



LAWS OF KENYA



PYRETHRUM ACT

CHAPTER 340

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CHAPTER 340

PYRETHRUM ACT

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

Section

1. Short title.
2. Interpretation.
3. Directions of Minister.

PART II – PYRETHRUM BOARD

4. Establishment and constitution of Pyrethrum Board of Kenya.
5. Powers of Board.
6. Functions of Board.
7. Meetings of Board.
8. *Repealed.*
9. *Repealed.*
10. *Repealed.*
11. *Repealed.*

PART III – CONTROL OF PYRETHRUM

12. Control of pyrethrum growers.
13. *Repealed.*
14. *Repealed.*
15. *Repealed.*
16. Control of transactions in pyrethrum.
17. Delivery of pyrethrum and pyrethrum products to Board.

PART IV – FINANCES

A. The Growers' Pool

18. Division of proceeds.

B. Growers' Levy

19. Imposition of levy.
20. Payment of levy.
21. Issue of stock in return for levy paid.
22. Provisions as to stock.

C. Marketing Cess

23. Imposition of cess.
24. Payment of cess.
25. Issue of loan stock in return for cess.
26. Provisions as to loan stock.

D. General Financial Provisions

Section

- 27. Banking account.
- 28. Capital and other funds.
- 29. Power to raise or borrow money.
- 30. Power to invest.
- 31. Accounts and audit.
- 32. Annual report and publication thereof.

PART V – GENERAL

- 33. Protection of members, etc., of Boards.
 - 34. Returns.
 - 35. Winding-up.
 - 36. Rules.
 - 37. Penalties.
 - 38. Repeal.
 - 39. Transfer of property of Pyrethrum Board.
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CHAPTER 340

PYRETHRUM ACT

[Date of assent: 22nd June, 1964.]

[Date of commencement: 15th September, 1964.]

An Act of Parliament to provide for the reorganization and regulation of the pyrethrum industry and the control of the growing, processing and marketing of pyrethrum, for scientific and agronomic research and for connected purposes

[Act No. 10 of 1964, L.N. 292/1964, Act No. 21 of 1966, Act No. 9 of 1967, Act No. 38 of 1968, Act No. 5 of 1977, Act No. 11 of 1983, Act No. 13 of 1988, Act No. 17 of 2006.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Pyrethrum Act.

2. Interpretation

In this Act, unless context otherwise requires—

“**Board**” means the Pyrethrum Board of Kenya established under section 4;

“**Licence**” *deleted by Act No. 17 of 2006, s. 74;*

“**Licensed grower**” *deleted by Act No. 17 of 2006, s. 74;*

“**loan stock**” means stock issued by the Board under section 25 of this Act;

“**pool year**” means the year ending at the end of September or such other month as the Board with the approval of the Minister may by notice in the *Gazette* from time to time declare;

“**pyrethrum**” means any plant or part of a plant of the species known botanically as *chrysanthemum cinerariaefolium*, or of any interspecific hybrid involving this species or of any progeny of such hybrid;

“**pyrethrum grower**” means any person who grows or cultivates any pyrethrum in Kenya, or any person who manages, controls or cultivates land in Kenya upon which pyrethrum is grown;

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

“**stock**” means any stock issued by the Board under section 21 or section 22;

“**stockholder**” means a person for the time being registered as the holder of stock or loan stock;

“**the marketing Board**” *deleted by Act No. 5 of 1977, s. 2(b);*

“**the Pyrethrum Board**” *deleted by Act No. 5 of 1977, s. 2(c);*

[Act No. 21 of 1966, Sch., Act No. 5 of 1977, ss. 2 and 3, Act No. 17 of 2006, s. 74.]

3. Directions of Minister

In fulfilling its respective functions under this Act, the Board shall comply with such general or special directions as the Minister may from time to time issue.

[Act No. 5 of 1977, s. 4.]

PART II – PYRETHRUM BOARD

4. Establishment and constitution of Pyrethrum Board of Kenya

(1) There is hereby established a Board to be known as the Pyrethrum Board of Kenya.

(2) The Board shall consist of the following members—

- (a) a chairman who shall be appointed by the Minister;
- (b) not more than six members, appointed by the Minister from panels of names submitted by pyrethrum growers in accordance with arrangements made by the Minister, and who shall be persons who, in the opinion of the Minister, are representative on a basis, as near as is practical, that is proportionate to the production figures of the main pyrethrum producing provinces;
- (c) four members appointed by the Minister who, in his opinion, possess qualities likely to be of benefit to the Board;
- (d) the Permanent Secretary of the Ministry for the time being responsible for agriculture, or a person deputed by him in writing to exercise his functions as a member of the Board;
- (e) the Director of Agriculture, or a person deputed by him in writing to exercise his functions as a member of the Board;
- (f) the Commissioner for Co-operative Development, or a person deputed by him in writing to exercise his functions as a member of the Board.

(3) The chairman, or, in his absence, a member elected to act as chairman at a particular meeting of the Board, shall preside at each meeting of the Board and the person presiding at any meeting shall have a casting as well as a deliberative vote.

(4) The quorum of the Board shall be seven.

(5) The Minister may at any time revoke the appointment of the chairman and of any other member appointed by him under paragraph (b) or paragraph (c) of subsection (2) and, subject to such power of revocation, all such members shall hold office for a period of two years from the date of their appointment but on the expiration of such period shall be eligible for reappointment.

[Act No.5 of 1977, s. 6, Act No. 11 of 1983, Sch.]

5. Powers of Board

(1) The Board shall be a body corporate having perpetual succession and a common seal, and may in its corporate name sue and be sued and may purchase, hold, manage and dispose of land and other property for the purpose of performing its functions under this Act and may for that purpose enter into such contracts as it may consider to be necessary or expedient.

(2) The common seal of the Board shall be authenticated by the signature of the chairman of the Board or of some other member authorized by the Board to act in that behalf, together with the signature of the executive officer or the secretary, or some other person authorized by the Board to act in the behalf, and the seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman of the Board, or the executive officer or the secretary, or any member of the Board authorized in that behalf.

(4) The Board may appoint and employ, on such terms and conditions as it may from time to time determine, such officers and servants as it may consider necessary for the proper and efficient administration of the work of the Board.

(5) The Board may, whenever it considers it necessary or desirable, create or take part in the creation or otherwise become a member of or associated with corporations or other commercial bodies or associations designed to assist or promote the marketing of pyrethrum products in any part of the world.

(6) The Board may establish and make contributions to a pension or superannuation fund and a medical fund, for the benefit of its officers and servants, and may require such officers and servants to contribute thereto.

(7) The Board may appoint and employ, on such terms and conditions as it may from time to time determine, agents to carry out any of its functions under this Act.

(8) The Board may authorize any member or members thereof, or any officer employed by it, to exercise on its behalf such of its powers as it may from time to time specify, but the exercise of such powers shall, to the extent required by the Board, be reported without unreasonable delay to a meeting of the Board.

[Act No. 5 of 1977, s. 2.]

6. Functions of Board

(1) It shall be the duty of the Board in the exercise of its powers and in the performance of its functions to act in such manner as appears to it best calculated to promote the pyrethrum industry.

(2) The functions of the Board shall include—

- (a) the determination for each pool year of the quota of pyrethrum flowers which may be produced in Kenya;
- (b) *deleted by Act No. 17 of 2006, s. 75.*
- (c) investigation and research into all matters connected with the agronomy of the pyrethrum industry;
- (d) the negotiation for the transfer of any of the functions mentioned in paragraph (c) to an East African organization approved for the purpose by the Minister;
- (e) the purchasing and taking delivery of all pyrethrum grown in or imported into Kenya, and of products derived therefrom, save that the Board shall have power to refuse to purchase or take delivery of any pyrethrum grown in Kenya in excess of the quota determined under paragraph (a);
- (f) the sorting, grading or examination of any pyrethrum or pyrethrum product;
- (g) the processing of pyrethrum and, with the approval of the Minister, the appointment of contractors for the processing of pyrethrum and the negotiation of fees therefor;

- (h) the sale, export, marketing and regulation of the import of pyrethrum or pyrethrum products;
- (i) the division of proceeds in accordance with section 18;
- (j) investigation and research into all matters relating to the processing and marketing of pyrethrum and pyrethrum products; and
- (k) the negotiation of sales and contracts concerning any pyrethrum or pyrethrum products on behalf of any person and receipt of payment therefor.

[Act No. 5 of 1977, s. 7, Act No. 17 of 2006, s. 75.]

7. Meetings of Board

(1) The Board shall hold ordinary meetings as and when necessary, but not less than one in every three months.

(2) Ordinary meetings shall be convened by the chairman at such times and at such places as he may in his discretion deem fit.

(3) The chairman shall convene a special meeting of the Board at any time upon receipt of a requisition signed by not less than four members calling upon him so to do, and such special meeting shall be held not later than twenty-one days after the receipt of the requisition.

[Act No. 5 of 1977, s. 8.]

8. *Repealed by Act No. 5 of 1977, s. 9.)*

9. *Repealed by Act No. 5 of 1977, s. 9.*

10. *Repealed by Act No. 5 of 1977, s. 9.*

11. *Repealed by Act No. 5 of 1977, s. 9.*

PART III – CONTROL OF PYRETHRUM

12. Control of pyrethrum growers

(1) *Deleted by Act No. 17 of 2006, s. 76.*

(2) *Deleted by Act No. 17 of 2006, s. 76.*

(3) If any provision of subsection (1) is contravened, each of the proprietors, lessees and occupiers of the land upon which the pyrethrum is grown, and, where the person by whom the provision is contravened is not a proprietor, lessee or occupier of that land that person also, shall be guilty of an offence:

Provided that it shall be a defence for a person charged only by reason of his being a proprietor, lessee or occupier of land to prove that the offence was committed without his knowledge.

[Act No. 17 of 2006, s. 76.]

13. *Repealed by Act No. 17 of 2006, s. 77.*

14. *Repealed by Act No. 17 of 2006, s. 78.*

15. *Repealed by Act No. 17 of 2006, s. 79.*

16. Control of transactions in pyrethrum.

(1) No pyrethrum grower shall deliver pyrethrum or pyrethrum products to any person other than the Board.

(2) No person other than the Board shall, without the permission of the Board, take delivery of any pyrethrum or pyrethrum products from a pyrethrum grower or other person in possession of pyrethrum or pyrethrum products whether by import into East Africa or otherwise:

Provided that this subsection shall not, unless the Minister otherwise prescribes, apply to—

- (a) preparations *bona fide* imported into or manufactured in Kenya for the purpose of sale to the public;
- (b) *bona fide* experimental or research operations.

(3) Any person who contravenes any of the provisions of subsection (1) or subsection (2) shall be guilty of an offence:

Provided that it shall not be an offence for a pyrethrum grower to deliver, or for a person to take delivery of, pyrethrum or pyrethrum products in compliance with an order or direction of the Board, or for the purpose of drying, storage or transportation.

[Act No. 5 of 1977, s. 2.]

17. Delivery of pyrethrum and pyrethrum products to Board

(1) Subject to any rules made under this Act, the Board shall take delivery of all pyrethrum and pyrethrum products which are—

- (a) grown or produced by grower; and
- (b) suitable for the preparation of an insecticide.

(2) All pyrethrum delivered to the Board in accordance with subsection (1) shall upon delivery be deemed to have become the property of the Board.

[Act No. 5 of 1977, s. 2, Act No. 17 of 2006, s. 80.]

PART IV – FINANCES**A. The Growers' Pool****18. Division of proceeds**

The total amount of money realized from the operation of the Board in respect of each pool year, and proceeds of licensing fees, after deducting therefrom the cost of administering the Board and any other expenses incurred by the Board under or by virtue of the provisions of this Act, and after taking into account the value, as ascertained by the Board, of the respective stocks in hand at the beginning and end of the pool year shall, subject, where there are in existence in relation to the Board any Government loans or guarantees, to the approval of the Minister, be divided as soon as may be after the end of the pool year amongst the pyrethrum growers in proportion to the weights and grades of pyrethrum and pyrethrum products accepted by the Board from each grower, subject to the deduction of any advance payments made to the respective growers in respect of that pool year.

[Act No. 5 of 1977, s. 11.]

B. Growers' Levy**19. Imposition of levy**

On the recommendation of the Board the Minister may from time to time, by notice in the *Gazette*, impose a levy on all pyrethrum grown or cultivated in Kenya.

20. Payment of levy

(1) Any levy imposed under section 19 shall be payable by the licensed grower to the Board at the time when that Board takes delivery of his pyrethrum or pyrethrum product, and may be recovered by the Board from moneys owing by it to the grower in respect of such deliveries, or as a civil debt recoverable summarily.

(2) *Deleted by Act No. 5 of 1977, s. 12.*

[Act No. 5 of 1977, ss. 2 and 12.]

21. Issue of stock in return for levy paid

(1) The Board shall issue one unit of stock to each grower in respect of every amount of twenty shillings paid to it by him by way of levy:

Provided that the obligation imposed upon the Board by this section shall determine upon the expiry of a period of three years from the end of the pool year during which such levy was paid if during that period it has not proved possible after due inquiry to issue such stock to the grower thereunto entitled.

(2) Stock shall be issued in units each of the value of twenty shillings.

(3) Where the initial payment of levy is less than twenty shillings or where, after the issuing of stock to a grower under this section, an amount of less than twenty shillings is left over, then such initial payment or such sum left over, as the case may be, shall be credited towards the next unit of stock to be issued to the grower:

Provided that if any person ceases to be a grower he shall forfeit all his right and interest in respect of any such initial payment or amount left over, as the case may be.

(4) The stock issued under this section shall not be sold or transferred to any person except with the consent of the Board.

[Act No. 21 of 1966, Sch., Act No. 5 of 1977, s. 2, Act No. 17 of 2006, s. 81.]

22. Provisions as to stock

(1) The Board shall pay to each stockholder interest at a rate to be determined by the Board at the end of each pool year:

Provided that such interest shall not be less than four per centum per annum.

(2) Stock shall be redeemable in such manner as the Board shall, with the consent of the Minister, from time to time determine.

(3) The Board shall keep a register of every person to whom stock has been issued, and shall note in the register every transaction, sale, transfer or other dealing relating to or connected with such stock.

[Act No. 5 of 1977, s. 2.]

C. Marketing Cess

23. Imposition of cess

On the recommendation of the Board the Minister may from time to time, for the purpose of raising money to establish any fund other than the capital fund provided for in section 28(1), by notice in the *Gazette*, impose a cess on all pyrethrum delivered to the Board.

[Act No. 5 of 1977, s. 2.]

24. Payment of cess

The cess imposed under this Act shall be payable by the licensed grower to the Board at the time when the Board takes delivery of his pyrethrum or pyrethrum product and may be recovered by the Board from moneys owing to the grower by the Board in respect of such deliveries, and shall also be a civil debt recoverable summarily.

[Act No. 5 of 1977, s. 2.]

25. Issue of loan stock in return for cess

(1) The Board may in its discretion issue one unit of stock to each licensed grower in respect of every amount of twenty shillings paid to it by the licensed grower by way of cess.

(2) Loan stock shall be issued by the Board in units each of the value of twenty shillings.

(3) Where the initial payment of cess is less than twenty shillings or where, after the issuing of loan stock to a licensed grower under this section, an amount of less than twenty shillings is left over, then such initial payment or such sum left over, as the case may be, shall be credited towards the next unit of loan stock to be issued to the licensed grower:

Provided that if any person ceases to be a licensed grower he shall forfeit all his right and interest in respect of any such initial payment or amount left over, as the case may be.

[Act No. 21 of 1966, Sch., Act No. 5 of 1977, s. 2.]

26. Provisions as to loan stock

(1) The Board shall pay to each holder of loan stock interest at a rate to be determined by the Board at the end of each pool year:

Provided that such interest shall not be less than four per centum per annum.

(2) Stock shall be redeemable in such manner as the Board may, with the consent of the Minister, from time to time determine.

(3) The Board shall keep a register of every person to whom stock has been issued, and shall note in the register every transaction, sale, transfer or other dealing relating to or connected with such stock.

[Act No. 5 of 1977, s. 2.]

*D. General Financial Provisions***27. Banking account**

The Board shall open a banking account or banking accounts into which all moneys received by the Board shall be paid in the first instance and out of which all payments made by the Board shall be effected.

[Act No. 5 of 1977, s. 2.]

28. Capital and other funds

(1) The Board may establish a capital fund and may establish such other funds as it may deem necessary.

(2) The Board shall pay into its capital fund such sums as the Board may from time to time receive by way of a levy imposed under section.

(3) The Board shall pay into its capital fund such sums as the Board may from time to time receive by way of the sale of any of its property, whether movable or immovable, except pyrethrum and pyrethrum products, or on the sale of any investments or other assets of the Board.

(4) The capital fund shall be used for one or more of the following purposes only, that is to say—

- (a) placing it or any part thereof in a deposit account in the Board's name with a bank;
- (b) the purchase of property, whether movable or immovable, except pyrethrum or pyrethrum products;
- (c) the purchase of investments and any other assets;
- (d) the repayment of moneys borrowed for the purpose of making any purchase in accordance with paragraph (b) of this subsection;
- (e) the redemption of stock.

[Act No. 5 of 1977, s. 2.]

29. Power to raise or borrow money

The Board may, after consultation with the Minister, from time to time raise or borrow, whether by way of mortgage, charge, overdraft from a bank or in such other way as may be convenient, such sums of money as it may consider necessary for or in connexion with the exercise of its powers or performance of its functions and duties.

[Act No. 5 of 1977, s. 2.]

30. Power to invest

The Board may from time to time, and subject to this Act, invest any sums standing to the credit of the Board, whether in any fund established by it or not, in securities or any form of property in which trustees are authorized to invest by the Trustee Act (Cap. 167), and in such other securities or property as may be approved for the purpose by the Minister for the time being responsible for finance.

[Act No. 5 of 1977, s. 2.]

31. Accounts and audit

(1) The Board shall cause to be kept such books of account and other books in relation thereto and to all its undertakings, funds, activities and property as the Minister may from time to time approve and shall, within a period of four months after the end of the pool year, or within such longer period as the Minister may approve, cause to be prepared, signed and transmitted to the auditor—

- (a) a balance sheet showing in detail the assets and liabilities of the Board; and
- (b) such other statements of account as the Minister may approve.

(2) The accounts of the Board shall be examined, audited and reported upon annually by the Auditor-General (Corporations).

(3) The Board shall produce and lay before the auditor all books and accounts of the Board, with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the auditor shall be entitled to require from all members, officers, employees and agents of the Board such information and explanation as he may consider necessary for the performance of his duties as auditor, and the expenses of and incidental to the audit shall be paid by the Board.

[Act No. 5 of 1977, s. 2, Act No. 13 of 1988, Sch.]

32. Annual report and publication thereof

(1) The Board shall, within a period of seven months after the end of the pool year or within such longer period as the Minister may approve, submit to the Minister a report of its operations during such year, and the yearly balance sheet and such other statements of account as the Minister shall approve, together with the auditor's report thereon; and the Board shall, if the Minister so requires, publish them in such manner as the Minister may specify.

(2) The Minister shall lay the Board's report and the auditor's report, together with the balance sheet and such other statements of account as he may have approved, on the table of the National Assembly within fourteen days of the receipt of the reports and statements by him, or, if the National Assembly is not sitting, within fourteen days of the commencement of its next sitting.

[Act No. 5 of 1977, ss. 2 and 13.]

PART V – GENERAL**33. Protection of members, etc., of Boards**

No member, officer or agent of the Board or person co-opted to serve on the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith and without negligence in the course of the operations of the Board.

[Act No. 5 of 1977, s. 2.]

34. Returns

(1) The Board may, by notice in writing, require any licensed grower, or any secretary, manager or other officer of a limited company, association or co-operative society, to render, within a time to be specified in such notice, to the

Board a return in the prescribed form giving details of all pyrethrum grown or to be grown and the land and acreage used or to be used in the cultivation thereof.

(2) Any person who, having been required pursuant to subsection (1) of this section to render a return to the Board, fails to do so within the time specified in the notice requiring such return shall be guilty of an offence and liable to a fine not exceeding three hundred shillings.

[Act No. 5 of 1977, s. 2.]

35. Winding-up

(1) The Minister may, by notice in the *Gazette*, order the Board to be wound up at any time, and may by the same or any further notice provide for the regulation and procedure of such winding up.

(2) If the Board is wound up, all moneys received on the sale or disposal of its property and assets shall, subject to the prior satisfaction therefrom of any liabilities of the Board, be distributed to the pyrethrum growers at the time of the making of the notice:

Provided that the individual entitlement of each grower in such distribution shall be calculated by reference to his aggregate entitlement in the growers' pool for the period of five years immediately preceding the date of the making of the notice, including the year in which the notice is made.

[Act No. 5 of 1977, s. 14, Act No. 17 of 2006, s. 82.]

36. Rules

(1) The Minister may, after consultation with the Board, make rules generally for the better carrying out of the purposes and provisions of this Act and for prescribing anything which under this Act may be prescribed.

(2) Without prejudice to the generality of the powers conferred by subsection (1), rules thereunder may provide for any or all of the following matters—

- (a) the qualification and disqualification of Board members;
- (b) the procedure to be followed at meetings of the Board;
- (c) the remuneration of members of the Board;
- (d) the forms to be used in making returns;
- (e) the rights of stockholders and the procedure for the issue and transfer of stock or loan stock, and other dealings in stock and loan stock;
- (f) the control and regulation of schemes for the marketing of pyrethrum and pyrethrum products;
- (g) prescribing any fee which may be charged for anything done under this Act or under such rules.

[Act No. 5 of 1977, s. 15.]

37. Penalties

(1) Any person who is guilty of an offence under this Act or under any rule made thereunder for which no special penalty is provided shall be liable—

- (a) for the first offence, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both;

- (b) for a second or subsequent offence, to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months, or to both.

(2) Where any offence under this Act or under any rules made thereunder is committed by a partnership, company, association or co-operative society, or by any other corporation or association of individuals, every person who at the time when the offence was committed was a director, partner or officer thereof shall severally be liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions as a director, partner, officer or person concerned as aforesaid and to all the circumstances.

38. Repeal

The Pyrethrum Act (Cap. 340) is hereby repealed:

Provided that every licence, document or other authority issued or made under that Act and having effect immediately before the commencement of this Act shall continue to have effect as if issued or made under this Act.

39. Transfer of property of Pyrethrum Board

The undertakings, property, assets and rights, and all debts, liabilities and obligations, and the benefit and burden of all contracts, of the Pyrethrum Board of Kenya established under section 3 of the Pyrethrum Act (Cap. 340), now repealed), shall, as from the commencement of this section, be transferred to and vested in the Pyrethrum Board and the Marketing Board in such proportions as the Minister shall prescribe.

CHAPTER 340

PYRETHRUM ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. Levy Imposed Under Section 19	19
2. Pyrethrum Rules, 1967	21
3. Pyrethrum (Elections) Rules, 2003	25

LEVY IMPOSED UNDER SECTION 19

[L.N. 2/1968.]

A levy is imposed on all pyrethrum grown or cultivated in Kenya and delivered to the Pyrethrum Board, assessed in the case of each pyrethrum grower, on the weight of his pyrethrum taken at the time of delivery, at the rate of 3 cts. per lb. of flowers.

PYRETHRUM RULES, 1967

[L.N. 173/1967, L.N. 71/2006.]

RULES UNDER SECTION 36

1. These Rules may be cited as the Pyrethrum Rules, 1967.
2. *Deleted by L.N. 71/2006, s. 2.*
3. Every pyrethrum grower shall comply with all such instructions as may be given to him from time to time by the Board with regard to the preparation, packing and delivery of flowers.
4. All pyrethrum shall, on receipt by the Board, be inspected by such person or persons as may be appointed by the Board for that purpose, and notice in the form of a receipt showing —
 - (a) the net weight of pyrethrum received;
 - (b) the net weight of pyrethrum accepted; and
 - (c) the net weight of pyrethrum rejected, if any, and the reasons for rejection,shall be sent by the Board to the grower from whom such pyrethrum was received.

[L.N. 71/2006, s. 3.]
5. (1) The Board may return to a grower, at such grower's expense, any pyrethrum rejected for any reason.

(2) When a grower has been notified by the Board that any pyrethrum delivered by him has been rejected, he may inform the Board of his intention to recover such pyrethrum; if no such communication is received by the Board within fourteen days of such notification, the Board may destroy the pyrethrum in such manner as it deems fit.

[L.N. 71/2006, s. 4.]
6. The grading of pyrethrum to determine the rate of payment shall be carried out by such person or persons as may be appointed by the Board for that purpose in the following manner—
 - (a) a sample shall be extracted by a method approved by the Board from each bag of series of bags of pyrethrum delivered to the Board;
 - (b) every such sample of pyrethrum delivered between the twenty-eighth day of any month and twenty-seventh day of the succeeding month, or such other period as may be notified to growers by the Board, shall be retained in a separate container for each grower;
 - (c) at the end of the period notified, all such samples of pyrethrum delivered within the period by each grower shall be thoroughly mixed and subdivided by the method currently approved by the Board until a residual sample of an amount considered by the Board to be sufficient for the purpose of analysis remains;
 - (d) each such residual sample shall be registered and analysed, by the method currently approved by the Board, in the Board's laboratories to determine the pyrethrins content of each grower's deliveries during the period;
 - (e) each grower shall be informed of the results of such analysis as soon as practicable after the completion of the analysis by the Board's laboratories.

Pyrethrum

[Subsidiary]

7. Any grower aggrieved by the decision of the Board in the grading of pyrethrum may within seven days of receiving such notice of grading appeal in writing to the Board, and the Board's decision thereon shall be final.

8. Every grower to whom stock is issued pursuant to sections 21 or 25 of the Act, shall be entitled, without payment, to receive within two months after such issue one certificate for all his stock or several certificates each for one or more of his units of stock.

[L.N. 71/2006, s. 6.]

9. If a stock certificate be defaced, lost or destroyed, it may be renewed on payment of a fee of two shillings and fifty cents or such less sum, and on such terms, if any, as to evidence and indemnity and the payment of out-of-pocket expenses of the Board in respect of investigating evidence, as the Board may determine.

10. Each stock certificate shall be distinguished by its appropriate number, and shall be in the form B in the Schedule Rule.

11. (1) Any transfer of stock shall be effected by notice in writing signed by the transferor and transferee, and such signature shall each be attested by at least one witness who shall not be a relative.

(2) The transferor shall be deemed to remain the stockholder until the name of the transferee has been duly registered.

12. The Board may decline to register the transfer of stock to a non-grower without giving reasons for its decision.

13. The Board may decline to register a transfer unless—

- (a) a fee of two shillings and fifty cents, or such lesser sum as the Board may from time to time require, is paid to the Board in respect thereof;
- (b) the notice of transfer is accompanied by the certificate of the stock to which it relates and such other evidence as the Board may reasonably require to show the right of the transferor to make the transfer.

14. If the Board refuses to register a transfer, it shall, within two months after the date on which the notice of transfer was received, send to the transferee notice of refusal.

15. The registration of transfers may be suspended at such times and for such periods as the Board may from time to time determine:

Provided always that such registration shall not be suspended for more than thirty days in any one year.

16. The Board shall be entitled to treat the person whose name appears upon the Register of Stocks in respect of any stock as the absolute owner thereof, and shall not be under any obligation to recognize any trust or equity or equitable claim to or partial interest in such stock whether or not it has express or other notice thereof.

17. Every return to the Board in pursuance of section 34 of the Act shall be made in the form C in the Schedule.

18. No pyrethrum grower shall use any means not approved by the Board of drying pyrethrum flowers and shall, if so required by the Board, obtain the Board's approval of the means used.

19. (1) Appeals under section 15 of the Act shall be in the form D in the Schedule presented by the appellant or his advocate, and shall have attached thereto a copy of the decision appealed against.

Pyrethrum

[Subsidiary]

(2) Each separate ground of appeal shall be contained in a separate paragraph and numbered consecutively.

(3) The appellant shall, within thirty days of notification that his application has been refused or partly refused by the Board, deliver his appeal to the Secretary of the Agricultural Appeals Tribunal in person or send it to him by registered post.

(4) The appellant shall attach to his appeal any documentary evidence, or a copy thereof, relative to his appeal, which is in his possession or which he can reasonably obtain.

20. (1) The Board shall—

- (a) convene an area meeting of pyrethrum growers in each of the principal pyrethrum producing areas in the first six months of every pool year at such place and at such time as to the Board may seem fit;
- (b) submit annual statements of account and a report of its operations to every area meeting convened under paragraph (a).

(2) At any area meeting convened under paragraph (1)(a), the chairman of the Board shall preside, but in his absence a member appointed by the Board shall act as chairman.

(3) All growers shall be notified in writing of the times and places of the area meetings.
[L.N. 71/2006, s. 7.]

21. (1) For the purpose of providing the Minister with a panel of names under section 4(2)(c) of the Act, the Board shall invite growers in each of the main pyrethrum producing Provinces to submit names for inclusion on the panel.

(2) The nomination paper shall be in the form E in the Schedule.

(3) Each nominee shall be a grower and shall be supported by the signature of ten growers who hold licences in their own right.

(4) For the purposes of this section, a registered Co-operative Society may only sponsor a nomination over the signature of the Society's Chairman.
[L.N. 71/2006, s. 8.]

SCHEDULE

FORM A

[Deleted by L.N. 71/2006, s. 9(a).]

Form B

(r. 10)

STOCK CERTIFICATE

THE PYRETHRUM BOARD OF KENYA

(ESTABLISHED UNDER THE PYRETHRUM ACT, 1964)

No No. of Stock Units.....

This is to certify that

of is the Registered Proprietor of units

Pyrethrum

[Subsidiary]

SCHEDULE, Form B—continued

of Pyrethrum Board of Kenya Stock of shillings twenty each, subject to the provisions of the Pyrethrum Act and of the Pyrethrum Rules.

Given under the Common Seal of the Board this day of 20

..... } Authorized Signatories

N.B. - No transfer of any part of the Stock comprised in this certificate will be registered until this certificate is delivered up at the office of the Board.

Form C

(r. 17)

ACREAGE AND STATISTICAL RETURN

Zone No.

Name of licence holder

Address

1. Pyrethrum licence No.....

2. L.O. Number/s of land.....

3. Total acreage of farm

4. Acreage under pyrethrum—

(a) Planted before 19 acres

(b) Planted 19 acres

Total acreage under pyrethrum acres

5. Method of drying —

Sun-drying.

Wood fuel drier.

Charcoal drier.

Oil-fuel drier.

.....
.....
.....
.....

Signed.....

Date

To: The Pyrethrum Board of Kenya,
P.O. Box 420, Nakuru.

FORM D

[Deleted by L.N 71/2006, s. 9(c).]

Pyrethrum

[Subsidiary]

SCHEDULE—continued

Form E

(r. 21)

[L.N. 71/2006, s. 9(b).]

NOMINATION PAPER

Date

The Pyrethrum Board of Kenya,
P.O. Box 420,
Nakuru.

We, the undersigned, being pyrethrum growers, hereby submit the name of
of [address]..... who is a licensed pyrethrum grower,
to the Minister for Agriculture for consideration for appointment as a member of the Pyrethrum
Board of Kenya for the..... Province under section 4(2)(b) of the Pyrethrum Act.

Signature

Address

.....
.....
.....
.....
.....

I hereby accept nomination and if appointed am prepared to carry out the duties of a member of
the Pyrethrum Board of Kenya. I understand that my appointment may be revoked at any time by
the Minister for Agriculture.

.....
Date *Signature of Candidate*

Received by the Pyrethrum Board of Kenya on the day of 20

.....
*for Executive Officer,
Pyrethrum Board of Kenya*

[To be completed in triplicate]

PYRETHRUM (ELECTIONS) RULES, 2003

[L.N. 165/2003, Corr. No. 2/2004, L.N. 65/2009.]

PART I – PRELIMINARY

1. These Rules may be cited as the Pyrethrum (Elections) Rules, 2003.

2. In these Rules, unless the context otherwise requires—

“**election**” means the process of selecting the candidate to represent registered pyrethrum growers;

“**electoral area**” means any zone of any province in which pyrethrum is grown as may be specified on the ground and in the Schedule to these Rules;

“**polling station**” means a specified site where election shall take place as may be specified on the ground and in the Schedule to these Rules;

“**presiding officer**” means a person appointed by the returning officer to be in charge of the electoral process in a polling station; and

“**returning officer**” means a person appointed by the Minister to be in charge of the electoral process.

[L.N. 65/2009, s. 3.]

PART II – ESTABLISHMENT OF POLLING STATIONS AND ELECTIONS OF MEMBERS OF THE BOARD

3. There shall be established in every pyrethrum growing area, polling stations where elections shall take place within the electoral areas as specified on the ground and in the Schedule to these Rules.

4. (1) The Minister, after giving twenty-one (21) days notice in the *Kenya Gazette* and in at least two local dailies of nationwide circulation, shall convene meetings in the electoral areas specified in the Schedule for the purpose of holding meetings to elect members of the Board.

(2) The meetings referred to in sub-rule (1) shall be of registered pyrethrum growers who deliver dry pyrethrum flowers to the Board.

[L.N. 65/2009, s. 4.]

(3) The number of members to be elected to the Board from an electoral area or zone shall be as specified in the third column in the Schedule.

5. For the purpose of election of the members of the Board, the Minister shall appoint a returning officer who shall be a public officer in the ministry for the time being responsible for matters relating to agriculture.

6. Every person registered as a pyrethrum grower during the last three years shall be eligible to vote in accordance with the provisions of these Rules.

[L.N. 65/2009, s. 5.]

7. (1) The secretary to the Board shall prepare and keep a register of registered pyrethrum growers, which shall be reviewed every two years for purposes of elections.

(2) The register kept under sub-rule (1) shall contain—

(a) the full names of each registered grower; and

*Pyrethrum***[Subsidiary]**

- (b) the electoral area or zone allocated to the grower.

[L.N. 65/2009, s. 6.]

8. The Board, upon registering a registered grower, shall —

- (a) allocate an electoral area or zone to the grower; and
(b) notify the grower of the allocation of his or her area.

[L.N. 65/2009, s. 7.]

9. The register kept under rule 8 shall be available for inspection by any person(s) during the normal working hours of the Board.

10. (1) A candidate for election to the Board shall be a registered grower in the electoral zone in which he aspires to represent but no person shall be a candidate in more than one zone.

(2) Each candidate for election shall be proposed and seconded by at least ten registered growers.

(3) Each candidate must have an average production of not less than 100 kilogrammes of dry flowers over the three years preceeding the date of election.

(4) Every candidate for the election shall—

- (a) have attained form four Secondary level of education;
(b) not be holder of a public office;
(c) not be receiving any salary from any pyrethrum grower's co-operative society.
(d) not be an employee of the Board;
(e) not be an undischarged bankrupt;
(f) not be of unsound mind;
(g) not have been convicted for mismanagement of public property, corrupt practices or dishonesty;
(h) not have been convicted of any offence under the Act; and
(i) have no uncleared debt owing to the grower's institution other than normal loans.

[L.N. 65/2009, s. 8.]

11. Every person licensed as a pyrethrum grower shall be eligible to vote in accordance with the provisions of these Rules.

[Corr. No. 2/2004.]

12. (1) The candidates shall submit their candidature to the secretary to the Board fourteen (14) days before the date of the election.

(2) The secretary to the Board shall publish in the *Kenya Gazette*, and in at least two dailies of national circulation, a list of names of the candidates who intend to be elected at least seven days before the date of election.

(3) If there is only one candidate, the returning officer shall forthwith declare such candidate to be duly elected to the Board.

(4) Where there are more than one candidate for elections, the presiding officer shall cause a plain piece of paper to be delivered to every registered grower present and entitled to vote at a polling station and the registered pyrethrum grower shall record his or her vote by writing on the paper the name of the candidate whose name has been published in accordance with sub-rule (2).

(5) No other mark, writing or signature shall be made on the paper and the registered pyrethrum grower shall forthwith fold the paper so as to conceal his or her vote and shall deliver it or cause it to be delivered to the presiding officer in such a manner as the presiding officer shall direct.

(6) Upon receipt and counting of votes cast under sub-rule (5), the presiding officer shall thereupon announce the number of votes cast for each candidate and shall declare the candidate for whom the greatest number of votes has been cast to have been duly elected to represent that zone in the Board.

(7) In the event of an equality of votes between candidates at end of poll, a second vote shall be taken pitting the candidates and the same procedure shall be observed as if it were a first vote.

(8) No person, other than the registered pyrethrum grower present in person, shall be entitled to vote and each shall have one vote.

(9) The presiding officers shall forward the names of the candidates elected in their respective electoral area or zone to the returning officer.

(10) The names of candidates declared under sub-rule (9) shall be the names to be submitted from the electoral zones by the returning officer to the Minister for the purpose of constituting the Board.

13. The secretary to the Board shall forward the names of the elected members of the Board to the Minister for appointment by notice in the *Kenya Gazette*.

[Corr. No. 2/2004.]

14. Any person who interferes with the electoral process or obstructs any voter, candidate or election official from voting or being elected commits an offence.

[Corr. No. 2/2004.]

15. A person aggrieved by the decision of the returning officer to reject his or her candidature or right to vote may appeal within fourteen (14) days from the date of such rejection to the Agricultural Appeals Tribunal established under the Agriculture Act Cap. 318.

[Corr. No. 2/2004.]

16. Any person who contravenes any provisions of these Rules commits an offence and shall be liable, upon conviction, to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.

[Corr. No. 2/2004.]

17. Any person elected under these Rules shall hold office for a term of two years and shall be eligible for re-election.

[Corr. No. 2/2004.]

18. Any person elected under these Rules shall cease to be a member of the Board in the event of resignation or absence from three consecutive meetings of the Board without prior permission from the chairman or upon being convicted of a criminal offence by a court of law for a period exceeding six months or upon being convicted of a corruption related offence by a court of law or upon being declared bankrupt by a court of law or in the event of being incapacitated by prolonged mental or physical illness or in accordance with the provisions of section 4(5) of the Act.

[Corr. No. 3/2004.]

Pyrethrum

[Subsidiary]

SCHEDULE

[Corr. No. 2/2004, L.N. 65/2009, s. 9.]

GROWERS REPRESENTATION TO THE PYRETHRUM BOARD OF KENYA

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Provinces</i>	<i>Districts (Electoral Areas)</i>	<i>No. of Members</i>
Rift Valley	[Zone 1. (North Rift)] Eldoret East, Wareng, Keiyo, Marakwet, West Pokot, Central Pokot, Nandi Central, Nandi South, Tinderet, Trans Nzoia East, Mt. Elgon, Koibatek, Baringo Central and Marigat Districts.	1
	[Zone 2. (Central Rift)] Molo, Njoro, Nakuru North, Kipkelion, Narok North, Narok South, Bomet, Sotik and Bureti Districts.	1
Eastern/Central	[Zone 3. (Eastern Zone)] Nyandarua North, Nyandarua West, Nyandarua Central, Nyandarua East, Laikipia West, Kiambu West, Lari, Kikuyu, Nyeri South, Nyeri Central, Meru Central, Imenti North, Imenti South, Buuri and Naivasha Districts.	1
Western, Nyanza, South Rift	[Zone 4. (Western Zone)] Kisii Central, Masaba South, Masaba, Gucha, Nyamira, Masimba, Nyamira North, Borabu Trans Mara Districts.	1