

**THE HOMA BAY COUNTY AGRICULTURE, LIVESTOCK AND
FISHERIES BILL, 2015**

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

- 1— Short title.
- 2— Interpretation.

**PART II—ESTABLISHMENT, FUNCTIONS AND POWERS
OF THE AGRICULTURAL DEVELOPMENT AND
ADVISORY BOARD**

- 3— Establishment of the Board
- 4— Functions of the Board
- 5— Powers of the Board.
- 6— Conduct of business and affairs of the Board.
- 7— Delegation by the Board.
- 8— Remuneration of members of the Board.
- 9— Protection from personal liability.

PART III—FINANCES OF THE BOARD

- 10— Funding of the Board
- 11— Financial year.

**PART IV—POLICY GUIDELINES ON DEVELOPMENT,
PRESERVATION AND UTILIZATION OF
AGRICULTURAL LAND**

- 12— Land development guidelines for agricultural land.

13— Rules on preservation, utilization and development of agricultural land and water bodies.

14— Land and water body preservation guidelines.

**PART V—PROVISIONS ON NOXIOUS AND INVASIVE
SPECIES AND DISEASE OUTBREAKS**

15— Power to declare a species noxious or invasive.

16— Duty to report.

17— Power of county government officer to enter the affected areas.

18— Order by county government to clear the affected areas.

19— Eradication of noxious/ invasive species and diseases by county government.

20— Penalty for non-compliance with order.

21— Register of land and water bodies development orders.

22— Land and water bodies' preservation orders.

23— Appeal against a land and water body preservation order.

24— Cancellation and amendments of orders.

25— Register of land and water bodies preservation orders.

26— Failure to comply with an order.

27— Penalty for failure to comply.

28— Right of leasee to compensation for work done in compliance with order.

29— Participation of sector stakeholders

PART VII—MISCELLANEOUS PROVISIONS

30— Appeals.

31— Measurement of weight.

32— Competition in sector.

33— Regulations.

**FIRST SCHEDULE—PROVISIONS AS TO THE CONDUCT OF
BUSINESS AND AFFAIRS OF THE BOARD**

**THE HOMA BAY COUNTY AGRICULTURE, LIVESTOCK AND
FISHERIES BILL, 2015**

A Bill for

**AN ACT of the County Assembly of Homa Bay County Government
for the establishment of the county Agriculture, Livestock and
Fisheries Act 2015, to align the provisions of the Act to the county
government functions in agriculture, livestock and fisheries related
matters in furtherance of the relevant provisions of the Fourth
Schedule to the Constitution and for connected purposes**

Enacted by the County Assembly of Homa Bay as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Homa Bay County Agriculture, Livestock and Fisheries Act, 2015.

Interpretation

2. In this Act, unless the context otherwise requires—

“Agriculture” means cultivation of land and the use of land (whether or not covered by water) for any purpose of husbandry, aquaculture and food production and includes—

- (a) cultivation of crops and horticultural practice within the meaning of the Crops Act;
- (b) breeding of aquatic animals and plants in the Kenya fishery waters and sea ranching and fish farming in the sea as provided for in the Fisheries Act;

- (c) the use of land, meadow land, market gardens or nursery grounds;
- (d) fish harvesting within the meaning of the Fisheries Act; and
- (e) the use of land for agroforestry, when that use is ancillary to the use of land for other agricultural purposes;
- (f) transgenic and microbial formulations for use and application in agricultural systems; and

“Agricultural” shall be construed accordingly;

“Livestock” means domestic animals kept for use on farm and raised for sale and profit.

“Fisheries” means rearing, catching, processing, or selling fish, shell fish or other aquatic animals;

“Board” means the County Agricultural development and advisory board constituted pursuant to section 3 of the Homa Bay County Agriculture, Livestock and Fisheries (HBCALF) Act 2014;

“The Secretariat” means the secretariat of the board constituted pursuant to section 5 of the Homa Bay County Agriculture, Livestock and Fisheries (HBCALF) Act 2014;

“County Executive Committee member” means the County Executive committee member for the time being responsible for matters relating to agriculture, Livestock and Fisheries;

“Manufacture” means the processing of agricultural products and includes the packaging, labeling, distribution or importation of scheduled agricultural products for sale in Kenya;

“Person responsible”, in relation to land, means—

- a) the occupier of land, or, in the case of unoccupied land, the registered owner thereof; and
- b) in the case of public lands over which grazing, occupation or other rights have been granted, the holder of those rights.

**PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF
THE AGRICULTURAL DEVELOPMENT AND ADVISORY
BOARD**

**Establishment of the Agricultural, Livestock and Fisheries
Development and Advisory Board**

3. (1) There is established a board to be known as the County Agriculture, Livestock and Fisheries Development and Advisory Board.

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

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

(3) The Board shall comprise of:

- (a) Eight members appointed by each sub county agricultural board

- (b) The chief officer of the ministry or a person delegated by him in a particular meeting
 - (c) The directors of the three directorates of the ministry
 - (d) Up six to people appointed by the CEC whose work shall benefit the board
 - (e) The county commissioner of cooperatives
 - (f) The county director of lands
- (4) A person appointed as a member of the Board under sub-section (3) shall—
- (a) be persons who have the relevant expertise qualification and experience in the agricultural sector:
 - (b) serve for a term of three years and shall be eligible for re-appointment once for a further term of three years.

Functions of the Board

4. (1) The Board shall, in consultation with the county government, perform the following functions—
- (a) Advice the CEC on matters effecting the county agricultural policy;
 - (b) Coordinate agricultural policy on matters affecting the county;
 - (c) Advice the CEC in the determination of schedule crops and fixing of prices of certain agricultural products and inputs;
 - (d) Advice the CEC on fixing the prices of agricultural products under contractual arrangements;

- (e) Carry out such other advisory functions as conferred open by this act or any other written law or as the CEC after consultation with the board may;
- (f) promote best practices in, and regulate, the production, processing, marketing, grading, storage, collection, transportation and warehousing of agricultural, livestock and aquatic products as may be provided for under this act and any other written law;
- (g) collect and collate data, maintain a database on agricultural and aquatic products, documents and monitor agriculture through registration of players as provided for in the Crops Act and the Fisheries Act; Receive data, analyze and advice to inform policy;
- (h) give suggestion on the research priorities in agriculture livestock and fisheries;
- (i) advise the national government and the county government on agricultural and aquatic levies for purposes of planning, enhancing harmony and equity in the sector;
- (j) carry out such other functions as may be assigned to it by this Act, and any written law while respecting the roles of the two levels of governments.

(2)The CEC shall make rules for election of the members of the Board under subsection (1) (i).

(3)The rules made under subsection (2) shall provide for mechanisms to ensure that not more than two thirds of the members so elected are of the same gender.

Powers of the Board

5. The Board shall have all 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—

- (a) receive any grants, gifts, donations or endowments and ;
- (b) enter into association with such other bodies or organizations within or outside the county as it may consider desirable or appropriate and in furtherance of the purposes for which the Authority is established;
- (c) Undertake any activity necessary for the fulfillment of any of its functions.

Conduct of business and affairs of the Board

6. The conduct and regulation of the business and affairs of the Authority shall be as provided in the First Schedule.

Delegation by the Board

7. The Authority may, either generally or in any particular case, delegate to any committee or to any member, or agent of the Board, the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act or under any other written law.

Remuneration of members of the Board

8. The remuneration payable to members of the Board shall be determined as provided for by this act

Protection from personal liability

9. No matter or thing done by a member of the Board committee shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the board under this Act, render the member, or any person acting on their directions personally liable to any action, claim or demand whatsoever.

(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any, act which is done or purported to be done by him or her under the direction of the Board, shall, if the court holds that such act was done *bona fide* be paid out of the funds of the Authority, unless such expenses are recovered by him or her in such suit or prosecution.

Funding of the Board

10. The funding and of the board shall consist of—

- (a) such moneys as may be provided for in the ministry responsible budget:
- (b) such gifts as may be given to the board:
- (c) all moneys from any other lawful source provided, donated to the board Authority.

(2) The board shall apply the money received under this section for the furtherance of the objects and performance of the functions of the Authority.

Financial Year

11. (1) The financial year of the board shall be the period of twelve months ending on the thirtieth June in each year.

(2) The ministry's annual estimates shall make provision for all estimated expenditure of the board for the financial year and in particular, the estimates shall provide for the payment of allowances and other charges in respect of members of the Board.

**PART IV—POLICY GUIDELINES ON DEVELOPMENT,
PRESERVATION AND UTILIZATION OF AGRICULTURAL
LAND WATER BODIES RELATED TO FISHERIES
RESOURCES**

Development guidelines for agricultural land and fisheries waters

12. The County Executive Committee member shall, in consultation with the county land board, provide general guidelines, in this Act referred to as land development guidelines, applicable in respect of any category of agricultural land to the owners or the occupiers thereof.

(2) The land development guidelines contemplated under subsection (1) shall be implemented by the county government taking into account the prevailing circumstances of different areas in the county

(3) The guidelines referred to in this section may require the adoption of such system of management or farming practice or other system in relation to land and water bodies in question (including the execution of such work and the placing of such things in, on or over the land, from time to time) as may be necessary for the proper development of land and water bodies for agricultural and fishing purposes.

Rules on preservation and utilization of agricultural land and fisheries water bodies

13. The County Executive Committee member/Cabinet Secretary in consultation with County land board, make general rules for the

preservation, utilization and development of agricultural land and aquatic resources, either in Homa Bay county generally or in any particular part thereof.

(2) Without prejudice to the generality of subsection (1), rules made there under may—

- (a) prescribe the manner in which owners (whether or not also occupiers) shall manage their land or allocated water bodies in accordance with rules of good estate management;
- (b) prescribe the manner in which occupiers shall farm or allocated water bodies their land in accordance with the rules of good husbandry;
- (c) advise on the control or prohibition of the cultivation or the keeping of stock or any particular kind of stock thereon on land and in water bodies;
- (d) advise on the kinds of crops, livestock and fish which may be grown/kept on land or water;
- (e) provide for controlling the erection of buildings and other works on agricultural land and water bodies;
- (f) provide for such exemptions or conditional exemptions from the provisions thereof as may be desirable or necessary;
- (g) provide for *ex situ* fish breeding to supplement *in situ* fish breeding
- (h) provide for suitable fishing methods that are sensitive to the social- economic status of local communities; and

- (i) provide for technical and other assistance to fishing communities to enhance their socio-economic development, especially that of vulnerable groups including women.

(3) For the purposes of this section and of any other written law made thereunder and of any legislation of the National government—

- (a) an owner of agricultural land and water body shall be deemed to fulfill his or her responsibilities to manage it in accordance with the rules of good estate management if, having regard to the character and situation of the land and other relevant circumstances, it enables an occupier of the land reasonably skilled in husbandry to maintain efficient production as respects both the kind of produce and the quality and quantity thereof;
- (b) the occupier of agricultural land and water bodies shall be deemed to fulfill his or her responsibilities to farm it in accordance with the rules of good husbandry if the occupier is maintaining a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity thereof, while keeping the land in a condition to enable such a standard to be maintained in the future;
- (c) “relevant circumstances”, in relation to an owner or occupier, includes all circumstances affecting management or farming other than the personal circumstances of the owner or occupier.

Land and water bodies preservation guidelines.

14. The County Executive Committee member shall, on the advice of the County land board for the purposes of the conservation of the soil, water or the prevention of the adverse effects on, any land or water body, may prescribe county guidelines for any or all of the following matters—

- (a) prohibiting, regulating or controlling the undertaking of any agricultural activity including the firing, clearing or destruction of vegetation when such prohibiting, regulating or controlling is deemed by the County Executive Committee member to be necessary for the protection of land against degradation, the protection of water catchment areas or otherwise, for the preservation of the soil and its fertility;
- (b) prohibiting, regulating or controlling the undertaking of any activity including discharge of effluents, car washing, water transportation, noxious substances, use of illegal fishing gears when such prohibiting, regulating or controlling is deemed by the County Executive Committee member Cabinet Secretary to be necessary for the protection degradation, pollution, declining fish stocks, destruction of water catchment areas against degradation, the protection of wetlands or otherwise, for the preservation of the water bodies
- (c) requiring, regulating or controlling—
 - (i) the afforestation or re-afforestation of land;
 - (ii) the drainage of land, including the construction, maintenance or repair of drains, gullies, contour banks, terraces and diversion ditches;

- (iii) salination, acidification and saltification of soil;
 - (iv) siltation, eutrophication or poisoning of aquatic resources;
 - (v) overgrazing, overstocking or free ranging.
- (d) requiring the uprooting destruction or removal, without payment of any compensation thereof, of any vegetation, structures, vessels, materials, livestock which has been planted constructed or placed in contravention of a land or water body preservation order;
- (e) requiring the supervision of unoccupied land and water bodies;
- (f) prohibiting, restricting or controlling the use of land or water bodies for any agricultural purpose, livestock production and fisheries.
- (2) Any guidelines made under this section may provide for—
- (a) such exemptions or conditional exemptions from the operation thereof as may be specified;
 - (b) the grant of permits or conditional permits of exemption from the operation thereof;
 - (c) its application to certain periods or seasons of the year;
 - (d) restricting its application to specified persons or any class or description of person or to any area or areas;
 - (e) requiring or prohibiting any action or thing to be done to or in respect of any land or water body notwithstanding that the purpose of such rule or order or its carrying into effect is or Will be to the benefit of any other land or land in the ownership or occupation of another person.

**PART V—PROVISIONS ON NOXIOUS AND INVASIVE
SPECIES AND DISEASE OUTBREAKS**

Power to declare a species noxious or invasive

15. (1) County Executive Committee Member may, in consultation with the Cabinet Secretary for Agriculture, by notice in the Gazette, declare a plant or animal species to be a noxious or invasive in any area which shall be specified in the notice, and which may consist either of the whole of Homa Bay or of one or more areas thereof.

(2) The county government shall provide technical support for the eradication of noxious and invasive species as part of its constitutional functions for plant and animal disease control.

Power to declare disease outbreak

(3) The director in charge of livestock or a veterinary officer shall impose and lift a quarantine in the event of a notifiable disease outbreak.

Duty to report

16. A person having control or an interest over and within an area in which a species has been declared noxious or invasive and a notifiable disease outbreak noticed in accordance with section 24 and 25 respectively, shall—

- (a) report forthwith to the county government the presence of any noxious, invasive species or notifiable disease outbreak thereon;
- (b) clear the noxious or invasive species, or cause it to be cleared from that land; and

(c) in case of a notifiable disease, initiate appropriate control measures.

(2) A person who fails to comply with the provisions of this section commits an offence.

Power of county government officer to enter the affected areas

17. An officer of the county government authorized for that purpose may at all reasonable times enter in an area in respect of which he or she is authorized for the purpose of ascertaining whether any noxious or invasive species or notifiable disease exists thereon.

(2) A person who obstructs or attempts to obstruct or hinder an officer of the county government in the exercise of his or her duties under this Act commits an offence.

Order by county government to clear the affected areas

18. (1) If the officer of the county government finds upon land or water body within a declared area any species or any carriers animals which has been declared to be a noxious invasive species or notifiable disease under this Act, the county government may, by notice in writing to the person responsible for the land, require that person to clear the land or water of the noxious or invasive species within a time to be specified in the notice.

(2) The notice referred to in subsection (1) shall state the particular noxious or invasive species or notifiable disease which has been found upon the land or water bodies, and, as far as practicable, the affected areas on which the noxious or invasive species or disease has been found.

(3) A person who fails to comply with the provisions of a notice within the time specified therein commits an offence.

Eradication of noxious/ invasive species and diseases by county government

19. (1) If the person responsible fails to clear the area within the time specified in a notice under this Part, an officer of the county government may enter, with or without assistance, upon the area and eradicate or cause to be eradicated any noxious or invasive species or notifiable disease found thereon.

(2) Any expenses incurred in eradication shall be a civil debt recoverable summarily from the person responsible for the area.

(3) Nothing in this section shall relieve the person responsible of any penalty incurred under this Act in consequence of his or her failure to comply with the provisions of a notice under this Act.

(4) Where the noxious or invasive species and disease is of such a nature or proportion that it cannot be cleared by an individual or community, the government shall take steps, as soon as is reasonably possible, of such notice given by an individual to the government, to clear the noxious or invasive species and disease.

Penalty for non-compliance with order

20. A person who contravenes or fails to comply with the terms of a land and water bodies development order commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three years, or both, and in the case of a continuing offence to a fine not exceeding fifty thousand shillings for every day of which the offence continues.

Register of land and water bodies development orders.

21. (1) The county government shall cause a register to be kept containing the names and addresses of all persons upon whom land and water development orders are served and containing also copies of the orders, and, where any order does not contain them, particulars of the survey or land reference number or water GPS coordinates to which each order relates.

(2) Upon any land or water development order being fully complied with, or being varied or cancelled under any of the powers conferred by this Act, an appropriate entry recording compliance, variation or cancellation shall be made in the register.

(3) The register shall at all reasonable times be open to inspection by any person upon payment of the prescribed fee, and any person inspecting the register may take copies of or extracts from any entry therein.

(4) Any person may, on payment of the prescribed fee, obtain a copy of or extract from any entry in the register.

(5) Upon a land or water body development order, or any cancellation or variation of such an order, coming into effect, the county government shall cause a notification thereof, and of the survey, land reference or title number of the land or water body GPS coordinate affected to be given to the Registrar of Titles and the director of fisheries respectively, who shall, without fee, enter against the title of the land in the appropriate register of titles a memorandum or note of the making, cancellation or variation of the order.

(6) Every land or water body development order shall be deemed to be an encumbrance on the land or water body to which the order relates.

Land and water bodies preservation orders

22. The county government may make a land or water body preservation order against the owner or occupier of land or water body, or against both the owner and the occupier either at the same time or at different times

Appeal against a land and water body preservation order

23. A person aggrieved by the making of a land and water body preservation order may appeal to the court established under article 162(2)(b) of the Constitution in the prescribed manner within thirty days of the issue of the order and upon an appeal the court may confirm, vary or cancel the order

Cancellation and amendments of orders

24. (1) The county government may, by order, cancel any land and water body preservation order, or exempt the person on whom any such order has been served from complying with any of the terms of the order, or extend the period within which any of the terms of the order is to be complied with.

(2) Whenever the ministry exercises the powers conferred by subsection (1), it shall cause a notice to be served on the person concerned specifying the manner in which those powers have been exercised shall thereupon be deemed to be cancelled or amended accordingly.

Register of land and water bodies preservation orders

25. (1) CEC shall cause a register to be kept containing the names and addresses of all persons upon whom land and water body preservation orders are served and containing copies of those orders, and, where any

order does not contain them, particulars of the survey or land reference number of the land to which each order relates.

(2) Upon any land and water body preservation order being fully complied with, or being varied or cancelled under any of the powers conferred by this Act, an appropriate entry recording compliance, variation or cancellation shall be made in the register.

(3) The register shall at all reasonable times be open to inspection by any person upon payment of a prescribed fee, and any person inspecting the register may take copies of or extracts from any entry therein.

(4) A person may, on payment of the prescribed fee, obtain a copy of or extract from any entry in the register.

(5) Upon a land and water body preservation order, or any cancellation or variation of such an order, coming into effect, the CEC shall cause a notification, and of the survey, land reference or title number of the land affected, to be given to the Registrar of Titles, who shall, without fee, enter against the title of the land in the appropriate register of titles a memorandum or note of the making, cancellation or variation of the order.

(6) Every land and water body preservation order shall be deemed to be an encumbrance on the land or water body to which the order relates.

Failure to comply with an order

26. (1) Where an owner or occupier against whom a land or water body preservation order is made refuses or fails to comply with the terms of the order, the county government may authorize another person or body of persons, to enter upon the land or water body to which the order relates and to carry out such works on or to place such things in, on or over the

land or water body as are required to be done by the order or which are otherwise necessary to comply with, and any person who obstructs the execution of any such works, or any part thereof, or the placing of any such things in, on or over the land or water body commits an offence.

(2) The expenses incurred in or about the exercise of the powers conferred by subsection (1) shall be a debt due to the county Government from the owner or occupier of the land or water body affected, as the county government may determine, or from the owner and occupier of the land affected in such proportions as the county government may determine.

(3) So long as any debt under subsection (2) remains due, interest at such rate as may be prescribed by the CEC agriculture in consultation with the CEC for the time being responsible for finance shall be payable as from the date upon which the expenses were incurred.

Penalty for failure to comply

27. A person who contravenes or fails to comply with the terms of any land and water body preservation order duly served upon him or her commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding one year or both, and in addition, in the case of a continuing offence, to a fine not exceeding one hundred shillings for each day on which the offence continues.

Right of lessee to compensation for work done in compliance with order

28. (1) Subject to the terms of the lease, where a lessee of any land has incurred expenditure on the land in complying with the terms of any

land preservation order, he or she shall be entitled, at the termination of his or her lease, to obtain from the leaser, as compensation for that expenditure, such sum as fairly represents the residuary value of the expenditure by the lessor.

(2) No claim for compensation under this section shall be enforceable unless before the expiration of two months after the termination of the lease the lessee has served notice in writing on the lessor of his or her intention to make the claim and a notice under this subsection shall specify the nature of the claim and particulars of the expenditure incurred by the lessee.

(3) The lessor and the lessee may, within the period of four months after the termination of the lease, by agreement in writing, settle a claim under this section, and the county government may, upon the application of the lessor or lessee made within that period, extend that period by three months.

(4) Where, on the expiration of the period and any extension thereof made under subsection (3), a claim has not been settled, it shall cease to be enforceable unless before the expiration of one month from the end of the period and any extension, or within such longer time as the county government may in special circumstances allow, an arbitrator has been appointed by agreement between the lessor and the lessee under the provisions of this Act in that behalf or an application for the appointment of an arbitrator under those provisions has been made by the lessor or the lessee.

(5) Where a lessee lawfully remains in occupation of part of the land in respect of which expenditure referred to in subsection (1) was incurred after the termination of a lease, references in this section to the

termination thereof shall, in the case of a claim relating to that part of the land, be construed as references to the termination of the occupation.

(6) A claim for compensation under this section shall, in default of agreement, be determined by the arbitration of a single arbitrator, and the provisions of the Arbitration Act, 1995 (No. 4 of 1995), shall apply to the arbitration.

(7) In this section, "lessor" includes a landlord and a licensor, "lessee" includes a tenant and a licensee and "lease" includes a tenancy and a license.

Participation of sector stakeholders

29. (1) For purposes of ensuring effective participation of stakeholders in the governance of the agricultural sector in Homa Bay, there shall be close consultation with all registered stakeholder organizations in the development of policies or regulations and before the making of any major decision that has effect on the agricultural sector.

(2) The County Executive Committee Member shall make rules—

- (a) to ensure that any agreements, including any agreement with regard to contributions by stakeholders to their organizations, entered into between the stakeholders and the stakeholders organizations to which such stakeholders belong shall be respected by any third parties; and
- (b) to provide the procedures for internal democracy in the stakeholders organizations.

PART VII—MISCELLANEOUS PROVISIONS

Appeals

30. A person aggrieved by the making of a decision made under this Act may appeal to the court established under Article 162(2)(b) of the Constitution

Measurement of weight

31. The unit of measurement of the weight of all produce subject to regulation by this act shall be the kilogram and each single package shall not exceed a weight of fifty kilograms

Competition in the sector

32. In the discharge of its functions under this Act or any other written law, the CEC shall ensure that there are no dominant undertakings in the sector as defined in section 23 of the Competition Act (No. 12 of 2010).

Regulations

33. The CEC may, make regulations generally for the better carrying out of the purposes and provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations—

- (a) prescribing fees or charges for services rendered under this Act;
- (b) regulating and monitoring the entire value chain in the agricultural sector;
- (c) authorizing the examination and inspection of books and documents relating to the production, manufacture, distribution or sale of any produce; and

- (d) requiring the giving of agriculture, livestock and fisheries related information including product traceability, records to be kept, returns and estimates to be furnished to the appropriate directorates relating to the industry.

FIRST SCHEDULE

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Meetings

1. (1) The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the chairperson may, and upon requisition in writing by at least half members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.

(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be one half of all the members.

(5) The chairperson shall preside at every meeting of the Board at which he is present but, in his absence, the members present shall elect

one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(7) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof

Minutes

2. The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that purpose

MEMORANDUM OF REASONS & OBJECTS

The Bill has been submitted by the Member of the County Executive Committee responsible for Agriculture, Livestock and Fisheries. It seeks to align the provisions of the Act to the county government functions in agriculture, livestock and fisheries related matters in furtherance of the relevant provisions of the Fourth Schedule to the Constitution and for connected purposes.

Articles 3, 4,6,7,8 and 9 provide for the establishment, functions, powers, and remuneration of the county agriculture, livestock and fisheries advisory board.

Articles 12,13,14 ,20 ,21,22,24 and28 outlines policy guidelines on development, Preservation and utilization of agricultural land and water bodies related to fisheries resources including development guidelines for agricultural land and water bodies, Land and water body preservation guidelines, Rules on preservation and utilization of agricultural land and water bodies. Register of land and water bodies development orders, Penalty for non-compliance with order.

Articles 15, 16, 17, and 18. Provides for power to declare a plant or animal species noxious or invasive or disease outbreak, duty to report a noxious or invasive species or disease outbreak. It further outlines management procedures for a noxious or invasive species or disease outbreak.

Article 29 provides guidelines to ensure effective Participation of sector stakeholders.

Articles 31 and 32 provides for measurement of weight and managing competition in the sector.

The enactment of the bill shall make provisions for the alignment of the provisions of the Act to the county government functions in agriculture, livestock and fisheries related matters in furtherance of the relevant provisions of the Fourth Schedule to the Constitution and for connected purposes.

Dated the 27th May, 2015.

C. O. MBATA,
Chairperson, Agriculture, Livestock and Fisheries Committee.