- 4. Election of the Chairperson and Vice-Chairperson of the Committee.**
- 5. Any other Business
- 6. Adjournment/Date of the Next Sitting

MIN. NO. PSC/MC-CB/2025/1: PRELIMINARIES/ADOPTION OF THE AGENDA

The meeting was called to order at fifteen minutes past one o'clock and prayer said by Sen. David Wafula Wakoli, MP.

The Agenda of the meeting was adopted having been proposed by the Sen. Catherine Mumma, MP and seconded by Hon. Geoffrey Makokha Odanga, MP.

MIN. NO. PSC/MC-CB/2025/2: ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSON OF THE COMMITTEE

The Committee Clerk informed the Committee that following establishment of the Mediation Committee, there were two vacant positions; the Chairperson and the Vice-Chairperson. The Committee Clerk then invited nomination of candidates interested in the two positions.


Sen. James Kamau Murango, MP proposed that Sen. David Wafula Wakoli, MP and Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP be nominated as Chairperson and Vice-Chairperson of the Committee respectively. Consequently, Hon. Jared Odoyo Okelo, MP seconded the nomination. This nomination was unanimously agreed upon by the Committee.


Pursuant to Standing Order 149 (4) of the National Assembly Standing Orders and Standing Order 160 (4) of the Senate Standing Orders, the Committee Clerk declared Sen. David Wafula Wakoli, MP and Hon. John Kanyuithia Mutunga, PhD, CBS, MP as the duly elected Chairperson and Vice-Chairperson of the Committee.

The Committee Clerk thereafter invited the Chairperson to take the Chair and make his remarks. Sen. David Wafula Wakoli, MP thanked the Members for nominating him to serve as the Chairperson of the Committee.

MIN. NO. PSC/MC-CB/2025/3: ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at thirty-five minutes past one O'clock. The next meeting will be held on Wednesday 12th November 2025 at one O'clock.

Signed: 
 Date: 17/11/2025
Sen. David Wafula Wakoli, MP
Chairperson, Mediation Committee
on the Coffee Bill, 2023

Signed: 
 Date: 17/11/2025
Hon. (Dr.) John Mutunga, CBS, MP
Vice-Chairperson, Mediation
Committee on the Coffee Bill, 2023

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT

PARLIAMENTARY RESEARCH SERVICE

Title of the Bill	: The Coffee Bill, 2023
Proposed By	: Senate Standing Committee on Agriculture, Livestock and Fisheries.
Date of Publication	: February 20 th 2023

ANALYSIS OF RESOLUTIONS FROM THE COMMITTEE ON THE NATIONAL ASSEMBLY AMENDMENTS TO THE COFFEE BILL, 2023 (SENATE BILLS NO. 10 OF 2023)

I. Preamble

1. The Coffee Bill, 2023, is a Bill for an Act of Parliament to make provision for the establishment of the Coffee Board of Kenya and the Coffee Research Institute; provision for the role of the National and County Governments; provision for the regulation, development and promotion of coffee industry; and for connected purposes.
2. The Bill proposes to set up a Coffee Board of Kenya which will be managed by the Board of Directors. The Board is tasked with the development of National Policy and Standards for the Coffee Industry, while the County Government is to implement the policies and standards at the County level.

3. The Bill also proposes to set up a Coffee Research Institute which will be managed by the Board of Management. The Institute is tasked with doing research on the Coffee Industry- coffee diseases and new coffee varieties, dissemination of research knowledge and information, facilitate the use of improved technology, market trends and topography and use the data to advise the Coffee Board of Kenya and government on the best and competitive practices of the industry.
4. The Bill provides for the roles of the National and County governments, distinctively and collectively for success of the Coffee Industry.
5. The Bill further provides for the regulation, development and promotion of Coffee Industry- registration and marketing, quality and standards and best market practice.

II. Background:

1. The Coffee Bill, 2023 (Senate Bills No. 10 of 2023) was published on 10th March, 2023 and read for the first time in the Senate on Wednesday, Tuesday, 11th April, 2023 and thereafter the Bill stood committed to the Senate Standing Committee on Agriculture, Livestock and Fisheries for consideration. The Bill was advertised in the Daily Nation and Standard Newspapers on 15th June, 2023. Thereafter, the Bill was tabled in the Senate on 21st November, 2023. The Bill was passed in the Senate with amendments on 1st August, 2024 and thereafter, referred to the National Assembly where it was passed with amendments on 14th and 26th November, 2024.
2. The Bill was referred back to the Senate on 29th November, 2024. Subsequently the Speaker of the Senate conveyed the message of referral of the Bill and amendments to the house on 3rd December, 2024 and thereafter referred the National assembly amendments to the Committee to consider and table a report in the Senate.

3. Following the referral, the Committee considered the National Assembly amendments to the Bill on 25th and 26th March, 2025 and adopted the report on the Bill on 10th April, 2025. The report on the consideration of the National Assembly amendments was tabled on Tuesday, 13th May, 2025.
4. The Senate on Tuesday, 20th May, 2025, negatived a Motion on consideration of the National Assembly amendments to the Coffee Bill (Senate Bills No. 10 of 2023), thereby committing the Bill to a Mediation Committee in accordance with the provisions of Article 112 (2)(b) of the Constitution.

III. Committee's resolutions on National Assembly amendments

1. This brief synthesizes the Senate Standing Committee on Agriculture, Livestock and Fisheries' resolutions on National Assembly amendments to the Coffee Bill (Senate Bills No. 10 of 2023) on the rejected amendments.

The following amendments were rejected by the Committee:

1. **Amend the definition of a “sales catalogue”** to delete the words “in the presence of a commercial miller”

Resolution by the Committee – The Committee declined the amendment. There have been incidences of stealing of coffee such that the amount that is declared to the grower after milling is sometimes understated or it is not declared at all before the coffee is presented to the exchange for sale. This was therefore proposed to ensure accountability.

2. **Clause 3 on objects be amended** by deleting the words “(e) Promote the vertical integration of the coffee value chain at the production level for the purpose of achieving economies of scale and managing risk”; **and inserting** the words “(e) promote integration of the value chain actors for purposes of achieving economies of scale;”

Resolution by the Committee – The Committee declined the amendment. The purpose of the integration is to benefit the farmer at the production level.

3. **Delete subclause** “3(f) Promote evidence-based coffee research and the delivery of extension services for the development of the coffee sector” by replacing it **with** “(f) promotion of coffee research and training for the development of the coffee sector;”.

Resolution by the Committee – The Committee declined this amendment. This is what is provided for in the Bill.

4. **Clause 8 on Qualification for appointment** amend to add a new provision “(2) For purposes of this section, “coffee management” means the process of increasing coffee production per tree, including choice of appropriate agroecology, determination of plant population, planting, crop husbandry, harvesting and conveying through pulping stations.”

Resolution by the Committee – The Committee declined the amendment because it is not necessary.

5. **Clause 11 on Functions of the Board be amended in subclause** “(e) collect, collate and maintain a data base and disseminate information on the coffee industry” to read “(e) collect, collate and maintain a data base to ensure ease of access to information on the coffee industry.”

Resolution by the Committee – The Committee declined the amendment. There are various reasons for the collection of data which need to be provided for in the Act

6. **Amend subclause (2) to read** “(2) The Board shall, in the performance of its functions under this Act, consult and collaborate with the relevant licensing authority and other industry players”.

Resolution by the Committee – The Committee declined the amendment. Not all functions are in regards to licencing. Agriculture is a devolved function and therefore consulting with COG is essential.

Being general/not expressly providing for consultation makes the provision ambiguous.

7. **Clause 15 on Chief executive officer** be amended in subclause (2)(a) to replace degree with “postgraduate degree’

Resolution by the Committee – The Committee declined the amendment the provision is in line with Mwongozo guidelines on good governance.

8. **Subclause (2) (b)** be amended to replace 5 years with 10 years.

Resolution by the Committee – The Committee declined the amendment. The provision is in line with the Mwongozo guidelines on good governance.

9. **Clause 23 be amended by —**

(a) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A county government may impose levies and fees as may be necessary for the registration and issuance of licences in accordance with the respective county legislation and such standards as may be prescribed by the Cabinet Secretary under this Act.”

Resolution by the Committee: The Committee declined this amendment. It’s important to assign responsibilities to a specific office for purposes of accountability.

10. (b) by deleting subclause (3) and substituting therefor the following new subclause—

“(3) The Cabinet Secretary shall, in consultation with the Board and the respective county government, prescribe standards and guidelines for the setting of levies and fees by the county government under subsection (2).”

Resolution by the Committee: The Committee declined this amendment. It's important to assign responsibilities to a specific office for purposes of accountability.

11. Clause 24 on Enactment of county specific legislation be amended by adding a new provision –

- a) re-numbering the existing provision as subclause (1); and
- b) inserting the following new subclause immediately after subclause (1)—

“(2) The Cabinet Secretary shall, in consultation with the Board and county governments prescribe standards and guidelines to be adhered to while enacting specific county legislation.”

Resolution by the Committee – The Committee declined the amendment. Article 191 of the Constitution provides on how National laws and County laws should be enacted.

12. Clause 25 on Licencing of coffee operations be amended in subclause (3) to read “(3) The licensing authority shall consider the application and may issue to the applicant a licence in accordance with the respective county legislation.”

Resolution by the Committee – The Committee declined the amendment. This part is applicable to Counties because they are the licencing authorities.

(b) by inserting the following new subclause immediately after subclause (3)—

“(4)A county government shall maintain the necessary statistical information with respect to the coffee sector and avail such information to the Board where necessary for proper planning.”

Resolution by the Committee – The Committee declined the amendment. Licences will be issued by the county government.

13. Clause 26 on Regulation of production and processing of coffee be amended subclause (2) to read

“(2) A county government shall regularly share the necessary statistical information with respect to the coffee sector with the Board and such information shall form the basis for proper planning by the Board.”

Resolution by the Committee – The Committee declined the amendment. These are two different provisions; one is providing for maintaining and the other on sharing. Perhaps both can be combined. The sharing should be both ways.

14. Clause 30 be amended to read “(2) A person shall not conduct the business of a coffee exchange, agent or offer brokerage services at the exchange unless that person is licensed by the Authority in accordance with the provisions of the Capital Markets Act”.

Resolution by the Committee – The Committee declined the amendment. Agents were replaced by brokers who are licenced under the Capital Markets Authority Act for smooth operation.

15. Clause 33 on movement permits be amended by deleting the words “county executive committee member” and substituting therefore the words “county government”.

Resolution by the Committee – The Committee declined the amendment. It is important to assign responsibilities to a specific office for purposes of accountability.

16. Clause 37 on Submission of reports be amended by deleting the words “county executive committee member” and substituting therefore the words “county government”.

Resolution by the Committee – The Committee declined the amendment. It is important to assign responsibilities to a specific office for purposes of accountability.

17. Amend subclause (2) and substituting therefor the following new subclause—

“(2) The Board shall submit to the respective county government a report on the registered and licensed dealers and other service providers within the respective county at the end of each month or within such timelines as may be agreed upon with the respective county government.”

Resolution by the Committee: The Committee declined the amendment. It is important to assign responsibilities to a specific office for purposes of accountability.

18. **Clause 38 on appeals** be amended by moving Part IX-COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA (Clauses 69 to 84) to appear immediately after Clause 38.

Resolution by the Committee – The Committee declined the amendment. The parts are better placed as they appear in the Bill.

19. By moving Part X-FINANCIAL PROVISIONS OF THE INSTITUTE (Clauses 85 to 91) to appear immediately after the following new Part VA-. COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA.

Resolution by the Committee – The Committee declined the amendment. The parts are better placed as they appear in the Bill.

20. **Clause 39 on Coffee Production** - by deleting subclause (1).

Committee Resolution - the Committee declined this amendment since the institute will disseminate coffee production and processing technologies in collaboration with the county governments. The provisions on (1) will suitably be placed in part IX which provides for the functions of the institute.

21. Amend subclause (2) by deleting the words “county executive member” and substituting therefore the words “county government”.

Resolution by the Committee – The Committee declined the amendment. It is important to assign responsibilities to a specific person for purposes of accountability.

22. **Clause 40 on Importation of coffee planting materials** amended in subclause (1) by inserting the words “and licensed” immediately after the words “been registered”.

Committee Resolution - the Committee declined this amendment. The Committee suggested that during mediation a way should be explored to distinguish between imports that are done for personal use and for commercial use. Further Licencing of plants is a mandate of by KEPHIS. the compromise would be for the licencing to be done in collaboration with the Board of the Institute.

23. **Clause 42** of the Bill be amended a) in subclause (3), by deleting the words “county executive committee member” and substituting therefor the words “county government”.

Resolution by the Committee – The Committee declined the amendment. It is important to assign responsibilities to a specific office for purposes of accountability.

24. **Clause 43 Certification of Kenyan Coffee** be amended in subclause (4), by deleting the words “county executive committee member” appearing in paragraph (b) and substituting therefor the words “county government”; and in subclause (5), by deleting the words “county executive committee member” and substituting therefor the words “county government”.

Resolution by the Committee – The Committee declined the amendment. It is important to assign responsibilities to a specific office for purposes of accountability.

25. **Clause 45 on Requirements relating to coffee traceability and disclosures** be amended in subclause (3) by deleting the words “comprehensive” appearing in paragraph (b).

Committee Resolution - The Committee declined the amendment. The word comprehensive in this context means a cover that takes care of all risks.

26. **Clause 47 on Milling service** be amended by deleting the subclause (2).

Committee Resolution - The Committee declined this amendment. The provision is important to ensure accountability. Presently the processing of coffee especially milling is shrewd in mystery.

27. **Clause 49 on Coffee trading be amended by deleting** “with county governments as the Board may prescribe” and inserting “the relevant licensing authority may prescribe”.

Committee Resolution - The Committee declined this amendment. The decision to amend this section will affect growers in general. Agriculture and indeed the coffee sector being devolved, there is need to involve County governments.

28. **Clause 50 on International and local direct coffee sales** be amended by deleting the word “monthly” and substituting therefore the word “quarterly”.

Committee Resolution - The Committee declined this amendment. The seller will be required to submit the sales returns monthly for purposes of accountability.

29. **Clause 53 on Sales Catalogue** be amended to read “(1) A grower or a broker appointed by a grower shall, in consultation with an exchange, prepare a sales catalogue for coffee destined for sale at exchange in a licensed warehouse in accordance with the Act”.

Committee Resolution – the Committee declined the amendment since the presence of a miller and grower was meant to ensure accountability.

30. Clause 54 of the Bill be amended (a) in subclause (2) by deleting the words “county executive committee member” and substituting therefor the words “county government”

Resolution by the Committee - The Committee declined this amendment. It is important to assign responsibilities to a specific office for purposes of accountability.

31. **Clause 57 on Export and import of coffee** be amended by inserting the words “of quality analysis” immediately after the word “certificate” appearing in paragraph (a) and in subclause (3), by inserting the word “analysis” immediately after the words “certificate of quality” appearing in paragraph (b).

Committee Resolution – the Committee declined this amendment. The clause requires further amendment.

32. **Clause 60 on Quality assurance for coffee industry (1)** be amended by adding the words “in collaboration with the respective licencing authority shall” immediately after the word Board and by deleting subclause (9) by substituting with a new sub clause “(9) The Board shall in collaboration with the licensing authorities and other relevant bodies conduct periodic surveillance on the application of pesticide to ensure compliance with set standards and best practices.”

Committee Resolution – The Committee declined the amendment. We cannot take away the responsibility of enforcing standards from the

counties because it's a role assigned to counties under part 2 of the second schedule to the Constitution.

33. **Subclause (5)** be amended to replace "County Executive Committee Member" with the words "county governments".

Resolution by the Committee – The Committee declined the amendment. It is important to assign responsibilities to a specific office for purposes of accountability.

34. Subclause (7) be amended to add the word "maximum" immediately after the word "permissible".

Committee Resolution – The Committee declined the amendment since the word permissible covers both maximum and minimum.

35. **Clause 61 on inspections** in subclause (1) be amended by deleting the words "county executive committee member" and substituting therefor the words "county government"; and in subclause (2) by deleting the words "county executive committee member" and substituting therefor the words "county government".

Resolution by the Committee – The Committee declined the amendment. It is important to assign responsibilities to a specific office for purposes of accountability.

36. Amend Clause 64 Sub clause (1) by deleting the words "two per centum" and substituting therefor the words "two and a half per centum" in Subclause (1).

Resolution by the Committee – The Committee declined this amendment. The increase is not justified.

37. Sub clause “(2) be amended as - The levy imposed under subsection (1) shall be apportioned as follows—

- i. thirty-five per centum to the Institute;
- ii. twenty per centum to the Board for regulatory purposes
- iii. fifteen per centum to the Board for marketing purposes; and
- iv. ten per centum to the counties growing areas on pro-rata basis as a conditional grant for coffee development.”

Committee Resolution – The Committee declined the amendment because it was reducing the allocation to county government, agriculture being devolved, the Counties should get more allocation. Further, there is no justification for increasing the allocation to the Board to 20% from 15% an allocation which is only meant for administrative purposes.

38. **Clause 67 on Annual report and publication be amended** in subclause (3) by deleting the words “the National Assembly and Senate” and substituting therefore the word “Parliament”.

Committee Resolution – The Committee declined this amendment. We legislate in this manner for purposes of clarity.

39. New clause 72(gb) one person representing coffee traders nominated by the apex body representing coffee traders.”

Committee Resolution – The Committee declined the amendment. Having a representative of the coffee traders in a research institution is not necessary.

40. Add a New Provision “(4) In making appointments under subsection (1), the appointing authority shall take into consideration the principle of gender balance.

Committee Resolution – The Committee declined this amendment. The provision is not implementable due to the composition of the Board.

41.(5) A person is qualified for appointment under section (1)(e) and (f) if that person holds a post-secondary education certificate.”

Resolution by the Committee - The Committee declined this Amendment. The requirement of a post -secondary certificate is too low for a board member in a research institution.

42.**Clause 73 on term of appointment** - The persons appointed under section 72 (1) (a), (e), (f), (g), (ga), (gb) and (h) shall serve for a term of four years renewable for one further term.”

Committee Resolution - the Committee declined this amendment and resolved to reduce the term to 3 years.

43.**Clause 75** on Functions of the Institute be amended to rearrange the provisions.

Committee Resolution - the Committee declined this amendment. Not necessary.

44.**Clause 79** be amended by deleting subclause (3) and substituting therefor the following new subclause “(3)A person is qualified for appointment under subsection (1) if the person—

- a) is a citizen of Kenya;
- b) is a holder of a Doctor of Philosophy or its equivalent in a relevant field from a university recognised in Kenya and such shall be considered an added advantage;
- c) has at least ten years’ experience and knowledge in management;
- d) has at least five years’ experience in a position of senior management; and
- e) meets the requirements of Chapter Six of the Constitution.”

Committee Resolution - The Committee declined the amendment. In (c), the Committee rejected the amendment since the role of the CEO is administrative.

45. **Clause 93 on digitization** be amended THAT, Clause 93 of the Bill be amended -

- a) subclause (1), by deleting the words “county executive committee member” and substituting therefore the words “respective county government”; and
- b) in subclause (2), by deleting the words “county executive committee member” and substituting therefore the words “respective county government”

Committee Resolution – The Committee declined the amendment. It is important to assign responsibilities to a specific office for purposes of accountability.

46. **Clause 97 on penalties** be amended by inserting the words “whichever is higher” immediately after the words “or coffee products or”.

Committee Resolution - The Committee declined the amendment.

47. **Clause 99 on Regulations** be amended in subclause (1) -

- i. by deleting the words “Council of County Governors” appearing in the opening statement and substituting therefore the words “licensing authorities” and

Committee Resolution - The Committee declined the amendment. Retain COG and add licensing authority. The regulations do not only provide for licensing but also provide for other matters within the coffee sector.

48. **Clause 101** of the Bill be amended in (a) by deleting the marginal note and substituting therefor the following new marginal note —

“Assets and liabilities”

Resolution by the Committee - The Committee declined this amendment. The provision does not provide for liabilities.

49. Amend (b) by numbering the existing provision as subclause (1).

Resolution by the Committee - The Committee declined this amendment.

50. Amend (c) by inserting the following new subclause immediately after subclause (1)—

“(2) All property, except such property as the Cabinet Secretary may specify in writing, which immediately before the commencement of this Act, was vested in the government for the use of the Coffee Directorate of the Agriculture and Food Authority, shall, on the date of commencement of this Act, vest in the Board subject to all interests, liabilities, charges, obligations and trusts affecting that property.”

Resolution by the Committee - The Committee declined this amendment. No justification for such powers to be given to the Cabinet Secretary.

51. **Second Schedule** be amended.

Committee Resolution – The Committee declined all the amendments to the Schedule because the amendments are encroaching on the functions of the county governments.

THE COFFEE BILL, 2023

(SENATE BILL NO. 10 OF 2023)

*The Bill as passed by the National Assembly on Thursday, 14th November, 2024 and
Tuesday, 26th November, 2024.*

SCHEDULE OF AMENDMENTS MADE TO THE BILL BY THE NATIONAL ASSEMBLY

CLAUSE 2

1. THAT, Clause 2 of the Bill be amended by—

- (a) deleting the definition of “broker” and substituting therefor the following new definition—

“broker” means a person cleared by the exchange and licensed by the Capital Markets Authority, appointed by a grower or an association of growers in accordance with the Capital Markets Act, to offer their coffee on their behalf through the Exchange”;

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- (b) by deleting the definition of “buyer and substituting therefor following new definition—

“buyer” means a person or entity licensed by the Board to buy clean coffee at an exchange from a cooperative society, registered grower, coffee union, grower-miller or coffee estate for export, local sale, value addition or import clean coffee for secondary processing in Kenya”;

- (c) deleting the definition of “clearing and settlement”.

- (d) deleting the definition of “coffee grower” and substituting therefor the following new definition—

“coffee grower” means a person who cultivates coffee in Kenya, and may for purposes of licensing, include a co-operative society, coffee union, association and estate.”

- (e) deleting the definition of “sales catalogue” and substituting therefor the following new definition—

“sales catalogue” means a standard document prepared by a grower or a broker appointed by a grower, in consultation with an exchange, for sale of clean coffee at an exchange”;

- (f) deleting the definition of “secondary processing” and substituting therefor the following new definition—

- “secondary processing” means parchment and *buni* de-husking, polishing, grading and may include grinding, and packaging of clean coffee beans”;
- (g) deleting the definition of “small holder” and substituting therefor the following new definition—
“small holder” means a person cultivating coffee in a small parcel of land or in small parcels of land who does not own a pulping station.”
- (h) inserting the following new definitions in their proper alphabetical sequence—
“Authority” means Capital Markets Authority Cap.485 established under the Capital Markets Act”;
- “miller” means a person who is involved in the process of de-husking and possible grading of coffee and includes grading of clean coffee”; and
- “roaster” means a person who is in the business or process of turning green coffee into usable coffee products”;

CLAUSE 3

2. **THAT**, Clause 3 of the Bill be amended—

- (a) by deleting paragraph (e), and substituting therefor the following new paragraph—
“(e) promote integration of the value chain actors for purposes of achieving economies of scale;”
- (b) by deleting paragraph (f), and substituting therefor the following new paragraph—
“(f) promotion of coffee research and training for the development of the coffee sector;”
- (c) in paragraph (g), by deleting sub-paragraph (i) and substituting therefor the following new sub-paragraph—
“(i) the establishment and management of coffee development levy”;

CLAUSE 6

3. **THAT**, Clause 6 of the Bill be amended—

- (a) in subclause (1), by inserting the words “or bank accounts” immediately after the word “account” appearing in paragraph (e).
- (b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Board may, if it considers necessary, enter into association with such bodies or organisations whose objects and purpose support the promotion of the coffee industry.”

CLAUSE 8

THAT, Clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (1)--

“(2) For purposes of this section, “coffee management” means the process of increasing coffee production per tree, including choice of appropriate agroecology, determination of plant population, planting, crop husbandry, harvesting and conveying through pulping stations.”

CLAUSE 11

4. **THAT**, Clause 11 of the Bill be amended—

(a) in subclause (1)—

(i) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) collect, collate and maintain a data base to ensure ease of access to information on the coffee industry;”

(ii) by deleting paragraph (f) and substituting therefor the following new paragraph—

“(f)conduct national and international coffee market intelligence and surveys to facilitate market access and inform promotional and branding strategies including the application of the Kenya Coffee Mark of Origin;”

(iii) by deleting paragraph (p) and substituting therefor the following new paragraph—

“(p) source for and market Kenyan coffee internationally;”

(iv) by inserting the following new paragraph immediately after paragraph (p)—

“(pa)adopt marketing strategies that leverage digital platforms to reach broader audience and boost coffee sales;”

(b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Board shall, in the performance of its functions under this Act, consult and collaborate with the relevant licensing authority and other industry players”.

CLAUSE 12

5. **THAT**, Clause 12 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclauses—

“(2) The Board of directors may co-opt persons whose knowledge and skills are necessary for resolution of any pertinent matter under consideration by the committee or the Board for performance of its function and exercise of its powers under this Act.

(3) Notwithstanding subclause (2), the Board shall not co-opt more than five (5) persons at any particular time.”

CLAUSE 14

6. **THAT**, the Bill be amended by deleting Clause 14 and substituting therefor the following new clause—

“14. The members of the Board of Directors shall be paid such remuneration as the Salaries and Remuneration Commission shall determine”.

Remuneration
of the board of
directors.

CLAUSE 15

7. **THAT**, Clause 15 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A person is qualified for appointment under subsection (1) if the person—

- (a) holds a post graduate degree in agriculture, business, law or any other relevant field from a university recognized in Kenya;
- (b) has at least ten years’ knowledge and experience from a relevant field;
- (a) has at least five years’ experience in a senior management position; and
- (b) meets the requirements of Chapter Six of the Constitution”.

CLAUSE 23

8. **THAT**, Clause 23 of the Bill be amended—

- (a) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A county government may impose levies and fees as may be necessary for the registration and issuance of licences in accordance with the respective county legislation and such standards as may be prescribed by the Cabinet Secretary under this Act.”

- (b) by deleting subclause (3) and substituting therefor the following new subclause—

“(3) The Cabinet Secretary shall, in consultation with the Board and the respective county government, prescribe standards and guidelines for the setting of levies and fees by the county government under subsection (2).”

CLAUSE 25

9. **THAT**, Clause 25 of the Bill be amended in subclause (3) by deleting the words “county executive committee member” and substituting therefor the words “licensing authority”.

CLAUSE 26

10. **THAT**, Clause 26 of Bill be amended—

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) promoting production and productivity;”

- (b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A county government shall regularly share the necessary statistical information with respect to the coffee sector with the Board and such information shall form the basis for proper planning by the Board.”

CLAUSE 27

11. **THAT**, Clause 27 of the Bill be amended in subclause (8) by inserting the word “annually” immediately after the expression “subsection (6)”.

CLAUSE 28

12. **THAT**, Clause 28 of the Bill be amended—
- (a) in subclause (2), by deleting paragraph (a);
 - (b) by deleting subclause 4;
 - (c) by deleting subclause 5;
 - (d) by deleting subclause 6; and
 - (e) by deleting subclause 7

CLAUSE 30

13. **THAT**, Clause 30 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A person shall not conduct the business of a coffee exchange, agent or offer brokerage services at the exchange unless that person is licensed by the Authority in accordance with the provisions of the Capital Markets Act”. Cap.485A

CLAUSE 32

14. **THAT**, Clause 32 of the Bill be amended by deleting the word “monthly” and substituting therefor the word “quarterly”.

CLAUSE 33

15. **THAT**, Clause 33 of the Bill be amended in subclause (5), by deleting the words “county executive committee member” and substituting therefor the words “county government”.

CLAUSE 37

16. **THAT**, Clause 37 of the Bill be amended—

- (a) in subclause (1), by deleting the words “county executive committee member” and substituting therefor the words “county government”.
- (b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Board shall submit to the respective county government a report on the registered and licensed dealers and other service providers within the respective county at the end of each month or within such timelines as may be agreed upon with the respective county government.”

CLAUSE 38

17. **THAT**, the Bill be amended—

- (a) by moving Part IX-COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA (Clauses 69 to 84) to appear immediately after Clause 38; and
- (b) by moving Part X-FINANCIAL PROVISIONS OF THE INSTITUTE (Clauses 85 to 91) to appear immediately after the following new Part VA- . COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA.

CLAUSE 39

18. **THAT**, Clause 39 of the Bill be amended—

- (a) by deleting subclause (1); and
- (b) in subclause (2), by deleting the words “county executive member” and substituting therefor the words “county government”.

CLAUSE 40

19. **THAT**, Clause 40 of the Bill be amended in subclause (1) by inserting the words “and licensed” immediately after the words “been registered”.

CLAUSE 42

20. **THAT**, Clause 42 of the Bill be amended—

- (a) in subclause (3), by deleting the words “county executive committee member” and substituting therefor the words “county government”.
- (b) in subclause (4), by deleting the words “county executive committee member” and substituting therefor the words “county government”.

CLAUSE 43

21. **THAT**, Clause 43 of the Bill be amended—

- (a) in subclause (4), by deleting the words “county executive committee member” appearing in paragraph (b) and substituting therefor the words “county government”; and
- (b) in subclause (5), by deleting the words “county executive committee member” and substituting therefor the words “county government”.

CLAUSE 44

22. **THAT**, the Bill be amended by deleting Clause 44 and substituting therefor the following new clause—

“44. The processing of coffee shall be carried out at designated, standard approved facilities in accordance with established and approved Coffee Standards and Industry Code of Practice.”

Requirements relating to coffee processing.

CLAUSE 45

23. **THAT**, Clause 45 of the Bill be amended in subclause (3) by deleting the words “comprehensive” appearing in paragraph (b).

24. **THAT**, the Bill be amended by inserting the following new clause immediately after Clause 45—

45A. (1) A coffee miller may bulk parchment or buni or coffee of the same quality and characteristics in order to attain millable quantities.

Bulking of coffee.

(2) A coffee miller who bulks coffee shall avail information, in the prescribed form, to an exchange and the direct settlement system provider on the proportions of the bulked coffees for purposes of processing payments.

(3) The Board and the respective county government shall, separately or jointly undertake regular inspections to ensure compliance with this Act by the coffee millers.

(4) A coffee grower may deliver coffee samples not exceeding five hundred grams of parchment or buni for independent quality analysis by a laboratory before delivery to a commercial coffee miller.

(5) A laboratory to which a sample is submitted under subsection (4) shall issue to the coffee grower a report on quality compliance in the prescribed form.

(6) A coffee miller shall remit two hundred- and fifty-grams samples for each grade of an out-turn to the Board for quality analysis and assessment of conformity with coffee standards.

(7) A co-operative society or association comprising smallholder growers that intends to obtain milling services shall competitively procure the services of a miller or other service providers to whom the coffee is intended to be delivered for milling.

(8) Any charges imposed for the delivery of services to a coffee grower shall be communicated in the prescribed form to the direct settlement system provider before the sale of coffee for the purpose of settlement after the sale has been conducted

CLAUSE 47

25. **THAT**, Clause 47 of the Bill be amended by deleting the subclause (2);

CLAUSE 48

26. **THAT**, the Bill be amended by deleting Clause 48.

CLAUSE 49

27. **THAT**, Clause 49 of the Bill be amended in subclause (1), by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) such other methods as the Cabinet Secretary in consultation with the relevant licensing authority may prescribe”.

CLAUSE 50

28. **THAT**, Clause 50 of the Bill be amended in subclause (6) by deleting the word “monthly” and substituting therefor the word “quarterly”.

CLAUSE 53

29. **THAT**, Clause 53 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

“(1) A grower or a broker appointed by a grower shall, in consultation with an exchange, prepare a sales catalogue for coffee destined for sale at exchange in a licensed warehouse in accordance with the Act”.

CLAUSE 54

30. **THAT**, Clause 54 of the Bill be amended—

(a) in subclause (2) by deleting the words “county executive committee member” and substituting therefor the words “county government”; and

(b) in subclause (5) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) insure all coffee in the warehouse or under their custody against fire, theft and other insurable risks;”

CLAUSE 57

31. **THAT**, Clause 57 of the Bill be amended—

(a) in subclause (1), by inserting the words “of quality analysis” immediately after the word “certificate” appearing in paragraph (a); and

(b) in subclause (3), by inserting the word “analysis” immediately after the words “certificate of quality” appearing in paragraph (b).

CLAUSE 60

32. **THAT**, the Bill be amended in Clause 60—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

“(1) The Board, in collaboration with the respective licencing authority shall, enforce coffee industry standards along the value chain for purposes of quality assurance.”

(b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Board, in consultation with the Kenya Institute of Curriculum Development established under the Kenya Institute of Curriculum Development Act and accredited universities may develop a training curriculum, conduct examinations and jointly issue certificates for coffee liquorers.”

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- (c) by deleting subclause (5) and substituting therefor the following new subclause—

“(5) The Board shall, in collaboration with the respective county governments establish cupping centers in the counties for purposes of conducting coffee quality analysis and capacity building.”

- (d) by deleting subclause (7) and substituting therefor the following new subclause—

“(7) The Board may sample coffee at any stage of the value chain to ascertain permissible maximum residual pesticide levels for compliance with set national and international standards”.

- (e) in subclause (8) by deleting the words “county executive committee member” and substituting therefor the words “county government”.

- (f) by deleting subclause (9) and substituting therefor the following new subclause—

“(9) The Board shall in collaboration with the licensing authorities and other relevant bodies conduct periodic surveillance on the application of pesticide to ensure compliance with set standards and best practices.”

CLAUSE 61

33. **THAT**, Clause 61 of the Bill be amended in—

- (a) in subclause (1) by deleting the words “county executive committee member” and substituting therefor the words “county government”; and
(b) in subclause (2) by deleting the words “county executive committee member” and substituting therefor the words “county government”.

CLAUSE 64

34. **THAT**, Clause 64 of the Bill be amended—

- (a) by deleting the marginal note and substituting therefor the following new marginal note—

“Coffee development and marketing levy”;

- (b) in subclause (1) by deleting the words “two per centum” and substituting therefor the words “two and a half per centum”;
(c) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The levy imposed under subsection (1) shall be apportioned as follows—

- (a) thirty-five per centum to the Institute;

- (b) twenty per centum to the Board for regulatory purposes;
- (c) fifteen per centum to the Board for marketing purposes; and
- (d) ten per centum to the counties growing areas on pro-rata basis as a conditional grant for coffee development.”

CLAUSE 67

35. **THAT**, Clause 67 of the Bill be amended in subclause (3) by deleting the words “the National Assembly and Senate” and substituting therefor the word “Parliament”.

CLAUSE 71

36. **THAT**, the Bill be amended in Clause 71 subclause (1) by deleting the words “a bank account” and substituting therefor the words “bank accounts” in paragraph (c).

CLAUSE 72

37. **THAT**, Clause 72 of the Bill be amended—

- (a) in subclause (1)—

- (i) by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) the Director General of Kenya Agricultural and Livestock Research Organization”

- (b) by deleting paragraph (g) and substituting therefor the following new paragraph—

“(g) the chief executive officer of the Board appointed in accordance with section 15”;

- (ii) by inserting the following new paragraphs immediately after paragraph (g)—

“(ga)one person representing the county governments;
(gb)one person representing coffee traders nominated by the apex body representing coffee traders.”

- (c) in subclause (3) by deleting the word “three” and substituting therefor the word “five”.

- (d) by inserting the following new subclauses immediately after subclause (3)—

“(4) In making appointments under subsection (1), the appointing authority shall take into consideration the principle of gender balance.

- (5) A person is qualified for appointment under section (1)(e) and (f) if that person holds a post-secondary education certificate.”

CLAUSE 73

38. **THAT**, the Bill be amended by deleting Clause 73 and substituting therefor the following new clause—

Term of appointment.	of	“73. The persons appointed under section 72 (1) (a), (e), (f), (g), (ga), (gb) and (h) shall serve for a term of four years renewable for one further term.”
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CLAUSE 74

39. **THAT**, Clause 74 of the Bill be amended in paragraph (f) by deleting the word “his” and substituting therefor the word “the”

CLAUSE 75

40. **THAT**, the Bill be amended in Clause 75—
(a) by deleting subclause (1) and substituting therefor the following new subclause—

“(1) The Institute shall—

- (a) develop appropriate systems to promote balanced, diversified and sustainable coffee development and to optimise coffee production through adaptive and investigative research;
- (b) prioritise areas for, and co-ordinate, coffee research including research in coffee diseases and new coffee varieties;
- (c) facilitate the use of improved production technology and establish adequate feedback systems from agricultural producers in order to achieve and maintain national self-sufficiency and export capacities in agricultural products;
- (d) advise the National and county governments on the resource requirements for coffee research;
- (e) develop curriculum and offer training on research, innovations and technology; and
- (f) disseminate, in collaboration with the Board, the Kenya Agricultural and Livestock Research Organisation established under the Kenya Agricultural and Livestock Research Organisation Act and other organizations, knowledge, information and application of research findings in relation to coffee.”.

(b) in subclause (2)—

(i) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) identify and disseminate, in collaboration with other relevant agencies, appropriate systems of mechanisation and technology options to improve coffee production and productivity and provide answers to foreseeable problems facing coffee;”

(ii) by deleting paragraph (m) and substituting therefor the following new paragraph—

“(m) provide a climate resilient coffee crop and coffee that is resistant to diseases and pests.”

CLAUSE 76

41. **THAT**, the Bill be amended by deleting Clause 76 and substituting therefor the following new clause—

Power to co-opt.	76. The Council of the Institute may co-opt persons whose knowledge and skills are necessary for resolution of any pertinent matter under its consideration for performance of its function and exercise of its powers under this Act.”
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CLAUSE 78

42. **THAT**, the Bill be amended by deleting Clause 78 and substituting therefor the following new clause—

Remuneration of members of the council of the Institute.	78. The members of the Council of the Institute shall be paid such remuneration as the Salaries and Remuneration Commission shall determine.
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CLAUSE 79

43. **THAT**, Clause 79 of the Bill be amended by deleting subclause (3) and substituting therefor the following new subclause—

“(3)A person is qualified for appointment under subsection (1) if the person—

- (a) is a citizen of Kenya;
- (b) is a holder of a Doctor of Philosophy or its equivalent in a relevant field from a university recognised in Kenya and such shall be considered an added advantage;
- (c) has at least ten years’ experience and knowledge in management;

- (d) has at least five years' experience in a position of senior management; and
- (e) meets the requirements of Chapter Six of the Constitution."

CLAUSE 90

44. **THAT**, Clause 90 of the Bill be amended in subclause (1) by deleting the word "seven" appearing immediately after the words "a period of" and substituting therefor the word "three".

CLAUSE 93

45. **THAT**, Clause 93 of the Bill be amended—
- (a) in subclause (1), by deleting the words "county executive committee member" and substituting therefor the words "respective county government"; and
 - (b) in subclause (2), by deleting the words "county executive committee member" and substituting therefor the words "respective county government".

CLAUSE 95

46. **THAT**, Clause 95 of the Bill be amended in subclause (4)—
- (a) by deleting the words "thirty thousand" and substituting therefor the words "fifty thousand"; and
 - (b) by deleting the words "two years" and substituting therefor the words "six months".

CLAUSE 97

47. **THAT**, Clause 97 of the Bill be amended by inserting the words "whichever is higher" immediately after the words "or coffee products or".

CLAUSE 99

48. **THAT**, Clause 99 of the Bill be amended—
- (a) in subclause (1)—
 - (i) by deleting the words "Council of County Governors" appearing in the opening statement and substituting therefor the words "licensing authorities"; and
 - (ii) by deleting paragraph (a);
 - (b) in subclause (2), by inserting the following new paragraphs immediately after paragraph (l)—
 - "(m) qualifications for appointment and powers of inspectors; and
 - (n) co-option of expert members to the Board."

CLAUSE 101

49. **THAT**, Clause 101 of the Bill be amended—

- (a) by deleting the marginal note and substituting therefor the following new marginal note—

“Assets and liabilities”

- (b) by renumbering the existing provision as subclause (1);

- (c) by inserting the following new subclause immediately after subclause (1)—

“(2) All property, except such property as the Cabinet Secretary may specify in writing, which immediately before the commencement of this Act, was vested in the government for the use of the Coffee Directorate of the Agriculture and Food Authority, shall, on the date of commencement of this Act, vest in the Board subject to all interests, liabilities, charges, obligations and trusts affecting that property.”

CLAUSE 104

50. **THAT**, Clause 104 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “made by the” and substituting therefor the word “Board.”

SECOND SCHEDULE

51. **THAT**, the Second Schedule to the Bill be amended—

- (a) by deleting in paragraph 9 and substituting therefor the following new paragraph—

No.	Type of Licence/ Permit or Certificate	Issuing Authority
9.	Warehouse licence	Board in consultation with the county government

- (b) by deleting paragraph 10 and substituting therefor the following new paragraph—

No.	Type of Licence/ Permit or Certificate	Issuing Authority
10.	Coffee nursery certificates	Board in consultation with the county government

(c) by deleting paragraph 11 and substituting therefor the following new paragraph—

No.	Type of Licence/ Permit or Certificate	Issuing Authority
11.	Pulping station licence	Board in consultation with the county government

(d) by deleting paragraph 13 and substituting therefor the following new paragraph—

No.	Type of Licence/ Permit or Certificate	Issuing Authority
13.	Coffee roaster's licence	County government in consultation with the Board

(e) by insert the following new paragraphs immediately after paragraph 17—

No.	Type of Licence/Permit or Certificate	Issuing Authority
18.	Coffee Marketing Agents License	Capital Markets Authority
19.	Trading License"	Capital Markets Authority

Certified

.....
Clerk of the National Assembly

This..... day of, 2024.

The Coffee Bill, 2023



REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 10 of 2023)

THE COFFEE BILL, 2023



(A Bill published in the Kenya *Gazette* Supplement No. 26 of 10th March, 2023 and passed by the Senate, with amendments, on Thursday, 21st March, 2024.)

THE COFFEE BILL, 2023
ARRANGEMENT OF CLAUSES

Clause

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3—Objects.

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**FIRST SCHEDULE—CONDUCT OF BUSINESS
AND AFFAIRS OF THE
BOARD OF DIRECTORS**

**SECOND SCHEDULE—LICENCE, PERMIT
OR CERTIFICATE.**

THE COFFEE BILL, 2023

A Bill for

AN ACT of Parliament to provide for: the establishment of the Coffee Board of Kenya and the Coffee Research and Training Institute; the roles of the National and the county governments; the regulation, development and promotion of the coffee industry; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

PART 1—PRELIMINARY

1. This Act may be cited as the Coffee Act, 2023.
2. In this Act—

Short title.

Interpretation.

“agent” means a person registered by the Board who may be appointed by a grower for purposes of facilitation of overseas direct sales with regard to logistics;

“association” means a registered group comprised of smallholder growers, co-operative societies, societies, estates, unions, millers, buyers, roasters or brokers, licensed by a relevant licensing authority;

“auction” means the auction system under which clean coffee is offered for sale at a coffee exchange and includes the place at which, or a facility by means of which, whether electronic or otherwise, offers or invitations to sell, buy or exchange coffee contracts are regularly made on a centralized basis, but does not include—

- (a) the office or facilities of a coffee buyer or service provider; or
- (b) the office or facilities of a clearing house;

“Board” means the Coffee Board of Kenya established under section 3;

“broker” means a person cleared by an exchange and licensed by the Capital Markets Authority, who may be appointed by a grower or an association of growers in accordance with the Capital Markets Act, to sell their coffee on their behalf through an Exchange;

Cap. 485A.

“buni” means coffee dried in the fruit or cherry but does not include hulled buni, also referred to as clean

coffee, heavy buni or light buni;

“buyer” means an incorporated company licensed by the Board to buy clean coffee at an exchange for export, local sale or value addition or to import clean coffee for secondary processing in Kenya;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to agriculture;

“clean coffee” means coffee bean or dried seed of the coffee plant separated from non-food tissues of the coffee fruit where the silver skin is reduced to the maximum possible extent;

“clearing house” means an entity approved by the Authority, and recognized as a clearing institution on behalf of a coffee exchange, providing the services of clearing and settlement of transactions and guaranteeing settlement on behalf of an exchange;

“clearing and settlement” means the procedure by which a clearing house acts as an intermediary between a buyer and seller for exchange traded transactions in order to reconcile orders between transacting parties and ensure the physical or financial settlement of the transaction;

“coffee” means the plant botanically known as *coffea* species (L.) and includes the fruit, whether on the plant or detached therefrom, the seed in form of either buni, parchment coffee, clean coffee, roasted beans or ground coffee;

“coffee dealer” means a person registered by the Board, a county government or the Authority to deal in coffee as provided under this Act;

“coffee grower” a person who cultivates coffee in Kenya, is linked to a licenced pulping station, and may for purposes of licensing, include a co-operative society, coffee union, association or estate;

“coffee milling” means mechanical hulling or de-husking of coffee and includes grading of clean coffee;

“coffee product” means any product, extract or substance obtained or derived from coffee by any treatment or process;

“coffee sales proceeds” means monetary consideration received at the direct settlement system in

exchange for clean coffee sold at an exchange or, where applicable, through direct sales;

“coffee standards” means the Kenya Coffee Standards issued by the Kenya Bureau of Standards;

“coffee warrant” means an instrument prepared by the warehouseman of which the person named therein, or the last endorsee thereof, shall for all purposes be deemed to be the owner of the coffee to which it relates;

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

Cap 490

“Council” means the Council of the Institute as provided for under Section 72;

“county executive committee member” means the county executive committee member for the time being responsible for matters relating to agriculture;

“direct sale” means a contractual arrangement between a registered grower, coffee co-operative society, society, coffee union, grower-miller or coffee estate and an overseas buyer for the sale of own clean coffee based on mutually accepted terms and conditions enforceable in law and includes settlement of coffee sales proceeds through the direct settlement system on boarded by a coffee exchange;

“direct settlement system” means a banking facility provided by commercial banks regulated by the Central Bank of Kenya for clearing and settlement of coffee sales proceeds;

“estate” means an area of land or group of parcels of land under coffee not being less than five acres in size in aggregate or land under coffee which has been issued with a pulping station licence;

Cap 486
= Free

“exchange” means a company incorporated under the Companies Act and licensed by the Capital Markets Authority as an exchange for trading in clean coffee;

“Institute” means the Coffee Research and Training Institute established under section 69.

“licensing authority” means the Board, the county government or the Capital Market Authority as the case may be;

“liquoring” means analysis of clean coffee to determine the attributes and quality of coffee for purposes

Rulling: → DSS for Coffee farmer payment
① Public Participation & Dialogue. ✓
②

of trade;

“out-turn number” means an identifying number issued by a miller in respect of coffee delivered to a mill for purposes of traceability;

“primary processing” means the process of removal of coffee pulp from cherry, fermentation, washing and drying to the coffee standard moisture content to obtain parchment;

“prompt date” means a date specified in the sales catalogue, not being more than five working days from the date of the sale, for the payment of coffee sales proceeds by a buyer or a roaster;

“pulping station” means a specified place where primary coffee processing is undertaken;

“sales catalogue” means a standard document prepared by a grower or a broker appointed by a grower, in the presence of a commercial miller and in consultation with an exchange, for sale of clean coffee at an exchange;

“secondary processing” means parchment de-husking, polishing, grading and may include roasting, grinding and packaging of clean coffee beans;

“small holder” means a grower cultivating coffee in a small parcel of land or in small parcels of land who does not possess his own pulping station;

“sweepings” means the balance of coffee samples in an exchange sample room and spillages collected from millers’ milling activities for sale at an exchange, the proceeds of which are paid to the respective growers on pro-rata basis;

“warehouse” means a facility registered by the Board and licensed by a county government for the storage of coffee, and which is specifically designed to guarantee the quality and safety of the coffee;

“warehouse operator” means any person registered and licensed by the Board who owns, leases or is in charge of a warehouse where coffee is handled and stored for reward or profit;

3. The objects of this Act are to —

Objects.

(a) promote a globally competitive coffee industry;

- (b) regulate the coffee sector;
- (c) provide a framework for the registration and licensing of various players within the coffee sector;
- (d) delineate the roles of the National and County Governments in the regulation, development and promotion of the coffee sector;
- (e) promote the vertical integration of the coffee value chain at the production level for the purpose of achieving economies of scale and managing risk;
- (f) promote evidence based coffee research and the delivery of extension services for the development of the coffee sector;
- (g) provide a framework for –
 - (i) the establishment of a coffee development levy; and
 - (ii) the sustainable funding of the coffee sector; and
- (h) provide a mechanism for dispute resolution within the coffee sector.

PART II—THE COFFEE BOARD OF KENYA

4. (1) There is established the Coffee Board of Kenya.

Establishment of Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money; and
- (d) doing or performing all other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

5. (1) The headquarters of the Board shall be in

Headquarters.

Nairobi City County.

(2) The Board may establish such branches in Kenya as it may consider necessary for the efficient performance of its functions.

6. (1) The Board shall have all the powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—

Powers of the Board.

- (a) enter into contracts;
- (b) manage, control and administer the assets of the Board;
- (c) receive gifts, grants, donations or endowments made to the Board and make disbursement therefrom in accordance with the provisions of this Act;
- (d) subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the Board's funds not immediately required for the purposes of this Act, as it may determine; and
- (e) operate a bank account into which all monies received by the Board shall be paid in the first instance and out of which all payments made by the Board shall be made.

(2) The Board may, if it considers it necessary, associate with a body or corporation designed to assist or promote the coffee industry.

7. (1) The management of the Board shall vest in a board of directors consisting of—

Board of directors.

- (a) a chairperson appointed by the President by notice in the Gazette;
- (b) the Principal Secretary responsible for agriculture or a designated representative;
- (c) the Principal Secretary for the time being responsible for trade or a designated representative;
- (d) the Principal Secretary for the time being responsible for cooperatives or a designated

representative;

- (e) two persons of the opposite gender, representing smallholder coffee growers nominated by the umbrella body for coffee cooperative societies’;
 - (f) one person nominated by the largest association of estate growers;
 - (g) two persons of the opposite gender with knowledge of the coffee industry nominated by the Council of County Governors; and
 - (h) a chief executive officer appointed under section 15 who shall be an ex-officio member of the Board.
- (2) The Cabinet Secretary shall appoint the members under subsection (1) (e), (f) and (g) by notice in the *Gazette*.

8. (1) A person is qualified for appointment as a member of the Board under section 7(1)(a), (e), (f) and (g) if that person—

Qualification for appointment.

- (a) is a citizen of Kenya;
 - (b) holds, in the case of a person appointed under –
 - (i) section 7(1)(a) and (g) a degree from a university recognized in Kenya; and
 - (ii) section 7(1)(e) and (f) a certificate in secondary school education.;
 - (c) has at least three years’ experience preferably in management in the coffee sector; and
 - (d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.
- (2) A person is not qualified for appointment if that person—
- (a) is convicted of a criminal offence and sentenced to a term of imprisonment of at least six months;
 - (b) is a member of Parliament or county assembly; or
 - (c) is adjudged bankrupt.

9. The persons appointed under section 7(1) (a), (e), (f), (g) shall serve for a term of three years renewable for one further term.

Term of appointment.

10. (1) A person ceases to be a member of the board of directors if that person—

Vacation of office.

- (a) is absent from three consecutive meetings of the board without the permission of the chairperson;
- (b) becomes an officer, agent or member of staff of the board;
- (c) resigns in writing addressed, in the case of the chairperson, to the President, and in the case of any other member, to the Cabinet Secretary;
- (d) is convicted of a criminal offence and sentenced to a term of imprisonment of at least six months;
- (e) is declared bankrupt;
- (f) is unable to perform the functions of office by reason of mental or physical infirmity; or
- (g) dies.

11. (1) The Board shall—

Functions of the Board

- (a) regulate and promote the development of the coffee industry;
- (b) consider applications for the issuance of permits and licences under the second schedule to this Act;
- (c) register coffee dealers as set out in the second schedule;
- (d) make recommendations to the Cabinet Secretary for, and oversee the implementation of strategies, funding models, plans and policy for the coffee sector;
- (e) collect, collate and maintain a data base and disseminate information on the coffee industry;
- (f) conduct national and international coffee market intelligence and surveys to inform promotional and branding strategies including the application of the Kenya Coffee Mark of Origin;
- (g) establish linkages with various government agencies, the Institute and other research

institutions for the development of the coffee industry;

- (h) develop and implement a framework for the capacity building of players in the coffee industry;
- (i) promote the development of regional appellations for Kenyan coffee;
- (j) develop and enforce the coffee industry standards and industry code of practice in collaboration with the Kenya Bureau of Standards;
- (k) maintain and cause to be published an up to date register of coffee dealers ;
- (l) undertake technology transfer and provide technical assistance to county governments on matters relating to coffee;
- (m) conduct surveillance and enforce compliance with relevant policies, standards and legislation on the coffee sector;
- (n) co-ordinate inter-agency representation in international coffee fora to promote increased market share of Kenyan coffee;
- (o) regulate the marketing and trading of coffee;
- (p) source markets and market Kenyan coffee in the international market"; and
- (q) carry out such other functions as may be assigned by the Cabinet Secretary or conferred under any other law.

(2) The Board shall, in the performance of its functions under this Act, consult and collaborate with the Council of County Governors.

12. (1) The board of directors may establish such committees as it may consider necessary for the efficient performance of its functions and the exercise of its powers under this Act.

Committees of the board of directors.

(2) The board of directors may co-opt to sit in the committees established under subsection (1) such other persons whose knowledge and skills are necessary for the performance of the functions of the Board.

13. The board of directors may, by resolution, delegate to any committee of the Board or to any member,

Delegation by the board of directors.

officer, employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions of the Board under this Act or under any other written law.

14. The members of the board of directors shall be paid such remuneration or allowances as the Cabinet Secretary shall, in consultation with the Salaries and Remuneration Commission, determine.

Remuneration of members of the board of directors.

15. (1) There shall be a chief executive officer of the Board who shall be competitively recruited and appointed by the board of directors on such terms and conditions as the board of directors shall determine.

Chief executive officer.

(2) A person is qualified for appointment under subsection (1) if the person—

- (a) holds a degree in agriculture, business, law, administration or other relevant degree from a university recognized in Kenya;
- (b) has at least five years' experience in a position of management; and
- (c) meets the requirements of Chapter Six of the Constitution.

(3) The chief executive officer shall serve for a term of three years and shall be eligible for appointment for one further term of three years.

16. The chief executive officer shall be the secretary to the Board and shall, subject to the direction of the board of directors—

Functions of the chief executive officer.

- (a) be responsible for the day to day management of the affairs of the Board;
- (b) manage the funds, property and affairs of the Board;
- (c) be responsible for the management of the staff of the Board;
- (d) oversee and coordinate the implementation of the policies, programmes and objectives of the Board;
- (e) cause to be prepared for the approval of the board of directors—
 - (i) the strategic plan and annual plan of the

Board; and

(ii) the annual budget and audited accounts of the Board; and

(f) perform such other duties as may be assigned by the board of directors.

17. The chief executive officer shall cease to hold office if the person—

Removal of chief executive officer.

(a) resigns in writing, addressed to the board of directors;

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

(c) is found liable for gross misconduct or abuse of office in contravention of the Public Officers Ethics Act or any other relevant law;

No. 4 of 2003.

(d) is declared bankrupt;

(e) is unable to perform the functions of office by reason of mental or physical infirmity; or

(f) dies.

18. The Board may employ such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Board under this Act and upon such terms and conditions of service as the Board may determine.

Staff of the Board.

19. Liability shall not attach to members of the Board, officers, agents or staff for loss or damage incurred by a person as a result of an act or omission done or made in good faith and without negligence in the performance or exercise or the intended performance or exercise of any duty or power imposed by or conferred under this Act.

Protection of members and staff from liability.

20. The affixing of the common seal of the Board shall be authenticated by the signature of the chairperson and the chief executive officer or a person designated by the board of directors.

Common seal of the Board.

21. All letters and instruments written or made by or on behalf of the board of directors, other than those required by law to be under seal, and all decisions of the board of directors, shall be signed under the hand of the chief executive officer or in the absence of the chief

Signing Authority.

executive officer, a person authorized by the Board.

22. The business and affairs of the board of directors shall be conducted in accordance with the First Schedule.

Conduct of
business of the
Board.

PART III — ROLE OF COUNTY GOVERNMENTS

23. (1) A county government shall—

Role of county
governments.

- (a) implement the National Government policy relating to coffee;
- (b) maintain an up to date register of coffee growers, nursery operators, coffee cooperative societies, coffee associations, and coffee estates in that county;
- (c) consider applications for the certificates, permits and licenses enumerated under the second schedule to this Act;
- (d) enforce national and county legislation on coffee industry code of practice, policies and guidelines on corporate governance in coffee growers' institutions;
- (e) offer and co-ordinate the delivery of extension services on sustainable production, primary processing of coffee and climate smart agriculture;
- (f) inspect nurseries, pulping stations, warehouses, millers and roasters located within their respective counties;
- (g) regulate the movement of coffee through the issuance of movement permits for *buni*, parchment and clean coffee within the county and from the county to warehouses situated outside the county;
- (h) in collaboration with law enforcement agencies, enhance security in coffee growing areas; and
- (i) monitor and report incidences of pests and disease outbreaks to the Board and take action in collaboration with the Board and other relevant government agencies.

(2) A county executive committee member may impose such levies and fees as may be necessary for the registration and issuance of licences or the provision of

services in accordance with the respective county legislation and such standards as may be prescribed by the Cabinet Secretary.

(3) The Cabinet Secretary shall, in consultation with the Board and the county executive committee members prescribe standards and guidelines for the setting of levies and fees by county executive committee members under subsection (2).

24. Each county government may enact county specific legislation setting out the –

Enactment of county specific legislation.

- (a) criteria for registration under section 26;
- (b) criteria for the issuance of permits and licences by an applicant within the respective county;
- (c) information required to be submitted by an applicant for a permit or licence;
- (d) process of determination of an application for a permit or licence;
- (e) conditions for the issuance or renewal of a licence under this Act;
- (f) grounds for the rejection of an application or cancellation of a licence issued under this Act;
- (g) process of issuance of a licence to an applicant for a permit or licence; and
- (h) process of application for the renewal of permits or licences and revocation of a licence issued to an applicant under this Act.

25. (1) A person shall not operate a –

Licensing of coffee operations.

- (a) pulping station or carry out hulling activities;
- (b) coffee growers' mill;
- (c) coffee roaster
- (d) warehouse; or
- (e) commercial coffee miller,

unless that person has applied for, and obtained a licence from the respective county government in which the operation is to be undertaken.

(2) An applicant for a licence under subsection (1) shall submit an application in the prescribed form together with the prescribed fees to the respective county executive

committee member for consideration.

(3) The county executive committee member shall consider the application and may issue to the applicant a licence in accordance with the respective county legislation.

PART IV—REGULATORY PROVISIONS

26. The Board and county governments shall regulate the production and processing of coffee with a view of —

Regulation of production and processing of coffee.

- (a) promoting productivity;
- (b) promoting access to markets;
- (c) facilitating provision of infrastructure including farm inputs;
- (d) providing post-harvest services;
- (e) providing extension services;
- (f) providing incentives to farmers; and
- (g) providing credit facilities.

(2) The Board and county governments shall maintain the necessary statistical information with respect to the coffee sector for proper planning.

27. (1) A coffee grower, nursery operator, grower miller, commercial miller, coffee roaster, cooperative society, coffee association or coffee estate shall register with the respective county government where they are based.

Registration.

(2) Despite subsection (1), a grower who is a registered member of a coffee cooperative society or association which is registered by a county government, shall be exempted from registration by that county government.

(3) Subsection (2) shall apply to a grower on condition that the cooperative society or association is registered in the same county as that which the grower is carrying out business.

(4) A registered cooperative society or association shall —

- (a) submit a register of its members to the

respective county government at the beginning of each calendar year; and

(b) furnish the county government with information on any change of membership within thirty (30) days of a change of membership.

(5) A county government shall not charge any fees for the registration of an applicant under subsection (1).

(6) Each county government shall keep and maintain the register under subsection (1) for statistical purposes.

(7) A register under subsection (6), shall include—

(a) the name of the coffee grower, nursery operator, miller, coffee roaster, cooperative society, coffee association or coffee estate;

(b) the location, size and parcel number of the land on which the business is located; and

(c) such other information as the Board may prescribe.

(8) Each county government shall submit to the Board a copy of the register under subsection (6).

28. (1) A person who intends to perform any function under this Act for which a licence or a permit is required shall submit to the relevant licencing authority specified in the Second Schedule –

Licensing.

(f) an application for a licence or permit, in the prescribed form;

(g) such information as may be prescribed; and

(h) the prescribed fees.

(2) A licencing authority shall consider an application within such period, not exceeding fourteen days, as may be prescribed in the respective legislation, and may –

(a) grant an application for a licence or permit unconditionally;

(b) grant the application subject to conditions specified in the respective licensing legislation; or

(c) refuse the application.

(3) A licensing authority shall inform the applicant of its decision under subsection (2) within fourteen days of

the decision.

(4) Where a licensing authority refuses to grant an application, the licensing authority shall, in its notification under subsection (3), specify the reasons for the refusal.

(5) A licensing authority shall, at least thirty days before granting a new licence under this Act, give notice of the proposed grant by notice in the *Gazette* and in such other manner as the authority may determine.

(6) The licensing authority shall, in issuing the notice under subsection (5)—

- (a) specify the name or other particulars of the person or class of persons to whom the licence is to be granted;
- (b) state the purpose and the date for which the licence is proposed to be issued; and
- (c) invite objections to the proposed grant of licence and direct that such objections be lodged with the licensing authority within fourteen days from the date of the notice.

(7) The licensing authority shall consider any objection submitted to it under subsection (6) and may grant the licence applied for, subject to such terms and conditions as the licensing authority shall consider appropriate.

(8) A licence issued under this Act shall not be transferable.

(9) The holder of a coffee buyer's licence or an entity associated with a holder of the licence shall not carry on the business of a commercial miller, broker, roaster, agent or warehouse operator.

(10) A buyer's licence shall not be construed as authorizing a person to engage in direct sale of coffee or coffee products.

(11) A holder of a commercial miller's licence or any other entity associated with such holder shall not carry on the business of a buyer, broker, roaster, or agent .

(12) A licensing authority shall not issue a licence to a person whose effect would result in in the contravention of subsection (9), (10) or (11).

(13) A person who contravenes the provisions of subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or twice the value of the coffee or coffee product, whichever is greater, or to imprisonment for a term not exceeding two years or both.

29. The following licences shall be issued by the Authority under the Capital Markets Act—

Licences issued by the Authority
Cap. 485A.

- (a) coffee exchange licence authorising a person to conduct the business of a coffee exchange;
- (b) a broker's licence authorising a person to offer clean coffee for sale at an exchange on behalf of the grower.

30. (1) A person shall not operate as a cupping laboratory, liquorer, coffee buyer, coffee importer, agent or warehouse operator unless the person is licensed or issued a registration certificate or a permit by the Board upon satisfaction of the prescribed conditions.

Requirements for certificates, licenses and permits.

(2) A person shall not conduct the business of a coffee exchange or offer brokerage services at an exchange unless that person is licensed by the Authority in accordance with the provisions of the Capital Markets Act.

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(3) A person who contravenes the provision of this section commits an offence and is liable, on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years or both.

31. A licence holder shall act in the best interest of coffee growers and adhere to prescribed conditions for the issuance of a licence and contractual obligations.

Obligations of license holders.

32. A licence holder shall submit monthly returns to the relevant licensing authority in the prescribed form.

Returns.

33. (1) A person shall not transport clean coffee unless such person –

Movement permits.

- (a) holds a licence issued pursuant to section 28 of this Act; and
- (b) has applied for, and obtained a movement permit issued, in the case of—
 - (i) buni and parchment, by the respective county of origin;

(ii) movement of clean coffee from the coffee mills to the warehouses, by the respective county government; and

(iii) movement of clean coffee by buyers upon purchase, movement of purchased clean coffee to warehouses by millers, or movement of clean coffee for export or import, by the Board.

(2) A coffee movement permit issued under subsection (1) shall be in the prescribed form.

(3) Subsection (1)(b)(i) shall not apply to a smallholder moving cherry coffee produced by the smallholder between the farm and the pulping station where they are registered.

(4) A person transporting coffee under subsection (1) shall –

(a) have, in his or her possession at the time of transporting the coffee, the original movement permit issued by the respective licensing authority; and

(b) ensure that the vessel used to transport the coffee conforms to the prescribed coffee standards.

(5) The respective county executive committee member shall monitor the movement of cherry and parchment coffee between farms and stores and the movement of clean coffee and hulled buni to the market and shall, for this purpose –

(a) prescribe, in county legislation, guidelines for the safe movement of cherry and parchment coffee; and

(b) put in place measures to curb illegal dealings in coffee or coffee products.

(6) A person who moves coffee contrary to this Act commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

34. A licence or permit issued under this Act shall be in the prescribed form.

Form of licence, or permit.

35. (1) A licence or permit issued by the licensing

Duration of licence.

authority shall expire on 30th June of every year and a license holder wishing to renew the licence may apply by 1st June preceding the expiry of the licence.

(2) Notwithstanding the provisions of sub-section (1), a late application may be made upon payment of a late application fee as may be prescribed.

36. (1) A licensing authority may cancel a licence or permit if the licensee –

Cancellation of licence or permit

- (i) fails to meet any condition imposed by the licencing authority;
- (j) fails to comply with the provisions of the licencing legislation; or
- (k) surrenders the licence or permit to the relevant licensing authority together with a notice setting out a request that the licence be cancelled.

37. (1) Each county executive committee member shall submit to the Board, at the end of each month or within such timelines as may be agreed upon with the Board, a report on the registered and licensed coffee growers and dealers within the respective county.

Submission of reports.

(2) The Board shall submit to the respective county executive committee member a report on the registered and licensed dealers and other service providers within the respective county at the end of each month or within such timelines as may be agreed upon with the respective county executive committee member.

38. Where an applicant is dissatisfied with the decision of a licencing authority not to, issue a licence, to revoke or cancel a licence under this Act, the applicant may make an application to the Dispute Resolution Committee established under section 92.

Appeals.

PART V — PRODUCTION AND PROCESSING

39. (1) The Institute shall—

Coffee production.

- (a) disseminate, in collaboration with the county governments, coffee production and processing technologies;
- (b) undertake the propagation of coffee planting materials;
- (c) supervise, in collaboration with the county governments, nursery operators undertaking the

business of propagating planting materials;

- (d) issue certified coffee seeds or seedlings for multiplication in coffee nurseries to coffee growers or for export;
- (e) map out areas suitable for coffee production in Kenya; and
- (f) undertake capacity building for the county governments and other players on coffee production and processing.

(2) The respective county executive committee members shall undertake soil mapping and analysis to determine nutritional requirements for coffee production.

40. (1) A person shall not import coffee planting materials unless such a person been registered by the Board.

Importation of coffee planting materials.

(2) The Board may, upon application and in collaboration with the Kenya Plant Health Inspectorate Service and any other relevant agency, register a person to import coffee planting material for nursery establishment subject to the prescribed conditions.

41. (1) The Institute shall, in collaboration with the respective county executive committee member, undertake analysis of the farm inputs to ascertain compliance with the prescribed standards.

Farm inputs.

(2) The respective county executive committee member shall establish such farm inputs schemes as may be necessary to enhance coffee production.

(3) The National Government, in collaboration council of county governors, may put in place the infrastructure necessary for the production and availability of quality farm inputs for coffee production;

(4) The county executive committee members shall monitor and oversee the implementation and compliance with standards by farm input stockists.

42. (1) A co-operative society comprising coffee growers shall keep and maintain a register of coffee growers and the number of coffee trees planted or uprooted by each of its members in the prescribed form.

Notification after planting, uprooting coffee or change of details of farm or estate.

(2) A co-operative society shall submit to the respective county executive committee member, annually, a record of the information maintained by the society

under subsection (1).

(3) Each county executive committee member shall keep and maintain a record, in the prescribed form, of the area under coffee cultivation and information regarding uprooted coffee in the county.

(4) The county executive committee member shall submit to the Board, annually, the record kept under subsection (3).

43. (1) The Board shall register certification schemes to monitor compliance with the coffee standards.

Certification of
Kenyan Coffee.

(2) A coffee grower, miller or any other player in the coffee value chain may seek certification by the respective licencing authority to ensure the quality of coffee, the quality of service and secure market confidence.

(3) The Board shall keep and maintain a register of certification scheme operators in each county.

(4) The Board shall, for the purpose of subsection (2),

(a) keep and maintain a register of certified scheme operators; and

(b) submit, a copy of the register to the respective county executive committee member.

(5) Each county executive committee member shall monitor the operations of certification schemes and periodically advise the coffee growers within the respective county and the Board on best practice and performance of a scheme.

(6) A certification scheme under subsection (1) shall provide the particulars of certification services, competencies of their scheme operators and the benefits of the certification schemes to coffee growers.

(7) Certified coffee shall be identified and labelled according to the respective certification scheme for traceability and marketing.

(8) A miller shall, in the case of certified coffee, specify information relating to the certified coffee in the sales catalogue maintained by the miller.

(9) A coffee miller shall, before offering the coffee for sale in an exchange, provide proof of certification.

44. The processing of coffee shall be carried out at designated, standard approved facilities and in accordance

Requirements
relating to coffee
processing.

with the National Standards and Industry Code of Practice.

45. (1) The Board shall establish a coffee traceability system in the prescribed form.

Requirements relating to coffee traceability and a disclosures.

(2) A person who operates a pulping station or coffee mill shall comply with the prescribed traceability system established by the Board under subsection (1).

(3) A commercial miller shall-

- (a) ensure that the grower or grower's representative is given reasonable notice to be present during the milling process;
- (b) take out comprehensive insurance cover against fire, theft and other risks for all coffee in its possession and custody;
- (c) account for mill spillage or sweepings and all other coffee by-products to the growers and the Board;
- (d) digitize its operations to ensure weight precision, timely dissemination of information and protection of growers' data;
- (e) submit returns on coffee received and milled to the Board and the respective county government; and
- (f) comply with the prescribed standard coffee grades.

46. (1) A cooperative society or a coffee union –

Resolution by a cooperative society or a coffee union.

- (a) shall in charging a fee to its growers, adhere to the society's budget and not exceed ten percent of the gross earnings from the coffee sales;
- (b) despite having a registered brokerage firm, may engage the services of a private

brokerage firm; and

(c) may pass a resolution to borrow money.

Section 3 of Cap
490.

(2) A resolution under subsection (1) (b) and (c) shall be made at a general or special meeting convened by the commissioner for cooperative development and be supported by at least three quarters of its members.

(3) The commissioner for cooperative development shall take and keep a record of the proceeding of the meeting, which record shall include a list of the members present and the resolutions made.

47. (1) Every contract for milling of coffee shall be in writing and shall contain such information as may be prescribed.

Milling services.

(2) A commercial miller shall –

- (a) ensure that the grower or grower's representative is given reasonable notice to be present during the milling process;
- (b) take out comprehensive insurance cover against fire, theft, and other risks for all coffee in its possession and custody;
- (c) account for mill spillage or sweepings and all other coffee by-products to the growers and the Board;
- (d) digitize its operations to ensure weight precision, timely dissemination of information and protection of growers' data;
- (e) submit returns on coffee received and milled to the Board and the respective county government; and
- (f) comply with the prescribed standard coffee grades.

48. (1) A coffee miller may bulk parchment or *buni*

Bulking of coffee.

coffee of the same quality and characteristics in order to attain millable quantities.

(2) A coffee miller who bulks coffee shall avail information, in the prescribed form, to an exchange and the direct settlement system provider on the proportions of the bulked coffees for purposes of processing payments.

(3) The Board and the respective county executive committee member shall, separately or jointly undertake regular inspections to ensure compliance with this Act by the coffee millers.

(4) A coffee grower may deliver coffee samples not exceeding five hundred grams of parchment or *buni* for independent quality analysis by a laboratory before delivery to a commercial coffee miller.

(5) A laboratory to which a sample is submitted under subsection (4) shall issue to the coffee grower a report on quality compliance in the prescribed form.

(6) A coffee miller shall remit two hundred- and fifty-grams samples for each grade of an out-turn to the Board for quality analysis and assessment of conformity with coffee standards.

(7) A co-operative society or association comprising smallholder growers that intends to obtain milling services shall competitively procure the services of a miller or other service providers to whom the coffee is intended to be delivered for milling.

(8) Any charges imposed for the delivery of services to a coffee grower shall be communicated in the prescribed form to the direct settlement system provider before the sale of coffee for the purpose of settlement after the sale has been conducted.

PART VI— COFFEE TRADING AND MARKETING.

49. (1) Kenya Coffee may be offered for sale through— Coffee trading.

- (a) auction in an Exchange;
- (b) direct sales;
- (c) international exchange; or
- (d) such other method as the Cabinet Secretary in consultation with county governments and the

Board may prescribe.

(2) A buyer, a roaster, or a grower miller licensed by the relevant licensing authority, or a broker appointed by the grower, may trade at an exchange in accordance with this Act and any other law governing trade in an exchange.

50. (1) A licensed coffee grower may undertake, in the prescribed manner, a direct sale in coffee.

International and
local direct coffee
sales.

(2) Before a contract for direct sale is completed, a sample of not more than two hundred and fifty grams of the coffee intended for sale, shall be submitted to an exchange for quality analysis and price discovery.

(3) An exchange in which the sample is delivered under subclause (1) shall within fourteen days, issue to the coffee grower with a report on the quality and the price discovery in the prescribed form.

(4) Despite the provisions of subclause (2) and (3), a contract for future sales shall not be subjected to price and grade discovery at an exchange.

(5) The price at which a licensed coffee grower offers coffee for sale under subsection (1) shall bear a favorable comparison to the price at an exchange.

(6) A licensed coffee grower shall submit monthly returns to the Board, in the prescribed form, on sales undertaken under subsection (1) including —

- (a) a copy of the contract;
- (b) the coffee grade;
- (c) the coffee quantity;
- (d) the coffee price;
- (e) details of a certification scheme, where applicable;
- (f) quality report;
- (g) mode of payment; and
- (h) a dispute resolution clause.

51. (1) The Capital Market Authority shall licence an exchange for the purposes of trading coffee.

Licensing and functions of an Exchange.

(2) An exchange shall—

- (a) manage its auction floor, the central sample room, the information registry and the direct settlement system;
- (b) maintain records relating to coffee sales, coffee samples and sweepings;
- (c) avail sales catalogues to interested parties in accordance with the Capital Markets Act;
- (d) disseminate market information for every auction and an analysis of performance on, weekly and monthly basis; and
- (e) carry out such other function as the Cabinet Secretary for trade may prescribe.

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(3) The proceeds of the sale of coffee at an Exchange shall be deposited in a direct settlement system established in accordance with the Capital Markets Act.

52. (1) A broker or agent appointed by growers and other service providers shall not receive coffee sale proceeds on behalf of the growers.

Management of an exchange and settlement of coffee sales proceeds

(2) A coffee warrant or a warehouse receipt issued by a warehouse operator to a depositor of coffee shall be transferable to a new holder who has purchased the coffee and is entitled to take its delivery upon presentation of the coffee warrant or the warehouse receipt endorsed by an exchange to the warehouse operator.

(3) A person who contravenes the provisions of this section commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

53. (1) A grower or a broker appointed by a grower shall, in the presence of a commercial miller and in consultation with an exchange, prepare a sales catalogue for all the coffee in a licenced warehouse in accordance with the Act.

Sales Catalogue

(2) A sales catalogue shall contain information on the prompt date and such other particulars as may be

prescribed under this Act.

54. (1) All coffee shall be stored in warehouses licensed by the respective county governments.

Coffee
warehousing in
designated
warehouses.

(2) A county executive committee member shall not designate premises as a coffee warehouse unless the premises have been inspected, approved and licensed in accordance with this Act and other relevant legislations.

(3) A licensed warehouse shall conform to the standards prescribed by the Kenya Bureau of Standards.

(4) The Board and county governments shall inspect warehouses and monitor warehousing activities on a regular basis.

(5) A warehouse operator shall—

(a) insure all coffee in his or her warehouse or under his or her custody against fire, theft and other insurable risk;

(b) not remove or cause to be removed from a warehouse, coffee unless the operator has applied for, and obtained an endorsed coffee warrant or warehouse receipt as the case may be; and

(c) account for any weight or quality loss to the respective grower, agent, buyer or roaster.

(6) A person who operates a warehouse contrary to this Act commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

55. (1) A grower or an agent representing the grower may offer coffee for sale, in the prescribed manner, in an international exchange and may for this purpose enter in to a written contract for future sale.

Sale of coffee in an
international
exchange.

(2) A contract under subsection (1) shall include the following information-

(a) the name of the exchange

(b) the quality of coffee;

(c) the quantity of coffee;

(d) the mode of payment;

- (e) the mode and place of storage;
- (f) the details of insurance cover; and
- (g) a dispute resolution clause.

- (3) The contract under subsection (1) shall be submitted to the Board within fourteen days of the signing of the contract.
- (4) The Cabinet Secretary shall prescribe regulations on sale of coffee at an international exchange.

56. The Board may, for the purpose of trading in the international coffee market and auction —

Coffee trading licence.

- (a) issue a coffee trading licence to a grower or a buyer; and
- (b) in collaboration with the Cabinet Secretary for trade, issue trade insurance to a cooperative society to indemnify it from any risk on any coffee exported in an international market or auction.

57. (1) A person shall not export coffee or cause any coffee to be exported unless such person has —

Export and import of coffee.

- (a) applied for, and obtained, a phytosanitary certificate from the Kenya Plant Health Inspectorate Service; and
- (b) notification and registration of direct sales contract, certificate of origin, certificate of quality and any other relevant approvals issued by the Board.

(2) The Board shall authorize the importation of coffee through the issuance of import permits or a buyer's licence.

(3) Clean coffee imports shall —

(a) be accompanied by the certificate of origin and phytosanitary certificate issued by the country of origin and adhere to Kenyan coffee standards; and

(b) be inspected and issued with Phytosanitary Certificate by the Kenya Plant Health Inspectorate

Service.

(4) Clean coffee which consists only of a sample or a parcel not exceeding twenty kilograms in weight and which meets the relevant licensing and certification requirements shall not require a buyer's license from the Board.

58. (1) A person who blends any or various grades of coffee produced in Kenya with any other coffees produced outside Kenya shall declare the percentage of Kenyan coffee in the blend.

Prohibition against blending

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding twice the value of the blended coffee, or to imprisonment for a term not exceeding one year, or to both.

59. The trading activities at an exchange shall be compliant with relevant laws that deter unfair trading and anti-competitive practices.

Anti-competitive practices.

PART VII—QUALITY ASSURANCE.

60. (1) The Board and the respective county executive committee members shall collaborate in the enforcement of coffee industry standards along the value chain for purposes of quality assurance.

Quality assurance for coffee industry.

(2) The Board, in consultation with an accredited university of higher learning and industry stakeholders may develop a training curriculum, conduct examinations and jointly issue certificates for coffee liquorers.

(3) The Board may enter into a memorandum of understanding with an accredited university for the training and administration of liquorers' examinations.

(4) A person shall not offer liquoring services unless such person is certified as a liquorer has applied for, and obtained a practicing licence from the Board.

(5) The Board shall, in collaboration with the respective county executive committee members establish cupping centers in the counties for the purpose of conducting coffee quality analysis and capacity building.

(6) The Board shall carry out assessments on coffee quality maintenance at any premises in which the processing of coffee is carried out along the value chain.

(7) The Board may sample coffee at any stage of the value chain to ascertain permissible pesticides residue levels for compliance with set national and international standards.

(8) The Board, in collaboration with the respective county executive committee member shall –

- (a) monitor maintenance of pesticide spraying records by coffee growers to enforce compliance with the permissible pesticides residue levels in coffee beans; and
- (b) inspect coffee storage bags to check against potential contamination and monitor wholesalers, suppliers, manufacturers and importers to ensure compliance with safety standards.

(9) The Institute shall in collaboration with the county governments and other relevant bodies conduct periodic surveillance on the application of pesticides to ensure compliance with set standards and best practices.

61. (1) The Board and the respective county executive committee members shall, by notice in the Gazette, appoint inspectors for the enforcement of the provisions of this Act.

Inspections

(2) The Board and the respective county executive committee members may, separately or jointly, conduct inspection of coffee farms, coffee nurseries, pulping stations, coffee mills, warehouses, cupping laboratories, roasters or coffee buyers' vessels transporting coffee to monitor compliance with the requirements of this Act.

(3) A smallholder, a grower, a pulping station operator, a transporter, a miller, a warehouse operator or a buyer shall accord an inspector access and necessary assistance for effective inspection.

(4) A person who fails to accord an inspector access to premises and information commits an offence.

62. (1) A person importing coffee into the country shall –

Coffee imports to conform to standards.

- (a) ensure that the coffee complies with the coffee standards and such other quality standards as may be prescribed under this Act or any other law; and
- (b) adhere to the safety and health standards

prescribed under this Act or any other law.

(2) The Board shall destroy coffee which does not conform to the coffee standards.

(3) The Board shall not destroy coffee under subsection (2) unless –

- (a) it has issued to the importer of the coffee, notice, in the prescribed form, of intention to destroy the coffee;
- (b) given the importer an opportunity to be heard; and
- (c) obtained an order of a Court of competent jurisdiction for the destruction of that coffee.

(4) The Board may, in addition to the action taken under subsection (3), suspend or cancel any licence issued to the importer under this Act.

PART VIII—FINANCIAL PROVISIONS

63. The funds and assets of the Board shall comprise of— Funds of the Board.

- (a) such monies as may be appropriated by the National Assembly for the purposes of the Board;
- (b) such monies or assets as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act;
- (c) monies received from the levy imposed on coffee sales pursuant to section 64;
- (d) such monies as may be payable to the Board pursuant to this Act or any other written law;
- (e) such gifts as may be donated to the Board; and
- (f) monies from any other source granted, donated or lent to the Board.

64. (1) The Cabinet Secretary shall, in consultation with the Board and county governments and by notice in the *Gazette*, impose a levy of two per centum on the export import value remitted by coffee buyers to the Board through the direct settlement system for the development of the coffee industry. Coffee development Levy.

(2) The levy imposed under subsection ((1)

hall be apportioned as follows—

- (a) thirty per centum to the Institute;
- (b) fifteen per centum to the Board for regulatory purposes;
- (c) twenty per centum for price stabilization which shall be managed by the Commodities Fund;
- (d) ten per centum to the Board for marketing purposes; and
- (e) twenty-five per centum to the county growing areas on pro- rata basis as a conditional grant for coffee development.

65. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Board for that year.

Annual Estimates.

(2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year concerned.

(3) The annual estimates prepared by the Board under subsection (2) shall be submitted to the Cabinet Secretary for tabling in the National Assembly.

66. (1) The Board shall cause to be kept such books of accounts and other books in relation thereto of all its undertakings, funds, activities and property as the Cabinet Secretary may from time to time approve and shall, within a period of three months after the end of the financial year, cause to be prepared, signed and forwarded to the Auditor-General—

Accounts and Audit.

- (a) a balance sheet showing in detail the assets and liabilities of the Board;
- (b) monies received from the levy imposed on coffee sales pursuant to section 64; and
- (c) such other statements of accounts as the Cabinet Secretary may approve.

(2) The accounts of the Board shall be examined, audited and reported upon annually by the Auditor-General in accordance with the Public Audit Act.

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(3) The Board shall submit to the Auditor-General all books and accounts of the Board, together with all

vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the Auditor-General shall be entitled to require from any member, officer, employee or agent of the Board such information and explanation as he may consider necessary for the performance of his duties.

67. (1) The Board shall, within a period of three months after the end of each financial year or within such longer period as the Cabinet Secretary may approve, submit to the Cabinet Secretary a report of the operations of the Board during such year, and the yearly balance sheet and such other statements of account as the Cabinet Secretary shall require, together with the Auditor-General's report.

Annual report and publication.

(2) The Board shall, if the Cabinet Secretary so requires, publish the report, balance sheet and statements submitted to him under subsection (1) in such manner as the Cabinet Secretary may specify.

(3) The Cabinet Secretary shall submit to the National Assembly and the Senate the reports, balance sheet and statements under subsection (1), within a period of fourteen days of the receipt of the reports and statements or, if a House of Parliament is not sitting, within fourteen days of the commencement of its next sitting.

68. The financial year of the Board shall be the period of twelve months ending on the thirty first of June in each financial year.

Financial year of the Board.

PART IX—COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA

69. (1) There is established an Institute to be known as the Coffee Research and Training Institute.

Establishment of the Institute.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money; and
- (d) doing or performing all other things or acts

necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

70. (1) The headquarters of the Institute shall be in Kiambu County. Headquarters.

(2) The Institute may establish such branches in Kenya as it may consider necessary for the efficient performance of its functions.

71. (1) The Institute shall have all the powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Institute shall have power to— Powers of the Institute.

- (a) enter into contracts;
- (b) manage, control and administer the assets of the Institute;
- (c) receive gifts, grants, donations or endowments made to the Institute and make disbursement therefrom in accordance with the provisions of this Act;
- (d) subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the Institute's funds not immediately required for the purposes of this Act, as it may determine; and
- (e) operate a bank account into which all monies received by the Institute shall be paid in the first instance and out of which all payments made by the Institute shall be made.

(2) The Institute may, if it considers it necessary, create or take part in the creation of, become a member of, or associate with a body or corporation designed to assist or promote the coffee industry.

72. (1) The management of the Institute shall vest in a Council consisting of— Membership of Council of the Institute.

- (a) a chairperson of the Council appointed by the Cabinet Secretary by notice in the *Gazette*;
- (b) the Principal Secretary responsible for matters relating to agriculture or a representative nominated by the Principal Secretary in writing;

- (c) the Principal Secretary for matters relating to finance or a representative nominated by the Principal Secretary in writing;
- (d) the Director General of Kenya Agricultural Research Institute;
- (e) one person representing estate coffee growers nominated by the largest association of estate growers;
- (f) one person representing small scale coffee growers nominated by the umbrella body of cooperative societies’;
- (g) *a chief executive officer appointed in accordance with section 79 who shall be an ex-officio member of the Council.*
- (h) a chief executive officer appointed in accordance with section 79 who shall be an *ex-officio* member of the board.

(2) The Cabinet Secretary shall appoint the members under subsection (1) (a), (e), (f), and (g) by notice in the *Gazette*.

(3) A person is qualified for appointment as a chairperson of the Council of the Institute if that person holds a post graduate degree in crop research or a related field from a university recognized in Kenya and has three years’ experience in the coffee sector.

73. The persons appointed under section 72 (1)(a) (e),(f), (g) and (h) shall serve for a term of four years renewable for one further term.

Term of appointment.

74. A person shall cease to be a member of the Council of the Institute if that person—

Vacation of office.

- (a) is absent from three consecutive meetings of the Council of the Institute without the permission of the chairperson;
- (b) becomes an officer, agent or member of staff of the Institute;
- (c) resigns in writing addressed -to the Cabinet Secretary;
- (d) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six

months; and

- (e) is declared bankrupt;
- (f) is unable to perform the functions of his office by reason of mental or physical infirmity; or
- (g) dies.

75. (1) The Institute shall—

Functions of the
Institute.

- (a) advise the National and county governments on the resource requirements for coffee research;
- (b) prioritise areas for, and co-ordinate, coffee research including research in coffee diseases and new coffee varieties;
- (c) develop appropriate systems to promote balanced, diversified and sustained coffee development and to optimise coffee production through adaptive and investigative research;
- (d) disseminate, in collaboration with the Board, the Kenya Agricultural and Livestock Research Organisation established under the Kenya Agricultural and Livestock Research Organisation Act and other organizations, knowledge, information and application of research findings in relation to coffee; and
- (e) facilitate the use of improved production technology and establish adequate feedback systems from agricultural producers in order to achieve and maintain national self-sufficiency and export capacities in agricultural products.
- (f) develop curriculum and offer training on research findings.

Cap 319.

(2) For the purpose of carrying out its functions under subsection (1), the Institute shall—

- (a) make policy recommendations to the Cabinet Secretary on coffee research;
- (b) identify production, policy, market, processing and utilisation constraints in the coffee industry and prepare short and long-term demand driven participatory research programmes within the framework of the national agricultural research system;

- (c) identify and disseminate, in collaboration with other relevant agencies, appropriate systems of mechanisation and technology options to improve coffee production and provide answers to foreseeable problems facing coffee;
- (d) collaborate with the extension and education services and other organisations, agencies and institutions including schools, technical institutions and universities, public or private, to disseminate research results and technologies;
- (e) undertake the propagation of quality coffee planting materials and supervision of registered nursery operators;
- (f) provide competitive grants to research institutes and persons desirous of carrying out research and training programs which address value chain priorities and are consistent with the national research priorities and plans of the institute;
- (g) organize, design and carry out on-station and on-farm research for coffee;
- (h) support and promote the training and capacity building in relation to agricultural research;
- (i) establish and maintain regular contact with regional and international agricultural research centres to ensure the rapid introduction, evaluation and use of coffee improved technology;
- (j) establish platforms for the purposes of sharing research information, advancing research and transfer of technology and dissemination of information relating to advancements made in coffee research;
- (k) conduct annual reviews of research results and ensure performance improvement in the field of agricultural research;
- (l) make available to the Science Commission annual reports on research and development activities carried out by or under the auspices of the Institute;
- (m) be the lead scientific agency in coffee breeding for the development of a climate resilient coffee

crop and coffee that is resistant to diseases and pests;

- (n) develop technologies and practices for adoption along the production, processing and value chain that contribute towards climate change adaptation, resilience and mitigation;
- (o) be the custodian of the Kenyan Coffee Genome and the primary instrument for making modern genomics resources available to researchers working across the coffee production chain;
- (p) provide and facilitate access to timely scientific information in a useable format and advisory services to actors in the coffee production chain;
- (q) conduct market research and analysis and disseminate information on its findings to relevant stakeholders; and
- (r) perform such other functions as the Council of the institute shall determine.

76. The Council of the Institute may co-opt two persons with knowledge and experience in matters relating to coffee for the better carrying out of the functions of the Council.

Power to co-opt.

77. The provisions of the First Schedule on the conduct of business and affairs of the Board of Directors shall apply to the Council with necessary modifications.

Conduct of business of the Council of the Institute.

78. The members of the Council of the Institute shall be paid such remuneration or allowances as the Cabinet Secretary shall, in consultation with the Salaries and Remuneration Commission determine.

Remuneration of members of the Council of the Institute.

79. (1) There shall be a chief executive officer of the Institute who shall be competitively recruited and appointed by the Council of the Institute on such terms and conditions as the Council shall determine.

Chief executive officer of the Institute.

(2) The chief executive officer shall be responsible for the day to day management of the affairs of the Institute.

(3) A person is qualified for appointment under subsection (1) if the person—

- (a) is a citizen of Kenya;

- (b) holds a degree in agriculture, crops science or business administration from a university recognized in Kenya;
- (c) holds a postgraduate degree or its equivalent from a university recognised in Kenya; and
- (d) has at least five years' experience at senior management level in agricultural science; policy formulation; policy-oriented research and analysis; and management of human resource and finance.

(4) The chief executive officer shall serve for a term of five years renewable for a further term of five years.

80. The Council of the Institute may remove the chief executive officer in accordance with the terms and conditions of service for—

Removal of chief executive officer of the Institute.

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct or misbehaviour;
- (c) incompetence or neglect of duty; or
- (d) any other ground that would justify removal from office under the terms and conditions of service.

81. The Institute may employ such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Institute under this Act and upon such terms and conditions of service as the Institute may determine.

Staff of the Institute.

82. Liability shall not attach to the members of the Council, officers, agents or staff for loss or damage incurred by a person as a result of an act or omission done or made in good faith and without negligence in the performance or exercise or the intended performance or exercise of any duty or power imposed by or conferred under this Act.

Protection of members and staff from liability.

83. The affixing of the common seal of the Institute shall be authenticated by the signature of the chairperson and the chief executive officer or a person designated by the Council of the Institute.

Common seal of the Institute.

84. All letters and instruments written or made by or on behalf of the Council of the Institute, other than those required by law to be under seal, and all decisions of the

Signing Authority.

Council of the Institute, shall be signed under the hand of the chief executive officer or in the absence of the chief executive officer, a person authorized by the Council of the Institute.

**PART X—FINANCIAL PROVISIONS OF THE
INSTITUTE**

85. The funds and assets of the Institute shall comprise of— Funds of the
Institute

- (a) such monies as may be appropriated by the National Assembly for the purposes of the Institute;
- (b) such monies or assets as may accrue to or vest in the Institute in the course of the exercise of its powers or the performance of its functions under this Act including proceeds from patents;
- (c) one percent of monies collected from the sale of coffee pursuant to section 64 of this Act;
- (d) such monies as may be payable to the Institute pursuant to this Act or any other written law;
- (e) such gifts as may be donated to the Institute; and
- (f) monies from any other source granted, donated or lent to the Institute.

86. The Council of the Institute may, upon consultation with the Cabinet Secretary and from time to time, raise or borrow, either by way of mortgage, charge or overdraft from a bank or in such other ways as may be appropriate, such sums of money as it may consider necessary for or in connection with the exercise of its powers or performance of its functions and duties under this Act. Powers to raise or
borrow money.

87. The Council of the Institute may, from time to time and, subject to the provisions of this Act, invest any sums standing to the credit of the Institute in securities or property as may be approved for the purpose by the Cabinet Secretary for the time being responsible for finance. Power to invest.

88. (1) At least three months before the commencement of each financial year, the Institute shall cause to be prepared estimates of the revenue and Annual Estimates.

expenditure of the Institute for that year.

(2) The annual estimates shall make provision for all estimated expenditure of the Institute for the financial year concerned.

(3) The annual estimates prepared by the Institute under subsection (2) shall be submitted to the Cabinet Secretary for tabling in Parliament.

89. (1) The Institute shall cause to be kept such books of accounts and other books in relation thereto of all its undertakings, funds, activities and property as the Cabinet Secretary may from time to time approve and shall, within a period of three months after the end of the financial year, cause to be prepared, signed and forwarded to the Auditor-General—

Accounts and
Audit.

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

(b) such other statements of accounts as the Cabinet Secretary may approve.

(4) The accounts of the Institute shall be examined, audited and reported upon annually by the Auditor-General in accordance with the Public Audit Act. CAP 412B.

(5) The Institute shall submit to the Auditor-General all books and accounts of the Institute, together with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the Auditor-General shall be entitled to require from any member, officer, employee or agent of the Institute such information and explanation as he may consider necessary for the performance of his duties.

90. (1) The Institute shall, within a period of seven months after the end of each financial year or within such longer period as the Cabinet Secretary may approve, submit to the Cabinet Secretary a report of the operations of the Institute during such year, and the yearly balance sheet and such other statements of account as the Cabinet Secretary shall require, together with the Auditor-General's report.

Annual report and
publication.

(2) The Institute shall, if the Cabinet Secretary so requires, publish the report, balance sheet and statements submitted to him under subsection (1) in such manner as

the Cabinet Secretary may specify.

(3) The Cabinet Secretary shall submit to Parliament the reports, balance sheet and statements submitted under subsection (1), within a period of fourteen days of the receipt of the reports and statements or, if Parliament is not sitting, within fourteen days of the commencement of its next sitting.

91. The financial year of the Institute shall be the period of twelve months ending on the thirty first of June in each financial year.

Financial year of
the Institute.

PART XI—MISCELLANEOUS PROVISIONS

92. (1) Disputes related to issuance of permits, licensing, nomination of Board members or Council members and other matters that may arise in the coffee sector shall be resolved, in the first instance, by a Dispute Resolution Committee.

Disputes
Resolution
Committees

(2) Each licensing authority shall have an ad hoc Dispute Resolution Committee that consists of a chair and two other members appointed by notice in the *Gazette*, in the case of—

- (a) the Board, the Cabinet Secretary; and
- (b) the county governments, the respective governor;

by notice in the *Gazette*.

(3) A member of the committee shall not be members of a licencing authority.

(4) A dispute resolution committee may regulate its own procedure.

(5) A licencing authority shall provide secretarial services to a dispute resolution committee.

(6) The Cabinet Secretary shall make rules on the procedure for nominating members to a Dispute Resolution Committee.

(7) Decisions regarding any dispute contemplated under this section shall be made by the relevant Dispute Resolution Committee within thirty days of the hearing of the dispute in question.

(8) A person who is dissatisfied with the decision of

a Dispute Resolution Committee may appeal to the High Court.

93. (1) The Board, a licenced exchange and each county executive committee member shall automate their operations for the efficient delivery of services and dissemination of information within the coffee sector.

Digitization.

(2) In automating its processes, the Board and the county executive committee member shall ensure that—

- (a) multiple parties can access a common system;
- (b) flow of data takes place seamlessly across the value-chain without interruption;
- (c) the system is safe and secured and protected against unauthorized access;
- (d) there is in place, a mechanism that ensures access to the system is properly regulated and monitored with adequate mechanisms for continued integrity; and
- (e) the records are not lost, destroyed or tampered with, and in the event of any loss or destruction, sufficient back-up is available in a secure place.

94. (1) The chief executive officer of the Institute may, in writing, request any person to furnish the Institute with such information or to produce such documents or records as the chief executive officer deems necessary and relevant for the performance of the functions of the Organization.

Request for information.

(2) A person who—

- (a) refuses or fails, without reasonable cause, to comply with a request under subsection (1) to furnish any information or to produce any documents or records; or
- (b) in furnishing such information, makes a statement which they know to be false, commits an offence and shall be liable, on conviction to a fine not exceeding fifty thousand shillings or to imprisonment not exceeding three months, or to both.

95. (1) Pursuant to Article 24 of the Constitution, the right of access to information under Article 35 of the Constitution shall be limited with respect to information

Limitation of the right to access information.

whose disclosure is, in the opinion of the Council likely to prejudice the integrity of research or any intellectual property rights held by the Institute.

(2) An officer, member of staff, or agent of the Institute shall not disclose information acquired under this Act except with the written consent of the Council of the Institute.

(3) A person who receives information in contravention of subsection (2) shall not disclose or publish the information.

(4) A person who contravenes subsection (2) or (3) commits an offence and shall be liable, on conviction, to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

96. The Board shall carry out market research and analysis and disseminate information on its findings to all stakeholders.

Dissemination of
market information.

97. (1) A person who commits an offence under this Act for which no penalty is provided is liable, on conviction, to a fine of not more than fifty thousand shillings or a fine not exceeding twice the value of the coffee or coffee products or, to imprisonment for a term not exceeding six months, or to both.

Penalties.

(2) Where an offence under this Act is committed by a partnership, company, association or co-operative society, every person who at the time when the offence was committed—

- (a) was director, partner or officer;
- (b) had knowledge or should have had knowledge of the commission of the offence; and
- (c) did not exercise due diligence to ensure compliance with this Act,

commits an offence and is liable for the offence as if they had committed the offence, unless they prove that the act or omission constituting the offence took place without their knowledge, consent or connivance and that they exercised diligence to prevent the commission of the offence as they ought to have exercised having regard to the nature of their functions as director, partner or officer

concerned as aforesaid and to all the circumstances.

98. Subject to other applicable laws, the Institute shall be exempted from such taxes, duties, fees, levy, cess or other charges as the Cabinet Secretary for the time being responsible for finance may by, notice in the *Gazette*, specify.

Exemptions.

99. (1) The Cabinet Secretary may, in consultation with the Board and the Council of County Governors, make Regulations—

Regulations.

(a) prescribing anything that may be prescribed under this Act; and

(b) generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may make Regulations to provide for—

(a) the regulation of the processing, importation and exportation of coffee and coffee products;

(b) the forms to be used —

(i) in the application for registration, licensing, permits, contracts, bulking of coffee, coffee traceability, and related activities;

(ii) to give notice to an importer on the intention to destroy coffee;

(iii) in submission of monthly returns to the Board by growers and roasters; and

(iv) by a laboratory to report on quality compliance.

(c) the process of application for registration, licensing and related activities;

(d) any fee or levy which may be charged for anything done under this Act;

(e) the regulation and enforcement of contracts between growers, processors and other players in the coffee industry.

(f) the process of nomination of members to the Board;

(g) the conditions for the issuance of certificates,

- licenses and permits under this Act;
- (h) the trade, storage, bulking, packing and roasting of coffee;
 - (i) the regulation of nursery operations, pulping, milling, warehousing and transportation of coffee;
 - (j) the grading and classification of coffee;
 - (k) the imposition of costs charged by service providers along the value chain and payment of coffee sales proceeds to growers and their service providers; and
 - (l) operationalization of the Direct Settlement System.

PART XII—TRANSITIONAL PROVISIONS

100. (1) All rights, obligations and contracts which, immediately before the coming into operation of this Act, were vested in or imposed on the Agriculture and Food Authority with respect to the coffee sector shall by virtue of this section, be deemed to be the rights, obligations and contracts of the Board as the case may be.

Rights and obligations.

(2) All rights, obligations and contracts which, immediately before the coming into operation of this Act, were vested in or imposed on the Kenya Agricultural and Livestock Research Organisation with respect to the Coffee Research Institute shall by virtue of this section, be deemed to be the rights, obligations and contracts of the Institute as the case may be.

101. All funds, assets, and other property, moveable and immovable, which were immediately before the appointed day vested in Agriculture and Food Authority for the carrying out of and Kenya Agricultural and Livestock Research Organisation for the carrying out of functions relating to coffee, shall, by virtue of this paragraph, vest in the Council or the Institute as the Cabinet Secretary may, by order, determine.

Assets.

102. (1) On or after the appointed day, all actions, suits or legal proceedings pending by or against the Agriculture and Food Authority in relation to the coffee sector shall be carried on or prosecuted by or against the Board, and no action, suit or legal proceedings

Legal proceedings.

shall in any manner abate or be prejudicially affected by the enactment of this Act.

(2) On or after the appointed day, all actions, suits or legal proceedings pending by or against the Kenya Agricultural and Livestock Research Organisation in relation to the coffee research institute shall be carried on or prosecuted by or against the Institute, and no action, suit or legal proceedings shall in any manner abate or be prejudicially affected by the enactment of this Act.

103. (1) Any reference to the Agriculture and Food Authority in any written law or in any contract, document or instrument of whatever nature, in relation to coffee, shall, on the appointed day, be read and construed as a reference to the Board.

Reference to written laws.

(2) Any reference to the Kenya Agricultural and Livestock Research Organisation in any written law or in any contract, document or instrument of whatever nature, in relation to coffee, shall, on the appointed day Act, be read and construed as a reference to the Institute.

104. (1) All directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Agriculture and Food Authority in relation to coffee, and subsisting or valid immediately before the appointed day, shall be deemed to have been given, issued or made by the Authority as the case may be, under this Act.

Previous authorizations.

105. (1) Any person who, at the commencement of this Act, is a member of staff of the Agriculture and Food Authority dealing with the coffee sector shall, on the appointed day, become a member of staff of the Board on the same or improved terms and conditions of service as may be specified by the Cabinet Secretary.

Staff.

(2) Any person who, at the commencement of this Act, is a member of staff of the Kenya Agricultural and Livestock Research Organisation working with the coffee research institute shall, on the appointed day, become a member of staff of the Institute on the same or improved terms and conditions of service as may be specified by the Cabinet Secretary.

106. (1) In this Part—

Interpretation.

“appointed day” means the day this Act comes into

force.

107. (1) The Crops Act is amended—

- (a) in section 14 (1) by deleting paragraph (a); and
- (b) in the First Schedule by deleting the term “coffee” appearing in Part 1.

Consequential
amendments.

Cap 318

FIRST SCHEDULE. s. 22 and s. 77

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD OF DIRECTORS

1. (1) The board of directors shall meet at least once in every three months to conduct the business of the Board.

Meetings of the Board.

(2) The chairperson shall convene the ordinary meetings of the board of directors at the premises of the Board.

(3) Despite the provisions of sub-paragraph (1), the Chairperson shall, upon a written request by at least five members of the board of directors, convene a special meeting at any time where he considers it expedient for the transaction of the business of the Board.

(4) Unless three quarters of the total number of the members of the Board otherwise agree, at least fourteen days written notice of every meeting of the board of directors shall be given to every member of the respective board by the Secretary.

(5) The quorum for the conduct of the business of the Board shall be five members.

(6) The chairperson shall preside at every meeting of the Board at which the chairperson is present and in the absence of the chairperson, the members of the Board present shall elect one person from their number to preside over the meeting of the Board and that person shall have all the powers of the chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the board of directors shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the board of directors shall not be invalidated by reason of a vacancy within its membership.

(9) Subject to provisions of this Schedule, the board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings.

2. (1) If a member of the board of directors is directly or indirectly interested in any matter before the Board and is present at a meeting of the board of directors at which the

Disclosure of interest.

The Coffee Bill, 2023

matter is the subject of consideration, the member shall, at the meeting and as soon as is reasonably practicable after the commencement of the meeting, disclose the interest of the member in the matter and shall not take part in the deliberations or vote on, the matter.

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

(3) Any contract or instrument which if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the board of directors by any person generally or specially authorized by the board of directors for that purpose.

SECOND SCHEDULE.

s.11, s.23

LICENCE, PERMIT OR CERTIFICATE

No.	Type of Licence/ Permit or Certificate	Issuing Authority
1.	Coffee buyer's licence	Board
2.	Independent cupping laboratory licence	Board
3.	Warehouse operator's licence	Board
4.	Coffee liqueur's licence;	Board
5.	Processed coffee import permit	Board
6.	Clean coffee movement permit for exports	Board * County
7.	Coffee trading licence	Board
8.	Commercial coffee miller's licence	Board
X 9.	Warehouse licence	County government Board
10.	Coffee nursery certificates	County government → Board
11.	Pulping station licence	County government
12.	Grower's milling licence	County government
13.	Coffee roaster's licence	County government
14.	Parchment permit from the county of origin	County government
15.	Clean coffee movement permit from the county of origin	County government
16.	Coffee exchange licence	Capital Markets Authority
17.	Brokers licence	Capital Markets Authority

G

X

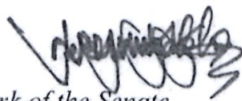
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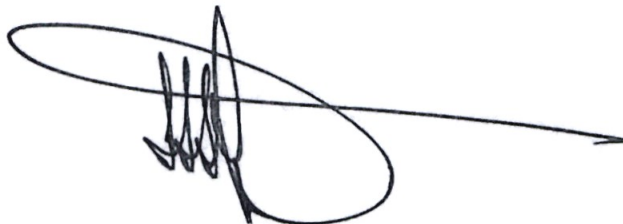
The Coffee Bill, 2023

I certify that this printed impression is a true copy of the Bill as passed by the Senate on Thursday, 21st March, 2024.



Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 161 of the Senate Standing Orders.



Speaker of the Senate