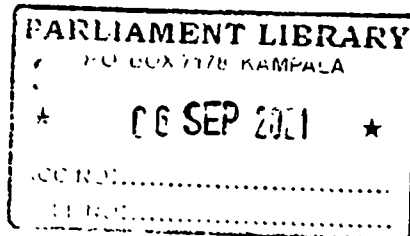
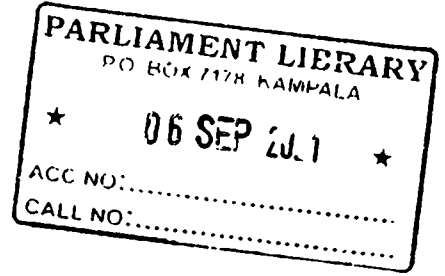
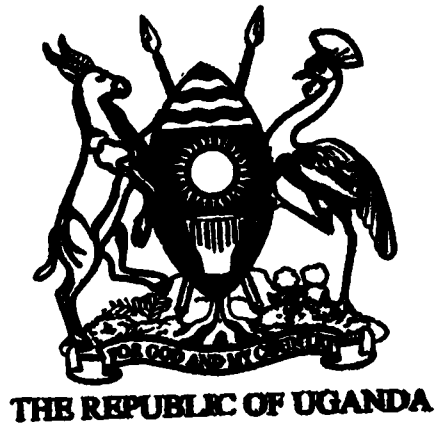




THE NATIONAL COFFEE ACT, 2021.





I SIGNIFY my assent to the bill.

Yoweri Museveni
.....
President

Date of assent:..... 31/8/2021.

THE NATIONAL COFFEE ACT, 2021

ARRANGEMENT OF SECTIONS

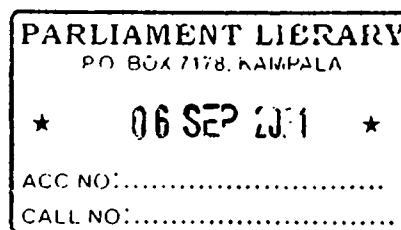
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2. Purpose of the Act.

PART II—UGANDA COFFEE DEVELOPMENT AUTHORITY.

3. Uganda Coffee Development Authority.
4. Objectives of the Authority.
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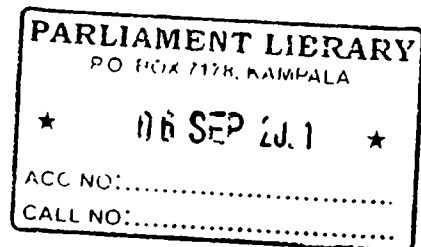
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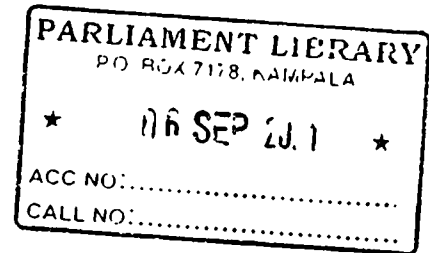
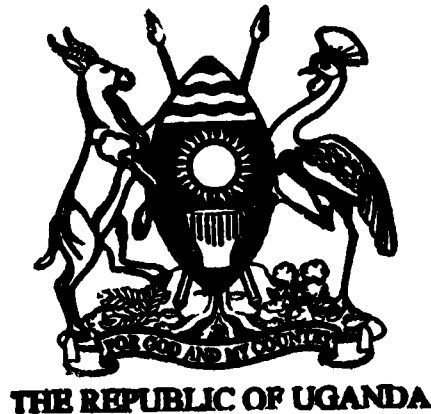
- 57. Repeal of Cap. 325 and vesting of assets and liabilities.
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SCHEDULES

SCHEDULE 1 – Currency Point

SCHEDULE 2 – Meetings of the Board





THE NATIONAL COFFEE ACT, 2021

An Act to repeal and replace the Uganda Coffee Development Authority Act, Cap. 325; to continue in existence the Uganda Coffee Development Authority; to provide for the Uganda Coffee Development Authority to regulate, promote and oversee the coffee subsector; to provide for the Authority to regulate all on-farm and off-farm activities in the coffee value chain; to provide for a coffee auction system; and for other related matters.

DATE OF ASSENT:

Date of Commencement:

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. Interpretation.

In this Act, unless the context otherwise requires—

“adulterated coffee” means different types of coffee mixed together or coffee mixed with non-coffee material or immature coffee mixed with mature red ripe cherry;

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“Authority” means the Uganda Coffee Development Authority continued in existence under section 3;

“bare ground” means the open soil surface;

“Board” means the Board of the Authority established by section 14;

“cess” means a levy on export of coffee on Free on Rail or Free on Truck or any other form of acceptable contract price;

“coffee extension officer” means an officer of the Authority or other person authorised in writing by the Authority to carry out functions of the Authority;

“coffee farmer” means a person who grows coffee;

“coffee inspector” means any officer of the Authority or other person authorised in writing by the Authority to carry out an inspection under this Act;

“coffee subsector” means a division or part of the agricultural sector relating to the coffee value chain;

“coffee value chain” means the activities or processes relating to coffee and includes research, planting and growing coffee, harvesting, drying, storage, sorting, grading, handling, processing, roasting, brewing, marketing, export and consumption of coffee;

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“currency point” has the value assigned to it in Schedule 1 to this Act;

“Minister” means the Minister responsible for the coffee subsector;

“Ministry” means the ministry responsible for the coffee subsector;

“off-farm activity” means any activity or process relating to coffee that is carried out outside a coffee farm and includes sorting, drying, storing, processing, grading, transporting, marketing, exporting, roasting, brewing and consumption of coffee;

“on-farm activity” means any activity or process relating to coffee that is carried out on a coffee farm and includes planting, soil or water management, pest and disease control and harvesting;

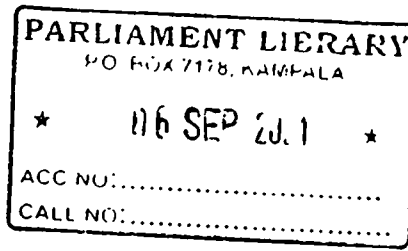
“outturn test” means a test conducted to determine the quality and value of coffee obtained from a given quantity of processed coffee;

“seed” means a propagative material, plant and parts of plant intended for the propagation and multiplication of a coffee variety.

2. Purpose of the Act.

The purpose of this Act is—

- (a) to facilitate the development of a competitive, participatory and sustainable coffee subsector in accordance with the National Coffee Policy, 2013;



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- (b) to provide for the Uganda Coffee Development Authority to regulate, promote and oversee the coffee subsector; and
- (c) to regulate all on-farm and off-farm activities in the coffee value chain.

PART II—UGANDA COFFEE DEVELOPMENT AUTHORITY

3. Uganda Coffee Development Authority.

(1) The Uganda Coffee Development Authority existing immediately before the commencement of this Act, shall continue to exist subject to the provisions of this Act.

(2) The Authority shall be a body corporate with perpetual succession and a seal and may, for the discharge of its functions under this Act—

- (a) acquire, hold and dispose of moveable and immovable property;
- (b) sue and be sued in its corporate name; and
- (c) do all acts and things as a body corporate may lawfully do.

(3) The seal of the Authority shall be determined by the Board and shall be kept in the custody of the Managing Director.

(4) The seal shall, when affixed to any document, be authenticated by the signatures of the Chairperson and the Managing Director.

(5) In the absence of the Chairperson or when the Chairperson is unable to perform this function, a member of the Board appointed by the Board for that purpose shall sign in the place of the Chairperson.

(6) A person performing the functions of Managing Director shall sign in the absence of the Managing Director.

(7) Every document purporting to be an instrument issued by the Authority and sealed with the seal of the Authority and authenticated in the manner prescribed in subsections (4), (5) and (6), shall be received in evidence as such an instrument without further proof unless the contrary is proved.

4. Objectives of the Authority.

The objectives of the Authority are—

- (a) to promote good practices in all activities in the coffee value chain;
- (b) to regulate on-farm and off-farm activities in the coffee value chain;
- (c) to promote research along the coffee value chain processes and products related to coffee;
- (d) to promote value addition to coffee including primary processing and establishing soluble coffee plants;
- (e) to promote access to easy and cheap credit for coffee value chain actors;
- (f) to promote and monitor the marketing of coffee in order to optimise foreign exchange earnings and payments to farmers;
- (g) to control the quality of coffee at all stages of the value chain in order to ensure that all coffee meets the standards prescribed by the Authority;
- (h) to monitor the international price of coffee in order to disseminate indicative prices at which coffee may be traded;
- (i) to conduct market research for the development of the coffee subsector;

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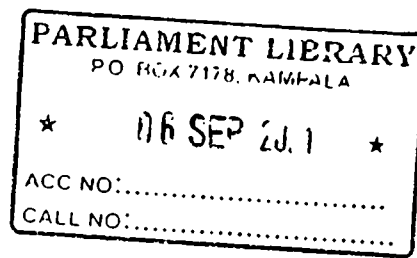
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- (j) to promote industries related to coffee;
- (k) to develop and promote coffee specific extension services;
- (l) to coordinate with key stakeholders to organise farmers in the coffee subsector;
- (m) to promote the production and marketing of final products of coffee;
- (n) to promote domestic consumption of coffee; and
- (o) to promote coffee tourism in Uganda.

5. Functions of the Authority.

The functions of the Authority are—

- (a) to regulate all activities within the coffee value chain; on-farm and off-farm coffee activities, coffee roasting and brewing, sales and marketing and the quality of coffee and coffee by-products, including activities of related industries in accordance with this Act;
- (b) to promote, strengthen and register coffee farmers, farmers groups, associations and cooperatives, processors, roasters, brewers, traders, middlemen, persons or bodies involved in the coffee value chain;
- (c) to register all coffee exports and assess cess;
- (d) to promote the formation and development of value chain organisations at the various levels of the coffee value chain;
- (e) to promote and support research into the coffee industry or processes along the coffee value chain and determine and prescribe through research, the types and varieties of coffee to be cultivated in Uganda, and their management systems;
- (f) to promote and support joint ventures, investments and concessions in the coffee value chain;



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- (g) to prescribe quality control standards for the sale and marketing of coffee, issue indicative prices at which coffee may be traded and protect coffee farmers from exploitation and unfair trade practices;
- (h) to profile, grade and certify grades and quantities of coffee along the coffee value chain;
- (i) to license coffee nursery operators, seed garden operators, traders, processors, exporters, management agents, warehouse operators, auctioneers, pulping stations, packers and roasters in accordance with regulations issued by the Minister;
- (j) to coordinate the provision of coffee specific extension services in consultation with the Ministry;
- (k) to advise Government on all coffee subsector policies and reconcile them to the national macroeconomic policies;
- (l) to liaise with regional and international coffee organisations to promote Uganda's coffee on the world market and be responsible for the administration of the stamp of the International Coffee Organisation;
- (m) to organise capacity building initiatives for coffee farmers, farmers associations, roasters, brewers, technicians, coffee processors and quality controllers;
- (n) to collect, collate and analyse data, maintain a database on coffee, and document and monitor the coffee subsector performance; and
- (o) to perform any other function as may be directed by the Minister.

6. Powers of the Authority.

(1) The Authority may, in the exercise of its functions, arbitrate disputes between coffee farmers, coffee exporters, coffee processors, coffee roasters, coffee buyers and any other person or body involved in the coffee value chain.

(2) Where there is a dispute between the Authority and any coffee value chain actor, the parties must agree to an arbitrator in accordance with the applicable laws in Uganda.

7. Appointment of coffee inspectors.

(1) The Authority may, by notice in the *Gazette*, appoint a qualified person to be a coffee inspector, for the purposes of ensuring compliance with this Act.

(2) A person appointed under subsection (1) shall hold office for a period of five years, subject to reappointment by the Authority.

8. Qualifications of coffee inspectors.

A person shall qualify to be a coffee inspector if he or she possesses a minimum of a diploma in agriculture or related sciences and has extensive knowledge and experience in coffee related matters.

9. Powers of coffee inspectors.

(1) A coffee inspector may, at any reasonable hour, enter any place where coffee is grown, pulped, processed, packed, roasted, stored, warehoused or sold to inspect and examine it for the purpose of ensuring that the provisions of this Act are complied with.

(2) A coffee inspector may, for purposes of securing compliance with the provisions of this Act, take samples of coffee found in a store, plant or other place or premises including any land, and subject the samples to such tests as he or she may deem necessary.

(3) A coffee inspector shall, when exercising powers under this Act, produce the instrument of appointment and identification as a coffee inspector when required to do so by any person.

10. Appointment of coffee extension officers.

(1) The Authority may, by Notice in the *Gazette*, designate qualified persons to be coffee extension officers for purposes of ensuring compliance with this Act.

(2) A person designated under subsection (1) shall be a coffee extension officer for five years or such period as the Authority may determine.

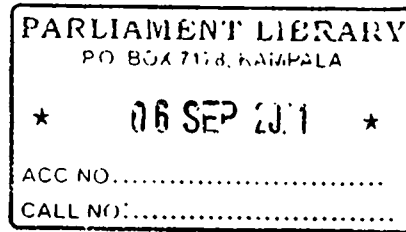
11. Qualifications of coffee extension officers.

A person shall qualify to be a coffee extension officer if he or she possesses a minimum of a Bachelor of Science in agriculture, agribusiness management or agriculture extension or a related field from a recognized university.

12. Functions of coffee extension officer.

A coffee extension officer shall carry out the following functions—

- (a) implement and supervise coffee nursery development programs;
- (b) oversee compliance with established standard procedures and operating guidelines;
- (c) implement coffee extension programs developed by the Authority;
- (d) promote and disseminate new technologies developed by coffee research to farmers;
- (e) maintain surveillance on coffee diseases and pests;
- (f) advise farmers on the control of coffee disease and pest control measures;
- (g) liaise with and ensure effective collaboration with local authorities and other bodies with an interest in matters of coffee development;
- (h) participate in the development of work plans and budgets;
- (i) provide technical support in the collection of data for coffee production and marketing;



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- (j) monitor the quality of coffee and enforce coffee regulations;
- (k) compile monthly reports on coffee activities; and
- (l) carry out any other function as the Authority may from time to time assign.

13. Cooperation with other agencies.

(1) The Authority shall cooperate with other ministries, departments, agencies of Government, and other organisations in the implementation of this Act.

(2) The Ministry shall, in consultation with the Authority and the body responsible for provision of agricultural extension services, coordinate the provision of coffee specific extension services, improved and recommended coffee varieties and technical support to farmers.

(3) For the purpose of subsection (1), all ministries, departments, agencies of Government and other organisations shall accord to the Authority such assistance as may be necessary to ensure the proper discharge of the functions of the Authority.

14. Board of the Authority.

(1) The Authority shall have a Board of Directors, which shall be the governing body of the Authority.

(2) The Board shall consist of—

- (a) a chairperson;
- (b) a representative from the Ministry responsible for finance;
- (c) a representative from the Ministry responsible for agriculture;

- (d) a representative from the Ministry responsible for trade;
- (e) a representative of the coffee farmers;
- (f) a representative of the coffee processors;
- (g) a representative of the coffee exporters;
- (h) a representative of the coffee roasters;
- (i) a representative of the National Agricultural Research Organisation; and
- (j) the managing director, who shall be an ex-officio member.

(3) At least one-third of the members of the Board shall be women, one of whom shall be a representative from the value chain actors provided for under subsection (2) (e), (f), (g) or (h).

(4) The members of the Board, except the managing director, shall be appointed by the Minister.

(5) The Minister shall in appointing members of the Board referred to in paragraphs (b) to (i), invite nominations from the respective institutions or organisations from whom the appointments shall be made.

15. Disqualification from appointment.

A person shall not be appointed to the Board if he or she—

- (a) has been convicted of an offence involving dishonesty or fraud by a competent court in Uganda or elsewhere;
- (b) has been declared insolvent under any law in force in Uganda and has not been discharged;
- (c) has been convicted of an offence and sentenced to imprisonment for six months or more without the option of a fine by a competent court in Uganda or elsewhere; or
- (d) is a member of Parliament, a minister or a member of a local government council.

16. Tenure of office of members of the Board.

(1) A member of the Board other than the Managing Director shall hold office for three years and is eligible for re-appointment for one more term.

(2) The Chairperson and members of the Board shall hold office on terms and conditions specified in their instruments of appointment.

(3) A member of the Board may, at any time, resign from office by giving written notice of not less than one month to the Minister.

(4) The Minister may, at any time remove a member of the Board—

- (a) for inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) for misbehaviour or misconduct;
- (c) for incompetence;
- (d) for failure to disclose, at a Board meeting, a matter in which he or she has a personal interest;
- (e) for absence without prior notice to the Chairperson of the Board, or without reasonable cause, for more than four consecutive scheduled meetings of the Board;
- (f) for having been declared insolvent;
- (g) on the written recommendation of the body represented by that member stating reasons for disqualification;
- (h) for conviction for a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine; or
- (i) where information relating to the conduct of a member, which could have precluded his or her appointment if it had been made available to the Minister, is brought to the attention of the Minister.

17. Filling of vacancies of the Board.

(1) Where a member of the Board resigns, dies, is removed from office or is for any other reason unable to act as a member of the Board, the Chairperson shall notify the Minister of the vacancy within one month of the occurrence of the vacancy.

(2) The Minister shall, on being notified of a vacancy under subsection (1), appoint another person to hold office in accordance with section 14.

(3) Where the member of the Board referred to in subsection (1) is the Chairperson of the Board, the Managing Director shall notify the Minister of the vacancy and the Minister shall, with the approval of Parliament, appoint another person to serve as Chairperson.

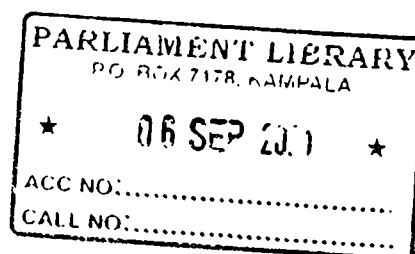
18. Functions of the Board.

The functions of the Board are—

- (a) to formulate and review the policy of the Authority;
- (b) to set targets for the annual performance of the Authority;
- (c) to appraise and evaluate the performance of the management of the Authority;
- (d) to determine the organisational structure and staffing of the Authority;
- (e) to oversee the management of the finances and assets of the Authority;
- (f) to appoint and discipline members of staff of the Authority; and
- (g) to perform any other function assigned to it under this Act.

19. Remuneration of members of the Board.

The Chairperson and members of the Board shall be paid such remuneration as may be determined by the Minister.



20. Meetings of the Board.

The meetings of the Board and related matters shall be conducted in accordance with Schedule 2 to this Act.

21. Committees of the Board.

(1) The Board may appoint committees—

- (a) to inquire into and advise the Board on any matter concerning the functions of the Authority as the Board may refer to the committee;
- (b) to exercise such powers or perform such functions of the Authority as the Board may delegate or refer to the committee.

(2) A committee appointed under subsection (1) shall consist of a chairperson and other persons, whether members of the Board or not, as the Board may determine.

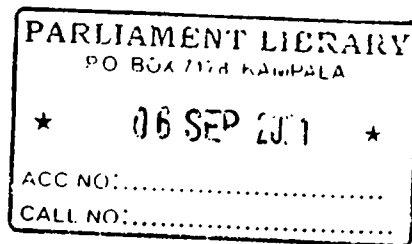
(3) The Board may require a committee appointed under this section to act jointly or in co-operation with any other committee.

(4) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure, but shall, in any event, be guided by the procedure in Schedule 2 to this Act.

PART III—STAFF OF THE AUTHORITY.**22. Managing Director.**

(1) There shall be a managing director of the Authority who shall be appointed by the Board, on such terms and conditions as the Board may determine.

(2) The Managing Director shall be a person of high moral character and proven integrity, with the relevant professional qualifications, skills and experience in coffee related matters.



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(3) The Managing Director shall hold office for five years and is eligible for reappointment for one more term.

(4) The Managing Director shall cease to hold office if he or she—

- (a) resigns;
- (b) is declared insolvent or has made an arrangement with his or her creditors;
- (c) is convicted of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine;
- (d) is removed from office by the Board—
 - (i) for inability to perform the functions of his or her office arising from infirmity of body or mind; or
 - (ii) for misbehaviour, misconduct or incompetence.

23. Functions of Managing Director.

(1) The Managing Director is responsible for the day to day operations and administration of the Authority.

(2) The Managing Director shall be the chief executive and accounting officer of the Authority.

(3) Subject to this Act and to the general supervision and control of the Board, the Managing Director shall be responsible for—

- (a) the implementation of the policies and programmes of the Authority and reporting on them to the Board;
- (b) the proper management of the funds and property of the Authority;

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- (c) the organisation and control of the staff of the Authority;
- (d) co-operation with other ministries, departments, agencies of Government and organisations to achieve the objectives of the Authority;
- (e) developing an economic, efficient and cost effective internal management structure;
- (f) developing and implementing the strategic plan, business plan and annual plan of the Authority to achieve its objectives;
- (g) ensuring that the policies of the Authority are implemented and that the agreed objectives, targets and service standards are met;
- (h) providing advice as required on all matters within the Authority's responsibility; and
- (i) performing any other duty necessary for the implementation of this Act as may be assigned to him or her by the Board.

(4) In the performance of his or her functions, the Managing Director is answerable to the Board.

24. Secretary to the Board.

(1) There shall be a secretary to the Board who shall be appointed by the Board in accordance with section 190 of the Companies Act.

(2) The Secretary to the Board shall be responsible for—

- (a) arranging the business at meetings of the Board;
- (b) taking the minutes of the meetings of the Board;
- (c) keeping the records of the decisions and other policy records of the Board;

- (d) providing legal advice on all activities of the Authority; and
- (e) performing any other function assigned by the Managing Director.

(3) In the performance of his or her functions, the Secretary is answerable to the Managing Director.

25. Other staff of the Authority.

(1) The Board shall appoint other staff of the Authority as may be necessary for the proper and efficient performance of the functions of the Authority.

(2) The staff appointed under subsection (1) shall hold office on such terms and conditions determined by the Board and specified in the instruments of appointment.

(3) The Board shall regulate the manner of appointment, terms and conditions of service and the discipline of the staff appointed under this section.

PART IV — REGISTRATION OF COFFEE VALUE CHAIN ACTORS

26. Registration of coffee farmers.

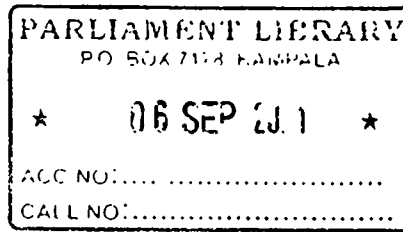
(1) The Authority shall register all coffee farmers in the coffee subsector.

(2) A person shall be registered as a coffee farmer if he or she is growing coffee at the time of registration.

27. National register of coffee farmers.

(1) The Authority shall establish and maintain a national register of coffee farmers.

(2) The register shall be maintained as an electronic database or in any other form determined by the Board.



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(3) The register shall contain the particulars of every coffee farmer including—

- (a) the full name and address of the farmer, and if the farmer is a member of a coffee farmers group or association, the name and address of the group or association;
- (b) where the person who owns the land is different from the coffee farmer, the name and address of the owner of the land;
- (c) the district, subcounty, parish and village in which the coffee farm is located;
- (d) the acreage of land on which the coffee is grown on the date of its registration;
- (e) the variety and type of coffee grown;
- (f) the age and number of coffee trees; and
- (g) any other information which may be deemed necessary for the purpose of registration.

(3) The Authority shall, on registering a coffee farmer issue the coffee farmer a coffee farmer's registration number.

(4) The Authority shall not charge fees for the registration of a coffee farmer.

(5) The Authority shall use the information compiled in the register to facilitate the provision of services to coffee farmers individually or through farmers groups.

(6) For the avoidance of doubt, registration of farmers shall be on a continuous basis.

28. Application to operate a coffee nursery or a coffee seed garden.

(1) A person who wishes to operate a coffee nursery or a coffee seed garden shall apply to the Authority in writing.

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(2) The Authority shall assess the soil type to determine the type and variety of coffee to be planted by a coffee nursery operator or a coffee seed garden operator.

(3) The Authority shall assess the coffee nursery or coffee seed garden and, if satisfied, issue the coffee nursery operator or coffee seed garden operator with a certificate to operate a coffee nursery or a coffee seed garden.

(4) A certificate issued under this section shall be renewed annually.

(5) A person who wishes to plant coffee shall obtain planting materials from a certified coffee nursery or coffee seed garden.

29. Registration of coffee nursery operators and coffee seed garden operators.

(1) The Authority, shall register every coffee nursery operator and coffee seed garden operator.

(2) The register shall contain the particulars of every coffee nursery operator and coffee seed garden operator including—

- (a) the full name and address of the coffee nursery operator or coffee seed garden operator;
- (b) where the person who owns the land is different from the coffee nursery operator or coffee seed garden operator, the name and address of the owner of the land;
- (c) the district, subcounty, parish and village in which the coffee nursery or coffee seed garden is located;
- (d) the type and variety of coffee grown in the coffee nursery or coffee seed garden; and

- (e) any other information which may be deemed necessary for the purpose of registration.

30. Registration of coffee farmer organisations and cooperatives.

(1) The Authority shall register all coffee farmer organisations and cooperatives.

(2) The Authority shall keep a register of coffee farmer organisations and cooperatives.

(3) The register of coffee farmer organisations and cooperatives shall contain the particulars of every coffee farmer organisation and cooperative including—

- (a) the full name and address of the coffee farmer organisation or cooperative;
- (b) the number of members, their names and address;
- (c) the type and variety of coffee in the coffee farm; and
- (d) any other information which may be deemed necessary for the purpose of registration.

(4) The Authority shall, on registering a coffee farmer organisation or cooperative, issue the coffee farmer organisation or cooperative with a registration number.

(5) The Authority shall promote the formation of an apex body to represent all coffee farmers' organisations and cooperatives.

31. Registration of coffee value chain actors.

(1) The Authority shall promote, register and regulate the formation of coffee value chain actors at the various levels of the coffee value chain throughout Uganda.

(2) The Authority shall promote the formation of apex bodies to represent and advocate for the interests of each category of the coffee value chain.

32. National registers of coffee value chain actors.

The Authority shall keep and maintain the following national registers of coffee value chain actors—

- (a) a register of pulpers;
- (b) a register of coffee buyers;
- (c) a register of coffee graders;
- (d) a register of coffee exporters;
- (e) a register of coffee store operators or warehousemen;
- (f) a register of processors of coffee of any variety and grade;
- (g) a register of coffee roasters, coffee shop operators and brewers.
- (h) a register of coffee hullers; and
- (i) a register of factories for instant, granulated, soluble and roasted coffee.

33. Particulars of national registers of coffee value chain actors.

The national registers of coffee value chain actors shall contain the particulars of each coffee value chain actor including—

- (a) the name and address of the value chain actor;
- (b) the name and address of each director or partner and the shareholding of each shareholder;
- (c) the activity undertaken by the value chain actor;
- (d) the capacity of the value chain actor;
- (e) the location of the value chain actor; and
- (f) any other information which may be deemed necessary for the purpose of registration.

